Chapter IX

Social policy, crime prevention and human resource development

During 1997, the United Nations continued to undertake activities to advance social, cultural and human resource development, and to strengthen its crime prevention and criminal justice programme.

The Commission for Social Development met (New York, 25 February-6 March) under a revised mandate and new agenda since it was accorded primary responsibility for follow-up to the 1995 World Summit for Social Development. The Commission focused on the Summit priority theme of productive employment and sustainable livelihoods. In December, the General Assembly decided to hold a special session in 2000 to review and appraise the implementation of the Summit outcome. Other social issues addressed by the Assembly included follow-up to the 1994 International Year of the Family and implementation of the 1982 World Programme of Action concerning Disabled Persons. Regarding cultural development, the Assembly reviewed implementation of the World Decade for Cultural Development, 1988-1997, and addressed issues related to the return and restitution of cultural property. It also proclaimed the year 2000 as the International Year of Thanksgiving.

On the recommendation of the Commission on Crime Prevention and Criminal Justice, which held its sixth session in April/May, the Assembly adopted a set of Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice. In other action on crime, the Assembly established a group of experts to begin the process of drafting an international convention against organized transnational crime. It also endorsed a new set of complementary provisions for the Model Treaty on Extradition and urged cooperation against corruption and bribery. Preparations were under way for the Tenth United Nations Congress for the Prevention of Crime and the Treatment of Offenders, scheduled for 2000.

Human resources development was the focus of the United Nations Institute for Training and Research and the United Nations University. In 1997, the Assembly reviewed progress towards the goal of education for all.

Social policy and cultural issues

Social aspects of development

The Commission for Social Development held its thirty-fifth session (New York, 25 February-6 March) [E/1997/26] under a revised mandate and new agenda, pursuant to Economic and Social Council resolution 1996/7 [YUN 1996, p. 1009]. The Commission recommended five draft resolutions and one draft decision for adoption by the Council. It also adopted agreed conclusions on productive employment and sustainable livelihoods.

On 21 July, by decision 1997/230, the Council took note of the Commission's report and endorsed its resolutions and decisions. It also approved the agenda and documentation for the Commission's thirty-sixth session in 1998.

Follow-up to 1995 World Summit for Social Development

In 1997, the UN system continued to carry out activities at the international and national levels to implement the Copenhagen Declaration and Programme of Action, adopted at the 1995 World Summit for Social Development [YUN 1995, p. 1113].

Commission action. Pursuant to Economic and Social Council resolution 1996/7 [YUN 1996, p. 1009], which accorded the Commission for Social Development primary responsibility for Summit follow-up and implementation of the Copenhagen Declaration and Programme of Action, the Commission in 1997 considered the priority theme of productive employment and sustainable livelihoods, and reviewed UN plans and programmes of action pertaining to the situation of social groups. The Commission held two panel meetings on the priority theme and a dialogue with the chairmen of the Administrative Committee on Coordination (ACC) inter-agency task forces on follow-up to recent international conferences in the economic, social and related fields.

The Commission considered a January report of the Secretary-General on follow-up action to the World Summit taken by the Council and the
General Assembly in 1996 [E/CN.5/1997/2]. In another January report [E/CN.5/1997/5], he informed the Commission of emerging issues, trends and new approaches to issues affecting social development, including the situation of specific groups such as youth, ageing persons, persons with disabilities and families. He noted that rapid growth in East and South-East Asia had diminished the incidence of poverty. The world’s poor were increasingly concentrated in sub-Saharan Africa, South Asia and some regions of Latin America, where growth rates were lower and distribution patterns more skewed. There had been some improvement in the situation of youth since the observance in 1985 of International Youth Year [YUN 1985, p. 978], such as increased attendance by young women in tertiary level education, increased health services and increased opportunities to vote and participate in political processes. At the same time, however, young people continued to encounter employment difficulties and to suffer from poor health as a result of societal conditions. The provision of sufficient and relevant educational opportunities for young people still remained a serious problem.

The approach to ageing was evolving conceptually in the context of preparations for the International Year of Older Persons in 1999 (see PART THREE, Chapter XI), encompassing sectoral adjustments for lifelong self-reliance, family and community solidarity, and new social welfare and security arrangements. Efforts were being made to involve new actors, such as the private sector, academia and the development community in ageing and the situation of older persons.

Major advances were made in the manner in which disability issues were viewed by societies and Governments, and in the development of policies to address the needs and rights of persons with disabilities. At the same time, the situation of the majority of persons with disabilities showed little concrete progress. They still faced barriers to full participation and in most developing countries lacked rudimentary technical aids and access to rehabilitation services.

The report described the related programme activities of the Secretariat and, in a February addendum [E/CN.5/1997/5/Add.1 & Corr.1], those of the regional commissions.

The Secretary-General, in a January report on productive employment and sustainable livelihoods [E/CN.5/1997/3], drew to the Commission’s attention several interlocking themes. Annexed to the report was a report prepared by the the International Labour Organization on promoting the goal of full employment.

In March, the Commission adopted a set of agreed conclusions on productive employment and sustainable livelihood [E/1997/26 (res. 35/2)]. It suggested a number of actions for Governments to take regarding strategies to achieve full employment; poverty eradication, equality and social justice; national economic and social policies; education, training, labour market policies and patterns of work; child labour; groups with special needs; and international cooperation. The Commission called on all relevant organs, organizations and bodies of the UN system to be involved in the follow-up to the Summit, and invited specialized agencies and related UN organizations to strengthen and adjust their activities, programmes and medium-term strategies to take into account the follow-up to the Summit. The Secretary-General was asked to give attention to the cross-sectoral themes identified in Council resolution 1996/7 in preparing the annual analytical report on the thematic issues before the Commission. He was also asked to assist the Commission and the Council to broaden and deepen the policy debate on employment issues.

**Reports of Secretary-General.** In response to Economic and Social Council resolution 1996/36 [YUN 1996, p. 1260] and Assembly resolutions 51/171 [Ibid., p. 1131] and 51/177 [Ibid., p. 1002], the Secretary-General, in a June report on integrated and coordinated implementation and follow-up of the major UN conferences and summits [E/1997/73], presented an overview of the work of the ACC inter-agency task forces and summarized the main outcome of the work of the Council’s functional commissions in 1997. Regarding the Commission for Social Development, the Secretary-General noted that it had transmitted its agreed conclusions on productive employment and sustainable livelihoods as an input to the Council’s 1997 high-level segment. Noting that there remained scope for further promoting a coordinated approach among the functional commissions, the Secretary-General stated that significant overlap and duplication continued in some aspects of their work, although each commission might be focusing on a somewhat different dimension of an issue.

As to progress at the inter-agency level, the ACC Inter-Agency Task Force on Employment and Sustainable Livelihoods had produced a report for resident coordinators summarizing lessons of experience at the country level and across countries with a view to suggesting ways to improve inter-agency collaboration and provide an understanding of the elements that worked to promote employment and sustainable livelihoods and of the necessary indicators to monitor progress. It held organizational meetings and completed...
country-level reviews and seminars in Chile, Hungary, Morocco, Mozambique, Nepal and Zambia. The main finding from the analysis of the issues in those countries was that significant reductions in unemployment and poverty would require a strong commitment of the Government. Apart from country-level action for conference follow-up, the Task Force highlighted issues of global concern that remained challenges for the UN system, including a fuller appreciation of the significance of globalization and technological change for employment, the role of full employment as the means to promote sustainable livelihoods, and the need for indicators that could better reflect the notions of employment, underemployment and sustainable livelihoods.

In response to Assembly resolution 51/202 [YUN 1996, p. 102], the Secretary-General, in an August report [A/52/305], provided an overview of follow-up activities to the World Summit initiated in 1997 by 40 Governments, the UN system, members of civil society and other actors. It also described action taken by the Council in 1997.

Regional initiatives included the First Regional Conference in Follow-up to the World Summit for Social Development (Sao Paulo, Brazil, 6-9 April), organized by the Economic Commission for Latin America and the Caribbean, and the Fifth Asian and Pacific Ministerial Conference on Social Development (Manila, Philippines, 5-11 November), organized by the Economic and Social Commission for Asia and the Pacific.

The report discussed the mobilization of financial resources to implement the Copenhagen Declaration and Programme of Action and noted the Microcredit Summit Declaration (Washington, D.C., February) (see PART THREE, Chapter 1), a nine-year campaign to expand the reach of credit for self-employment and other financial and business services to 100 million of the world’s poorest families by 2005. Subsequently, the United Nations examined the impact that microcredit could have on food security, women’s economic empowerment, employment and self-employment, as well as the provision of basic social services. Ways of linking the traditional banking system to microcredit to facilitate access by the poor to credit were also examined. An earlier report of the Secretary-General [A/52/203-E/1997/85] described new and innovative ideas for generating funds for globally agreed commitments and priorities.

**General Assembly Action**

On 26 November [meeting 56], the General Assembly adopted resolution 52/25 [draft: A/52/L.25 & Add.1] without vote [agenda item 46].

**Implementation of the outcome of the World Summit for Social Development**

The General Assembly,


1. Reaffirms the commitments adopted by heads of State and Government at the World Summit for Social Development, contained in the Copenhagen Declaration on Social Development and the Programme of Action, and their pledge to give the highest priority to national, regional and international policies and actions for the promotion of social progress, social justice, the betterment of the human condition and social integration, based on full participation by all;

2. Emphasizes the need to create a framework for action to place people at the centre of development and direct economies to meet human needs more effectively;

3. Stresses the need for renewed and massive political will at the national, regional and international levels to invest in people and their well-being in order to achieve the objectives of social development;

4. Emphasizes that democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society, are an essential part of the necessary foundations for the realization of social and people-centred sustainable development;

5. Also emphasizes that an equitable and favourable national and international economic, political, social and legal environment, in accordance with the provisions of chapter I of the Programme of Action of the World Summit for Social Development, is essential for the realization of social and people-centred sustainable development;

6. Stresses that social development is clearly linked to the development of peace, freedom, stability and security, both nationally and internationally;

7. Takes note of the reports of the Secretary-General on the implementation of the outcome of the World Summit for Social Development and on the observance of the International Year for the Eradication of Poverty (1996) and recommendations for the rest of the first United Nations Decade for the Eradication of Poverty;

Critical importance of national action and international cooperation for social development

8. Stresses that social development and the implementation of the Programme of Action of the Summit are primarily the responsibility of Governments and that international cooperation and assistance are essential for their full implementation;

9. Notes with satisfaction the initiatives and actions taken by Governments towards the implementation of the commitments made at the Summit;

10. Reiterates its call to Governments to define and implement time-bound goals and targets for reducing...
overall poverty and eradicating absolute poverty, expanding employment and reducing unemployment and enhancing social integration, within each national context;

11. Urges national Governments to formulate or strengthen comprehensive cross-sectoral strategies for implementing the Summit outcome and national strategies for social development;

12. Acknowledges the key role of developing country actors and institutions in creating and implementing effective programmes to maximize the positive impact of investments in social development;

13. Stresses the importance of putting full employment at the centre of policy-making in conjunction with other goals, while emphasizing the need for enhancing employment opportunities for women and for groups with specific needs;

14. Reiterates the call of the Summit for Governments to assess on a regular basis national progress towards implementing the outcome of the Summit, and encourages them to submit such information on a voluntary basis to the Commission for Social Development, which serves, inter alia, as a forum for the exchange of national experiences;

15. Stresses its solidarity with people living in poverty in all countries, and reaffirms that the satisfaction of basic human needs is an essential element of poverty eradication, those needs being closely interrelated and comprising nutrition, health, water and sanitation, education, employment, housing and equal opportunities for participation in political, economic, cultural and social life;

16. Reaffirms the need to strengthen, in a spirit of partnership, international, regional and subregional cooperation for social development and implementing the outcome of the Summit;

17. Calls upon all Governments and the United Nations system, in particular the relevant funds, programmes and agencies, to promote an active and visible policy of mainstreaming a gender perspective and to use gender analysis as a tool for the integration of a gender dimension into the planning and implementation of policies, strategies and programmes on social development;

Mobilization of financial resources

18. Recognizes that the implementation of the Declaration and Programme of Action will require the mobilization of financial resources at the national and international levels, as set out in commitments 8 and 9 of the Declaration and paragraphs 87 to 93 of the Programme of Action;

19. Recognizes also that the implementation of the Declaration and Programme of Action in developing countries, in particular in Africa and the least developed countries, needs additional financial resources from all sources and more effective development cooperation and assistance;

20. Calls upon all countries to develop economic policies that promote and mobilize domestic savings and attract external resources for productive investment and to seek innovative sources of funding, both public and private, for social programmes, while ensuring their effective utilization, and in the budgetary process, to ensure transparency and accountability in the use of public resources and to give priority to providing and improving basic social services;

21. Takes note of the report of the Secretary-General on new and innovative ideas for generating funds for globally agreed commitments and priorities;

22. Welcomes the holding of the Micro-credit Summit in Washington, D.C., from 2 to 4 February 1997, and the adoption of the Micro-credit Declaration and Plan of Action, and encourages its full implementation as appropriate by all concerned;

23. Calls upon the international community, including international financial institutions, to implement fully and effectively all initiatives that will contribute to a durable solution to the debt problems of developing countries, in particular African countries and the least developed countries, and thus to support their efforts to achieve social development and, in this context, reaffirms the need to make further progress towards the implementation of the recommendations of the World Summit for Social Development by the Bretton Woods institutions, including the Heavily Indebted Poor Countries Debt Initiative;

24. Reaffirms the need to continue to evaluate the impact of structural adjustment programmes by, inter alia, integrating the social dimensions involved and, in this context, welcomes the recent initiatives of the World Bank, including the Structural Adjustment Participatory Review Initiative, which brings together a tripartite team in a number of developing countries and countries with economies in transition to review at the national level structural adjustment experiences and to identify problems;

25. Also reaffirms that a strong political commitment by the international community is needed to implement strengthened international cooperation for development, including social development, that the mobilization of domestic and international resources for development from all sources is an essential component for the comprehensive and effective implementation of development, that enhanced efforts should be made for the mobilization and provision of new and additional financial resources for the development of developing countries and that, despite an increase in private capital flows, official development assistance remains an essential source of external funding, and notes that developed countries reaffirm the commitments undertaken to fulfil as soon as possible the agreed United Nations targets of 0.7 per cent of their gross national product for overall official development assistance and 0.15 per cent of the gross national product for official development assistance for the least developed countries, that donor countries that have met the 0.15 per cent target will seek to undertake to reach 0.20 per cent, and that further efforts are also needed to improve the effectiveness of official development assistance and to focus such aid on the poorest countries;

26. Further reaffirms the importance of agreeing on a mutual commitment between interested developed and developing country partners to allocate, on average, 20 per cent of official development assistance and 20 per cent of the national budget, respectively, to basic social programmes, and recalls the outcome of the meeting held at Oslo from 23 to 25 April 1996, which reaffirmed that promoting access for all to basic social services was essential for sustainable development and
should be an integral part of any strategy to overcome poverty;
27. Recognizes the necessity of providing appropriate technical cooperation and other forms of assistance to the countries with economies in transition, as set out in the provisions of the Declaration and Programme of Action;

Involvement of civil society and other actors
28. Reaffirms the need for effective partnership and cooperation between Governments and the relevant actors of civil society, the social partners, the major groups as defined in Agenda 21, including non-governmental organizations and the private sector, in the implementation of and follow-up to the Declaration and Programme of Action of the World Summit for Social Development, and for ensuring their involvement in the planning, elaboration, implementation and evaluation of social policies at the national level;

The role of the United Nations system
30. Recalls Economic and Social Council resolution 1996/7, by which the Council decided that the Commission for Social Development, as a functional commission of the Council, shall have the primary responsibility for the follow-up to and review of the implementation of the outcome of the Summit;
31. Invites Governments to support the work of the Commission, including through the participation of high-level representatives on social development issues and policies;
32. Takes note of the request made by the Commission to the Secretary-General, in the framework of United Nations system-wide coordination, to assist the Commission and the Council to broaden and deepen the policy debate on employment issues;
33. Welcomes in this regard resolution 35/2 adopted by the Commission on the priority theme "Productive employment and sustainable livelihoods" and the agreed conclusions contained therein, in which the Commission recognized, inter alia, the importance of generated, and freely chosen employment as a central objective of economic and social policies, defining time-bound goals and targets for expanding employment and reducing unemployment, and preparing policies for the achievement of those goals and targets;
34. Also welcomes agreed conclusions 1997/1, adopted by the Economic and Social Council at its high-level segment on the theme "Fostering an enabling environment for development: financial flows, including capital flows, investment and trade" and calls for their implementation;
35. Further welcomes Economic and Social Council resolution 1997/60 of 25 July 1997, entitled "Eradication of poverty", and the decision of the Council therein to carry out in 1999 an overall review of the theme of poverty eradication in order to contribute to the special session of the General Assembly in 2000 for the overall review of the Summit and to the five-year review of the Beijing Platform for Action;
36. Welcomes Economic and Social Council resolution 1997/61 of 25 July 1997, on integrated and coordinated implementation and follow-up of the major United Nations international conferences and summits, in which the Council reaffirmed the need to continue to ensure the harmonization and coordination of the agendas and work programmes of the functional commissions by promoting a clearer division of labour among them and by providing clear policy guidance to them;
37. Welcomes Economic and Social Council decision 1997/302 of 25 July 1997 on the convening of a session of the Council in 1998 to consider further the theme of integrated and coordinated implementation and follow-up of the major United Nations international conferences and summits;
38. Renews its call to all relevant organs, organizations and bodies of the United Nations system to be involved in the follow-up action to the Summit, and invites funds and programmes, specialized agencies and related organizations of the United Nations system to strengthen and adjust their activities, programmes and medium-term strategies, as appropriate, to take into account the follow-up to the Summit;
39. Takes note with appreciation of the work of the inter-agency task forces established by the Administrative Committee on Coordination, as contained in the report of the Secretary-General on integrated and coordinated implementation and follow-up of the major United Nations international conferences and summits;
40. Takes note of the emphasis placed by the Economic and Social Council in resolution 1997/61 on the need for the Administrative Committee on Coordination to ensure that there is effective inter-agency support for the work of the intergovernmental bodies dealing with conference follow-up, including the Council, and its functional commissions, that there is regular updating and feedback on the incorporation of the work of the task forces at the country level, and that the Council is kept fully informed of the work and decisions of that Committee concerning integrated and coordinated implementation and follow-up of the major United Nations international conferences and summits;
41. Urges the continued involvement and support by the regional commissions in the promotion of the implementation of the objectives of the World Summit for Social Development at the regional and subregional levels, and reiterates its invitation to the commissions, in accordance with their mandates and in cooperation with the regional intergovernmental organizations and banks, to convene on a biennial basis a meeting at a high political level to review the progress made towards implementing the outcome of the Summit, to exchange views on their respective experiences and to adopt appropriate measures;
42. Welcomes in this context the convening by the Economic Commission for Latin America and the Caribbean of the first regional meeting to evaluate the World Summit for Social Development, held at Sao Paulo from 6 to 9 April 1997, with the participation of high-level representatives of Latin American and Caribbean countries, and takes note with appreciation of
the final document of the meeting, known as the Sao Paulo Consensus;

43. Also welcomes the convening by the Economic and Social Commission for Asia and the Pacific of the Fifth Asian and Pacific Ministerial Conference on Social Development at Manila, from 5 to 11 November 1997, to review national progress achieved and regional action taken in the implementation of the outcome of the Summit;

44. Further welcomes the convening of the expert group meeting on employment questions at Vienna, from 2 to 6 February 1998, as a follow-up to the Summit in the European region;

45. Urges the Economic Commission for Africa to convene in the forthcoming year a regional meeting to evaluate the follow-up of the World Summit for Social Development in the African region;

46. Welcomes the efforts of funds and programmes in assisting countries in implementing all Summit commitments at the national, regional and international levels;

47. Also welcomes the efforts of the United Nations Development Programme in the implementation of Summit commitments aimed at poverty eradication in developing countries, particularly in Africa and the least developed countries;

48. Takes note with appreciation of the contribution of the International Labour Organization to the consideration by the Commission for Social Development, at its thirty-fifth session, of the theme "Productive employment and sustainable livelihoods" and reiterates its invitation to the International Labour Organization to continue to contribute to the implementation of the Copenhagen Declaration and Programme of Action and to the work of the Commission for Social Development;

Special session of the General Assembly in 2000 for an overall review and appraisal of the implementation of the outcome of the Summit

49. Recalls its resolution 50/161, in which it decided to hold a special session in 2000 for an overall review and appraisal of the implementation of the outcome of the Summit and to consider further actions and initiatives;

50. Also recalls its resolution 51/202, in which it decided on the preparatory process of the special session;

51. Decides to establish a Preparatory Committee open to the participation of all States Members of the United Nations and members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly, and that the Preparatory Committee will hold an organizational session of four days’ duration, from 19 to 22 May 1998;

52. Also decides that, at its organizational session, the Preparatory Committee will consider and decide on the process to be followed to achieve the purpose of the special session with respect to an overall review and appraisal of the implementation of the outcome of the Summit, and the consideration of further actions and initiatives and that, in this context, the Preparatory Committee will decide, inter alia, on the programme and organization of its work, including issues such as documentation, national contributions and input from the United Nations system, the election of its Bureau, the participation of non-governmental organizations, the dates for the special session and other organizational issues;

53. Reaffirms that the Preparatory Committee will initiate its substantive activities in 1999 on the basis of input by the Commission for Social Development and the Economic and Social Council, and that account will be taken of contributions by all relevant organs and specialized agencies of the United Nations system;

54. Requests the Secretary-General to prepare the necessary documentation for the Preparatory Committee at its organizational session and in particular to present a report at the organizational session, containing recommendations and proposals on the organization of the work of the Preparatory Committee;

55. Reaffirms that the follow-up to the Summit will be undertaken on the basis of an integrated approach to social development and within the framework of a coordinated follow-up to and implementation of the results of the major international conferences in the economic, social and related fields;

56. Invites Governments to contribute to the Trust Fund for the Follow-up to the World Summit for Social Development in support of the implementation of the Copenhagen Declaration and Programme of Action, including the preparation for the special session of the Assembly;

57. Requests the Secretary-General to ensure that the preparatory process for the special session benefits from the active involvement of all concerned and that the secretariat is adequately supported;

58. Also requests the Secretary-General to report to the Assembly at its fifty-third session on the implementation of the outcome of the Summit;

59. Decides to include in the provisional agenda of its fifty-third session the item entitled "Implementation of the outcome of the World Summit for Social Development".


The Report on the World Social Situation 1997 [Sales No. E.97.IV.1] surveyed the current socioeconomic situation, including trends in the world economy, population patterns, health, education, and hunger and malnutrition. In addition, it examined the core issues of concern to all countries identified at the World Summit—poverty, unemployment, discrimination—in order to provide background to the discussion of the measures needed or taken to advance the Summit's objectives.

Under economic trends, the Report reviewed regional economic performance and the economies of developed and developing countries, as well as those in transition from centrally planned to market economies. It examined population trends in the areas of size and growth, fertility rates, mortality rates and international migration. Global health issues that had come to the forefront included changes in life expectancy, the global burden of health and new and infectious diseases. General trends and policy issues regard-
ing hunger and malnutrition, which referred mainly to developing regions where hunger was most prevalent, were considered.

The Report reviewed the current status of formal education, examining enrolment, quality of education and public expenditures in the sector. Adult illiteracy was briefly examined.

A separate section presented main trends in global absolute poverty and its relationship to world economic growth and provided an assessment of progress made towards the goal of global poverty eradication, as well as an overview of key elements in a comprehensive strategy for poverty reduction. It also examined the problem of unemployment in developing countries and among youth and women, in addition to child labour. Lastly, it described how discrimination operated, identified discrimination against various groups and reviewed policy options for combating discrimination.

**UN Research Institute for Social Development**

The United Nations Research Institute for Social Development (UNRISD) continued to engage in research on the social dimensions of development problems. Its activities included the programme on information technologies and social development, which began early in the year; sponsorship of conferences and papers on globalization and citizenship, including a conference on the relationship between globalization and citizenship (Melbourne, Australia, May); and the programme on gender, poverty and well-being, which began in 1997, for which UNRISD commissioned thematic review papers and country-specific case studies on the gender/poverty nexus that were presented at a workshop organized by UNRISD and the Centre for Development Studies (Trivandrum, India, 24-27 November).

UNRISD and the Universidad Nacional in Costa Rica co-hosted an international workshop on business responsibility for environmental protection in developing countries; and the programme on grass-roots initiatives and knowledge networks for land reform in developing countries, which began in April, sought to document activities of civil society organizations involved in promoting land reform or improving land tenure arrangements to benefit the poorer and weaker sections of the rural population.

A UNRISD project considered the socio-economic, cultural and environmental implications of emerging national and regional mass tourism in the South; the war-torn societies project which had activities in Eritrea, Guatemala, Mozambique and Somalia, explored innovative approaches to rebuilding such societies; and the vulnerability and coping strategies in Cambodia project consisted of three independent studies on food security, psycho-social vulnerability and the role of international and national institutions in the transition to democracy and a market economy.

As follow-up to the 1995 World Summit for Social Development, UNRISD organized a public conference in Geneva on 9 and 10 July. Efforts were made to highlight approaches in mobilizing resources for social development; learning from successful attempts to provide universal social services; promoting harmony in multi-ethnic societies; dealing with the legacy of hatred in countries torn by civil war; and developing community-based approaches to urban social problems.

Research continued on national social development plans of sub-Saharan African countries. In West Africa, work progressed on a programme developed at a March regional workshop.

The community perspectives on urban governance project continued to identify instances of, and constraints on, collaboration between community-based/volunteer organizations and local governments in designing, implementing and evaluating social and economic policy at the local level. A number of case studies were conducted in cities worldwide in preparation for the UNRISD workshop on comparative perspectives on decentralized governance in a globalizing world (Shanghai, China, October).

UNRISD expenditures in 1997 grew by 6.4 per cent over the previous year and were expected to expand by another 6 per cent in 1998, reaching a total of $5.36 million.

**Follow-up to International Year of the Family**

As requested by the General Assembly in resolution 50/142 [YUN 1995, p. 1128], the Secretary-General in a January report [A/52/57-E/1997/4], described follow-up activities to the 1994 International Year of the Family [YUN 1994, p. 1144] at the national, regional and international levels and made proposals for follow-up action by the Secretariat. The report also provided an analysis of family-related provisions from the outcomes of the international conferences held in the 1990s.

Recommendations related to the decisions of the conferences included encouraging Governments to develop family-impact assessments in their development activities and to draw up, implement and evaluate family-sensitive policies. The Commission for Social Development was called on to give appropriate attention to the development of family-sensitive policies and pro-
programmes in the context of its agenda, particularly during the period 1997-2000. In addition, the activities of the focal point of the UN system to promote family issues, as the successor to the secretariat of the International Year of the Family, should concentrate on implementing family-related provisions of the international declarations and plans of action of the global conferences.

The Economic and Social Council, by decision 1997/205 of 7 February, took note of the Secretary-General’s report.

**ECONOMIC AND SOCIAL COUNCIL ACTION**

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission for Social Development [E/1997/26], adopted resolution 1997/21 without vote [agenda item 7 (c)].

**Follow-up to the International Year of the Family**

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 52/81 below.]

**GENERAL ASSEMBLY ACTION**

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third (Special, Humanitarian and Cultural) Committee [A/52/634], adopted resolution 52/81 without vote [agenda item 102].

**Follow-up to the International Year of the Family**

The General Assembly.

Recalling its resolutions 44/82 of 8 December 1989, 46/92 of 16 December 1991, 47/237 of 20 September 1993 and 50/142 of 21 December 1995 concerning the proclamation, preparations for and observance of the International Year of the Family,

Recognizing that the basic objective of the follow-up to the International Year of the Family should be to strengthen and support families in performing their societal and developmental functions and to build upon their strengths, in particular at the national and local levels,

Noting that the family-related provisions of the outcomes of the world conferences of the 1990s provide policy guidance on ways to strengthen family-centred components of policies and programmes as part of an integrated comprehensive approach to development,

Emphasizing that equality between women and men and respect for the rights of all family members is essential to family well-being and to society at large,

1. Takes note with appreciation of the report of the Secretary-General on the International Year of the Family, and welcomes the proposals contained therein;

2. Invites Governments to continue their actions to build family-friendly societies, inter alia, by promoting the rights of individual family members, in particular gender equality and the rights of the child;

3. Emphasizes the need for a more focused and coordinated approach towards family issues within the United Nations system;

4. Calls upon Governments, non-governmental organizations, other organizations of civil society, the private sector and individuals to contribute generously to the United Nations Trust Fund on Family Activities;

5. Urges Governments to take sustained action at all levels concerning families, including studies and applied research on families, and to promote the role of families in development, and invites Governments to develop concrete measures and approaches to address national priorities to deal with family issues;

6. Recommends that all relevant actors in civil society, including research and academic institutions, contribute to and participate in action on families;

7. Requests the Secretary-General to continue to play an active role in facilitating international cooperation within the framework of the follow-up to the International Year of the Family, to facilitate the exchange of experiences and information among Governments on effective policies and strategies, to facilitate technical assistance, with a focus on least developed and developing countries, and to encourage the organization of subregional and interregional meetings and relevant research;

8. Calls upon Governments to encourage the active follow-up to the International Year of the Family at the national and local levels;

9. Reaffirms Economic and Social Council resolution 1996/7 of 22 July 1996, in which the Council decided that the follow-up to the International Year of the Family should be an integral part of the multi-year programme of work of the Commission for Social Development.

**International Day of Families**

The International Day of Families, proclaimed by the General Assembly in resolution 47/237 [YUN 1993, p. 1003], was observed annually on 15 May. In 1997, the theme focused on building families based on partnership.

**Persons with disabilities**


On 21 July [meeting 36], the Council, on the recommendation of the Commission for Social Development [E/1997/26], adopted resolution 1997/19 without vote [agenda item 7 (c)].

**Equalization of opportunities for persons with disabilities**

The Economic and Social Council.

Recalling General Assembly resolution 37/52 of 3 December 1982, by which the Assembly adopted the
World Programme of Action concerning Disabled Persons, which designates a focal point within the United Nations for coordinating and monitoring the implementation of the Programme of Action, including its review and appraisal, and General Assembly resolution 48/96 of 20 December 1993, by which it adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,

Recalling also the Universal Declaration of Human Rights, the Convention on the Rights of the Child and other international human rights instruments which proclaim that the rights therein should be ensured equally to all individuals, without discrimination,

Recalling further the Programme of Action of the World Summit for Social Development, in which Governments are requested to promote the Standard Rules and to develop strategies for their implementation and in which it is emphasized that policies concerning persons with disabilities should focus on their abilities rather than their disabilities,

Recalling that children with disabilities and their families or other caretakers have special needs,

Noting with great satisfaction that the Standard Rules play an important role in influencing legislation, policies, action and evaluations at both the national and international levels,

Acknowledging the active role played by non-governmental organizations, including organizations of persons with disabilities, in support of the Standard Rules and their contribution to the implementation and monitoring of the Rules,

Concerned about the effects of the current budgetary constraints of the United Nations on its disability activities,

1. Takes note with appreciation of the valuable work done by the Special Rapporteur of the Commission for Social Development on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and welcomes his comprehensive report;

2. Urges the United Nations, Governments and the non-governmental organizations concerned to strengthen their efforts to implement at all levels, by appropriate legal, administrative, financial and other measures, the goal of full participation and equality for persons with disabilities, in accordance with the Programme of Action of the World Summit for Social Development and the Standard Rules;

3. Requests the Secretary-General to give higher priority to disability activities and to allocate the resources necessary to enable the Secretariat to fulfil its function as focal point in a forceful way;

4. Urges the Secretary-General and Governments to further the effective implementation of the standard Rules and to emphasize the dimension of human rights, including that dimension for persons with developmental and psychiatric disabilities;

5. Also urges the Secretary-General and Governments to give full attention to a gender perspective in all policies and programmes related to disability;

6. Further urges the Secretary-General and Governments to give full attention to the rights of children with disabilities;

7. Encourages the United Nations and Governments to involve organizations of persons with disabilities in policy planning and decision-making processes regarding education, communications, employment and health services;

8. Also encourages the United Nations and Governments to enhance cooperation, through appropriate mechanisms, with organizations of persons with disabilities or concerned with disability issues so as to improve the implementation of the Standard Rules;

9. Urges the United Nations, Governments and the non-governmental organizations concerned to combat the sexual abuse of persons with disabilities;

10. Requests the Secretary-General to invite appropriate United Nations bodies to provide advisory services and support to Governments in their efforts to develop disability policies based on the Standard Rules and thereby collaborate with the focal point in its role as policy-coordinating body and with organizations of persons with disabilities;

11. Encourages the United Nations Development Programme and other entities of the United Nations system, including the Bretton Woods institutions and inter-agency mechanisms, to mainstream disability issues in their development activities and in their efforts to eradicate poverty;

12. Requests the Secretary-General, as Chairman of the Administrative Committee on Coordination, to ensure that the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and all other relevant organizations and bodies of the United Nations system take into account, in their policies and programmes, the rights of children with disabilities and mainstream the particular needs of such children;

13. Invites the Special Rapporteur and the Committee on the Rights of the Child to pursue and enhance their cooperation to ensure that the rights of children with disabilities are addressed fully in the Committee's reporting process;

14. Calls upon Governments, when formulating national policies and strategies during the International Decade for the Eradication of Poverty, to give due consideration to the social exclusion of persons with disabilities, to promote their employment and to include disability measures in poverty eradication programmes;

15. Urges all Governments to provide education for disabled children, youth and adults, regardless of the nature of the disability, in accordance with the Salamanca Statement and Framework for Action on Special Needs Education;

16. Urges Governments that have not ratified International Labour Organization Convention No. 159 concerning Vocational Rehabilitation and Employment (Disabled Persons) to consider doing so, in order to strengthen their policies, and to use the opportunity to obtain technical assistance from the International Labour Organization, and urges Governments that have ratified the Convention to seek further guidance when implementing it, in the accompanying Recommendation No. 168;

17. Encourages donors to provide assistance to developing countries and countries with economies in transition in their efforts to address the needs of persons with disabilities, and encourages Governments of recipient countries to include disability matters in their applications for such assistance;

18. Decides to renew the mandate of the Special Rapporteur for a further period of three years, so as to
make it possible to continue the monitoring of the implementation of the Standard Rules in accordance with section IV of the Rules, and to request the Special Rapporteur, assisted by the Secretariat and in consultation with the panel of experts established by six major international non-governmental organizations in the disability field, to prepare a report for submission to the Commission for Social Development at its thirty-eighth session;

19. Requests the Special Rapporteur to pay special attention to the situation of children with disabilities when monitoring the implementation of the Standard Rules;

20. Urges States to make contributions to the United Nations Voluntary Fund on Disability so as to support initiatives on disability, and also urges them to support, by financial and other means, the important work of the Special Rapporteur;

21. Requests the Secretary-General to include in his reports to the Commission for Social Development at its thirty-sixth and thirty-seventh sessions information on activities within the United Nations system that relate to the Commission's priority themes of promoting the social integration of disabled persons and of social services for all, and to counteract the social exclusion facing persons with disabilities and eradicate poverty among them.

Children with disabilities

On the recommendation of the Commission for Social Development [E/1997/26], the Economic and Social Council, on 21 July [meeting 36], adopted resolution 1997/20 without vote [agenda item 7 (c)].

Children with disabilities

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights and other international human rights instruments, including the Convention on the Rights of the Child, which proclaim that the rights therein should be ensured equally to all individuals, without discrimination,

Recalling also the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and the Long-term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond, as well as the various resolutions and declarations adopted by the General Assembly relating to persons with physical, mental and psychological disabilities, including the Declaration on the Rights of Mentally Retarded Persons and the Declaration on the Rights of Disabled Persons,

Recalling further the disability provisions in the results of international conferences, including the World Conference on Special Needs Education: Access and Quality, held at Salamanca, Spain, in 1994 and the World Summit for Social Development, held at Copenhagen in 1995,

Welcoming the report of the Special Rapporteur of the Commission for Social Development on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,

Noting with appreciation the activities in support of disability issues carried out by non-governmental organizations,

Convinced that disability is not inability and that it is critically important to take a positive view of abilities as the basis of planning for persons with disabilities, in particular children with disabilities,

1. Recognizes the need for special attention to be directed towards children with disabilities and their families or other caretakers;

2. Notes with concern the large numbers of children who have become disabled physically or mentally, or both, as a consequence of, inter alia, poverty, disease, disasters, landmines and all forms of violence;

3. Urges both Governments and the Secretary-General to give full attention to the rights, special needs and welfare of children with disabilities;

4. Invites Governments, concerned United Nations organizations and bodies, including the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, and non-governmental organizations, especially those of persons with disabilities, to conduct awareness-raising activities, with a view to combating and overcoming discrimination against children with disabilities;

5. Encourages further cooperation among Governments, in coordination, where appropriate, with the United Nations Children's Fund, other relevant United Nations organizations and non-governmental organizations, to nurture the talents and potential of children with disabilities by developing and disseminating appropriate technologies and know-how;

6. Encourages Governments to include data on children when implementing rule 13 on information and research of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

7. Urges Governments to ensure, in accordance with rule 6 of the Standard Rules, that children with disabilities have equal access to education and that their education is an integral part of the educational system, and also urges Governments to provide vocational preparatory training appropriate for children with disabilities;

8. Invites the United Nations Educational, Scientific and Cultural Organization to continue its programme activities aimed at the integration of children and youth with disabilities into mainstream education and to provide appropriate assistance to Governments, at their request, in designing and setting up programmes to encourage the creative, artistic and intellectual potential of children, including those with disabilities;

9. Calls upon Governments to ensure the participation of children with disabilities in recreational activities and sports;

10. Emphasizes the right of children with disabilities to the enjoyment of the highest attainable standard of physical and mental health, and urges Governments to ensure the provision of equal access to comprehensive health services and the adoption of holistic approaches to the total well-being of all children with disabilities, in particular children at highest risk, including refugee, displaced or migrant children, children living in situations of violence and its immediate aftermath,
children living in disaster areas, street children and children in squatter colonies;

H. Encourages Governments to contribute to the United Nations Voluntary Fund on Disability;

12. Requests the Special Rapporteur, in monitoring the implementation of the Standard Rules, to pay special attention to the situation of children with disabilities, to pursue close working relations with the Committee on the Rights of the Child in its monitoring role with respect to the Convention on the Rights of the Child and to include in his report to the Commission for Social Development at its thirty-eighth session his findings, views, observations and recommendations on children with disabilities.

Follow-up to the World Programme of Action

In a September report [A/52/351], the Secretary-General presented the findings of the third quinquennial review and appraisal of the implementation of the World Programme of Action concerning Disabled Persons, adopted by the General Assembly in resolution 37/52 [YUN 1982, p. 981]. The two earlier reviews were undertaken in 1987 [YUN 1987, p. 647] and in 1992 [YUN 1992, p. 821].

The review and appraisal assessed recent trends and emerging issues in disability policies and programmes since the end of the United Nations Decade of Disabled Persons (1983-1992), proclaimed by the Assembly in resolution 37/53 [YUN 1982, p. 983]; documented initiatives of Governments, NGOs and the United Nations since 1992 that had interacted with disability issues and trends; and submitted recommendations to further the implementation of the World Programme of Action to the year 2000 and beyond.

The report also examined options to improve policy development and monitoring of programme implementation, including issues related to the development of information, statistics and indicators on disability.

It was concluded that there was widespread policy-level support for the goals and objectives of the World Programme of Action and the need to address disability issues in the context of overall development and with reference to human rights issues was recognized. Constituencies concerned with disability issues had expanded, and the content of the World Programme maintained its validity. One issue that had emerged since the end of the Decade but which had not received detailed attention in the World Programme was the relationship among population ageing, impairment and disability.

The report suggested that effective strategies for the implementation of the World Programme were characterized by their linking of disability issues with overall development variables and within the broader human rights framework of the United Nations. In particular, there were three strategic areas in which further action and resource commitments were expected to result in improved implementation: data collection and statistics on disability; indicators for monitoring and evaluation; and national capacity-building and institutional development for the disability perspective within the framework of a society for all.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/634], adopted resolution 52/82 without vote [agenda item 102].

Implementation of the World Programme of Action concerning Disabled Persons: towards a society for all in the twenty-first century

The General Assembly,

Recalling also its resolution 48/96 of 20 December 1993, by which it adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,

Welcoming the inclusion of measures to address questions of disability in the programmes, plans and platforms for action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the second United Nations Conference on Human Settlements (Habitat II), held at Istanbul, Turkey, from 3 to 14 June 1996,

Mindful of the need to adopt and implement effective public policies and programmes to promote the rights of persons with disabilities,

Convinced that the end of the century provides an opportunity for considering which issues to address in order to implement fully the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,

Welcoming initiatives to hold international conferences related to disabled persons, in particular the holding of the Fifth World Assembly of Disabled People’s International at Mexico City in December 1998, on the theme "Towards an inclusive twenty-first century."

Recognizing the importance of timely and reliable data on disability for disability-sensitive policies, programme planning and evaluation and the need for further development of practical statistical methodology for data collection and compilation on populations with disabilities,
1. Takes note with appreciation of the report of the Secretary-General on the third quinquennial review and appraisal of the World Programme of Action concerning Disabled Persons, and welcomes the conclusions and recommendations contained therein;


3. Notes with appreciation the valuable work undertaken by the Special Rapporteur for monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities of the Commission for Social Development, and welcomes the second round of monitoring the implementation of the Standard Rules, the cooperation of the Special Rapporteur with the Commission on Human Rights, and especially with the Committee on the Rights of the Child;

4. Encourages Governments and the non-governmental community to examine key social and economic policy issues related to the equalization of opportunities for persons with disabilities, in particular, (a) accessibility, (b) social services and social safety nets and (c) employment and sustainable livelihoods;

5. Urges Governments to cooperate with the Statistics Division of the Secretariat in the continued development of global statistics and indicators, and encourages them to avail themselves of the technical assistance of the Division, as needed;

6. Urges relevant bodies and organizations of the United Nations system, including relevant treaty bodies, such as the Committee on the Rights of the Child, the regional commissions and intergovernmental and non-governmental organizations and institutions, to work closely with the United Nations in the promotion of the rights of persons with disabilities by sharing experiences and findings on disability issues;

7. Decides that the next quinquennial review and appraisal of the World Programme of Action, in 2002, shall consider the issues mentioned in paragraph 4 above;

8. Invites Governments, concerned non-governmental organizations and the private sector to continue to support the United Nations Voluntary Fund on Disability, with a view to providing additional support to the implementation of the Standard Rules, including further assistance in national capacity-building and support for the work of the Special Rapporteur;

9. Requests the Secretary-General to develop a plan to increase the accessibility of the United Nations and its offices and meetings to persons with disabilities;

10. Also requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, through the Commission for Social Development at its thirty-seventh session, a report on the implementation of the present resolution.

**Cultural development**

**World Decade for Cultural Development**

In response to General Assembly resolution 41/187 [YUN 1986, p. 624], the Secretary-General, in September [A/52/382], transmitted the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the implementation of the World Decade for Cultural Development (1988-1997) during 1994-1997. The Decade was proclaimed by the Assembly in resolution 41/187 and UNESCO was designated as the lead agency.

The report described the activities of the World Commission on Culture and Development, a research project on the integration of cultural factors in development strategies and regional and intercultural projects.

The Economic and Social Council, by decision 1997/205 of 7 February, authorized the Secretary-General to transmit the report to the Assembly.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/52/628/Add.9], adopted resolution 52/197 without vote [agenda item 97 (i)].

**Cultural development**

The General Assembly,

Recalling its resolutions 41/187 of 8 December 1986, in which it proclaimed the period 1988-1997 the World Decade for Cultural Development, 46/158 of 19 December 1991, in which it requested the Secretary-General to cooperate with the Director-General of the United Nations Educational, Scientific and Cultural Organization in establishing an independent World Commission on Culture and Development, and expected the World Commission to submit its final report to the General Assembly, and to the General Conference of the United Nations Educational, Scientific and Cultural Organization and to the United Nations General Assembly no later than three years after it began its work, and 51/179 of 16 December 1996, concerning the report of the World Commission,

Noting the fact that public opinion throughout the world as well as Governments and non-governmental organizations have become much more sensitive to the need for better integration of the cultural dimension into the entire development process,

Recognizing that this awareness of the central importance of culture is, nevertheless, insufficiently present in development policy and practice,

Acknowledging with satisfaction the active participation of Member States, United Nations bodies, intergovernmental and non-governmental organizations and individuals in the implementation of projects of national, regional and interregional scope, aiming at the promotion of the objectives of the Decade, and in the work of the World Commission and its follow-up,

Taking note of the first meeting of Ministers of Culture of non-aligned countries, held at Medellin, Colombia, on 4 and 5 September 1997 A/52/432,

1. Takes note of the note by the Secretary-General on the progress of the World Decade for Cultural Development during the period 1994-1997;
2. Invites all Member States, intergovernmental bodies and organizations of the United Nations system and non-governmental organizations:

(a) To ensure that the lessons and experiences gained and the momentum generated through the World Decade and the World Commission on Culture and Development are reflected in all their development strategies, as appropriate;

(b) To submit their comments to the United Nations Educational, Scientific and Cultural Organization on the report of the World Commission on Culture and Development, entitled Our Creative Diversity;

(c) To intensify their efforts to integrate cultural factors into their development programmes and projects, so as to ensure sustainable development that fully respects cultural diversity, taking into account their cultural values and identity;

3. Stresses the importance of the question of interaction between culture and development, and encourages the United Nations Educational, Scientific and Cultural Organization to accord priority to this theme in its work;

4. Encourages the United Nations Educational, Scientific and Cultural Organization to pursue its ongoing task of promoting throughout the United Nations system a greater awareness of the crucial relationship between culture and development, taking into account the diversity of cultures;

5. Welcomes the convening in Stockholm in 1998 of an intergovernmental conference on cultural policies for development, organized by the United Nations Educational, Scientific and Cultural Organization;

6. Requests the Secretary-General, in the elaboration of the international development strategy for the next United Nations development decade, to include recommendations for the integration of the cultural dimension in development activities;

7. Also requests the Secretary-General to include the outcome of the Stockholm conference in his report on the implementation of the present resolution to the General Assembly at its fifty-third session.

**Cultural property**

In response to General Assembly resolution 50/56 [YUN 1995, p. 113], the Secretary-General transmitted a June report of the Director-General of UNESCO on action taken by UNESCO to promote the return of cultural property to countries of origin or its restitution in cases of illicit appropriation [A/52/211]. The report summarized the main topics discussed at the ninth session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (Paris, 16-19 September 1996), which resulted in the adoption of eight recommendations. Those recommendations dealt with Greece's request to the United Kingdom to return the marbles from the Parthenon; training programmes on illicit trafficking; use of the Committee's good offices in settling international claims for the return of cultural property; coordinating action with other concerned institutions; the establishment of internationally funded projects for the return of cultural property to its countries of origin or its restitution in cases of illicit appropriation; the return of cultural property smuggled from Iraq; and a handbook on standards for documentation of African collections.

**GENERAL ASSEMBLY ACTION**

On 25 November [meeting 55], the General Assembly adopted resolution 52/24 [A/52/L.12 & Add.1] by recorded vote (87-0-23) [agenda item 27].

### Return or restitution of cultural property to the countries of origin

The General Assembly,


Recalling also the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,

Welcoming the Medellin Declaration for Cultural Diversity and Tolerance and the Plan of Action on Cultural Cooperation adopted at the first Meeting of the Ministers of Culture of the Movement of Non-Aligned Countries, held at Medellin, Colombia, on 4 and 5 September 1997 A/52/432,

Taking note with satisfaction of the report of the Secretary-General submitted in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization,

Aware of the importance attached by the countries of origin to the return of cultural property which is of fundamental spiritual and cultural value to them, so that they may constitute collections representative of their cultural heritage,

1. Commends the United Nations Educational, Scientific and Cultural Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution of cultural property, the preparation of inventories of movable cultural property, the reduction of illicit traffic in cultural property and the dissemination of information to the public;

2. Reaffirms that the restitution to a country of its objets d'art, monuments, museum pieces, archives, manuscripts, documents and any other cultural or ar-
tistic treasures contributes to the strengthening of international cooperation and to the preservation and flowering of universal cultural values through fruitful cooperation between developed and developing countries;

3. Requests the Secretary-General, in collaboration with the United Nations Educational, Scientific and Cultural Organization, to continue to develop all possibilities for bringing about the attainment of the objectives of resolution 50/56;

4. Also requests the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution;

5. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Return or restitution of cultural property to the countries of origin".

RECORDED VOTE ON RESOLUTION 52/24:

In favour: Algeria, Argentina, Armenia, Australia, Azerbaijan, Belarus, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Ecuador, El Salvador, Estonia, Ethiopia, Finland, Ghana, Greece, Iceland, India, Indonesia, Iran, Jamaica, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Liberia, Libya, Liechtenstein, Lithuania, Madagascar, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Mongolia, Myanmar, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Saudi Arabia, Senegal, Singapore, Slovakia, Sri Lanka, Sudan, Swaziland, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Zambia.

Against: None.

Abstain: Andorra, Austria, Belgium, Chile, Denmark, France, Georgia, Germany, Ireland, Israel, Italy, Japan, Latvia, Luxembourg, Netherlands, Poland, Portugal, Russian Federation, San Marino, Spain, Sweden, United Kingdom, United States.

Olympic Truce

On 25 November [meeting 54], the General Assembly adopted resolution 52/21 [draft: A/52/L.23/Rev.1 & Add.1] without vote [agenda item 24].

Building a peaceful and better world through sport and the Olympic ideal

The General Assembly,

Recalling its resolution 50/13 of 7 November 1995, in which it decided to include in the provisional agenda of its fifty-second session the item entitled "Building a peaceful and better world through sport and the Olympic ideal" and to consider this item every two years in advance of each Summer and Winter Olympic Games,

Recalling also its resolution 48/11 of 25 October 1993, which, inter alia, revived the ancient Greek tradition of ekecheiria or "Olympic Truce", calling for all hostilities to cease during the Games, thereby mobilizing the youth of the world in the cause of peace,

Recognizing the valuable contribution that the appeal launched by the International Olympic Committee for an Olympic Truce, with which the National Olympic Committees of the Member States are associated, could make towards advancing the purposes and principles of the Charter of the United Nations,

Taking into account resolution CM/Res.1608(LXII), adopted by the Council of Ministers of the Organization of African Unity at its sixty-second ordinary session, held at Addis Ababa from 21 to 23 June 1995, and endorsed by the Assembly of Heads of State and Government of that organization, which supports the appeal for an Olympic Truce,

Reaffirming that the Olympic ideal promotes international understanding, particularly among the youth of the world, through sport and culture in order to advance the harmonious development of humankind,

Noting with satisfaction the increasing number of joint endeavours of the International Olympic Committee and the United Nations system, for example in the fields of development, humanitarian assistance, protection of the environment, health promotion and education, in which the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the United Nations Environment Programme, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization have participated,

1. Urges Member States to observe the Olympic Truce during the XVIII Olympic Winter Games, which will be held in Nagano, Japan, from 7 to 22 February 1998, the vision of which is to be a link to the twenty-first century, inspiring the search for wisdom for the new era, respect for the beauty and bounty of nature and the furtherance of peace and goodwill;

2. Takes note of the idea of the Olympic Truce, as dedicated in ancient Greece to the spirit of fraternity and understanding between peoples, and urges Member States to take the initiative to abide by the Olympic Truce, individually and collectively, and to pursue in conformity with the purposes and principles of the Charter of the United Nations the peaceful settlement of all international conflicts;

3. Calls upon all Member States to cooperate with the International Olympic Committee in its efforts to promote the Olympic Truce;

4. Requests the Secretary-General to promote the observance of the Olympic Truce among Member States, drawing the attention of world public opinion to the contribution such a truce would make to the promotion of international understanding and the preservation of peace and goodwill, and to cooperate with the International Olympic Committee in the realization of this objective;

5. Welcomes the decision of the International Olympic Committee to fly the United Nations flag at all competition sites of the Olympic Games;

6. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Building a peaceful and better world through sport and the Olympic ideal" and to consider this item before the Games of the XXVII Olympiad in Sydney, Australia, in the year 2000.

International Year of Thanksgiving


International Year of Thanksgiving, 2000

The Economic and Social Council,

Considering that the dedication of a year to the act of giving thanks to God, expressing gratitude and appreciation to our Creator, our neighbours, our community, our country and the world, and to the opportunity to remember the
development of a rich and harmonious international life and that one of the purposes of the United Nations, as expressed in its Charter, is to achieve international cooperation in solving international problems in the economic, social, cultural and humanitarian areas without creating any distinctions based on race, sex, language or religion.

Convinced that the observance of the year 2000 as an international year of thanksgiving within the United Nations will bring together the efforts of nations to achieve full tolerance and strengthen universal peace,

Mindful that the Preamble to the Charter of the United Nations includes the practice of tolerance as one of the principles that need to be applied to prevent war and maintain peace,

Affirming that this initiative will contribute to international cooperation by creating an awareness among peoples and Governments of the importance of gratitude, as much in the personal and civic life of every human being as in the relations between the countries and cultures of the world,

Affirming also that the proposal to begin the twenty-first century and the new millennium with an international year of thanksgiving to celebrate the gift of life as the most noble expression of the human spirit is intended to promote friendship and solidarity between nations,

1. Reaffirms that such an expression of gratitude will bring together national and international efforts to achieve full tolerance and strengthen universal peace and international cooperation;

2. Recommends that the General Assembly, at its fifty-second session, proclaim the year 2000 as International Year of Thanksgiving;

3. Invites all Member States and interested intergovernmental and non-governmental organizations to do whatever they can in their respective areas of expertise to contribute to the preparations for the Year and to publicizing it.

On 20 November, the General Assembly, by resolution 52/16, proclaimed the year 2000 as the International Year of Thanksgiving.

Crime prevention and criminal justice

Commission on Crime Prevention and Criminal Justice

The Commission on Crime Prevention and Criminal Justice held its sixth session in Vienna from 28 April to 9 May [E/1997/30 & Corr.1]. The Commission, the principal policy-making body of the United Nations in the field of crime prevention and criminal justice, recommended five draft resolutions for adoption by the General Assembly and 10 draft resolutions and one draft decision for adoption by the Economic and Social Council (see below). It also adopted a resolution regarding its strategic management of the United Nations Crime Prevention and Criminal Justice Programme.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July, the Economic and Social Council, by decision 1997/232, took note of the Commission's report on its sixth session and approved the provisional agenda and documentation for its seventh (1998) session. The Council decided that each session of the Commission should have one prominent theme and that the themes for the 1998, 1999 and 2000 sessions should be, respectively, organized transnational crime, crime prevention and the results of the Tenth (2000) United Nations Congress on the Prevention of Crime and the Treatment of Offenders. It decided that the Commission, from its seventh session onwards, in addition to plenary meetings, should be provided with full interpretation services for 12 meetings for informal consultations on draft proposals and for meetings of open-ended working groups, with the precise allocation of time for the different types of meetings to be determined by the Commission at its seventh session, on the understanding that no more than two meetings would be held concurrently, in order to ensure maximum participation of delegations.

UN Programme on Crime Prevention and Criminal Justice

In response to General Assembly resolution 51/63 [YUN 1996, p. 1021], the Secretary-General submitted an August report on strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity [A/52/295].

The report described the Programme's advisory services, training activities, fellowship programme and publications, as well as efforts to assist Member States to implement the United Nations Declaration on Crime and Public Security, adopted by the Assembly in resolution 51/60 [YUN 1996, p. 1028]. It also covered efforts to strengthen the Programme and to mobilize resources, activities financed through the United Nations Crime Prevention and Criminal Justice Fund, and cooperation and coordination of activities between the Programme and other relevant UN bodies.

The Programme activities described in the report included the implementation of recommendations made at the Ninth (1995) Crime Congress [YUN 1995,p.1132]and preparations for the Tenth (2000) Congress. Other Programme activities focused on: international cooperation in combating transnational crime; corruption and bribery;
measures to regulate firearms; computerization of criminal justice operations and the development of analysis and policy use of crime and criminal justice information; elimination of violence against women; measures to prevent illicit trafficking in children; and the use and application of UN standards and norms in crime prevention and criminal justice.

In his concluding remarks, the Secretary-General noted that, as part of his 1997 UN reform programme (see PART FIVE, Chapter I), Vienna would become the locus for UN efforts against crime, drugs and terrorism. The Division for Crime Prevention and Criminal Justice was to be reconstituted as the Centre for International Crime Prevention and proposals would be submitted to Member States on strengthening its capacities. The new Centre and the United Nations International Drug Control Programme would together form a new Office for Drug Control and Crime Prevention.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/635], adopted resolution 52/90 without vote [agenda item 103].

Strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity

The General Assembly,

Recalling its resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme, in which it approved the statement of principles and programme of action annexed to the resolution,

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

Convinced of the desirability of closer coordination and cooperation among States in combating crime, including drug-related crimes, such as money laundering, illicit arms trade and terrorist crimes, and bearing in mind the role that could be played by both the United Nations and regional organizations in this respect,

Recognizing the urgent need to increase technical cooperation activities in order to assist countries, in particular developing countries and countries in transition, with their efforts in translating United Nations policy guidelines into practice,

Recalling its relevant resolutions in which it requested the Secretary-General, as a matter of urgency, to provide the United Nations Crime Prevention and Criminal Justice Programme with sufficient resources for the full implementation of its mandate, in conformity with the high priority attached to the Programme,

1. Takes note with appreciation of the report of the Secretary-General on the progress made in the implementation of General Assembly resolution 51/63 of 12 December 1996;

2. Reaffirms the importance of the United Nations Crime Prevention and Criminal Justice Programme and the crucial role it has to play in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, in responding to the needs of the international community in the face of both national and transnational criminality and in assisting Member States in achieving the goals of preventing crime within and among States and improving the response to crime;

3. Also reaffirms the priority of the Programme, in accordance with relevant resolutions, and requests the Secretary-General to further strengthen the Programme by providing it with the resources necessary for the full implementation of its mandate, including follow-up action to the Naples Political Declaration and Global Action Plan against Transnational Crime, adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, and to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995;

4. Reaffirms the high priority attached to technical cooperation and advisory services in the field of crime prevention and criminal justice, and stresses the need to continue to improve the operational activities of the Programme, in particular in developing countries and countries in transition, in order to meet the needs of Member States, at their request, for support in crime prevention and criminal justice;

5. Calls upon States and United Nations funding agencies to make significant financial contributions for the operational activities of the Programme, and encourages all States to make voluntary contributions for that purpose to the United Nations Crime Prevention and Criminal Justice Trust Fund, also taking into account the activities required for the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

6. Calls upon all relevant programmes, funds and organizations of the United Nations system, in particular the United Nations Development Programme, the World Bank and other international, regional and national funding agencies, to support technical operational activities in this field and to include such activities in their programmes, utilizing the expertise of the United Nations Crime Prevention and Criminal Justice Programme in such activities and cooperating closely on relevant technical assistance projects and advisory missions;

7. Takes note with appreciation of the contributions of the Programme to United Nations peacekeeping and special missions, as well as its contributions to the follow-up to those missions, inter alia, through advisory services, and encourages the Secretary-General, as a way of strengthening the rule of law, to recommend the inclusion of the re-establishment and reform of criminal justice systems in peacekeeping operations;

8. Requests the Secretary-General to take all necessary measures to assist the Commission on Crime Prevention and Criminal Justice, as the principal policy-
making body in this field, in performing its activities, including cooperation and coordination with other relevant bodies, such as the Commission on Narcotic Drugs, the Commission on Human Rights and the Commission on the Status of Women;

9. Welcomes the efforts undertaken by the Commission on Crime Prevention and Criminal Justice to improve the strategic management of the Programme and to exercise more vigorously its mandated function of resources mobilization, and calls upon the Commission to further strengthen its activities in that direction;

10. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-third session.

Strategic management and programme questions

In a March report [E/CN.15/1997/19], the Secretary-General provided an overview of the inter-sessional activities undertaken by the Commission to strengthen its strategic management of the Programme and presented proposals to measure the impact of Programme activities and to maximize the existing resource potential. The Secretary-General called for definition of standards and indicators, which would vary in different contexts and which would be directly related to objectives. A fairly comprehensive evaluation of the Programme and its impact could be achieved over time through a variety of existing mechanisms and low-cost measurement tools, he stated. Regarding the Programme's resource potential, the Secretary-General suggested changing the utilization of existing resources so that they were used in the most effective and efficient manner possible, and called for the generation of additional funds so that there was a more appropriate match between mandates and resources.

A March note of the Secretary-General summarized the proposed 1998-1999 programme of work in crime prevention and criminal justice for consideration by the Commission [E/CN.15/1997/20]. The programme would focus on technical assistance and advisory services, the control of organized transnational crime, criminal justice systems management and information, crime prevention strategies, and preparations for the Tenth Congress. The note outlined activities based on the submission to the proposed 1998-1999 budget, including servicing of intergovernmental and expert bodies; international cooperation and inter-agency coordination and liaison; technical cooperation; and other activities such as the promotion of legal instruments, issuing publications, maintaining and expanding databases and technical information, and carrying out public information activities.

On 9 May [E/1997/30 des. 6/1]), taking note of the Secretary-General's March note, the Commission decided to submit the comments reflected in its report to relevant UN bodies and asked the Secretary-General to ensure the provision of sufficient resources for the implementation of Programme activities. The Commission also took note of the Secretary-General's report on strategic management and endorsed the recommendations of its bureau [E/CN.15/1997/CRP.2] with respect to streamlining the Commission's agenda and organization of work. The bureau was asked to develop recommendations, for the Commission's consideration in 1998, concerning criteria that the Commission could use to determine which types of agenda items should be submitted to the session that immediately followed.

The Commission asked its Chairman to convene an informal working group of its members to review the programme mandates and resources with a view to establishing a more realistic relationship between them, and asked the working group to report in 1998. The Secretary-General was asked to measure the impact of Programme activities and to report thereon to the Commission on a biennial basis, starting in 1999. In addition, the Commission called on the Secretary-General to redeploy savings in administration and conference services to the Programme and asked him to issue a consolidated appeal on crime prevention and criminal justice requirements to Governments. The Commission called for contributions from Member States to cover the cost of support for developing and administering the Programme's technical cooperation component.

Technical cooperation and coordination

In response to Economic and Social Council resolution 1992/22 [Y UN 1992, p. 842] and a 1996 Commission resolution [Y UN 1996, p. 1023], the Secretary-General, in a February report [E/CN.15/1997/17], reviewed technical cooperation activities undertaken during 1996 by the Crime Prevention and Criminal Justice Division, including the advisory services provided by the two interregional advisers for crime prevention and criminal justice based in Vienna and the regional adviser based at the Economic and Social Commission for Asia and the Pacific.

The Secretary-General stated that the number of technical assistance activities undertaken by the Division had steadily increased. The activities consisted mainly of needs assessment and fact-finding missions, training, development of curricula and training material, workshops, seminars and expert meetings, expert assistance and advisory services on substantive, legal and ad-
ministrative issues, and the exchange and dissemination of information. The Division had also provided its services and assistance through UN peacekeeping and peace-building operations. The report contained information on the coordination of activities and cooperation between the Programme and other UN entities and intergovernmental and non-governmental organizations. The Secretary-General observed that a more systematic approach towards cooperation and coordination was followed. However, financial and human resource limitations imposed constraints on optimal cooperation and coordination.

Regarding the establishment of a resource mobilization mechanism, the chairmen of the regional groups, after consultations with their member States, expressed the view that there was no need to establish another mechanism in addition to the informal consultative group on resource mobilization and that the needs expressed in the Commission’s 1996 resolution could be served by the group.

The Secretary-General stated that the Commission might wish to invite Member States to treat crime prevention and criminal justice as an essential element of the whole development process, and to call on States to include crime prevention and criminal justice in their requests for technical assistance. It might also wish to invite them to contribute to the further operationalization of the Programme, and to encourage the regular exchange of information among donor Governments and funding agencies both to mobilize resources and to ensure the coordination of activities.


**ECONOMIC AND SOCIAL COUNCIL ACTION**

On 21 July [meeting 36], the Economic and Social Council, acting on a draft proposed by the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/35 without vote [agenda item 7 (c)].

**Technical cooperation and interregional advisory services in crime prevention and criminal justice**

The Economic and Social Council,

Recalling General Assembly resolution 51/63 of 12 December 1996 on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity,

Recalling also its resolution 1995/15 of 24 July 1995 and resolution 5/2 of 31 May 1996 of the Commission on Crime Prevention and Criminal Justice, on technical cooperation and interregional advisory services in crime prevention and criminal justice,

Stressing the direct relevance of crime prevention and criminal justice to sustained development, stability, improved quality of life, democracy and human rights, which is increasingly recognized by other United Nations entities, specialized agencies and international organizations,

Aware of the continued increase in requests for technical assistance forwarded to the Crime Prevention and Criminal Justice Division of the Secretariat by least developed countries, developing countries, countries with economies in transition and countries emerging from conflict,

1. Commends the efforts of the Crime Prevention and Criminal Justice Division of the Secretariat, in cooperation with the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network and others, in responding to the increasing requests for assistance, as reported by the Secretary-General, and expresses appreciation for the operationalization of the Programme, including the elaboration of a number of important project proposals that urgently require new funding;

2. Welcomes the work done by the informal consultative group on resource mobilization in accordance with resolution 5/3 of 31 May 1996 of the Commission on Crime Prevention and Criminal Justice;

3. Commends the increased cooperation between the Crime Prevention and Criminal Justice Division, the United Nations Crime Prevention and Criminal Justice Programme network and other entities of the United Nations, in particular the United Nations Development Programme, the Department of Economic and Social Affairs of the Secretariat and the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, and calls upon those entities, together with the World Bank and other international, regional and national funding agencies, to support technical cooperation activities devoted to crime prevention and criminal justice as a means of guaranteeing effective and sustainable development, utilizing the expertise of the United Nations Crime Prevention and Criminal Justice Programme;

4. Welcomes the cooperation between the Crime Prevention and Criminal Justice Division and the United Nations International Drug Control Programme, in particular in the area of action against money laundering, and calls upon the two programmes to continue to undertake joint activities, in particular the elaboration and execution of technical cooperation projects;

5. Expresses its concern at the lack of adequate resources, which may impede progress in the further operationalization of the United Nations Crime Prevention and Criminal Justice Programme and hamper the implementation of those projects that have been elaborated so far in response to urgent requests from countries in need;

6. Expresses its appreciation to those Member States that contribute to the activities of the Programme by providing funding, the services of associate experts,
consultants and experts for training purposes, advisory missions and the implementation of technical assistance projects, by developing training manuals and other material, by offering fellowship opportunities and by hosting action-oriented workshops and expert group meetings;
7. Calls upon potential donors and relevant funding agencies to make significant and regular financial and/or other contributions for the formulation, coordination and implementation of technical assistance projects elaborated within the framework of the Programme and to strengthen the mandated role of the Programme as facilitator of bilateral assistance;
8. Invites developing countries and countries with economies in transition to include in their requests for assistance from the United Nations Development Programme, in particular as part of its country programme framework, projects and/or elements on crime prevention and criminal justice, with a view to upgrading national institutional capacity and professional expertise in that field;
9. Requests the Secretary-General, bearing in mind the plan for strategic management of the Commission on Crime Prevention and Criminal Justice, in accordance with Commission resolutions 1/1 of 29 April 1992 and 4/3 of 9 June 1995, to enhance further the resources required for the operational activities of the Programme, including travel funds for the mobilization of resources and special efforts for fund-raising;
10. Also requests the Secretary-General to include in his programme budget proposals for the biennium 1998-1999, under the section on technical cooperation, adequate funds for maintaining two posts of international advisors in crime prevention and criminal justice and for further strengthening the interregional advisory services to support technical assistance activities, including short-term advisory services, needs assessments, feasibility studies, field projects, training and fellowships.

UN African crime prevention institute

As requested in General Assembly resolution 51/61 [YUN 1996, p. 1048], the Secretary General, in a September report [A/52/327] on the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), described its 1996-1997 programme activities, funding and a consultative mission to the Institute by the Economic Commission for Africa. The report was the sixth since 1991, when the Institute became operational and began efforts to promote and coordinate regional activities related to crime prevention and criminal justice in Africa.
Programme activities during 1996-1997 focused on developing innovative approaches to raise the awareness of Governments regarding new strategies in crime prevention and criminal justice, training and human resources development, comparative research and policy development, information and documentation services, providing advisory services to Governments and technical cooperation, cooperation with other institutions, and participation in conferences and seminars.

UNAFRI was funded by assessed contributions from its 28 members, a grant from the United Nations and income generated by the rental of the Institute's premises. By 31 July, only two members had paid their assessed contributions for 1996-1997. The Secretary-General noted that despite the various appeals by different bodies and authorities, the outstanding balance of unpaid assessed contributions amounted to over 85 per cent of expected collections. He emphasized the role of UNAFRI in assisting African countries in strengthening their capacity in crime prevention and criminal justice since high crime rates and malfunctioning justice systems were detrimental to sustainable development.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/635], adopted resolution 52/89 without vote [agenda item 103].


The General Assembly,
Recalling its resolution 51/61 of 12 December 1996 and all other relevant resolutions,
Taking note of the report of the Secretary-General, and further acknowledging the assistance rendered to the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders,
2. Reiterates the need for strengthening the capacity of the Institute to support a national mechanism for crime prevention and criminal justice in African countries in view of the contribution that the Institute can make to the United Nations Crime Prevention and Criminal Justice Programme;
3. Urges the States members of the Institute to make every possible effort to meet their obligations to the Institute;
4. Appeals to all Member States and non-governmental organizations to adopt concrete practical measures to support the Institute in the development of the requisite capacity and in the elaboration and implementation of programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa;
5. Requests the Secretary-General to intensify efforts to mobilize all relevant entities of the United Nations system to provide the necessary financial and technical support to the Institute to enable it to fulfil its mandate;
6. Also requests the Secretary-General to enhance regional cooperation, coordination and collaboration in the fight against crime, especially in its transnational
dimension, which could not be adequately dealt with by national action alone;

7. Further requests the Secretary-General to make concrete proposals to strengthen the programmes and activities of the Institute and to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

Transnational crime

In 1997, UN efforts to combat organized transnational crime continued to focus on implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, adopted in 1994 by the World Ministerial Conference on Organized Crime [YUN 1994, p. 1160]. In a February report [E/1997/30], approved the draft for adoption by the General Assembly [agenda item 7 (c)],

Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

The Economic and Social Council recommends to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

[Same text as General Assembly resolution 52/85 below, except for the second preambular paragraph, operative paragraph 17 and annexes I to VI."

"Recalling also Economic and Social Council resolution 1996/27 of 24 July 1996,

"17. Requests the Secretary-General to provide the Crime Prevention and Criminal Justice Division with adequate resources for the preparation and servicing of the meeting of the intergovernmental group of experts;

"ANNEX I

"Recommendations of the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight"

"To combat transnational organized crime efficiently, the members of the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight recommended the following:

"1. States should review their laws governing criminal offences, jurisdiction, law enforcement powers and international cooperation, as well as their measures dealing with law enforcement training and crime prevention, to ensure that the special problems created by transnational organized crime are effectively addressed.

"2. With the aim of improving mutual assistance, States should, where feasible, develop mutual legal assistance arrangements or treaties and exercise flexibility in the execution of requests for mutual assistance.

"3. States should, where feasible, render mutual assistance, notwithstanding the absence of dual criminality.

"4. States developing mutual assistance treaties should ensure that the treaties:

(a) Provide a clear description of the scope of the assistance available;

(b) Encourage a speedy process for assistance;

(c) Are as comprehensive as possible in terms of assistance available;

(d) Reflect the principle that evidence will be gathered in the manner sought by the requesting State, unless the procedures are contrary to the fundamental principles of the law of the requested State.

"In order further to facilitate cooperation against transnational organized crime, States should consider negotiating arrangements in areas that are not covered by mutual legal assistance treaties.

"5. States should establish a central authority structured to provide speedy coordination of requests. The central authority should provide a quality-control and prioritizing function for both incoming and outgoing requests to take into account both the seriousness of the offence and the urgency of the request. At the same time, the central authority should not be seen as an exclusive channel for assistance between States. Direct ex-
change of information between law enforcement agencies should be encouraged to the extent permitted by domestic laws or arrangements.

6. States should prepare and distribute to other States materials that would describe the channels of communication for mutual assistance and extradition and the process for obtaining such assistance from them.

7. In cases where a criminal activity occurs in several countries, States with jurisdiction should coordinate their prosecutions and the use of mutual assistance measures in a strategic manner so as to be more efficient in the fight against transnational criminal groups.

8. States should be encouraged to develop, through treaties, arrangements and legislation, a network for extradition. They should modernize their extradition treaties by eliminating the lists of crimes and allowing for extradition for conduct punishable in both States by deprivation of liberty in excess of an agreed minimum period. They should make every effort to ensure that their domestic arrangements for extradition are flexible enough to permit extradition to States with a different legal tradition. They should seek to identify and eliminate obstacles to extradition, including those that may arise from the differences between legal systems, for example, by simplifying evidentiary and procedural requirements.

9. States should ensure that their domestic arrangements for extradition are as effective and expeditious as possible. They should also consider the possibility of extradition without a treaty.

10. If the extradition of nationals is not permitted by the requested State, and the extradition of one of its nationals is requested, the requested State should:

   (a) Allow for conditional extradition provided that it is only for trial and that its national will be returned promptly after trial to its territory to serve any sentence within the limits of the law of the requested State; or

   (b) Allow for transfer/surrender, when it is permitted by domestic law, only for trial and on condition that its national will be returned promptly after trial to its territory to serve any sentence within the limits of the law of the requested State; or

   (c) Apply the rule of aut dedere aut judicare by submitting the case, at the request of the requesting State, to its competent authorities in order that proceedings may be initiated if they are considered appropriate.

11. States should promote other techniques for mutual education that will facilitate mutual assistance and extradition, such as language training, secondments and exchanges between personnel in central authorities or between executing and requesting agencies. Training courses, joint seminars and information exchange sessions should be encouraged on a bilateral, regional and worldwide basis.

12. Consideration should also be given to posting in other States representatives of prosecuting agencies or of judicial authorities.

13. States should provide effective protection for individuals who have given or have agreed to give information or evidence, or who participate or have agreed to participate in an investigation or prosecution of an offence, and for the relatives and associates of those individuals who require protection because of risk to their security of person.

14. States should consider, as appropriate, reciprocal arrangements for the protection of witnesses and other endangered persons.

15. States should consider adopting appropriate measures to ensure the protection of witnesses during criminal proceedings. These might include such methods as testifying by telecommunications or limiting the disclosure of the address and identifying particulars of witnesses. Consideration should be given to the temporary transfer as witnesses of persons in custody, enlargement of the admissibility of written statements and the use of modern technology, such as video links, to overcome some of the current difficulties in obtaining the testimony of witnesses located outside the prosecuting State.

16. States should review their laws in order to ensure that abuses of modern technology that are deserv- ing of criminal sanctions are criminalized and that problems with respect to jurisdiction, enforcement powers, investigation, training, crime prevention and international cooperation in respect of such abuses are effectively addressed. Liaison between law enforcement and prosecution personnel of different States should be improved, including the sharing of experience in addressing these problems. States should promote study in this area and negotiate arrangements and agreements to address the problem of technological crime and investigation.

17. States should take all other lawful steps available under domestic legislation to ensure that they do not provide safe havens for criminals.

18. We commend the work done by the International Criminal Police Organization and the World Customs Organization, and call upon these organizations to maintain and develop their support for operational activity, facilitating as rapid as possible an exchange of information between law enforcement agencies. We also call upon them to focus on a strategic overview of the methods of, and trends in, transnational organized crime for the benefit of all their member countries.

19. In order to facilitate the work of law enforcement practitioners we will, on request, provide brief guides on our respective legal systems and on the mandates of relevant agencies.

20. States should identify contact points within their existing structures for the purpose of facilitating contact between their operational agencies. It may be useful to locate these points in liaison with the National Central Bureau of the International Criminal Police Organization.

21. We stress the important contribution that liaison officers can make to the fight against transnational organized crime. We encourage States to make the most effective use possible of their liaison officers in other countries and to consider additional postings. We stress the need for liaison officers to have access, in accordance with the law of the host country, to all agencies of that country with relevant responsibilities.

22. We reiterate our condemnation of drug trafficking, which is a major source of finance for transnational organized criminal groups.

Therefore we:

(a) Reaffirm the importance of the three United Nations conventions that are fundamental to action against illicit drugs, namely, the Single Convention on

23. In order to ensure more effective transnational crime prevention and foster public safety, we will develop strategies to identify and combat the illicit traffic in firearms. In furtherance of this goal, and in support of the specific recommendations contained in resolution 9 of 7 May 1995 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, and Economic and Social Council resolution 1995/27 of 24 July 1995, we will review and encourage other States to review existing firearms laws and regulations to facilitate discussion at an international level. We will promote information exchange among our relevant law enforcement authorities. We will encourage States to enhance the exchange of information useful for law enforcement purposes (for example, data for the identification of illicit firearms and specific information on tests conducted on firearms and ammunition which have been used in the course of criminal activities).

24. States should ensure that immigration services play their part in the fight against transnational organized crime. We note the involvement of transnational organized crime in alien smuggling and call upon all States to enact legislation to criminalize such smuggling of persons. Immigration services and other agencies should exchange information on the transnational movement of organized criminals, have as full as possible an exchange of information on forged and stolen documents used by traffickers and consider the most effective means for its communication. We will take the necessary steps to improve the quality of our travel documents. We encourage other States to improve theirs and will assist them in doing so.

25. We support the exchange of law enforcement expertise regarding scientific and technological developments such as advances in the forensic sciences.

26. We emphasize the relevance and effectiveness of techniques such as electronic surveillance, undercover operations and controlled deliveries. We call upon States to review domestic arrangements for those techniques and to facilitate international cooperation in these fields, taking full account of human rights implications. We encourage States to exchange experiences concerning their use.

27. We emphasize the importance of giving the fullest possible protection to sensitive information received from other countries. The competent authorities of different States should advise each other on the requirements regarding the disclosure of information in the course of judicial and administrative proceedings and should discuss in advance potential difficulties arising from those requirements. A transmitting State may make conditions for the protection of sensitive information before deciding whether to transmit it. A receiving State must abide by the conditions agreed with the transmitting State.

28. Building on current cooperative arrangements, the different agencies in our countries will develop their work together in specific law enforcement projects targeted on transnational organized crime. We have formulated practical guidance on project-based action and commend this approach to all States. Project-based action involves bilateral and multilateral priority-setting, targeting, resourcing and assessment of law enforcement operations, drawing on the strength of the full range of competent agencies.

29. We welcome the resolve of the Financial Action Task Force on Money Laundering to extend criminalization of money laundering to other serious offences.

30. States should consider adopting legislative measures for the confiscation or seizure of illicit proceeds from drug trafficking and other serious offences, asset forfeiture, as required, and the availability of provisional arrangements such as the freezing or seizing of assets, always with due respect for the interests of bona fide third parties. States should also consider the introduction of arrangements for the equitable sharing of such forfeited assets.

31. States should consider implementing measures to detect and monitor the physical transportation of cash and bearer-negotiable instruments at the border, subject to strict safeguards to ensure proper use of information and without impeding in any way the freedom of legitimate capital movements.

32. States should adopt the necessary legislative and regulatory measures to combat corruption, establish standards of good governance and legitimate commercial and financial conduct and develop cooperation mechanisms to curb corrupt practices.

33. We agree to share information on practical anti-money-laundering techniques and to draw on the experience gained to adapt and improve national and international training activities in this area, in conjunction with the action of the Financial Action Task Force on Money Laundering.

34. In order to improve understanding and information on the detection of financial networks linked to transnational organized crime (in particular, investments by transnational organized crime), we encourage States to take measures to gather financial information and, as much as possible, facilitate the exchange of such information, including exchanges between law enforcement agencies and regulatory bodies.

35. We urge States to adhere to and implement fully the existing relevant multilateral conventions whose provisions effectively contribute to the fight against all forms of transnational organized crime, in particular the conventions concerning the control of illicit drugs.

36. We will keep under review the possibility of supplementing existing conventions and adopting new
instruments in response to developing needs in the fight against transnational organized crime.

37. We support and encourage the provision and reporting of clear and accessible information on adhesion to and implementation of the main conventions.

38. In order to avoid wasteful duplication and to ensure that limited resources are used to best effect, we urge international organizations to coordinate their programmes of work and to concentrate their efforts within their areas of competence on activities of practical value to member States.

39. We will work together in the governing bodies of international organizations whenever possible in order to give more coherent impetus and coordination to the fight against transnational organized crime.

40. We will seek to ensure that all international organizations that play an effective role in the fight against transnational organized crime have adequate resources to fulfil their mandate. We will also examine possibilities for providing appropriate financial resources for specific, practical and viable projects developed by the competent international organizations.

**ANNEX II**

**Methodological points and categorization of data**

1. Methodological points:
   (a) Exploitation of methods to collect texts other than the issuance of notes verbales, especially taking into account potential burdens imposed on States whose languages are not working languages of the United Nations or which do not have any texts translated into such languages;
   (b) Coordination with the work already done by other United Nations entities or relevant international organizations in order to avoid duplication;
   (c) Identification of access points to the depositories of the texts prepared by other United Nations entities and relevant international organizations.

2. Categorization of data:
   (a) Substantial provisions:
      (i) Participation in a criminal organization (that is, conspiracy, criminal association);
      (ii) Confiscation and provisional measures;
      (iii) Money laundering;
      (iv) Sentencing;
   (b) Procedural provisions:
      (i) Search and seizure;
      (ii) Electronic surveillance;
      (iii) Undercover operations;
      (iv) Controlled delivery;
      (v) Immunity;
      (vi) Witness protection;
      (vii) Mutual assistance and extradition;
   (c) Other provisions:
      (i) Victim compensation;
      (ii) Bank secrecy;
      (iii) Reporting of suspicious transactions;
      (iv) Border control of proceeds of crime;
      (v) Immigration control;
      (vi) Control over criminal organizations.

**ANNEX III**

**Draft United Nations Framework Convention against Organized Crime**

The States Parties to the present Convention.

Concerned about the growing threat of organized crime, including the illicit traffic in narcotic drugs and psychotropic substances, money laundering and the illicit traffic in arms, nuclear material and explosive devices, motor vehicles and objects of art,

Concerned also with the increasing threat of organized crime to global security and criminal justice,

Aware that organized crime, in its national and transnational dimensions, destabilizes international relations, including interregional, regional, subregional and bilateral cooperation, by exerting an influence on politics, the media, public administration, judicial authorities and the economy by establishing commercial or business-like structures,

Convinced that a flexible and efficient framework for multilateral and bilateral cooperation is required to intensify law enforcement, criminal justice and crime prevention activities of Member States,

Recalling General Assembly resolution 49/159 of 23 December 1994, in which it approved the Naples Political Declaration and the Global Action Plan against Organized Transnational Crime, adopted by the World Ministerial Conference on Organizational Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994,

Recalling also the recommendations of the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995,

Bearing in mind the United Nations model legal arrangements, such as the Model Treaty on Mutual Assistance in Criminal Matters, the Model Treaty on the Transfer of Proceedings in Criminal Matters, the Model Treaty on Extradition, the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released and the Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of Peoples in the Form of Movable Property,

Mindful of other existing criminal justice and human rights instruments that provide legal protection to offenders and victims of crime,

Affirming that the matters regulated by the present Convention continue to be governed by the rules and principles of general international law,

Have agreed on the following:

**Article 1**

1. For the purpose of this Convention 'organized crime' means group activities of three or more persons, with hierarchical links or personal relationships, which permit the group leaders to earn profits or control territories or markets, internal or foreign, by means of violence, intimidation or corruption, both in furtherance of criminal activity and to infiltrate the legitimate economy, in particular through:
   (a) Illicit traffic in narcotic drugs or psychotropic substances and money laundering, as defined in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
   (b) Traffic in persons, as defined in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;
   (c) Counterfeiting currency, as defined in the International Convention for the Suppression of Counterfeiting Currency of 1929;
"1. The offences mentioned in article 1 of the present Convention shall be deemed to be included as extraditable offences in any extradition treaty between the Contracting States. The Contracting States undertake to include the offences as extraditable offences in every extradition treaty to be concluded between them.

"2. If a Contracting State that makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it shall consider the present Convention as the legal basis for extradition in respect of the offences mentioned in article 1 of the present Convention. Extradition shall be subject to the other conditions provided for by the law of the requested State.

"3. The Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offences mentioned in article 1 of the present Convention as extraditable offences between them, subject to the conditions provided by the law of the requested State.

"4. The Contracting States, subject to their domestic legislation, shall consider simplifying the extradition of consenting persons who waive formal extradition proceedings by allowing direct transmission of extradition requests between appropriate ministries and extraditing persons based only on warrants of arrest or judgements.

"Article 6

"1. Each Contracting State shall consider necessary legislative measures, including extradition of its nationals, if the extradition is requested in respect of any offence defined in article 1 of the present Convention.

"2. Extradition of a national may be granted on the condition that the sentence pronounced abroad will be executed in the requesting State.

"Article 7

"1. The offences mentioned in article 1 of the present Convention shall not be considered political offences for the purpose of extradition.

"2. Extradition shall not be granted if the requested Party has substantial grounds for believing that a request for extradition has been made for the purpose of prosecuting or punishing a person on account of his or her race, religion, nationality or political opinion or that a person's position may be prejudiced for any of these reasons.

"Article 9

"1. The Contracting States shall afford one another the widest measure of mutual legal assistance, within the conditions prescribed by domestic legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences mentioned in article 1 of the present Convention, and shall exercise flexibility in the execution of requests for such mutual assistance.
"Article 11

1. The Contracting States shall consider entering into bilateral and multilateral agreements, including direct cooperation between their police agencies and joint operations in the territory of each Contracting State.

2. The Contracting States shall strengthen cooperation in law enforcement training and crime prevention to facilitate mutual assistance and extradition through, inter alia, language training, secondments and exchanges.

3. In the case of existing bilateral and multilateral agreements, the Contracting States shall strengthen efforts to maximize operational and training activities within the International Criminal Police Organization and within other relevant bilateral and multilateral agreements or arrangements.

"Article 12

1. The Contracting States shall consider entering into bilateral and multilateral agreements on cooperation between criminal justice authorities on the exchange of information concerning all aspects of the criminal activity of persons involved in organized crime as defined in Article 1 of the present Convention, including information from their registers of convicted persons.

2. The Contracting States shall facilitate such exchange of information on the basis of their domestic legislation.

3. The Contracting States shall consider the establishment of a common data bank on organized crime, including information on the activities of criminal groups and their members and information on convicted persons.

4. The collection of information mentioned above shall be carried out with due regard for the need for legal protection of personal files, in accordance with domestic and international provisions.

"Article 13

The Contracting States shall cooperate in the establishment and implementation of their respective witness protection programmes, including the protection of witness families, in particular by creating the possibility of the settlement of a foreign protected witness in their territories.

"Article 14

A Contracting State may adopt stricter or more severe measures than those provided for by the present Convention if, in its opinion, such measures are desirable or necessary for the prevention or suppression of organized crime.

"Article 15

1. For the purpose of examining the progress made by the Contracting States in achieving the realization of the obligations undertaken in the present Convention, these States shall provide periodic reports to the Commission on Crime Prevention and Criminal Justice, which shall carry out the functions hereinbefore provided.

2. The Contracting States undertake to provide such reports within two years of the entry into force of the present Convention for the Contracting State concerned, and thereafter, every five years.

3. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfillment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Commission with a comprehensive understanding of the implementation of the present Convention in the country concerned.

4. A Contracting State that has submitted a comprehensive initial report to the Commission need not, in its subsequent reports submitted in accordance with paragraph 1 of the present article, repeat basic information previously provided.

5. The Commission may request from the Contracting States further information relevant to the implementation of the present Convention.

6. The Commission shall make its recommendations and submit to the Economic and Social Council reports on its activities, in accordance with existing provisions.

7. The Contracting States shall make their reports widely available to the public in their own countries.

"Article 16

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the Convention:

(a) Intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council, and other invited multilateral organizations, shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Commission may invite the specialized agencies and other United Nations organs to submit reports on the implementation of the present Convention in areas falling within the scope of their activities;

(b) The Commission shall transmit, as it may consider appropriate, to the intergovernmental and non-governmental organizations, to other multilateral organizations and to the specialized agencies, any reports from the Contracting States that contain a request, or indicate a need, for technical advice or assistance, along with the observations and suggestions of the Commission, if any, on these requests or indications;

(c) The Commission may recommend to the Economic and Social Council that it request the Secretary-General to undertake on its behalf studies on specific issues relating to the control and prevention of organized crime;

(d) The Commission may make suggestions and general recommendations based on information received pursuant to Article 14 of the present Convention. Such suggestions and general recommendations shall be transmitted to any Contracting Party concerned and reported to the Economic and Social Council, together with comments, if any, from the Contracting States.

"Article 17

The present Convention shall be open to all States for signature from ___ to ___, and thereafter at the Headquarters of the United Nations in New York until
"Article 18
The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

"Article 19
1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification, acceptance, approval or accession.
2. For each Contracting State ratifying, accepting, approving or acceding to the Convention, the Convention shall enter into force on the thirtieth day after the deposit by such State of that relevant instrument.

"Article 20
1. A Contracting State may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the Contracting States with a request that they indicate whether they favour a conference of Contracting States for the purpose of considering and voting upon the proposal. In the event that, within four months from the date of such communication, at least one third of the States favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of Contracting States present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of Contracting States.
3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other Contracting States still being bound by the provisions of the present Convention and any earlier amendments they have accepted.

"Article 21
1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by Contracting States at the time of ratification, acceptance, approval or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

"Article 22
1. A Contracting State may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

"Article 23
The Secretary-General of the United Nations is designated as the depository of the present Convention.

"Article 24
The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

"ANNEX IV
1. The Open-ended Working Group of the Commission on Crime Prevention and Criminal Justice on the Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and the Question of the Elaboration of an International Convention against Organized Transnational Crime was established pursuant to Economic and Social Council resolution 1996/27 of 24 July 1996 and its mandate was set out in paragraph 10 of that resolution. The General Assembly, in its resolution 51/120 of 12 December 1996, requested the Commission on Crime Prevention and Criminal Justice to consider as a matter of priority the question of the elaboration of an international convention against organized transnational crime, taking into account the views of all States on that matter, with a view to finalizing its work on this question as soon as possible. The Commission was also requested to report, through the Economic and Social Council, to the General Assembly at its fifty-second session on the results of its work on that question. The Working Group was therefore given the task of assisting the Commission in implementing the above-mentioned requests of the General Assembly.
2. The Working Group had before it the following documents:
(a) Report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;
(b) Report of the Secretary-General on the question of the elaboration of an international convention against organized transnational crime;
(c) Report of the informal meeting on the question of the elaboration of an international convention against organized transnational crime, held at Palermo, Italy, from 6 to 8 April 1997;
(d) Report of the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996.
3. The Working Group was also provided with the following documents:
(a) Views of the Government of the United States of America on the most effective means for discussion by the Commission on Crime Prevention and Criminal
Justice at its sixth session of the issue of elaboration of conventions (annex V);

"(b) Views of the Government of Germany on an alternative solution for a draft United Nations framework convention on combating organized transnational crime (annex VI);

"(c) The forty recommendations elaborated and endorsed by the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight, which met at Lyon, France, from 27 to 29 June 1996 (annex I);

"(d) Non-paper containing a tentative idea of the Japanese delegation in relation to the elaboration of a convention on measures against organized crime.

4. The Working Group first discussed the question of the elaboration of an international convention against organized transnational crime. The Working Group was of the view that its contribution would be most useful to the Commission if it considered the scope and content of such a convention, rather than engaging in a drafting exercise, which would be outside the mandate given by the Council and the Assembly and would use significantly more time than was available. The Working Group felt that organized crime presented grave global dangers to development and security and that the challenges it posed were becoming greater with time. In determining the scope and content of such a convention, the international community could draw on the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, but should be able to come up with new and more innovative and creative responses.

5. The Working Group recognized that it was desirable to develop a convention that would be as comprehensive as possible. In this connection, several States indicated that their remaining reservations on the effectiveness and usefulness of a convention were contingent upon its scope of application and the measures for concerted action that such an instrument would include. Several States stressed the importance they attached to the nature of a convention as a framework instrument. One difficult issue would be arriving at an acceptable definition of organized crime. It was indicated, however, that that issue was not insuperable, especially in the presence of a strong and sustained political will. Several States were of the view that the definition was not necessarily the most crucial element of a convention and that the instrument could come into being without a definition of organized crime. In this connection, it was also suggested that the phenomenon of organized crime was evolving with such rapidity that a definition would limit the scope of application of a convention by omitting activities in which criminal groups might engage. Other States felt that the absence of a definition would send the wrong signal regarding the political will and commitment of the international community. In addition, avoiding the issue would eventually create problems regarding the implementation of a convention. In view of all this, concerted efforts to arrive at a solution should be made. There were several very important advances made at the regional level, where the matter of some of the constituent elements of a workable definition had been satisfactorily resolved. One example was the solution found for defining participation in organized criminal groups, used in the European Convention on Extradition. The problem of definition could be solved by looking at each of its elements separately. It was suggested that a first step towards a definition might be to use the definitions of offences contained in other international instruments. It was agreed that the work required in connection with the definition could not be carried out by the Working Group but should be undertaken by governmental experts at a future time. There was also discussion about whether, in elaborating the definition, the focus should be on the transnational aspects of organized crime or on organized crime in general. It was pointed out that the mandate of the Commission was related to organized transnational crime but that the issue required further serious consideration in the context of determining the overall scope of a convention.

6. In the context of the discussion on whether such a convention should include a list of offences, some States expressed their support for the inclusion of terrorist acts in such a list. Many States were of a contrary view, recalling the initiatives currently under way in the United Nations and other forums on terrorism and the conclusions of the Commission at its fifth session.

7. The Working Group agreed that it would be useful to focus on widely accepted constituent elements of organized crime. In the discussion that ensued, the elements identified included some form of organization, continuity, the use of intimidation and violence, a hierarchical structure of groups, with division of labour, the pursuit of profit and the exercise of influence on the public, the media and political structures.

8. The Working Group decided that the best way to proceed for the purpose of advancing the issue was to seek common ground, utilizing as many previous contributions as possible and building on the positive experience and valuable work done at other forums, such as the European Union and the Senior Experts Group on Transnational Organization of Crime of the Political Group of Eight. The draft United Nations framework convention against organized crime (annex III) was a useful point of departure and a good basis for further work. In this connection, the Working Group decided to discuss matters related to international cooperation in criminal matters that would form an essential part of an international legally binding instrument. The overriding concern would be to equip the international community with an effective instrument to strengthen action against organized crime.

9. The Working Group agreed that extradition was crucial to international cooperation against organized crime and, as such, it would form a central component of such a convention. A number of States indicated that the extradition of nationals presented several legal and constitutional problems. While some States were in the process of studying the matter in depth, with a view to finding more efficient solutions and improving international cooperation, it would be difficult for them to comply with a provision envisaging extradition of nationals. It was consequently deemed important to incorporate in a convention a more detailed provision regarding the application of the principle aut dedere aut judicare. Since there were a number of countries where extradition of nationals was possible and it was also believed that a trend in that direction might develop in the future, it was agreed that the provision of article 7 of the draft United Nations frame-
work convention was a good basis for discussion and should be retained. It was also agreed that the option of extraditing nationals should be left open, while specifying that extradition would be governed by national constitutional and legal provisions. It was suggested that, in finding an acceptable solution to this matter, the formula regarding extradition contained in the draft convention on terrorist bombings could be relied upon. Inspiration could also be drawn from the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. In addition, reference was made to article 6 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, which could be used as a model to arrive at a more comprehensive extradition regime.

"10. On the question of corporate criminal liability (contained in article 3 of the draft United Nations framework convention), several States indicated that the concept still was not reflected in their legislation. In those States, criminal liability was personal and corporate entities could be held accountable only under civil and administrative law. Even where the concept of corporate criminal liability had begun to be introduced, such liability was attached to the person of the executive responsible for the management of the corporate entity. It was explained that the problem was one of legal tradition and philosophy, while it was recognized that corporate criminal liability was a powerful deterrent, in particular in view of the tendency of criminal groups to operate using corporate entities, either infiltrated or set up for the purpose of masking the nature of their illicit activities. The issue of corporate criminal liability was considered important but it required further clarification and elaboration in order to take into account the varying legal traditions of countries.

"11. Regarding the recognition of foreign convictions (contained in article 4 of the draft United Nations framework convention), it was indicated that there were a number of issues that required clarification and further work. It was clarified that the term 'conviction' was used in the sense of a finding of guilt and that the article tried to capture the essence of and build upon the concept reflected in paragraph 5 (h) of article 3 of the 1988 Convention. While the issue of prior criminal history was deemed important, because of its potential usefulness to the expeditious judicial processing of organized crime cases, it was necessary to discuss in detail the modalities for the exchange of the relevant information and the weight to be given to previous convictions within the framework of each jurisdiction. It was also indicated that the matter was directly related to the scope of application of such a convention, in particular regarding substantive law. It was important to formulate a provision on this issue that would ensure avoidance of problems related to double jeopardy or to offences existing in one jurisdiction but not in another.

"12. On police cooperation (article 11 of the draft United Nations framework convention), the issue of joint police operations merited further discussion, as it created a number of concerns for several countries. The desirability of closer cooperation between law enforcement agencies had been expressed in the Naples Political Declaration and Global Action Plan, but it was deemed important to stress that such cooperation would be pursued in accordance with national legislation. Similar provisions were included in the 1988 Convention and could be useful to the discussion of this question. With regard to paragraphs 2 and 3 of article 11, it was pointed out that the concept they contained was valid, but further work would be necessary in specifying modalities for application, especially in the context of a legally binding instrument such as a convention.

"13. Regarding article 12 of the draft United Nations framework convention, it was agreed that the idea was very important in view of the essential role reliable information played in action against organized crime. The provision, however, required considerably more work because the issue of databases involved a number of important matters, such as accessibility, protection of data and safeguards related to the protection of privacy, in addition to costs for the creation and maintenance of such databases. All these issues needed to be resolved in a manner acceptable to all, while retaining the usefulness of a database.

"14. There was general acceptance of the importance of witness protection (reflected in article 13 of the draft United Nations framework convention). Some States took the opportunity to indicate their intention to establish witness protection programmes, while others advised caution in approaching the matter, because of the risks associated with this mechanism, which related to the social conditions prevailing in countries and the possibility of diminished credibility of certain witnesses.

"15. The Working Group then discussed the issue of mutual legal assistance (article 10 of the draft United Nations framework convention), which was deemed one of the most important cooperation mechanisms to feature in a convention against organized crime. Article 10 was similar to the provisions of other United Nations instruments, but in view of the more comprehensive nature of the proposed convention, the provisions on mutual assistance should be more detailed and more innovative. The 1988 Convention could be used as a source of inspiration in order to arrive at the level of detail that was necessary. In this connection, reference was also made to the report of the informal meeting held at Palermo, which had discussed this issue extensively and included material for further consideration.

"16. The Working Group agreed that considerable work was required on the issue of the convention. For this purpose, it proposed that an open-ended intergovernmental inter-sessional group of experts should be established to consider all pending proposals related to the issue of conventions, as well as all elements thereof and appropriate cooperation modalities and mechanisms.

"17. The Working Group discussed and endorsed the proposals of the Secretary-General on the follow-up action for the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. The Working Group expressed its support for the maintenance and expansion of the central repository on national legislation and other information and data related to organized transnational crime. It was suggested that the Secretariat
should make efforts to identify methods for collecting information and legislative texts rather than merely addressing requests to States in the form of notes verbales. Concern was expressed regarding the resources necessary to undertake the activities required for follow-up action. In this connection, the importance attached to practical action to foster the implementation of the Naples Political Declaration and Global Action Plan was reiterated.

"ANNEX V

"Views of the Government of United States of America on the most effective means for discussion by the Commission on Crime Prevention and Criminal Justice at its sixth session of the issue of the elaboration of conventions"

1. The Government of the United States of America considers it very important that discussion of all proposals for the elaboration of multilateral conventions to combat criminal conduct, in particular the question of the elaboration of an international convention against organized crime, take place in the Open-ended Working Group of the Commission on Crime Prevention and Criminal Justice on the Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and the Question of the Elaboration of an International Convention against Organized Transnational Crime. Such a discussion will be useful as a means for stimulating thought on the extent to which the various proposals can and should be incorporated into a single instrument. In addition, it will enable delegations to focus on the priority to be set concerning the criminal conduct governed by these different proposals.

2. In addition to the proposal presented by the Government of Poland for a United Nations framework convention against organized crime (annex III), the following five proposals for multilateral conventions are either the subject of draft resolutions to be considered by the Commission on Crime Prevention and Criminal Justice at its sixth session or have been broached in informal discussions among Member States: the proposal presented by the Government of Argentina for a convention to combat trafficking in children, the recommendation of the Buenos Aires expert group on combating corruption, a possible multilateral convention on firearms, a possible convention on trafficking in illegal migrants and a possible convention on theft of motor vehicles. However, the framework convention on organized crime proposed by Poland is intended to cover all of the other proposals, in particular the question of the elaboration of an international convention against organized crime.

3. Moreover, as is more fully set forth in the appendix to the present annex, certain types of cooperation mechanisms cannot be dispensed with in combating organizations that engage in multiple forms of criminality; such mechanisms include law enforcement information exchange, training and technical assistance, mutual assistance, asset seizure and forfeiture, witness protection, extradition and harmonization of substantive criminal laws. The international community may decide that a single instrument would best ensure that all of these areas are addressed with sufficient consistency, that limited resources for negotiating conventions and fighting organized crime are used most efficiently and that the fight against organized crime is carried out in a comprehensive and logical fashion. If so, it would be inadvisable to continue to discuss the elaboration of other instruments separately.

4. Finally, discussion of the merits of all potential instruments in the Working Group will be useful for the purpose of comparing the gravity of the various forms of criminality and determining which aspects constitute the most significant transnational criminal problems. The discussion of the level of prioritization that should be given to each form of criminality may assist the Commission in determining the extent to which other multilateral conventions should be pursued separately from a framework convention on organized crime, or whether they should be pursued at all.

"APPENDIX

"Implementation of recommendations 35 and 36 of the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight"

"Recommendations for combating transnational organized crime: the supplementation of existing multilateral conventions or adoption of new conventions to assist in the fight against transnational organized crime"

"Introduction"

1. Recommendation 35 of the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight calls for States to adhere to and implement relevant existing multilateral conventions whose provisions contribute to the fight against all forms of transnational organized crime, while recommendation 36 contemplates a review of the feasibility of updating existing conventions and adopting new instruments in order to enhance the ability of States to fight transnational organized crime.


3. In addition, the Government of Poland introduced, at the fifty-first session of the General Assembly, a draft United Nations framework convention against organized crime. The proposal raises issues regarding the feasibility of adopting a single convention to combat transnational organized crime, in contrast with the updating of existing instruments or the adop-
tion of a number of new instruments, each dealing with a separate type of criminal conduct.

4. Various options available for using multilateral instruments to fight transnational organized crime are briefly analysed below. Section I discusses the above-mentioned existing conventions, outlining some of the modifications that would be required to update them effectively to address contemporary phenomena of transnational organized crime. Section II examines additional multilateral instruments that could be adopted in order to combat transnational organized crime. Finally, section III contains a discussion of the potential benefits and drawbacks arising from the elaboration of a single consolidated framework convention on organized crime.

"I. Updating existing instruments

A. Slavery Convention of 1926 as amended by the 1953 Protocol and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956

5. The Slavery Convention of 1926 as amended by the 1953 Protocol defines slavery and slave trading, obligating States parties to take various actions, including criminalization, to suppress those practices. The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 defines a number of practices akin to slavery (including debt bondage, serfdom, marriage practices exploitative of women’s labour and exploitation of children’s labour by their parents or guardians); it also obligates States parties to abolish those practices, criminalize certain specified conduct integral to the perpetuation of slavery and the slave trade and cooperate with each other in carrying out the purposes of the Convention. The conventions have been widely ratified.

6. Neither the Slavery Convention nor the Supplementary Convention as currently drafted deals specifically with transnational organized crime, nor can they readily be interpreted as imposing an obligation upon States parties to criminalize such related manifestations. Under the Slavery Convention, the exploitation of illegal immigrants by organized criminal groups that have smuggled them across international boundaries, the use by criminal groups of compulsion as part of their perpetuation of the international prostitution trade or the compelling of minors to participate in international pornography rings. However, amendment of these instruments may be of assistance in combating these forms of trafficking in persons.

7. Effective broadening of these conventions will require States to reach agreement both on the need to criminalize a number of additional classes of conduct and on general definitions of those offences. In addition, since both the Slavery Convention and the Supplementary Convention lack specific cooperation mechanisms between national law enforcement authorities to suppress such conduct, supplementation would require the drafting of a number of such mechanisms.

8. On balance, effective modernization would appear to require negotiation of a significant number of new provisions. Negotiating a supplemental instrument could also be complicated if some States regarded the occasion as an opportunity to reopen the debate on issues resolved at the time the conventions were originally concluded. Given these factors, the Senior Experts Group should weigh whether supplementation would be preferable to the elaboration of a new instrument or instruments to combat these forms of criminal conduct.

"B. Forced Labour Convention of 1930

9. The Forced Labour Convention of 1930 limits the conditions under which 'forced or compulsory labour' can be required and obligates States parties to suppress and criminalize those forms of compelled labour not sanctioned by the Convention.

10. Although the exploitation of compelled labour by criminal groups described in section I.A above may be violative of the terms of the Forced Labour Convention in its present form, few States parties have established these forms of exploitation as discrete offences or have provided for enhanced penalties to deter sophisticated criminal groups from committing such offences. Thus, to be an effective means of suppressing the exploitation of persons controlled by organized criminal groups, the Convention would have to be amended accordingly.

11. As in the case of the slavery conventions, given the need to define and punish additional classes of criminal conduct and to include provisions related to law enforcement cooperation, adoption of a supplemental or amended instrument may require as extensive an effort as the elaboration of a separate new instrument or instruments.

C. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949

12. The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 obligates States parties to criminalize the procuring of persons to engage in prostitution and other conduct integral to the propagation of prostitution. It contains more extensive provisions for law enforcement cooperation than the Slavery Convention or the Forced Labour Convention, including provisions requiring the cooperation of States parties (subject to domestic law) in the execution of letters of request regarding covered offences; (d) establishment of central authorities to coordinate implementation of the Convention and cooperate with other States; and (e) sharing of information regarding offences and offenders between States parties.

13. Effective updating of this Convention could prove difficult, given that a significant number of States have not ratified it. In any case, substantial modification seems required to ensure the broad criminalization of such phenomena as the exploitation of minors in conjunction with the production of pornographic materials or sex tourism and to ensure that States parties are obligated to impose suitably enhanced punishment on participants in organized criminal schemes to engage in such conduct. Moreover, although this instrument focuses on cooperation mechanisms to a greater extent than either the Slavery Convention or the Forced Labour Convention, many additional forms of coopera-
tion recommended by the Senior Experts Group as useful in fighting transnational organized crime are not currently included and a number of them could presumably be inserted.

"D. International Convention for the Suppression of Counterfeiting Currency of 1929

"14. The International Convention for the Suppression of Counterfeiting Currency of 1929 obligates States parties to criminalize counterfeiting or alteration of domestic or foreign currency, as well as the distribution of counterfeit or altered currency. It also provides for: (a) confiscation of such currency; (b) covered offenses to be considered extraditable between States parties; (c) prosecution of offenders by States parties that decline to extradite on the basis of the nationality of the offender; (d) cooperation between States parties (subject to domestic law) in the execution of letters of request regarding covered offenses; (e) establishment of central authorities to coordinate implementation of the Convention and cooperate with States; and (f) sharing of information between States parties regarding offenders and evidence of offenses.

"15. The application of this instrument is limited in scope to counterfeit or altered currency. Significant supplementation or the adoption of new instruments would be required to address such issues of concern as counterfeiting or alteration of credit cards, electronic transfers and other negotiable instruments and the need to provide for enhanced cooperation mechanisms in combating such criminal conduct.


"16. The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970 obligates States parties to suppress illicit traffic in archaeological, historical, artistic and other property designated by States as being of particular cultural value, without explicitly requiring criminalization of proscribed conduct. The Convention also provides for, inter alia, the confiscation and return of cultural property to States parties from which it was removed and the designation of authorities for implementation of the Convention.

"17. Effectively updating this Convention could prove difficult in practice, for a significant number of States have not ratified it. In addition, given that it contains no explicit criminalization or law enforcement cooperation requirements, modernization seems to entail as much effort as would the creation of new instruments governing other related areas.

"F. International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences of 1977

"18. The International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences of 1977 provides a broad framework for joint investigation, exchanges of information and other mutual assistance between States parties in connection with violations of customs laws, including smuggling of narcotics, cultural property and other contraband. It does not obligate States to criminalize particular forms of conduct.

"19. The Convention has been ratified by three members of the Political Group of Eight and thirty-one other States. Although additional States have expressed an interest in ratifying the Convention since it was amended in 1995 to permit contracting parties to make reservations, permitting reservations may hamper any effort to achieve broad implementation. Nonetheless, many of the forms of cooperation set forth in the Convention are useful mechanisms for international law enforcement and can serve as examples of cooperation mechanisms that might be drafted for insertion in other instruments governing transnational smuggling.

"II. Adoption of instruments addressing other forms of criminal conduct

"20. In addition to supplementing and modernizing existing conventions, Senior Experts Group recommendation 36 calls for consideration of the adoption of new instruments to respond to developing needs in the fight against transnational organized crime. In a number of other recommendations, the Senior Experts Group has already identified additional forms of criminal conduct for which there is a need for a concerted international law enforcement response to the infiltration of organized crime. Similar expressions of concern have been made in other international forums and by various States in their individual efforts to combat transnational organized crime. Some of the areas in which the need for action may be particularly acute and regarding which the Senior Experts Group may wish to evaluate the utility of adopting a new instrument or instruments are as follows:

"(a) Extortion and other violent crimes carried out by organized groups for profit;
"(b) Bribery and other corrupt practices;
"(c) Smuggling of and trafficking in nuclear materials for weapons of mass destruction;
"(d) Intellectual property violations;
"(e) Money laundering;
"(f) Crimes involving computers and other advanced technologies;
"(g) Illicit trafficking in firearms;
"(h) Auto theft.

"21. Such an evaluation will require weighing such factors as the likelihood of elaborating an instrument that will enjoy widespread acceptance within the international community; the likely degree of effectiveness the instrument will have in aiding the suppression of the targeted conduct and the commitment of time and resources that will be required to elaborate a series of instruments governing these types of criminal conduct.

"III. Adoption of a single instrument on transnational organized crime

"22. Consideration could also be given to the alternative approach of adopting a single integrated instrument on various forms of criminal conduct engaged in by transnational groups. As previously stated, the Government of Poland introduced such a draft convention at the fifty-first session of the General Assembly.

"23. The major advantage of a single instrument creating obligations to criminalize and cooperate in combating a number of categories of conduct is the advantage it offers in terms of preserving time and resources over the negotiation of a series of new or supplemental instruments, each addressing a limited class of criminal conduct. Since each separate convention...
would be likely to contain a number of similar (if not identical) provisions, for example, with regard to extradi-
tion of fugitives, legal assistance and other coopera-
tion mechanisms, the negotiation of a single instru-
ment could be expected to save considerable time and
avoid needless renegotiation of such common provi-
sions. In addition, the promulgation of a single instru-
ment seems useful in order to arrive at an integrated
response to particularly serious forms of transnational
organized crime, since specialists in a number of law
enforcement disciplines would collaborate in devising
an effective unified strategy for cooperation in combat-
ing these phenomena and since a single secretariat ad-
ministering the convention would be more easily able
to identify and correct practical problems arising in the
implementation of the strategy.

"24. The structure of the convention itself could
take several possible forms. One approach could be for
it to address a specific list of offences of the type set
forth in section II above. Another approach might be to
draft a convention that, like the proposal by the Gov-
ernment of Poland, seeks to define the term 'organized
crime', and to include specific types of conduct under
its rubric.

"25. The former approach, by virtue of being less
complex, may enjoy some advantages over the latter.
Initially, it may be difficult to arrive at a definition of
'organized crime' that enjoys widespread acceptance.
As illustrated in the inventory of documents prepared
by the Senior Experts Group, numerous different defini-
tions of the term 'organized crime' have been de-
vised. Given the great diversity among modern crimi-
nal groups, reaching a single meaningful definition
will probably prove elusive and may interfere with the
successful conclusion of the convention. Moreover,
great care would have to be taken to ensure that the
definition of 'organized crime' did not inadvertently
legitimize actions by undemocratic Governments to
suppress legitimate political opposition.

"26. In addition, a number of States may wish the
definition of 'organized crime' to encompass terror-
ism, leading to problematic results. For example, the
inclusion of terrorism may lead to an effort to define it
more precisely, a task that will be extremely difficult,
given the traditional divide between those States that
consider acts of violence carried out by 'national libera-
tion movements' to be permissible and those that wish
to proscribe such conduct. The effort to define terror-
ism will thus divert attention from other issues and ul-
timately will not be conducive to achieving consensus.
The inclusion of terrorism may also result in the dupli-
cation of provisions contained in the significant
number of existing instruments aimed at combating
terrorism.

"27. Even if no effort is made to define these terms,
there may be some difficulty in reaching agreement on
the list of conduct to be proscribed under the conven-
tion. The convention may be seen by some States as an
opportunity to seek the inclusion of modes of criminal-
ity with respect to which there can be at best a marginal
claim that they constitute a significant transnational
criminal problem. For example, a small number of
States have been called for conventions to combat illici-
ternational adoption, trafficking in body parts or racial
hatred. However, any effort to broaden the convention
too greatly would divert focus from types of criminality

that need to be addressed most urgently and could also
make it more difficult to identify appropriate coopera-
tion mechanisms for combating the conduct proscribed
by the convention.

"28. The Government of the United States has pre-
pared a discussion draft of a convention for the sup-
pression of transnational organized crime, illustrating
how a convention adhering to the recommendations of
the Senior Experts Group could be structured. It is
hoped that consideration of that document, together
with the proposal by Poland, may be useful to the dis-
cussion of this issue.

"29. It is conceivable that there are other ap-
proaches that might be viable in this area, including the
elaboration of a single instrument addressing a much
more limited list of criminal activities than that de-
scribed either in the discussion draft of the United
States, presented below, or in the proposal by Poland,
on which there is clear consensus that immediate crimi-
nalization and enhanced cooperation are required.

"Draft Convention for the Suppression of Transna-
tional Organized Crime

"The States Parties to the present Convention,

"Deeply concerned about the threat posed by the rapid
development of transnational organized crime,

"Convinced that the rapid growth and geographical
extension of transnational organized crime is a major
concern of all countries and that it calls for a concerted
response from the international community,

"Desiring to conclude an effective international con-
vention directed specifically against serious transna-
tional organized crime,

"Have agreed as follows:

"Article 1

"Offences and sanctions

"1. Each State Party shall make punishable, by ap-
propriate penalties that take into account their grave
nature, the following conduct:

"[Insert definition of transnational organized crime or
offences covered by the present Convention]

"2. The provisions of the present article shall not
affect the obligations regarding the criminalization of
offences pursuant to any other multilateral treaty.

"Article 2

"Establishment of jurisdiction

"1. Each State Party shall take such measures as may
be necessary to establish its jurisdiction over the
offences set forth in article 1 of the present Convention
when the offence is committed in the territory of that
State.

"2. A State Party may also establish its jurisdiction
over any such offence when:

"(a) The alleged offender is a national of that State;

"(b) The offence was committed against a national
of that State; or

"(c) The offence has substantial effects in that State.

"3. Each State Party shall also take such measures as
may be necessary to establish its jurisdiction over these
offences in cases where the alleged offender is present
in its territory and it does not extradite or transfer that
person for trial pursuant to article 5, paragraph 6, of
the present Convention to any of the States Parties that
have established their jurisdiction in accordance with
paragraph 1 or 2 of the present article.
"4. The present Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

"5. The provisions of the present article shall not affect the obligations with regard to the establishment of jurisdiction over offences pursuant to any other multilateral treaty.

"Article 3

"Extradite or prosecute

"1. The State Party in the territory of which the offender or the alleged offender is found, if it does not extradite that person or transfer that person for trial pursuant to article 5, paragraph 6 of the present Convention shall be obliged, upon request of the State Party seeking extradition or transfer, in cases where article 2 above applies without exception whatsoever and whether or not the offense was committed in its territory, to submit the case without delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

"2. Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 1 of the present Convention shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the law of the State in the territory of which that person is present.

"Article 4

"Additional requirements

"1. Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the offender or the alleged offender is present shall, in accordance with its laws, take that person into custody or take other measures to ensure the presence of that person for such time as is necessary to enable any criminal or extradition proceedings to be instituted. Such State shall immediately make a preliminary inquiry, in accordance with its own laws.

"2. Any person regarding whom the measures referred to in paragraph 1 of the present article are being taken shall be entitled:

"(a) To communicate with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to establish such communication or, if that person is a stateless person, the State in the territory of which that person habitually resides;

"(b) To be visited by a representative of that State.

"3. The rights referred to in paragraph 2 of the present article shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or the alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 1 of the present article are intended.

"Article 5

"Rules relating to extradition

"1. The offences set forth in article 1 of the present Convention shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

"2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider the present Convention as a legal basis for extradition in respect of the offences set forth in article 1 above. Extradition shall be subject to the other conditions provided by the law of the requested State.

"3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 1 of the present Convention as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

"4. The offences set forth in article 1 of the present Convention shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in a place within the jurisdiction of the State Party requesting extradition.

"5. For purposes of extradition between the States Parties, none of the offences set forth in article 1 of the present Convention shall be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives.

"6. If a State Party denies extradition to another State Party for an offence set forth in article 1 of the present Convention because the person sought is a national of the requested Party, the requested Party shall, upon request of the requesting Party, transfer the person to the requesting Party for trial or other proceedings and the person transferred shall be returned to the requested Party to serve any sentence imposed in the requesting Party as a result of the trial or proceedings for which transfer was made.

"7. With respect to the offences as defined in the present Convention, the provisions of all extradition treaties and arrangements applicable between States Parties are modified as between States Parties to the extent necessary to give effect to the provisions of the present Convention.

"Article 6

"Mutual legal assistance

"1. States Parties shall afford one another the greatest measure of assistance in connection with proceedings brought in respect of the offences set forth in article 1 of the present Convention, including assistance in obtaining evidence at their disposal that is necessary for the proceedings.

"2. States Parties shall carry out their obligations under paragraph 1 above in conformity with any treaties on mutual assistance that may exist between them or pursuant to domestic law.

"3. For offences established in accordance with the present Convention, a State Party shall not decline to render mutual legal assistance on the ground of bank secrecy or on the ground that there is an absence of dual criminality.

"4. States Parties shall adopt measures sufficient to enable a person in the custody of one State Party, whose presence in another State Party is requested for pur-
poses of assistance under the present Convention, to be transferred if the person consents and if the competent authorities of both States agree. For purposes of the present paragraph:

"(a) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise authorized by the State from which the person was transferred;

"(b) The State to which the person is transferred shall return the person to the custody of the State from which the person was transferred as soon as circumstances permit or as otherwise agreed by the competent authorities of both States;

"(c) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

"(d) The person transferred shall receive credit for service of the sentence imposed in the State from which he was transferred for time served in the custody of the State to which he was transferred.

5. In order to ensure the protection of witnesses, States Parties shall, on request, limit disclosure of the addresses or identifying particulars of persons who testify. States Parties shall also adopt measures to permit, upon request, persons to testify by telecommunication or video link or use other modern technology in order to provide testimony to the prosecuting State.

"Article 7

"Confiscation

1. States Parties shall adopt such measures as may be necessary to enable confiscation of:

"(a) Proceeds derived from offences set forth in article 1 of the present Convention or property, the value of which corresponds to that of such proceeds;

"(b) Property, equipment or other instrumentalities used in or intended for use in offences set forth in article 1 of the present Convention.

2. States Parties shall adopt such measures as may be necessary to enable the identification, freezing or seizure of any item referred to in paragraph 1 of the present article for the purpose of eventual confiscation.

3. The State Party that has custody over proceeds or instrumentalities of offences shall dispose of them in accordance with its laws. A Party may transfer all or part of such assets or the proceeds of their sale to another Party, to the extent permitted by the laws of the transferring Party and upon such terms as it deems appropriate.

4. The provisions of the present article shall not be construed as prejudicing the rights of third parties.

"Article 8

"Transfer of proceedings

States Parties shall give consideration to transferring to one another proceedings for criminal prosecution of offences established in accordance with the present Convention in cases where such transfer is considered to be in the interests of a proper administration of justice.

"Article 9

"Other forms of cooperation and assistance

States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effective-ness of law enforcement action to combat offences set forth in the present Convention. Each State Party shall, in particular, adopt effective measures:

"(a) For the purposes of carrying out the cooperation and assistance provided for under the present Convention, including the making and receiving of requests for cooperation and assistance, to designate a central authority that shall communicate directly with the central authorities of other States Parties;

"(b) To establish and maintain channels of communication between their competent authorities, agencies and services to facilitate the secure and rapid exchange of information concerning all aspects of the offences set forth in the present Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;

"(c) To cooperate with one another in conducting inquiries, with respect to offences set forth in the present Convention, concerning:

"(i) The identity, whereabouts and activities of persons suspected of involvement in the offences set forth in the present Convention;

"(ii) The movement of proceeds or property derived from the commission of such offences;

"(d) In appropriate cases and if not contrary to domestic law, to establish joint teams, taking into account the need to protect the security of persons and operations, in order to carry out the provisions of the present paragraph. Officials of any State Party participating in such teams shall act as authorized by the appropriate authorities of the Party in whose territory the operation is to take place; in all such cases, the States Parties involved shall ensure that the sovereignty of the Party in whose territory the operation is to take place is fully respected;

"(e) To provide, when appropriate, necessary items or quantities of substances for analytical or investigatory purposes;

"(f) To establish arrangements for electronic surveillance, undercover operations and controlled deliveries with a view to gathering evidence and taking legal action against persons involved in the offences set forth in the present Convention;

"(g) To provide protection for persons who have given or have agreed to give information or evidence or who participate or who have agreed to participate in an investigation or prosecution of an offence established in accordance with the present Convention and for the relatives and associates of such persons who require protection because of risks to their security of person. States Parties should consider, as appropriate, reciprocal arrangements for the protection of witnesses and other endangered persons;

"(h) To permit the competent authorities, when considering punishment, to consider as a mitigating factor the extent of cooperation provided by an accused in the investigation and prosecution of other persons or the ability and intention of the accused to provide such cooperation;

"(i) To facilitate effective coordination between their competent agencies and services and to promote the exchange of personnel and other experts, including the posting of liaison officers.
1. Each State Party shall, to the extent necessary, initiate, develop or improve a specific training programme for its law enforcement personnel, including prosecutors and investigating magistrates, and other personnel charged with the suppression of the offences set forth in the present Convention. Such programmes shall deal, in particular, with the following:

(a) Methods used in the detection and suppression of the offences set forth in the present Convention;

(b) Techniques used by persons suspected of involvement in offences set forth in the present Convention;

(c) Detection and monitoring of the movements of proceeds, property and instrumentalities derived from offences set forth in the present Convention and methods used for the transfer, concealment or disguise of such proceeds, property and instrumentalities;

(d) Collection of evidence;

(e) Modern law enforcement techniques.

2. States Parties shall assist one another to plan and implement research and training programmes designed to share expertise in the areas referred to in paragraph 1 of the present article and, to this end, shall also, when appropriate, use regional and international conferences and seminars to promote cooperation and stimulate discussion on problems of mutual concern.

3. States Parties shall promote other techniques for mutual education that will facilitate extradition and mutual legal assistance, including language training, secondments and exchanges between personnel in central authorities or agencies with relevant responsibilities.

"Article 10 "Law enforcement training"

"Article 11 "Transparency of transactions"

"Article 12 "Other forms of cooperation"

"Article 13 "Application of cooperation provisions to other multilateral conventions"

"Article 14 "Dispute settlement"

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the States Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may, at the time of ratification or accession to the present Convention, declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by paragraph 1 of the present article with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 of the present article may at any time withdraw that reservation by notification to [the Secretary-General of the United Nations].

"Article 15 "Signature, ratification, accession"

1. The present Convention shall be open for signature by all States until [date] at [United Nations Headquarters in New York].

2. The present Convention is subject to ratification. The instruments of ratification shall be deposited with the [Secretary-General of the United Nations].

3. The present Convention is subject to accession by any State. The instruments of accession shall be deposited with [the Secretary-General of the United Nations].

"Article 16 "Entry into force"

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the [twenty-fifth] instrument of ratification or accession with [the Secretary-General of the United Nations].

2. For each State ratifying or acceding to the present Convention after the deposit of the [twenty-fifth] instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.
"Article 17

"Denunciation

1. Any State Party may denounce the present Convention by written notification to [the Secretary-General of the United Nations].

2. Denunciation shall take effect one year following the date on which notification is received by [the Secretary-General of the United Nations].

"Article 18

"Languages and depositary

The original of the present Convention, of which the [Arabic, Chinese, English, French, Russian and Spanish] texts are equally authentic, shall be deposited with [the Secretary-General of the United Nations], who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed the present Convention, opened for signature at [place] on [date].

"ANNEX VI

"Views of the Government of Germany on an alternative solution for a draft United Nations framework convention on combating organized transnational crime

1. Organized transnational crime threatens both the economic and political structures of States. It is a global menace endangering industrial and developing societies alike and requires a global response. The draft United Nations framework convention against organized crime, submitted to the General Assembly by the Government of Poland (annex III), offers a good basis for discussion of this urgent problem by the Commission on Crime Prevention and Criminal Justice.

2. So far, national and international efforts to produce a workable definition of organized transnational crime have been unsuccessful. The definition contained in article 1 of the draft United Nations framework convention is, from the perspective of the Government of Germany, in part too narrow, in part too broad. Germany considers organized transnational crime not as a clearly definable criminal offence but as a complex phenomenon of criminality. Elements of a description could probably be agreed upon and set out in the preamble of such a convention. It is problematic even to give a paradigmatic list of specific crimes because, whereas everyone can agree on what constitutes murder, there is no international consensus on what constitutes, for example, corruption of public officials. This would lead to insuperable difficulties in penalizing such criminal behaviour and establishing jurisdiction.

3. From the point of view of the Government of Germany, these difficulties could be circumvented by the following alternative solution:

(a) The elaboration of a comprehensive United Nations convention on organized transnational crime should be based on the Model Treaty on Extradition and the Model Treaty on Mutual Assistance in Criminal Matters;

(b) Such a convention should refrain from reference to specific crimes but the point of reference would be the framework given by article 2 of the Model Treaty on Extradition, at least for extraditable offences. For the granting of legal assistance, probably no specific point of reference would be necessary;

(c) A gap in the international armoury against organized transnational crime seems to stem from the fact that some legal systems do not penalize criminal behaviour that is not directly aimed at a concrete crime and therefore cannot qualify as participation in a crime, whereas the laws of Germany, France and Italy, for example, penalize participation on the basis of membership in a 'criminal association'. The convention ought to contain an obligation to penalize on these lines. This could follow the formulation of article 3, on conspiracy and association to commit offences, of the Convention, drawn up on the basis of article K.3 of the Treaty on European Union, relating to extradition between the member States of the European Union of 27 September 1996, for example:

'Each party shall adopt such measures as may be necessary to establish as a criminal offence under its domestic law, when committed intentionally, the participation as an accomplice in or the organization or direction of others to commit an offence in the field of drug trafficking or other forms of organized crime.'

(d) Adequate provisions for skimming off the proceeds of crime are indispensable for an effective fight at the national and international levels against organized transnational crime. The convention should, therefore, oblige Member States to legislate to this effect;

(e) In all international forums, there is general agreement that the scope for the imposition of penalties for money laundering in connection with drug trafficking is unsatisfactory. The convention should provide that, in principle, any other serious offence, in addition to drug-related offences, can be considered a predicate offence for money laundering;

(f) Following the model of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the convention should contain provisions for the domestic implementation of foreign forfeiture measures;

(g) A precondition for fighting organized transnational crime at the national or international level is an effective witness protection programme; in this regard, see the relevant European Union recommendations, the forty recommendations of the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight (annex I) and the idea underlying article 13 of the draft United Nations framework convention submitted by the Government of Poland;

(h) In addition, the convention should make provision for police cooperation and training (see article 11 of the draft United Nations framework convention and article 9 of the 1988 Convention);

(i) Finally, some new ideas put forward by the Council of Europe, the European Union and other international forums in the area of extradition and mutual assistance could be taken up in a United Nations convention.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/635], adopted resolution 52/85 without vote [agenda item 103].
Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

The General Assembly,

Recalling its resolution 49/159 of 23 December 1994, in which it approved the Naples Political Declaration and the Global Action Plan against Transnational Crime, adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994,

Recalling also Economic and Social Council resolution 1996/27 of 24 July 1996, and bearing in mind Council resolution 1997/22 of 21 July 1997,

Recalling further its resolution 51/120 of 12 December 1996 on the question of the elaboration of an international convention against organized transnational crime,

Convinced of the importance of continuous action by Member States aimed at the full implementation of the Naples Political Declaration and Global Action Plan,

Reiterating the need for increased technical cooperation activities and the provision of practical assistance to requesting Member States for the implementation of the Naples Political Declaration and Global Action Plan,

1. Takes note of the reports of the Secretary-General, submitted to the Commission on Crime Prevention and Criminal Justice at its sixth session, on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and on the question of the elaboration of an international convention against organized transnational crime;

2. Takes note also of the forty recommendations elaborated and endorsed by the Senior Experts Group on Transnational Organized Crime, which met at Lyon, France, from 27 to 29 June 1996, which are contained in annex I to Economic and Social Council resolution 1997/22;

3. Takes note further of the report of the informal meeting on the question of the elaboration of an international convention against organized transnational crime, held at Palermo, Italy, from 6 to 8 April 1997, and expresses its appreciation to the Fondazione Giovanni e Francesca Falcone for organizing and acting as host to the meeting;

4. Reiterates the high priority accorded to the United Nations Crime Prevention and Criminal Justice Programme as part of the country programme framework of the Programme, projects on action against organized transnational crime and money laundering, with a view to upgrading national institutional capacities and professional expertise in these fields;

5. Urges States to continue making every effort possible to implement the Naples Political Declaration and Global Action Plan fully by taking the most appropriate legislative, regulatory and administrative measures, including those aimed at prevention;

6. Requests the Commission on Crime Prevention and Criminal Justice to continue its review of the implementation of the Naples Political Declaration and Global Action Plan as a matter of high priority;

7. Invites developing countries and countries with economies in transition to undertake action against organized transnational crime and to promote international cooperation in this field as priorities in their development efforts and to include in their requests for assistance to the United Nations Development Programme, as part of the country programme framework of the Programme, projects on action against organized transnational crime and money laundering, with a view to upgrading national institutional capacities and professional expertise in these fields;

8. Calls upon the United Nations Development Programme, the World Bank and other international, regional and national funding agencies to give favourable consideration to project proposals on strengthening national or regional capacities and creating the expertise required for the prevention and control of organized transnational crime and money laundering that are elaborated and submitted to them by the Centre for International Crime Prevention of the Secretariat;

9. Requests the Secretary-General to continue his work on the central repository established pursuant to Economic and Social Council resolution 1996/27, with a view to increasing, maintaining and updating the data and other information contained in the repository and making such information available to States and, for this purpose, to continue collecting information and material, taking into account the methodological points and categorization of data listed in annex II to Economic and Social Council resolution 1997/22, including legislative and regulatory texts on the prevention and control of organized transnational crime, as well as reports on preventive measures;

10. Calls upon all States and relevant international organizations and institutes affiliated and associated with the United Nations to assist the Secretary-General in the implementation of paragraph 9 above by providing him with data and other information, as well as legislative and regulatory texts, and to keep such data up to date;

11. Requests the Secretary-General to continue to provide States with advisory services and other forms of assistance on request in the field of prevention and control of organized transnational crime;

12. Also requests the Secretary-General to assist States in collecting and systematizing data and other information on the occurrence, dimensions and patterns of organized transnational crime by designing and undertaking a comparative study on the situation of organized transnational crime throughout the world;

13. Further requests the Secretary-General to review the data submitted to the central repository and to take that data into account in developing model legislation against organized transnational crime as well as technical manuals for law enforcement and judicial personnel and for agencies engaged in preventive activities;

14. Decides to establish an inter-sessional open-ended intergovernmental group of experts, from within existing resources or, where possible, funded by extrabudgetary resources, if made available, for the purpose of elaborating a preliminary draft of a possible comprehensive international convention against organized transnational crime, which would submit a report thereon to the Commission on Crime Prevention and Criminal Justice at its seventh session;

15. Welcomes the generous offer of the Government of Poland to organize and host a meeting of the intergovernmental group of experts;

16. Requests the intergovernmental group of experts, when elaborating the preliminary draft:
(a) To take into account existing multilateral instruments, the draft United Nations framework convention against organized crime presented by the Government of Poland at the fifty-first session of the General Assembly, contained in annex III to Economic and Social Council resolution 1997/22, the report of the Chairman of the Working Group on the Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and the Question of the Elaboration of an International Convention against Organized Transnational Crime, contained in annex IV to Council resolution 1997/22, the principles indicated in the forty recommendations mentioned in paragraph 2 above and the observations and proposals made by other Member States during the sixth session of the Commission on Crime Prevention and Criminal Justice, including those contained in annexes V and VI to Council resolution 1997/22, as well as those contained in the report of the Secretary-General on the question of the elaboration of an international convention against organized transnational crime and the principles contained in the report of the Secretary-General on measures to prevent trafficking in children;

(b) To give priority consideration to the following issues:

(i) Measures for judicial and police cooperation, particularly in relation to mutual assistance, extradition, money laundering and confiscation of illicit assets, protection of witnesses, information sharing, training and other forms of technical assistance;

(ii) Identification of the scope of application of the above-mentioned measures, having particular regard to the documents contained in annexes III and IV to Council resolution 1997/22, referred to in subparagraph (a) above;

(iii) Provisions related to criminal offences, particularly in the areas of criminal associations, conspiracy and money laundering;

(c) Also to consider indicating the need for special provisions related to specific types of crime, such as trafficking in children, corruption, offences related to firearms, trafficking in illegal migrants and theft of motor vehicles, that may be the subject of international instruments, whether associated with or separate from the draft convention;

17. Requests the Secretary-General to provide the Centre for International Crime Prevention of the Secretariat with adequate resources for the preparation and servicing of the meeting of the intergovernmental group of experts;

18. Requests the Commission on Crime Prevention and Criminal Justice to report through the Economic and Social Council to the General Assembly at its fifty-third session on the progress achieved in its work on this question.

UN Declaration on Crime and Public Security

In a February report on technical cooperation activities [E/CN.15/1997/17], the Secretary-General stated that the United Nations Crime Prevention and Criminal Justice Division had made efforts to gear its technical cooperation activities towards providing Member States with services that would enhance their capacity to implement the United Nations Declaration on Crime and Public Security, adopted by the General Assembly in resolution 51/60 [YUN 1996, p. 1028]. In addition, the Division undertook needs assessment missions regarding effective national measures to combat serious transnational crime to Angola, Kyrgyzstan, Romania and the former Yugoslav Republic of Macedonia. Subsequently, four project proposals were developed. At the request of the Government of Ukraine, the Division developed a project to improve the country's criminal justice system. The Secretary-General noted that the Division planned to continue developing operational activities related to the broad range of issues covered by the Declaration, which was warranted by the increased number of requests received from Member States for assistance in that area.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/34 without vote [agenda item 7 (c)].

Implementation of the United Nations Declaration on Crime and Public Security

The Economic and Social Council,

Recalling General Assembly resolution 51/60 of 12 December 1996, by which the Assembly, convinced that the adoption of a declaration on crime and public security would contribute to the enhancement of the struggle against serious transnational crime, approved the United Nations Declaration on Crime and Public Security,

Noting that the General Assembly, in its resolution 51/60, urged Member States to make every effort to ensure that the Declaration became generally known and was observed and implemented in full in accordance with their respective national legislation,

Noting also that the General Assembly, in its resolution 51/60, invited the Secretary-General to inform all States and the relevant specialized agencies and organizations of the adoption of the Declaration,

welcomes the report of the Secretary-General on technical cooperation and coordination of activities setting forth the information provided to date by Member States on their efforts to observe and implement in full General Assembly resolution 51/60 and the United Nations Declaration on Crime and Public Security in accordance with their national legislation;

2. Requests the Secretary-General, utilizing a questionnaire or other means to ensure standardized responses, to seek from Member States, as well as from any interested intergovernmental organizations or United Nations institutes, information related to the implementation of the Declaration, including in particular, in the case of Member States, the following:

(a) A summary of existing legislation and pending legislative proposals to combat serious transnational crime, including organized crime, illicit drug and arms...
trafficking, smuggling of other illicit articles, organized trafficking in persons, terrorist crimes and the laundering of proceeds from serious crimes;
(b) A summary of bilateral, regional, multilateral and global extradition, mutual legal assistance and other types of law enforcement cooperation arrangements;
(c) A summary of involvement or participation in law enforcement training and education activities at the international level;
(d) A status report on adherence to the principal existing international treaties relating to various aspects of the problem of international terrorism and to the international drug control conventions;
(e) A summary of existing or proposed victim assistance programmes or systems;
(f) A summary of existing or proposed legislation to combat the transnational flow of the proceeds of serious transnational crime, including measures to require adequate record-keeping and reporting of suspicious transactions by financial and related institutions, to permit the seizure and forfeiture of the proceeds of crime, to limit the application of any bank secrecy laws with respect to criminal operations and to obtain the cooperation of financial institutions in detecting any operations that may be used for money laundering;
(g) A summary of measures undertaken to combat and prohibit corruption and bribery;

3. Urges all Member States to respond fully to the request by the Secretary-General for information on their efforts to implement the Declaration, either in their initial responses if they have not yet responded or, if necessary, in an amended version of any previous response;
4. Recognizes that the Crime Prevention and Criminal Justice Division of the Secretariat should continue to provide technical assistance to Member States in their efforts to implement the Declaration, drawing on extrabudgetary resources;
5. Requests the Secretary-General to compile the responses received for submission as a report to the Commission on Crime Prevention and Criminal Justice at its eighth session, if possible within existing resources;
6. Decides that the Declaration should be included in the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice when the Compendium is next published in any of the official languages of the United Nations;
7. Invites Member States to give serious consideration, in their efforts to implement the Declaration, to the means and methods for combating organized transnational crime set forth in the forty recommendations endorsed by the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight at Lyon, France, in June 1996;
8. Decides that the Commission on Crime Prevention and Criminal Justice, at its eighth session, should review the report of the Secretary-General and should continue to consider the implementation of the Declaration.

Extradition


The Expert Group surveyed the problems encountered in extradition practice, including administrative, legal and technical, as well as policy and political, concerns. Several key areas were identified, including clarity of procedures, dual criminality, especially in relation to complex crimes, the political offence exception in a modern context, problems relating to the rule of speciality, conflicting claims of jurisdiction, non-extradition of nationals and differences in evidentiary standards and burdens. The Group stated that improving the effectiveness of extradition practice could be achieved by raising the professional standards and competence of officials involved in the extradition process, including central authorities, police, prosecutors and judges, especially in developing countries and countries in transition. It recommended a draft resolution for adoption by the Commission.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], by resolution 1997/26, the Economic and Social Council, acting without vote on the recommendation of the Commission on Crime and Prevention and Criminal Justice [E/1997/30], approved a draft text for adoption by the General Assembly [agenda item 7 (c)].

International cooperation in criminal matters

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:
[For text, see General Assembly resolution 52/88 below.]

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/635], adopted resolution 52/88 without vote [agenda item 103].

International cooperation in criminal matters

The General Assembly,

Acknowledging the benefits of the enactment of national laws providing the most flexible basis for extradition, and bearing in mind that some developing countries and countries with economies in transition may lack the resources for developing and implementing treaty relations on extradition, as well as appropriate national legislation,

Bearing in mind that United Nations model treaties on international cooperation in criminal matters provide important tools for the development of international cooperation,

Convinced that existing arrangements governing international cooperation in law enforcement must be continuously reviewed and revised to ensure that the specific contemporary problems of fighting crime are being effectively addressed at all times,
Convinced also that reviewing and revising the United Nations model treaties will contribute to increased efficiency in combating criminality,

Commending the work of the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996, to implement, in part, Economic and Social Council resolution 1995/27 of 24 July 1995 by reviewing the Model Treaty on Extradition and by proposing complementary provisions for it, elements for model legislation in the field of extradition and training and technical assistance for national officials engaged in the field of extradition,

Commending also the International Association of Penal Law and the International Institute of Higher Studies in Criminal Sciences for providing support for the Expert Group Meeting and the Governments of Finland, Germany and the United States of America and the United Nations Interregional Crime and Justice Research Institute for their cooperation in its organization,

Recognizing that the work of the Intergovernmental Expert Group could not be fully completed given the limited amount of time available and that its work was therefore ultimately limited to the field of extradition,

Determined to implement section I of Economic and Social Council resolution 1995/27, in which the Council requested the Secretary-General to convene a meeting of an intergovernmental expert group to explore ways of increasing the efficiency of extradition and related mechanisms of international cooperation,

I

Mutual assistance

1. Requests the Secretary-General to convene, using extrabudgetary funds already offered for this purpose, a meeting of an intergovernmental expert group to examine practical recommendations for the further development and promotion of mutual assistance in criminal matters;

2. Recommends that the expert group should, in accordance with section I of Economic and Social Council resolution 1995/27, explore ways and means of increasing the efficiency of this type of international cooperation, having due regard for the rule of law and the protection of human rights, including by drafting alternative or complementary articles for the Model Treaty on Mutual Assistance in Criminal Matters, developing model legislation and providing technical assistance in the development of agreements;

3. Also recommends that the expert group submit a report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice no later than at its eighth session;

II

Extradition

1. Welcomes the report of the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996;

2. Decides that the Model Treaty on Extradition should be complemented by the provisions set forth in the annex to the present resolution;

3. Encourages Member States, within the framework of their national legal systems, to enact effective extradition legislation, and calls upon the international community to give all possible assistance in achieving that goal;

4. Requests the Secretary-General to elaborate, in consultation with Member States and subject to extrabudgetary resources, for submission to the Commission on Crime Prevention and Criminal Justice, model legislation to assist Member States in giving effect to the Model Treaty on Extradition in order to enhance effective cooperation between States, taking into account the contents of model legislation recommended by the Intergovernmental Expert Group Meeting;

5. Invites States to consider taking steps, within the framework of national legal systems, to conclude extradition and surrender or transfer agreements;

6. Urges States to revise bilateral and multilateral law enforcement cooperation arrangements as an integral part of the effort to effectively combat constantly changing methods of individuals and groups engaging in organized transnational crime;

7. Urges Member States to use the Model Treaty on Extradition as a basis in developing treaty relations at the bilateral, regional or multilateral level, as appropriate;

8. Also urges Member States to continue to acknowledge that the protection of human rights should not be considered inconsistent with effective international cooperation in criminal matters, while recognizing the need for fully effective mechanisms for extraditing fugitives;

9. Invites Member States to consider, where applicable and within the framework of national legal systems, the following measures in the context of the use and application of extradition treaties or other arrangements:

   (a) Establishing and designating a national central authority to process requests for extradition;

   (b) Undertaking regular reviews of their treaty or other extradition arrangements and implementing legislation, as well as taking other necessary measures for the purpose of rendering such arrangements and legislation more efficient and effective in combating new and complex forms of crime;

   (c) Simplifying and streamlining procedures necessary to execute and initiate requests for extradition, including the provision to requested States of information sufficient to enable extradition;

   (d) Reducing the technical requirements, including documentation, necessary to satisfy the tests for extradition in cases where a person is accused of an offence;

   (e) Providing for extraditable offences to extend to all acts and omissions that would be criminal offences in both States carrying a prescribed minimum penalty and not to be individually listed in treaties or other agreements, particularly with respect to organized transnational crime;

   (f) Ensuring effective application of the principle of aut dedere aut judicare;

   (g) Paying adequate attention, when considering and implementing the measures mentioned in subparagraphs 9 (b) to (f) above, to furthering the protection of human rights and the maintenance of the rule of law;

10. Encourages Member States to promote, on a bilateral, regional or worldwide basis, measures to improve the skills of officials in order to facilitate extradition, such as specialized training and, whenever possible, secondment and exchanges of personnel, as well as the appointment in other States of representatives of prosecuting agencies or judicial authorities,
in accordance with national legislation or bilateral agreements;

11. Reiterates its invitation to Member States to provide the Secretary-General with copies of relevant laws and information on practices related to international cooperation in criminal matters and in particular to extradition, as well as updated information on central authorities designated to deal with requests;

12. Requests the Secretary-General:

(a) Subject to extrabudgetary resources, to regularly update and disseminate the information mentioned in paragraph 11 above;

(b) To continue to provide advisory and technical cooperation services to Member States requesting assistance in the development, negotiation and implementation of bilateral, subregional, regional or international treaties on extradition, as well as in the drafting and application of appropriate national legislation, as necessary;

(c) To promote regular communication and exchanges of information between central authorities of Member States dealing with requests for extradition and to promote meetings of such authorities on a regional basis for Member States wishing to attend;

(d) To provide, taking into account the recommendations for a training programme contained in the report of the Intergovernmental Expert Group Meeting, in cooperation with relevant intergovernmental organizations, with the participation of interested Member States at the intergovernmental organizational meeting referred to in the recommendations and subject to extrabudgetary resources, training for personnel in appropriate governmental agencies and central authorities of requesting Member States on extradition law and practice designed to develop necessary skills and to improve communications and cooperation aimed at enhancing the effectiveness of extradition and related practices;

13. Also requests the Secretary-General, subject to extrabudgetary resources and in cooperation with other relevant intergovernmental organizations, the United Nations Interregional Crime and Justice Research Institute and the other institutes comprising the United Nations Interregional Crime and Justice Research Programme network, to develop appropriate training materials for use in providing to requesting Member States the technical assistance referred to above;

14. Commends the International Institute of Higher Studies in Criminal Sciences for its offer to organize and host a coordination meeting for the purpose of developing the training material referred to in paragraph 13 above, as well as training courses on extradition law and practice;

15. Requests the Secretary-General to ensure the full implementation of the provisions of the present resolution, and urges Member States and funding agencies to assist the Secretary-General in implementing the present resolution through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund;

16. Also requests the Secretary-General to submit the report of the Intergovernmental Expert Group Meeting on Extradition together with the present resolution to the Preparatory Committee on the Establishment of an International Criminal Court for consideration.

ANNEX

Complementary provisions for the Model Treaty on Extradition

Article 3

1. Move the text of footnote 96 to the end of subparagraph (a) and add a new footnote reading: "Countries may wish to exclude certain conduct, e.g., acts of violence, such as serious offences involving an act of violence against the life, physical integrity or liberty of a person, from the concept of political offence".

2. Add the following sentence to footnote 97: "Countries may also wish to restrict consideration of the issue of lapse of time to the law of the requesting State only or to provide that acts of interruption in the requesting State should be recognized in the requested State".

Article 4

3. Add the following footnote to subparagraph (a): "Some countries may also wish to consider, within the framework of national legal systems, other means to ensure that those responsible for crimes do not escape punishment on the basis of nationality, such as, inter alia, provisions that would permit surrender for serious offences or permit temporary transfer of the person for trial and return of the person to the requested State for service of sentence".

4. Add to subparagraph (d) the same aut dedere aut judicare (either extradite or prosecute) provisions as are found in subparagraphs (a) and (f).

Article 5

5. Add the following footnote to the title of article 5: "Countries may wish to consider including the most advanced techniques for the communication of requests and means which could establish the authenticity of the documents as emanating from the requesting State".

6. Replace existing footnote 101 with the following text: "Countries requiring evidence in support of a request for extradition may wish to define the evidentiary requirements necessary to satisfy the test for extradition and in doing so should take into account the need to facilitate effective international cooperation".

Article 6

7. Add the following footnote to the title of article 6: "Countries may wish to provide for the waiver of speciality in the case of simplified extradition".

Article 14

8. Add the following footnote to subparagraph 1 (a): "Countries may also wish to provide that the rule of speciality is not applicable to extraditable offences provable on the same facts and carrying the same or a lesser penalty as the original offence for which extradition was requested".


10. Add the following footnote to paragraph 2: "Countries may wish to waive the requirement for the provision of some or all of these documents".

Article 15

11. Add the following sentence to footnote 105: "However, countries may wish to provide that transit should not be denied on the basis of nationality".
Criminal law and protection of the environment

Pursuant to Economic and Social Council resolution 1996/10 [YUN 1996, p. 1030], the Secretary-General, in a February report with later addenda [E/CN.15/1997/10 & Add.1,2], summarized the views of Governments, UN organizations, and intergovernmental and non-governmental organizations on the feasibility of establishing appropriate machinery for applying criminal law for the protection of the environment.

The Secretary-General concluded that criminal law had a crucial role to play in protecting the environment, particularly in combating and deterring crimes involving illegal trafficking in hazardous and nuclear substances and endangered species. Several countries had taken steps to create uniform and effective legislation to counteract environmental crime. However, criminal enforcement was still in its relative infancy in most countries. The Secretary-General stated that the guidance of the Commission was needed in developing a strategy. He suggested that the Commission consider preparing, in cooperation with relevant UN agencies and programmes, a model law on environmental offences, as well as a manual for practitioners, in order to ensure a quick response to requests for assistance from Member States.

Alien smuggling

In a February report with later addendum [E/CN.15/1997/8 & Add.1], the Secretary-General summarized information received from Governments and the UN system regarding measures and initiatives taken or envisaged to combat the smuggling of illegal migrants. He stated that the Commission might be in a position to consider whether the information acquired from States might be sufficient to determine the course of future international action on the matter. Additional information might be sought to determine patterns of transborder smuggling of migrants and the various criminogenic factors involved. In that way, the Commission would be apprised not only of the measures taken or envisaged by States to combat the problem but also its forms and dimensions.

By a 16 September letter [A/52/357] to the Secretary-General, Austria transmitted the draft of an international convention against the smuggling of illegal migrants, prepared by Austrian legal experts, taking into account comments of international organizations and legal experts of various countries.

Trafficking in motor vehicles

In response to Economic and Social Council resolution 1995/27 [YUN 1995, p. 1138], the Secretary-General, in a February report [E/CN.15/1997/9], provided an overview of the dimensions of illicit trafficking in motor vehicles and a summary of responses received from Governments and relevant organizations on measures they had taken to prevent and suppress such trafficking. The report stated that the criminal activity was increasing as it was considered low-risk and generated high profits. A major area for international cooperation was the recovery of stolen or embezzled vehicles. The Conference on Theft of and Illicit Trafficking in Motor Vehicles (Warsaw, Poland, 2-3 December 1996) recommended, among other things, that States be urged to negotiate and conclude bilateral and/or multilateral agreements for a simplified and effective procedure to recuperate stolen vehicles. The Conference adopted a resolution containing a model treaty for the return of stolen and embezzled vehicles.

The Secretary-General drew attention to the Conference on International Cooperation in the Prevention and Control of the Theft of and Illicit Trafficking in Motor Vehicles (Moscow, 28 February-2 March 1997).

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/29 without vote [agenda item 7 (c)].

Measures on the prevention and control of illicit trafficking in motor vehicles

The Economic and Social Council,

Alarmed by the rapid growth and geographical expansion of the illicit trafficking in motor vehicles, which increasingly transcends national borders,

Concerned about the increasing role of organized transnational crime in the theft of and illicit trafficking in motor vehicles,

Recognizing that car theft and illicit trafficking in motor vehicles, with their high costs, have adverse effects on the safety and national economies of Member States,

Recalling section II, paragraph 1, of its resolution 1995/27 of 24 July 1995, in which it requested the Commission on Crime Prevention and Criminal Justice to consider measures on the prevention and suppression of illicit trafficking in motor vehicles,
Emphasizing the need for strengthened and more effective international cooperation at all levels to fight illicit trafficking in motor vehicles,

Acknowledging, in particular, the importance of international police cooperation in the prevention of and the fight against illicit trafficking in motor vehicles and the need for a rapid exchange of information between States on the status and origins of motor vehicles,

Recognizing the work already undertaken by the International Criminal Police Organization in establishing a worldwide stolen vehicle database,

Welcoming the participation of and contributions made by representatives of the private sector, particularly insurance companies, insurance crime bureaux and car manufacturers, in the prevention and control of illicit trafficking in motor vehicles,

1. Expresses its appreciation to the Government of Poland for acting as host to the Conference on Theft of and Illicit Trafficking in Motor Vehicles, held at Warsaw on 2 and 3 December 1996, and to the Government of the United States of America for providing financial support for that conference;

2. Also expresses its appreciation to the Government of the Russian Federation for acting as host to the Conference on International Cooperation in the Prevention and Control of the Theft of and Illicit Trafficking in Motor Vehicles, held at Moscow from 28 February to 2 March 1997, and to the Government of the United States of America, the United Nations Development Programme, the European Institute for Crime Prevention and Control, affiliated with the United Nations, for providing financial support for that conference;

3. Takes note of the recommendations of the Warsaw Conference, contained in the annex to the report of the Secretary-General on measures for the prevention and suppression of illicit trafficking in motor vehicles, and the Moscow Declaration, contained in annex I to the present resolution;

4. Urges Member States:
   (a) To improve international cooperation in the prevention and control of theft of, trafficking in and other offences in connection with stolen vehicles and to negotiate and conclude, as appropriate, in compliance with domestic law, bilateral and/or multilateral agreements or arrangements on a simplified and effective procedure for recovering stolen vehicles that clearly define, inter alia, the documentation required, certification procedures, translation requirements, authorized expenses and the applicability of value-added tax, taking into account the Model Bilateral Treaty for the Return of Stolen or Embezzled Vehicles, contained in annex II to the present resolution, and other bilateral treaties, as well as the United Nations model treaties, such as the Model Treaty on Extradition, the Model Treaty on Mutual Assistance in Criminal Matters, the Model Treaty on the Transfer of Proceedings in Criminal Matters and the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released, as necessary, as useful tools in improving international cooperation in the investigation and prosecution of cases involving illicit trafficking in motor vehicles;
   (b) To improve the exchange of information on the theft of and illicit trafficking in motor vehicles, to explore the possibility of establishing national databases on stolen vehicles and other pertinent information, to support the efforts of the International Criminal Police Organization by supplying their national data on stolen vehicles to its Automated Search Facility International Stolen Vehicle Database, to exchange information among themselves on a bilateral, subregional or regional basis and, through international law enforcement entities, to fight illicit trafficking in motor vehicles more effectively;
   (c) To consider developing compatible registration and titling procedures and documents for motor vehicles in order to facilitate the identification of rightful owners of such vehicles by competent national authorities, to harmonize the elements contained in the registration documents of motor vehicles as a means of preventing the illicit trafficking in motor vehicles, to consider the possibility of integrating their national stolen vehicle databases into the international stolen vehicle database, to explore the possibility of establishing salvage control procedures to ensure that the title documents of wrecked vehicles are not used on stolen vehicles and to exchange information on how to improve the security features of car registration documents;
   (d) To consider making the necessary changes in their national laws and procedures to improve the response of the justice system to vehicle theft and trafficking and reduce to a minimum conflicting property issues derived from the international repatriation of stolen vehicles, giving due consideration to the interests of bona fide third parties;
   (e) To make all possible efforts to strengthen their cooperation in this field at the bilateral, regional and interregional levels, inter alia, by:
      (i) Promoting actively close operational cooperation and exchange of information among competent national authorities across national borders to detect, apprehend and bring to justice persons engaged in trafficking in stolen vehicles and to promote close cooperation among other relevant agencies to ensure the return of stolen vehicles to their rightful owners, in accordance with national laws;
      (ii) Responding promptly to requests by law enforcement agencies in other States for assistance in the recovery of stolen vehicles;
   (f) To study the possibility of adopting a standard world vehicle identification number system to be applied to all vehicles manufactured within or exported to Member States;

5. Requests the Secretary-General, within existing resources or subject to the availability of extrabudgetary resources:
   (a) To elaborate a training manual for law enforcement and customs personnel on the prevention and control of trafficking in stolen and misappropriated vehicles, for use in the provision of practical assistance to requesting Member States, as well as a comprehensive training manual on vehicle identification;
   (b) To develop and carry out, in States requesting technical assistance for law enforcement and customs personnel, training programmes on the recovery of stolen vehicles;
   (c) To provide advisory services to requesting Member States for the elaboration or reform of pertinent
legislation, as well as for the development of bilateral, multilateral and/or regional treaties in this area;
(d) To continue to conduct research on the scope, methods and organization of groups engaged in the theft of and illicit trafficking in motor vehicles;
6. Invites Member States and the private sector to assist the Secretary-General in undertaking the activities contained in paragraph 5 above;
7. Recommends that the fight against the theft of and trafficking in stolen vehicles should take into account recent progress in anti-theft and immobilizing systems, as well as other possibilities offered by new technologies;
8. Also recommends that authorities, vehicle manufacturers, insurance companies and equipment manufacturers should, in conjunction with the efforts made by government authorities, further study and improve systems for identifying vehicles and spare parts, sharing their findings with the relevant law enforcement agencies;
9. Requests the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice at its eighth session a report on the implementation of the present resolution.

ANNEX I
Moscow Declaration
We, participants gathered at the Conference on International Cooperation in the Prevention and Control of the Theft of and Illicit Trafficking in Motor Vehicles, held at Moscow from 28 February to 2 March 1997,
1. Endorse the recommendations of the Conference on Theft of and Illicit Trafficking in Motor Vehicles, held at Warsaw on 2 and 3 December 1996 and, among the various issues emerging from the Warsaw Conference, recommend the following points for immediate action by Governments:
(a) As a first priority, to support the development of the Automated Search Facility International Stolen Vehicle Database of the International Criminal Police Organization;
(b) To establish national centralized vehicle registration systems based on a standard set of data, which includes the physical description and identifying numbers of the motor vehicle as well as details of the registered owner or keeper;
(c) To request that vehicles written off by insurers are reported to the centralized vehicle registration system or, alternatively, that authorities check with private databases that keep such records, in order to prevent the vehicle identification number of a vehicle that has been written off from being used to hide the identity of a stolen vehicle;
(d) To find appropriate means in order to ensure that, prior to registration of an imported vehicle, national authorities confirm that a vehicle has not been reported stolen in any country of prior registration, inter alia, using the Automated Search Facility system of the International Criminal Police Organization;
(e) To promote the adoption of a standard format for a world vehicle identification number system applying to all vehicles manufactured within the country or exported to other countries, to provide for the secure marking of identifying numbers on component parts of the vehicles, and to encourage the keeping of such records by manufacturers and the practice of making them available to relevant law enforcement agencies;
(f) To consider mandating the installation of effective security devices by manufacturers, including effective immobilizers and perimeter security;
(g) To conclude on a bilateral or multilateral basis agreements on the return of stolen vehicles, based on the Model Bilateral Treaty for the Return of Stolen or Embezzled Vehicles, contained in annex II below;
(h) To promote better operational cooperation and exchange of information among the relevant law enforcement and other agencies at the national and international levels.
2. Draw the attention of the Commission on Crime Prevention and Criminal Justice to the following:
(a) The elaboration and the implementation of the technical cooperation activities to be requested of the Secretary-General, in accordance with paragraph 2 (g) of the recommendations of the Warsaw Conference; such activities should include the elaboration of a comprehensive training manual on vehicle identification;
(b) In the context of technical assistance and training, the continuation of research on the scope, methods and organization of groups engaged in vehicle theft and trafficking.
3. Urge States and the private sector to assist the Secretary-General in undertaking the activities referred to in paragraph 2 above.
4. Invite the United Nations Commission on Crime Prevention and Criminal Justice to keep this topic and the measures taken by Governments to implement the recommendations contained in the present Declaration under constant review.

ANNEX II
Model Bilateral Treaty for the Return of Stolen or Embezzled Vehicles
(The Government of [country name] and the Government of [country name],)

Recognizing the growing problem of the theft of and illicit trafficking in motor vehicles,
Considering the difficulties faced by innocent owners in securing the return of motor vehicles stolen or embezzled in the territory of one Party that are recovered in the territory of another Party,
Desiring to eliminate such difficulties and to regularize procedures for the expeditious return of such vehicles,
Have agreed as follows:

Article 1
For the purposes of the present Treaty:
(a) A "vehicle" shall mean any automobile, truck, bus, motorcycle, motorhome, or trailer;
(b) A vehicle shall be considered "stolen" when possession thereof has been obtained without the consent of the owner or other person legally authorized to use such motor vehicle;
(c) A vehicle shall be considered "embezzled" when:
(i) It is unlawfully converted by the person who had rented it from an enterprise legally authorized for that purpose and in the normal course of business; or
(ii) It is unlawfully converted by a person with whom it has been deposited by official or judicial action;
Each Party agrees to return, in accordance with the terms of the present Treaty, vehicles that are:

(a) Registered, titled or otherwise documented in the territory of a Party;
(b) Stolen or embezzled in the territory of a Party; and
(c) Found in the territory of a Party.

Article 3

1. Whenever police, customs or other authorities of a Party impound or seize a vehicle that they have reason to believe is registered, titled or otherwise documented in the territory of another Party, the first Party shall, within [thirty] days of such impoundment or seizure, notify, in writing, [the Embassy] of the other Party that its authorities have custody of the motor vehicle.

2. Such notification shall include all available identifying data about the vehicle of the type listed in appendix I, a description of the condition of the vehicle, the current location of the vehicle, the identity of the authority with physical custody of the vehicle and [any] information that indicates whether it was being used in connection with the commission of a crime.

Article 4

Authorities of the Party who have impounded or seized a vehicle that they have reason to believe is registered, titled or otherwise documented in the territory of another Party shall promptly take it to a storage area and shall take reasonable steps regarding the safekeeping of the vehicle. Thereafter, the said authorities shall not operate, auction, dismantle or otherwise alter or dispose of the vehicle. However, the present Treaty shall not preclude the said authorities from operating, auctioning, dismantling or otherwise altering or disposing of the vehicle if:

(a) No request for the return of the vehicle is filed within [sixty] days of the notification made pursuant to article 3 above;
(b) A determination is made in accordance with article 7, paragraph 1, below that a request for the return of the vehicle does not meet the requirements of the present Treaty and shall notify [the Embassy] of the Requesting Party. No further legalization or authentication of documents will be required by the Requested Party.

(c) The vehicle has not been retrieved within the time period stated in article 7, paragraph 2, below by the person identified in the request for return as the owner or the authorized representative of the owner after the vehicle has been made available as provided for in article 7, paragraph 2, below; or
(d) There is no obligation under the present Treaty pursuant to article 8, paragraphs 2 or 3, below to return the vehicle.

Article 5

1. After receiving a notification made pursuant to article 3 above, a Party may submit a request for the return of the vehicle.

2. The request for return [shall be transmitted under seal of a consular officer of the Requesting Party and] shall follow the form shown in appendix II. A copy of the request shall be transmitted under cover of a note to the [Ministry of Foreign Affairs] of the Requested Party. A request shall be made only after receipt by the consular officer of properly notarized certified copies of the following documents:

(a) (i) The title of ownership to the vehicle, if the vehicle is subject to titling, but, if a title is not available, a certified statement from the titling authority affirming that the motor vehicle is titled and specifying the person or entity to whom it is titled;
(ii) The certificate of registration of the vehicle, if the vehicle is subject to registration, but, if the registration document is not available, a certified statement from the registering authority affirming that the vehicle is registered and specifying the person or entity to whom it is registered;
(iii) The bill of sale or other documentation that establishes ownership of the vehicle, in the event the vehicle is not titled or registered;
(b) The document of transfer if, subsequent to the theft or embezzlement of the vehicle, the owner at the time of the theft or embezzlement has transferred ownership to a third party;
(c) The theft report, made within a reasonable time after the theft or embezzlement, to a competent authority in the Requesting Party, and a translation thereof. In the event that the theft report is made after the vehicle is seized or otherwise enters into the possession of the Requested Party, the person seeking its return shall furnish a document justifying the reasons for the delay in reporting the theft and may provide any supporting documentation therefor; and
(d) In cases in which the person requesting the return of a vehicle is not the owner, a power of attorney, granted in the presence of a notary public by the owner or his or her legal representative, authorizing that person to recover the vehicle.

3. Except as noted in paragraph 2 (c) above, translations of documents need not be provided. The requirement for translation of a theft report may be waived by authorities of the Requested Party. No further legalization or authentication of documents will be required by the Requested Party.

Article 6

If a Party learns, through means other than a notification made pursuant to article 3 above, that the authorities of another Party may have impounded, seized or otherwise taken possession of a vehicle that may be registered or otherwise documented in the territory of the first Party, that Party:

(a) May, through a note to the [Ministry of Foreign Affairs] of the other Party, seek official confirmation of this and may request the other Party to provide the notification described in article 3, in which case the other Party shall either provide the notification or explain, in writing, why notification is not required; and
(b) May also, in appropriate cases, submit a request for the return of the vehicle as described in article 5 above.

Article 7

1. Except as provided for in article 8 below, the Requested Party shall, within [thirty] days of receiving a request for the return of a stolen or embezzled vehicle, determine whether the request for return meets the requirements of the present Treaty and shall notify [the Embassy] of the Requesting Party of its determination.
2. If the Requested Party determines that the request for the return of a stolen or embezzled vehicle meets the requirements of the present Treaty, the Requested Party shall within [fifteen] days of such determination make the vehicle available to the person identified in the request for return as the owner or the authorized representative of the owner. The vehicle shall remain available for the person identified in the request for return as the owner or the authorized representative of the owner to take delivery for at least [ninety] days. The Requested Party shall take the necessary measures to permit the owner or the authorized representative of the owner to take delivery of the vehicle and return it to the territory of the Requesting Party.

3. If the Requested Party determines that the request for return does not meet the requirements of the present Treaty, it shall provide written notification to [the Embassy] of the Requesting Party.

Article 8
1. If a vehicle whose return is requested is being held in connection with a criminal investigation or prosecution, its return pursuant to the present Treaty shall be effected when its presence is no longer required for purposes of that investigation or prosecution. The Requested Party shall, however, take all practicable measures to ensure that substitute pictorial or other evidence is used wherever possible in such investigation or prosecution so that the vehicle may be returned as soon as possible.

2. If the ownership or custody of a vehicle whose return is requested is the subject of a pending judicial action in the Requested Party, its return pursuant to the present Treaty shall be effected at the conclusion of that judicial action. However, a Party shall have no obligation under the Treaty to return the vehicle if such judicial action results in the award of the vehicle to a person other than the person identified in the request for return as the owner of the vehicle or the authorized representative of the owner.

3. A Party shall have no obligation under the present Treaty to return a vehicle whose return is requested if the vehicle is subject to forfeiture under its laws because it was used in its territory for the commission of a crime. The Requested Party shall not forfeit the vehicle without giving the owner or the authorized representative of the owner reasonable notice and an opportunity to contest such forfeiture in accordance with its laws.

4. A Party shall have no obligation under the present Treaty to return a stolen or embezzled vehicle if no request for return is made within [sixty] days of a notification made pursuant to article 3 above.

5. If the return of a stolen or embezzled vehicle whose return is requested is postponed, pursuant to paragraph 1 or 2 of the present article, the Requested Party shall so notify [the Embassy] of the Requesting Party in writing within [thirty] days of receiving a request for the return of the vehicle.

Article 9
1. The Requested Party shall not impose any import or export duties, taxes, fines or other monetary penalties or charges on vehicles returned in accordance with the present Treaty, or on their owners or authorized representatives, as a condition for the return of such vehicles.

2. Actual expenses incurred in the return of the vehicle, including towing, storage, maintenance and transportation costs, as well as the costs of translation of documents required under the present Treaty, shall be borne by the person or entity seeking its return and shall be paid prior to the return of the vehicle. The Requested Party shall use its best efforts to keep such expenses at reasonable levels.

3. In particular cases, the expenses of return may include the costs of any repairs or reconditioning of a vehicle which may have been necessary to permit the vehicle to be moved to a storage area or to maintain it in the condition in which it was found. The person or entity seeking the return of a vehicle shall not be responsible for the costs of any other work performed on the vehicle while it was in the custody of the authorities of the Requested Party.

Article 10
The mechanisms for the recovery and return of stolen or embezzled vehicles under the present Treaty shall be in addition to those available under the laws of the Requested Party. Nothing in the Treaty shall impair any rights for the recovery of stolen or embezzled vehicles under applicable law.

Article 11
1. Any differences regarding the interpretation or application of the present Treaty shall be resolved through consultations between the Parties.

2. The present Treaty shall be subject to ratification. It shall enter into force on the date of exchange of instruments of ratification.

3. The present Treaty may be terminated by either Party upon a minimum of [ninety] days' written notification.

DONE at [site], this _____ day of _______, ___.

APPENDIX I
Identifying information to be provided in a notification made pursuant to article 3 of the present Treaty

1. Vehicle identification number.

2. Name of manufacturer of vehicle.

3. Vehicle model and year of manufacture, if known.


5. Licence plate number of vehicle and jurisdiction of issuance, if available.

6. City/other jurisdiction tag or sticker number and name of city/other jurisdiction, if available.

7. A description of the condition of the vehicle, including mobility of vehicle, if known, and repairs that appear necessary.

8. The current location of the vehicle.

9. The identity of the authority having physical custody of the vehicle and a contact point, including the name, address and telephone number of the official having recovery information.

10. Any information which indicates whether the vehicle was being used in connection with the commission of a crime.

11. Any indication that the vehicle may be subject to forfeiture under the laws of the notifying State.
APPENDIX II

Request for the return of a stolen or embezzled vehicle
(The Embassy of [country name]) respectfully requests that (the appropriate authority of [country name]) return the vehicle described below to (its owner/the authorized representative of its owner) in accordance with the Treaty for the Return of Stolen or Embezzled Vehicles:

Make:
Model (year):
Type:
Vehicle identification number:
Licence plates:
Registered owner:

(The Embassy of [country name]) certifies that it has examined the following documents, which have been presented by (identity of person submitting documents) as evidence of (his or her ownership of the vehicle/ownership of the vehicle by the person for whom he or she is acting as authorized representative) and has found them to be properly certified under the laws of (appropriate jurisdiction):

(a) (Document description);
(b) (Document description);
(c) (Document description);
(d) (Document description).

Complimentary close
Place and date
Attachments.

Corruption

Action against corruption and bribery

In response to General Assembly resolution 51/59 [YUN 1996, p. 1036] and Economic and Social Council resolution 1995/14 [YUN 1995, p. 1154], the Secretary-General submitted to the Commission a March report on corruption and bribery [E/CN.15/1997/3], in which he presented an overview of the phenomenon and described initiatives taken by relevant international bodies to prevent it. The Secretary-General concluded that corruption in all its forms had commanded such international attention and concern that it had led to an emerging consensus regarding the urgency of concerted action at all levels. Even though international organizations were lending help in fighting corruption through aid for democratic reform, more competitive economies and the improvement of governance, a more focused effort was needed, involving a systematic attack on systematic corruption. At the international level in particular, it was essential to enhance the momentum for advancing international agreements and cooperation arrangements, while devoting energy and resources to creating an environment in which corrupt practices would no longer be tolerated.

In an April addendum to the Secretary-General’s report [E/CN.15/1997/3/Add.1] was the report of the Expert Group Meeting on Corruption (Buenos Aires, Argentina, 17-21 March). The Expert Group recommended a series of measures for States to prevent and control corruption. Technical cooperation programmes to assist States in strengthening their capacity to meet the threat posed by corruption should be a component of the efforts of the international community, including the United Nations and other international organizations, to improve action against corruption. The Group considered the elaboration of an international convention against corruption and bribery to be the most effective response to the problem. It recommended that the Commission be requested to undertake that task as a matter of high priority.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/25 without vote [agenda item 7 (c)].

International cooperation against corruption and bribery in international commercial transactions

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 52/87 below.]

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/635], adopted resolution 52/87 without vote [agenda item 103].

International cooperation against corruption and bribery in international commercial transactions

The General Assembly.

Disturbed by the bribery of public officials by individuals and enterprises of other States in relation to international commercial transactions,

Convinced that such practices undermine the integrity of state bureaucracies and weaken social and economic policies by promoting corruption in the public sector, thus diminishing its credibility,

Convinced also that the fight against corruption must be supported by sincere international cooperation efforts,

Recalling its resolution 3514(XXX) of 15 December 1975, in which it, inter alia, condemned all corrupt practices, including bribery, by transnational corporations and other corporations, their intermediaries and others involved, in violation of the laws and regulations in host countries, reaffirmed the right of any State to adopt legislation and to investigate and take appropriate legal action, in accordance with its national laws and regulations, against such corrupt practices and called upon all Governments to cooperate to prevent corrupt practices, including bribery,
Recalling also Economic and Social Council resolution 1995/14 of 24 July 1995 on action against corruption,

Recalling further its resolution 50/225 of 19 April 1996 on public administration and development,

Recalling in particular its resolution 51/59 of 12 December 1996, in which it adopted the International Code of Conduct for Public Officials, annexed thereto, and recommended it to Member States as a tool to guide their efforts against corruption,

Recalling that by its resolution 51/191 of 16 December 1996 it adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,

Recalling also that in its resolution 51/191 it requested the Economic and Social Council and its subsidiary bodies, in particular the Commission on Crime Prevention and Criminal Justice, to examine ways to further the implementation of that resolution and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, to keep the issue of corruption and bribery in international commercial transactions under regular review and to promote the effective implementation of that resolution,

Taking note of the report of the Secretary-General on action against corruption and bribery and of the report of the Expert Group Meeting on Corruption, held at Buenos Aires from 17 to 21 March 1997,

Welcoming developments that have advanced international understanding and cooperation regarding bribery in transnational business, such as the Inter-American Convention against Corruption adopted by the Organization of American States on 29 March 1996, which includes an article on the prohibition of foreign commercial bribery; the ongoing work of the Council of Europe against corruption, including the elaboration of several international conventions containing provisions on bribery in international commercial transactions; the ongoing work of the World Trade Organization to improve transparency, openness and due process in government procurement procedures; and the ongoing work of the States members of the Organisation for Economic Cooperation and Development, including, as elements, the agreement to prohibit the tax deductibility of bribes paid to foreign public officials in international commercial transactions, and the commitment to criminalize the bribing of foreign public officials in international business transactions,

1. Agrees that all States should take all possible measures to further the implementation of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions and of the International Code of Conduct for Public Officials;

2. Urges Member States that have not yet done so to implement relevant international declarations and to ratify, where appropriate, international instruments against corruption;

3. Also urges Member States to criminalize, in an effective and coordinated manner, the bribery of public office holders of other States in international commercial transactions, and encourages them to engage, as appropriate, in programmatic activities to deter, prevent and combat bribery and corruption, for example, by diminishing institutional barriers through the development of integrated management systems and the promotion of legal reform, in accordance with their fundamental legal principles in both the public and private sectors, by encouraging a greater role for citizens in the development of transparent and accountable government, by supporting the active participation of non-governmental organizations in the identification, planning and implementation of initiatives that raise ethical standards and practices in both government and business transactions and by providing training and technical assistance to other States, as appropriate, and to develop and implement standards of good governance, in particular, accountability and transparency, legitimate commercial and financial conduct and other anti-corruption measures;

4. Requests the Secretary-General to invite each Member State to provide a report on steps taken to implement the provisions of the Declaration, including those dealing with criminalization, effective sanctions, tax deductibility, accounting standards and practices, development of business codes, illicit enrichment, mutual legal assistance and bank secrecy provisions, as well as on national anti-corruption strategies and policies, for compilation by the Secretary-General and consideration by the Commission on Crime Prevention and Criminal Justice, with a view to examining further steps to be taken for the full implementation of the Declaration;

5. Invites competent international, regional and non-governmental organizations to provide relevant information to the Commission on Crime Prevention and Criminal Justice on international efforts to combat corruption and bribery;

6. Requests the Secretary-General, subject to the availability of extrabudgetary funds, to intensify technical assistance to combat corruption, providing advisory services to Member States that request such services, and urges Member States to provide the Secretariat with the necessary extrabudgetary funds for such technical assistance;

7. Requests the Commission on Crime Prevention and Criminal Justice to give attention to the question of the bribery of public office holders of other States in international commercial transactions and to include in its agenda for a future session a review of action taken by States to implement the Declaration.

UN standards and norms


The report incorporated comments received from Member States on the desirability of establishing an inter-sessional working group, which most States supported. The Secretary-General suggested that the Commission urge those States that had not replied to the surveys to do so, so that the information could be summarized, State by State, and the country reports disseminated via the World Wide Web database facilities of the United Nations Crime and Justice Information Network.

The report highlighted activities of the Secretariat to promote the standards and norms, including training courses, advisory services and dissemination of information, as well as cooperative efforts with other UN programmes and relevant organizations.

The Secretary-General concluded that effective implementation of the standards and norms could be achieved only through wide dissemination and promotion at the international, regional and national levels. Measures to improve the efficacy of the use and application of the standards and norms included strengthening the role of the Commission on Crime Prevention and Criminal Justice, enhancing cooperation and coordination between the UN Crime Prevention and Criminal Justice Division and the UN Centre for Human Rights, and improving the dissemination of publications. The Commission might wish to recommend the establishment of national focal points to promote the widest possible use and application of the norms, and to call on Member States to make available additional funds for technical cooperation activities geared towards the further use and application of the standards and norms.

**UN minimum rules for administration of justice**

As requested by the Commission in 1996 [YUN 1996, p. 1041], the Secretary-General submitted a March report with later addendum [E/CN.15/1997/15 & Add.1] summarizing the views received from Member States regarding the utility of formulating draft minimum rules for the administration of criminal justice, the utility of convening an expert group to review the draft minimum rules and specific areas in which an expert group could consider making changes thereto. The Secretary-General concluded that, in the light of the overall assessment of the replies and the results of the previous inquiries, a general trend had emerged towards promulgating common minimum rules for the administration of criminal justice (or criminal proceedings).

**ECONOMIC AND SOCIAL COUNCIL ACTION**

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/32 without vote [agenda item 7 (c)].

**United Nations standards and norms in crime prevention and criminal justice**

The Economic and Social Council,

Bearing in mind General Assembly resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme,

Reaffirming the importance of United Nations standards, norms and guidelines in crime prevention and criminal justice,

Recalling its resolution 1993/34 of 27 July 1993, in section III of which it requested the Secretary-General to commence without delay a process of information-gathering to be undertaken by means of surveys,

Recalling also its resolution 1996/16 of 23 July 1996, in which it requested the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice,

1. Invites Governments to promote and disseminate the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice in the languages of their countries;

2. Recommends that the relevant national authorities promote the use and application of United Nations standards and norms in crime prevention and criminal justice;

3. Invites Governments that have not yet replied to the questionnaires on the four standards in crime prevention and criminal justice referred to in its resolution 1996/16, namely the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Basic Principles on the Independence of the Judiciary, to submit their replies in order to enable the Secretariat to summarize that information and to disseminate it through the World Wide Web database facility of the United Nations Crime and Justice Information Network;

4. Requests the Secretariat to prepare the relevant survey instruments on the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), the Guidelines on the Role of Prosecutors and the Basic Principles on the Role of Lawyers for submission to the Commission on Crime Prevention and Criminal Justice at its seventh session;
5. Calls upon Member States to consider making available funds for technical cooperation activities that are aimed at promoting the further use and application of United Nations standards and norms in crime prevention and criminal justice;
6. Recommends that the cooperation and coordination between the Crime Prevention and Criminal Justice Division of the Secretariat and the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights be further improved, not only to avoid overlapping in the implementation of their programmes, but also to reinforce existing collaboration;
7. Requests the Secretary-General to convene a meeting of government experts in crime prevention and criminal justice, attending in their personal capacity, funded by extrabudgetary resources, to review the draft minimum rules for the administration of criminal justice, without prejudice to the future work of the Commission on Crime Prevention and Criminal Justice, paying special attention to the following:
(a) Whether those draft minimum rules duplicate or contradict existing conventions or standards and norms in crime prevention and criminal justice;
(b) The necessity of elaborating such an instrument;
(c) The diversity of legal systems and practices in each Member State.

**Responsible crime prevention**

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/33 without vote [agenda item 7 (c)].

**Elements of responsible crime prevention: standards and norms**

The Economic and Social Council,
Recalling General Assembly resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme,
Recalling also its resolution 1992/22 of 30 July 1992 on the implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice, in section VI of which it determined that crime prevention in urban areas and juvenile and violent criminality would be one of the priority themes that should guide the Commission on Crime Prevention and Criminal Justice in the development of a detailed programme,
Recalling further its resolution 1995/9 of 24 July 1995 on guidelines for the prevention of urban crime,
Taking into account the fact that a growing and undermining criminality highlights the inadequacy of conventional criminal policies and the need urgently to devise preventive approaches,
Considering that the challenge and the magnitude of modern crime, including organized crime, combined with the insufficient resources of the criminal justice system, for example, the overpopulation of prisons and overburdened criminal justice systems, reinforce the need for non-repressive crime prevention,

Considering also that an international effort is necessary to develop an effective strategy on responsible crime prevention,
1. Takes note of the preliminary strategy on responsible crime prevention: standards and norms, annexed to the present resolution;
2. Requests the Secretary-General to seek comments from Member States, relevant intergovernmental and non-governmental organizations, as well as the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, on the draft contained in the annex to the present resolution, including the advisability of elaborating such an instrument;
3. Also requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at a future session, on the comments received;
4. Further requests the Secretary-General to organize, drawing upon extrabudgetary funds, an ad hoc expert group meeting to examine the comments, to elaborate proposals for further action and to report thereon to the Commission on Crime Prevention and Criminal Justice;
5. Urges Member States and relevant intergovernmental and non-governmental organizations, as well as the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, to extend to the Secretary-General their full support in implementing the present resolution.

ANNEX

**Elements of responsible crime prevention: standards and norms**

I. The concept of crime prevention
1. The prevention of crime through non-punitive measures is to be considered an important complement to the administration of criminal law. It constitutes a legitimate response by society to threats to the safety of citizens posed by criminal acts.
2. The concept of crime prevention should not be limited to conventional forms of crime, including domestic violence, but should encompass new forms of crime, such as organized crime, terrorism, illegal trafficking in migrants, computer crime and cybercrime, environmental crime, corruption and illegal commerce related to the acquisition and development of weapons of mass destruction.
3. The concept of crime prevention should take into account the growing internationalization of criminal activities and the relationship between the global economy, advanced technologies and national phenomena of crime, with special consideration for developing countries.

II. Responsible crime prevention
4. Under all circumstances, measures of crime prevention should be carried out in strict conformity with the relevant provisions of international law and international standards of human rights.
5. Crime prevention should respect principles such as the rule of law, the protection of individual rights and freedoms, the principle of equality before the law and due process.
6. Whenever preventive measures are adopted which do not infringe upon the principles set out in paragraphs 4 and 5 above but which affect human rights, they must be implemented in strict accordance
with the principle of the rule of law and of proportionality.

7. If the impact of a preventive measure on human rights is comparable to that of a penal measure, there should be provision for the same legal guarantees, including controls by the courts or by an ombudsman.

8. Measures which touch upon the rights of those who are considered to be at risk of becoming offenders should be handled in strict accordance with the principles set out in paragraphs 4 and 5 above [with great restraint]. Prediction of future criminality at the individual level requires a high degree of caution and stigmatization should be avoided. However, this should not obviate the development of secondary prevention programmes for persons with known risk factors.

9. In the planning and implementation of preventive measures, affirmative action may play a role but discrimination should always be avoided. Where necessary, educational support, such as instruction in parental skills, and special medical care should be offered as early as possible to families with children at risk. Steps should be taken to ensure that these provisions do not stigmatize the clients or infringe upon their rights.

10. If the police are a partner in the implementation of prevention programmes, their participation should not be hidden and any confusion of roles should be avoided. Data collected in relation to prevention programmes should be used for the criminal investigation of serious crime only.

11. The limits within which the private security sector may act should be defined by law. The private security sector, in accordance with human rights standards, should not exercise any function which, by its nature, is incompatible with the rule of law and the principle that the use of force is reserved for the State.

12. Codes of conduct for public officials and other persons involved are useful supplements to legal regulations in order to reduce the risks connected with preventive measures.

13. Preventive measures that do not in any way affect the rights of individuals need little legal regulation. Over-regulation in this respect would unduly limit the development of these types of measures.

14. Governments should take appropriate steps to promote and to regulate crime prevention through the establishment of special councils or other agencies, provisions for funding and the dissemination of information. Crime prevention programmes should be developed and implemented in collaboration with the police, municipalities, the private sector and other interested parties in a manner that clearly sets objectives and defines roles.

15. Crime prevention strategies at the national, local and community levels should also address the root cause of crime through social, economic, public health and educational policies. Where appropriate, crime prevention programmes should be linked to comprehensive programmes addressing social marginalization and exclusion.

16. Community-based programmes of crime prevention that include the active participation of citizens, the business sector, the police and other relevant parties should be encouraged and developed. These programmes should avoid activities with the potential to affect the rights of others.

17. Crime prevention measures which target groups at risk of becoming offenders, especially youth, should be promoted and should include educational opportunities, employment, housing and leisure facilities. These measures should avoid stigmatization of the target groups.

18. Where necessary, educational support, such as instruction in parental skills, and special medical care should be offered as early as possible to families with children at risk. Steps should be taken to ensure that these provisions do not stigmatize the clients or infringe upon their rights.

19. Situational crime prevention programmes should be developed, to include target hardening, environmental design and surveillance. These programmes should not unduly reduce the quality of the built environment or limit free access to the public domain or public facilities.

20. Victim-oriented crime prevention consisting of, inter alia, the provision of information and advice to potential victims should be promoted. Steps should be taken to avoid the undue rise of fear of crime or the stigmatization of the target groups.

21. Victims of crime should be offered protection, where necessary, and should be informed of possible ways to reduce the risks of future victimization, with due consideration for the rights of offenders. Due regard should be given to means of avoiding the tendency to blame the victim, as well as to reparation by the offender.

22. To promote prevention, provisions should be made available or strengthened for out-of-court mediation in appropriate penal matters, if this option is foreseen in national legislation. Procedures should comply with the principles of due process.

23. Research on crime prevention, including evaluation studies, should be promoted, taking into account the interests and rights of all parties involved. The international exchange of information on best practices, in terms of both effectiveness and respect for human rights, should be facilitated.

Administration of juvenile justice

Pursuant to Economic and Social Council resolution 1996/13 [YUN 1996, p. 1033], the Secretary-General, in a March report [E/CN.15/1997/13], summarized information received from Governments regarding the development of a programme of action to promote the effective use and application of international standards and norms in juvenile justice. Drawing on that information, a group of experts met (Vienna, 23-25 February) and developed a draft Programme of Action on Children in the Criminal Justice System, which was annexed to the report. The report described activities of the Secretariat in the area of administration of juvenile justice, such as advisory services to Governments, participation in regional consultations, workshops and international meetings, and finalizing a manual on UN standards and norms in juvenile justice.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice
[E/1997/30], adopted resolution 1997/30 without vote [agenda item 7 (c)].

Administration of juvenile justice

The Economic and Social Council,


Recalling also its resolution 1996/13 of 23 July 1996 on the administration of juvenile justice,

Recalling further Commission on Human Rights resolution 1996/32 of 19 April 1996 on human rights in the administration of justice, in particular with regard to children and juveniles in detention,

Welcoming the fact that the Committee on the Rights of the Child attaches particular importance to the question of the administration of juvenile justice and that it has made concrete recommendations concerning the improvement of juvenile justice systems, through action by the Secretariat and other relevant United Nations entities, including the provision of advisory services and technical cooperation,

Noting the importance of advisory services and technical cooperation programmes for assisting States in implementing such recommendations,

Expressing its appreciation to the Government of Austria for having hosted an expert group meeting at Vienna from 23 to 25 February 1997 on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice,

Recognizing the need further to strengthen international cooperation and technical assistance in the field of juvenile justice,

1. Welcomes the Guidelines for Action on Children in the Criminal Justice System, annexed to the present resolution, which were elaborated by the expert group meeting on the elaboration of a programme of action to promote the effective use and application of international standards and norms in the field of juvenile justice, held at Vienna from 23 to 25 February 1997, in response to Council resolution 1996/13 and were amended by the Commission on Crime Prevention and Criminal Justice at its sixth session, and invites all parties concerned to make use of the Guidelines for Action in the implementation of the provisions of the Convention on the Rights of the Child with regard to juvenile justice;

2. Encourages Member States to make use of the technical assistance offered through United Nations programmes, including in particular the United Nations Crime Prevention and Criminal Justice Programme, in order to strengthen national capacities and infrastructures in the field of juvenile justice, with a view to implementing fully the provisions of the Convention relating to juvenile justice, as well as making effective use and application of the United Nations standards and norms in juvenile justice;

3. Invites the Crime Prevention and Criminal Justice Division of the Secretariat, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the United Nations Children's Fund and other relevant United Nations bodies and programmes to give favourable consideration to requests by Member States for technical assistance in the field of juvenile justice;

4. Calls upon Member States to contribute financial and other resources to project activities designed to assist in the use of the Guidelines for Action;

5. Invites the Secretary-General to strengthen the system-wide coordination of activities in the field of juvenile justice, including the prevention of juvenile delinquency, in particular with regard to research, dissemination of information, training and the effective use and application of existing standards and norms, as well as the implementation of technical assistance projects;

6. Also invites the Secretary-General to consider establishing a coordination panel on technical advice and assistance in juvenile justice, subject to the availability of regular budget or extrabudgetary funds, as recommended in the Guidelines for Action, which could be convened at least annually with a view to coordinating such international activities in the field of juvenile justice and could consist of representatives of the Committee on the Rights of the Child, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights and the Crime Prevention and Criminal Justice Division, together with representatives of the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, the United Nations Children's Fund, the United Nations Development Programme and other relevant United Nations organizations and specialized agencies, as well as of other interested intergovernmental, regional and non-governmental organizations, including international networks concerned with juvenile justice issues and academic institutions involved in the provision of technical advice and assistance;

7. Further invites the Secretary-General to undertake, subject to the availability of regular budget or extrabudgetary funds and in cooperation with interested Governments, needs-assessment missions on the basis of recommendations made by the Committee on the Rights of the Child, with a view to reforming or improving the juvenile justice systems in requesting States, through joint initiatives involving, as required, the Crime Prevention and Criminal Justice Division, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank and other international and regional financial institutions and organizations, as well as non-governmental organizations and academic institutions, including existing international networks concerned with juvenile justice issues, taking into account the advice of any panel established pursuant to paragraph 6 above;

8. Requests those organizations and bodies, subject to the availability of regular budget or extrabudgetary funds, as well as interested Governments, to offer assistance through short-, medium- and long-term projects to those States parties to the Convention which the Committee on the Rights of the Child considers to be
in need of improvement in their juvenile justice systems, and recommends that such projects be undertaken in the context of the report of the States parties concerned on the implementation of the Convention, in accordance with article 44 of the Convention;

9. Invites the governing bodies of the organizations and bodies referred to in paragraph 7 above to include in their programme activities a component on juvenile justice, with a view to ensuring the implementation of the present resolution;

10. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice on a biennial basis on the implementation of the present resolution.

ANNEX
Guidelines for Action on Children in the Criminal Justice System

1. Pursuant to Economic and Social Council resolution 1996/13 of 23 July 1996, the present Guidelines for Action on Children in the Criminal Justice System were developed at the expert group meeting on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice, held at Vienna from 23 to 25 February 1997 with the financial support of the Government. In developing the Guidelines for Action, the experts took into account the views expressed and the information submitted by Governments.

2. Twenty-nine experts from eleven States in different regions, representatives of the Centre for Human Rights of the Secretariat, the United Nations Children's Fund and the Committee on the Rights of the Child, as well as observers for non-governmental organizations concerned with juvenile justice, participated in the meeting.

3. The Guidelines for Action are addressed to the Secretary-General and relevant United Nations agencies and programmes, States parties to the Convention on the Rights of the Child, as regards its implementation, as well as Member States as regards the use and application of 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, hereinafter referred to as "United Nations standards and norms in juvenile justice".

I. Aims, objectives and basic considerations

4. The aims of the Guidelines for Action are to provide a framework to achieve the following objectives:

(a) To implement the Convention on the Rights of the Child and to pursue the goals set forth in the Convention with regard to children in the context of the administration of juvenile justice, as well as to use and apply the United Nations standards and norms in juvenile justice and other related instruments, such as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

(b) To facilitate the provision of assistance to States parties for the effective implementation of the Convention and related instruments.

5. In order to ensure effective use of the Guidelines for Action, improved cooperation between Governments, relevant entities of the United Nations system, non-governmental organizations, professional groups, the media, academic institutions, children and other members of civil society is essential.

6. The Guidelines for Action should be based on the principle that the responsibility for implementing the Convention clearly rests with the States parties thereto.

7. The basis for the use of the Guidelines for Action should be the recommendations of the Committee on the Rights of the Child.

8. In the use of the Guidelines for Action at both the international and national levels, consideration should be given to the following:

(a) Respect for human dignity, compatible with the four general principles underlying the Convention, namely: non-discrimination, including gender-sensitivity, upholding the best interests of the child, the right to life, survival and development and respect for the views of the child;

(b) A rights-based orientation;

(c) A holistic approach to implementation through maximization of resources and efforts;

(d) The integration of services on an interdisciplinary basis;

(e) The participation of children and concerned sectors of society;

(f) The empowerment of partners through a developmental process;

(g) Sustainability without continuing dependency on external bodies;

(h) Equitable application and accessibility to those in greatest need;

(i) Accountability and transparency of operations;

(j) Proactive responses based on effective preventive and remedial measures.

9. Adequate resources (human, organizational, technological, financial and information) should be allocated and utilized efficiently at all levels (international, regional, national, provincial and local) and in collaboration with relevant partners, including Governments, United Nations entities, non-governmental organizations, professional groups, the media, academic institutions, children and other members of civil society, as well as other partners.

II. Plans for the implementation of the Convention on the Rights of the Child, the pursuit of its goals and the use and application of international standards and norms in juvenile justice

A. Measures of general application

10. The importance of a comprehensive and consistent national approach in the area of juvenile justice should be recognized, with respect for the interdependence and indivisibility of all rights of the child.

II. Measures relating to policy, decision-making, leadership and reform should be taken, with the goal of ensuring that:

(a) The principles and provisions of the Convention on the Rights of the Child and the United Nations standards and norms in juvenile justice are fully reflected in national and local legislation, policy and practice, in particular by establishing a child-oriented juvenile justice system that guarantees the rights of children, prevents the violation of the rights of children, promotes children's sense of dignity and worth and fully respects their age, their stage of development
and their right to participate meaningfully in and contribute to society;
(b) The relevant contents of the above-mentioned instruments are made widely known to children in language accessible to children. In addition, if necessary, procedures should be established to ensure that each and every child is provided with the relevant information on his or her rights set out in those instruments, at least from his or her first contact with the criminal justice system, and is reminded of his or her obligation to obey the law;
(c) Understanding on the part of the public and the media of the spirit, aims and principles of justice centred on the child is promoted in accordance with the United Nations standards and norms in juvenile justice.

B. Specific targets
12. States should ensure the effectiveness of their birth registration programmes. In those instances where the age of the child involved in the justice system is unknown, measures should be taken to ensure that the true age of a child is ascertained by independent and objective assessment.

13. Notwithstanding the age of criminal responsibility, civil majority and the age of consent as defined by national legislation, States should ensure that children benefit from all their rights, as guaranteed to them by international law and, specifically in this context, those set forth in articles 3, 37 and 40 of the Convention.

14. Particular attention should be given to the following points:
(a) There should be a comprehensive child-centred juvenile justice process;
(b) Independent expert or other types of panels should review existing and proposed juvenile justice laws and their impact on children;
(c) No child who is under the legal age of criminal responsibility should be subject to criminal charges;
(d) States should establish juvenile courts with primary jurisdiction over juveniles who commit criminal acts and special procedures should be designed to take into account the specific needs of children. As an alternative, regular courts should incorporate such procedures, as appropriate. Wherever necessary, national legislative and other measures should be considered to accord all the rights of and protection for the child, where the child is brought before a court other than a juvenile court, in accordance with articles 3, 37 and 40 of the Convention.

15. A review of existing procedures should be undertaken and, where possible, diversion or other alternative initiatives to the classic criminal justice systems should be developed to avoid recourse to the criminal justice systems for young persons accused of an offence. Appropriate steps should be taken to make available throughout the State a broad range of alternative and educative measures at the pre-arrest, pre-trial, trial and post-trial stages, in order to prevent recidivism and promote the social rehabilitation of child offenders. Whenever appropriate, mechanisms for the informal resolution of disputes in cases involving a child offender should be utilized, including mediation and restorative justice practices, in particular processes involving victims. In the various measures to be adopted, the family should be involved, to the extent that it operates in favour of the good of the child offender. States should ensure that alternative measures comply with the Convention and the United Nations standards and norms in juvenile justice, as well as other existing standards and norms in crime prevention and criminal justice, such as the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), with special regard to ensuring respect for due-process rules in applying such measures and for the principle of minimum intervention.

16. Priority should be given to setting up agencies and programmes to provide legal and other assistance such as interpretation services to children, if necessary, free of charge, and, in particular, to ensure that the right of every child to have access to such assistance from the moment that the child is detained is respected in practice.

17. Appropriate action should be ensured to alleviate the problem of children in need of special protection measures, such as children working or living on the streets or children permanently deprived of a family environment, children with disabilities, children of minorities, immigrants and indigenous peoples and other vulnerable groups of children.

18. The placement of children in closed institutions should be reduced. Such placement of children should only take place in accordance with the provisions of article 37 (b) of the Convention as a matter of last resort and for the shortest period of time. Corporal punishment in the child justice and welfare systems should be prohibited.

19. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty and article 37 (d) of the Convention also apply to any public or private setting from which the child cannot leave at will, by order of any judicial, administrative or other public authority.

20. In order to maintain a link between the detained child and his or her family and community and to facilitate his or her social reintegration, it is important to ensure easy access by relatives and persons who have a legitimate interest in the child to institutions where children are deprived of their liberty, unless the best interests of the child would suggest otherwise.

21. An independent body to monitor and report regularly on conditions in custodial facilities should be established, if necessary. Monitoring should take place within the framework of the United Nations standards and norms in juvenile justice, in particular the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. States should permit children to communicate freely and confidentially with the monitoring bodies.

22. States should consider positively requests from concerned humanitarian, human rights and other organizations for access to custodial facilities, where appropriate.

23. In relation to children in the criminal justice system, due account should be taken of concerns raised by intergovernmental and non-governmental organizations and other interested parties, in particular systemic issues, including inappropriate admissions and lengthy delays that have an impact on children deprived of their liberty.
24. All persons who have contact with or are responsible for children in the criminal justice system should receive education and training in human rights, the principles and provisions of the Convention and other United Nations standards and norms in juvenile justice as an integral part of their training programmes. Such persons include police and other law enforcement officials, judges and magistrates, prosecutors, lawyers and administrators, prison officers and other professionals working in institutions where children are deprived of their liberty, health personnel, social workers, peacekeepers and other professionals concerned with juvenile justice.

25. In the light of existing international standards, States should establish mechanisms to ensure a prompt, thorough and impartial investigation into allegations against officials of deliberate violation of the fundamental rights and freedoms of children. States should equally ensure that those found responsible are duly sanctioned.

C. Measures to be taken at the international level

26. Juvenile justice should be given due attention internationally, regionally and nationally, including within the framework of the United Nations system-wide action.

27. There is an urgent need for close cooperation between all bodies in this field, in particular, the Crime Prevention and Criminal Justice Division, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme, the Committee on the Rights of the Child, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization. In addition, the World Bank and other international and regional financial institutions and organizations, as well as non-governmental organizations and academic institutions, are invited to support the provision of advisory services and technical assistance in the field of juvenile justice. Cooperation should therefore be strengthened, in particular with regard to research, the dissemination of information, training, the implementation and monitoring of the Convention and the use and application of existing standards, as well as with regard to the provision of technical advice and assistance programmes, for example, by making use of existing international networks on juvenile justice.

28. The effective implementation of the Convention on the Rights of the Child, as well as the use and application of international standards through technical cooperation and advisory service programmes, should be ensured by giving particular attention to the following aspects related to protecting and promoting the human rights of children in detention, strengthening the rule of law and improving the administration of the juvenile justice system:

(a) Assistance in legal reform;
(b) The strengthening of national capacities and infrastructures;
(c) Training programmes for police and other law enforcement officials, judges and magistrates, prosecutors, lawyers, administrators, prison officers and other professionals working in institutions where children are deprived of their liberty, health personnel, social workers, peacekeepers and other professionals concerned with juvenile justice;
(d) The preparation of training manuals;
(e) The preparation of information and education material to inform children about their rights in juvenile justice;
(f) Assistance with the development of information and management systems.

29. Close cooperation should be maintained between the Crime Prevention and Criminal Justice Division and the Department of Peacekeeping Operations of the Secretariat in view of the relevance of the protection of the rights of children in peacekeeping operations, including the problems of children and youth as victims and perpetrators of crime in peace-building and post-conflict or other emerging situations.

D. Mechanisms for the implementation of technical advice and assistance projects

30. In accordance with articles 43, 44 and 45 of the Convention, the Committee on the Rights of the Child reviews the reports of States parties on the implementation of the Convention. According to article 44 of the Convention, these reports should indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the Convention.

31. States parties to the Convention are invited to provide in their initial and periodic reports comprehensive information, data and indicators on the implementation of the provisions of the Convention and on the use and application of the United Nations standards and norms in juvenile justice.

32. As a result of the process of examining the progress made by States parties in fulfilling their obligations under the Convention, the Committee on the Rights of the Child may make suggestions and general recommendations to the States parties to ensure full compliance with the Convention (in accordance with article 45 (d) of the Convention). In order to foster the effective implementation of the Convention and to encourage international cooperation in the area of juvenile justice, the Committee transmits, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies any reports from States parties that contain a request, or indicate a need, for advisory services and technical assistance, together with the observations and suggestions of the Committee, if any, on those requests or indications (in accordance with article 45 (b) of the Convention).

33. Accordingly, should a State party report and the review process by the Committee reveal any necessity to initiate reform in the area of juvenile justice, including through assistance by the United Nations technical advice and assistance programmes or those of the specialized agencies, the State party may request such assistance, including assistance from the Crime Prevention and Criminal Justice Division, the Centre for Human Rights and the United Nations Children's Fund.

34. In order to provide adequate assistance in response to those requests, a coordination panel on technical advice and assistance in juvenile justice should be established, to be convened at least annually by the Secretary-General. The panel will consist of representatives of the Crime Prevention and Criminal Justice
Division, the Office of the United Nations High Commissioner for Human Rights/centre for Human Rights, the United Nations Children's Fund, the United Nations Development Programme, the Committee on the Rights of the Child, the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network and other relevant United Nations entities, as well as other interested intergovernmental, regional and non-governmental organizations, including international networks on juvenile justice and academic institutions involved in the provision of technical advice and assistance, in accordance with paragraph 39 below.

35. Prior to the first meeting of the coordination panel, a strategy should be elaborated for addressing the issue of how to activate further international cooperation in the field of juvenile justice. The coordination panel should also facilitate the identification of common problems, the compilation of examples of good practice and the analysis of shared experiences and needs, which in turn would lead to a more strategic approach to needs assessment and to effective proposals for action. Such a compilation would allow for concerted advisory services and technical assistance in juvenile justice, including an early agreement with the Government requesting such assistance, as well as with all other partners having the capacity and the competence to implement the various segments of a country project, thus ensuring the most effective and problem-oriented action. This compilation should be developed continuously in close cooperation with all parties involved. It will take into account the possible introduction of diversion programmes and measures to improve the administration of juvenile justice, to reduce the use of remand homes and pre-trial detention, to improve the treatment of children deprived of their liberty and to create effective reintegration and recovery programmes.

36. Emphasis should be placed on formulating comprehensive prevention plans, as called for in the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines). Projects should focus on strategies to socialize and integrate all children and young persons successfully, in particular through the family, the community, peer groups, schools, vocational training and the world of work. These projects should pay particular attention to children in need of special protection measures, such as children working or living on the streets or children permanently deprived of a family environment, children with disabilities, children of minorities, immigrants and indigenous peoples and other vulnerable groups of children. In particular, the placement of these children in institutions should be proscribed as much as possible. Measures of social protection should be developed in order to limit the risks of criminalization for these children.

37. The strategy will also set out a coordinated process for the delivery of international advisory services and technical assistance to States parties to the Convention, on the basis of joint missions to be undertaken, whenever appropriate, by staff of the different organizations and agencies involved, with a view to devising longer-term technical assistance projects.

38. Important actors in the delivery of advisory services and technical assistance programmes at the country level are the United Nations resident coordinators, with significant roles to be played by the field offices of the Office of the United Nations High Commissioner for Human Rights/centre for Human Rights, the United Nations Children's Fund and the United Nations Development Programme. The vital nature of the integration of juvenile justice technical cooperation in country planning and programming, including through the United Nations country strategy note, is emphasized.

39. Resources must be mobilized for both the coordinating mechanism of the coordination panel and regional and country projects formulated to improve observance of the Convention. Resources for those purposes (see paragraphs 34 to 38 above) will come either from regular budgets or from extrabudgetary resources. Most of the resources for specific projects will have to be mobilized from external sources. The coordination panel may wish to encourage, and in fact be the vehicle for, a coordinated approach to resource mobilization in this area. Such resource mobilization should be on the basis of a common strategy as contained in a programme document drawn up in support of a global programme in this area. All interested United Nations bodies and agencies as well as non-governmental organizations that have a demonstrated capacity to deliver technical cooperation services in this area should be invited to participate in such a process.

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41. One of the obvious tenets in juvenile delinquency prevention and juvenile justice is that long-term change is brought about not only when symptoms are treated but also when root causes are addressed. For example, excessive use of juvenile detention will be dealt with adequately only by applying a comprehensive approach, which involves both organizational and managerial levies, at all levels, including police, prosecution and the judiciary, as well as the penitentiary system. This requires communication, inter alia, with and among police, prosecutors, judges and magistrates, authorities of local communities, administration authorities and with the relevant authorities of detention centres. In addition, it requires the will and ability to cooperate closely with each other.

42. To prevent further overreliance on criminal justice measures to deal with children's behaviour, efforts should be made to establish and apply programmes aimed at strengthening social assistance, which would allow for the diversion of children from the justice system at all levels, by all means, and in fact be the vehicle for, a coordinated approach to resource mobilization in this area. Such resource mobilization should be on the basis of a common strategy as contained in a programme document drawn up in support of a global programme in this area. All interested United Nations bodies and agencies as well as non-governmental organizations that have a demonstrated capacity to deliver technical cooperation services in this area should be invited to participate in such a process.

E. Further considerations for the implementation of country projects

43. In accordance with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, States should undertake to ensure that child victims and witnesses of crime are provided with appropriate access to justice and fair treatment, restitution,
compensation and social assistance. If applicable, measures should be taken to prevent the settling of penal matters through compensation outside the justice system, when doing so is not in the best interests of the child.

44. Police, lawyers, the judiciary and other court personnel should receive training in dealing with cases in which children are victims. States should consider establishing, if they have not yet done so, specialized offices and units to deal with cases involving offences against children. States should establish, as appropriate, a code of practice for the proper management of cases involving child victims.

45. Child victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm they have suffered.

46. Child victims should have access to assistance that meets their needs, such as advocacy, protection, economic assistance, counselling, health and social services, social reintegration and physical and psychological recovery services. Special assistance should be given to those children who are disabled or ill. Emphasis should be placed upon family- and community-based rehabilitation rather than institutionalization.

47. Judicial and administrative mechanisms should be established and strengthened where necessary to enable child victims to obtain redress through formal or informal procedures that are prompt, fair and accessible. Child victims and/or their legal representatives should be informed accordingly.

48. Access should be allowed to fair and adequate compensation for all child victims of violations of human rights, specifically torture and other cruel, inhuman or degrading treatment or punishment, including rape and sexual abuse, unlawful or arbitrary deprivation of liberty, unjustifiable detention and miscarriage of justice. The legal representation needed to bring an action within an appropriate court or tribunal, as well as interpretation into the native language of the child, if necessary, should be available.

49. Child witnesses of crime need assistance in the judicial and administrative processes. States should review, evaluate and improve, as necessary, the situation for children as witnesses of crime in their evidential and procedural law to ensure that the rights of children are fully protected. In accordance with the different law traditions, practices and legal frameworks, direct contact between the child victim and the offender should be avoided as far as possible during the process of investigation and prosecution as well as during trial hearings. The identification of the child victim in the media should be prohibited, where necessary, to protect the privacy of the child. Where prohibition is contrary to the fundamental legal principles of Member States, such identification should be discouraged.

50. States should consider, if necessary, amendments to their penal procedural codes to allow for, inter alia, videotaping of testimony by the child and presentation of the videotaped testimony in court as an official piece of evidence. In particular, police, prosecutors, judges and magistrates should apply more child-friendly practices, for example, in police operations and interviews of child witnesses.

51. The responsiveness of judicial and administrative processes to the needs of child victims and witnesses of crime should be facilitated by:

(a) Informing child victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved;

(b) Encouraging the development of child witness preparation schemes to familiarize children with the criminal justice process prior to giving evidence. Appropriate assistance should be provided to child victims and witnesses throughout the legal process;

(c) Allowing the views and concerns of child victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and in accordance with the relevant national criminal justice system;

(d) Taking measures to minimize delays in the criminal justice process, protecting the privacy of child victims and witnesses and, where necessary, ensuring their safety from intimidation and retaliation.

52. Children displaced illegally or wrongfully returned across borders are, as a general principle, to be returned to their country of origin. Due attention should be paid to their safety and they should be treated humanely and should receive necessary assistance, pending their return. They should be returned promptly to ensure compliance with the Convention on the Rights of the Child. Where the Hague Convention on the Civil Aspects of International Child Abduction of 1980, the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993 or the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of the Child of 1996, approved by the Hague Conference on Private International Law, is applicable, the provisions of the convention in question with regard to the return of the child should be promptly applied. Upon the return of the child, the country of origin should treat the child with respect, in accordance with international principles of human rights, and offer adequate family-based rehabilitation measures.

53. The United Nations Crime Prevention and Criminal Justice Programme, including the institutes constituting the Programme network, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the United Nations Children’s Fund, the United Nations Development Programme, the Committee on the Rights of the Child, the United Nations Educational, Scientific and Cultural Organization, the World Bank and interested nongovernmental organizations should assist Member States, at their request, from within the overall appropriations of their regular budgets or from extrabudgetary resources, in developing multidisciplinary training, education and information activities for law enforcement and other criminal justice personnel, including police officers, prosecutors, judges and magistrates.

Victims of crime and abuse of power

The Secretary-General, in a February note with later addendum [E/CN.15/1997/16 & Add.1], provided the Commission with an overview of re-
cent developments related to the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by General Assembly resolution 40/34 [YUN 1985, p. 742], in particular with regard to the implementation of the mandates contained in Economic and Social Council resolution 1996/14 [YUN 1996, p. 1043].

The Secretary-General noted that an Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting (Tulsa, Oklahoma, United States, 10-12 August 1996) had prepared the first version of the draft "International victim assistance training manual on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power". The draft outlined the main elements for the provision of assistance to victims, including: the development of effective victim service programmes; the responsibilities of professionals and volunteers to victims; integration of victim needs in national law, policy and planning, as well as technical assistance projects; and international cooperation to reduce victimization and assist victims. In order to elaborate the final text of the manual and to develop a longer version as a handbook, another Expert Group Meeting was held in The Hague, Netherlands, on 6 and 7 March 1997. The main purpose of both the manual and the handbook was to enable countries to establish programmes to provide emotional and financial support and effectively intervene on behalf of victims. The expert groups began work on establishing a database on promising practices and legislation on victim-related issues as a supplement to the draft manual.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/31 without vote [agenda item 7 (c)].

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,

Considering that the adoption of the Declaration is an important landmark in international efforts to improve the treatment of victims,

Recalling that the General Assembly, in its resolution 40/34, called upon Member States to take the necessary steps to give effect to the provisions contained in the Declaration and urged United Nations entities, other intergovernmental organizations and non-governmental organizations to cooperate in the implementation of those provisions,

Mindful of the serious consequences of various forms of crimes, including those committed in cases of armed conflict or military occupation, for the victims,


Taking into account section IV, paragraph 2, of its resolution 1995/27 of 24 July 1995 and its resolution 1996/14 of 23 July 1996, in which it noted the usefulness of the manuals published and disseminated by the Secretariat under the United Nations Crime Prevention and Criminal Justice Programme,

Taking into account also the recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995,

1. Takes note of the progress made in the work on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, as reflected in the note by the Secretary-General;

2. Welcomes the establishment of a victim and witness unit as reported in the 1995 yearbook of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991;

3. Recommends that, during armed conflicts, the rights of victims as contained in relevant international law, in particular in international humanitarian law, should be rigorously enforced, that universal adherence to the corresponding treaties and protocols should be promoted and that proper consideration should be given to those issues by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and by the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994;

4. Welcomes the positive developments related to the work of the Preparatory Committee on the Establishment of an International Criminal Court, and recommends that, in the statute and rules of procedure of the court, appropriate attention should be given to the principles contained in the Declaration;

5. Also welcomes the fact that the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions has relied on the Declaration in accomplishing his task;

6. Urges Governments to make effective use of the provisions contained in the Declaration and, to that end, to provide for legislation and other mechanisms for their effective use and application, including access to justice and fair treatment, reparation, restitution and compensation, as well as physical, medical and social assistance;
7. Expresses its appreciation to the Governments of the Netherlands and the United States of America for having acted as host to two expert group meetings on victims of crime and abuse of power in the international setting, one organized by the United States Department of Justice at Tulsa, United States of America, from 10 to 12 August 1996 and the other organized by the Ministry of Justice of the Netherlands at The Hague on 6 and 7 March 1997;

8. Takes note of the results of those two expert group meetings, which proposed the elaboration of a manual as a strategic guide for policy makers and of a handbook as a resource tool for practitioners and other relevant parties;

9. Welcomes the invitation of the Government of the United States of America to act as host to a fourth expert group meeting, in 1997, in order to complete the work on the proposed handbook;

10. Requests the Secretary-General to seek the views of Member States on the proposed manual and the proposed handbook and, drawing on the observations received, to finalize their texts for submission to the Commission on Crime Prevention and Criminal Justice at its seventh session;

11. Invites Governments to provide the Secretary-General with information on promising practices and legislation concerning victim-related issues with a view to establishing a database and a clearing house for the provision of a continuing service for governmental agencies and non-governmental organizations, as proposed by the above-mentioned expert group meetings;

12. Also invites Governments to make proposals regarding the elaboration of a plan of action with emphasis on the activities of the United Nations, such as technical cooperation activities, so as to promote the effective use and application of the Declaration, as well as the use of the proposed manual and handbook, including new modalities for funding involving also the private sector and non-governmental organizations, such as the establishment of a foundation;

13. Requests the relevant United Nations bodies, programmes and specialized agencies, the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental and non-governmental organizations and other entities to provide their substantive and technical contributions to such proposals, drawing also on work already done in that field, with a view to ensuring the integration and coordination of activities among the various parties involved;

14. Requests the Secretary-General to consult with the above-mentioned entities as well as funding agencies and potential donor countries on the desirability of establishing mechanisms to facilitate the coordination of technical cooperation initiatives to prevent victimization and to assist victims of crime and abuse of power;

15. Reiterates the importance of technical cooperation in providing assistance to those Governments requesting it, as noted in the report of the Secretary-General on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, in particular in the form of advisory services, training and assistance in the review or promulgation of national legislation, and requests the Secretary-General to continue to provide such assistance, drawing on extrabudgetary resources, in close collaboration with the Programme network;

16. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice on the implementation of the present resolution.

Other crime prevention and criminal justice issues

Trafficking in children

In a February report with later addendum [E/CN.15/1997/12 & Add.1], the Secretary-General provided additional information received from Governments since his 1996 report [YUN 1996, p. 1034] concerning possible elements to be included in an international convention against trafficking in children. The report also contained the results of a survey, based on existing international conventions, analysing the extent to which children were protected from becoming victims of international trafficking. The analysis also drew on the work accomplished by the working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (see PART TWO, Chapter II).

The Secretary-General concluded that, based on the information received, the Commission on Crime Prevention and Criminal Justice might feel the need to develop an international convention. He suggested that the Commission might wish to establish an open-ended inter-sessional working group to elaborate elements of a draft convention; or establish a pre-sessional working group to identify the scope and main content of a possible convention; or ask the Secretariat to organize a meeting of experts to develop a set of specific proposals for the Commission's consideration in 1998 and to seek the views of Member States on the possible elements of a convention and on the main issues to be covered, and to provide data on the extent to which children became victims of transborder trafficking in practice.

Violence against women

In response to Economic and Social Council resolution 1996/12 [YUN 1996, p. 1068], the Secretary-General, in a March report with later addendum [E/CN.15/1997/11 & Add.1], presented the views of Member States, institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, relevant UN entities and intergovernmental and non-governmental organizations on the draft practical measures, strategies and activities for the elimination of vio-
By various means, the Economic and Social Council Action

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/24 without vote [agenda item 7 (c)].

Crime prevention and criminal justice measures to eliminate violence against women

[For text, see General Assembly resolution 52/86 below.]

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/635], adopted resolution 52/86 without vote [agenda item 103].

Crime prevention and criminal justice measures to eliminate violence against women

The General Assembly,

Bearing in mind its resolution 48/104 of 20 December 1993, in which it proclaimed the Declaration on the Elimination of Violence against Women, and recalling the definition of violence against women contained in articles 1 and 2 of the Declaration,

Strongly condemning all forms of violence against women,

Stressing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women contributes to the elimination of violence against women and that the implementation of the Declaration strengthens and complements that process,

Recalling the Beijing Declaration and the Platform for Action adopted by the Fourth World Conference on Women and, in particular, the determination of Governments to prevent and eliminate all forms of violence against women and girls,

Recognizing the need to implement fully the Beijing Declaration and the Platform for Action in the field of crime prevention and criminal justice and to develop strategies and practical measures in that field,

Taking note of Commission on Human Rights resolution 1997/44 of 11 April 1997 on the elimination of violence against women,

Welcoming the renewal of the mandate of the Special Rapporteur on violence against women, its causes and consequences, by the Commission on Human Rights,

Recalling the conclusions and recommendations of the Special Rapporteur, stressed by the Commission on Human Rights in its resolution 1997/44, that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women,

Reaffirming Economic and Social Council resolution 1996/12 of 23 July 1996 on the elimination of violence against women,

Expressing deep concern about the high social, health and economic costs to the individual and society that are associated with violence against women,

Bearing in mind that criminal justice agencies should work closely with practitioners in other sectors, including health, social services and education, and with members of the community to deal with the problem of violence against women,

Acknowledging the valuable contribution made by non-governmental organizations, organizations seeking women’s equality and community agencies in working towards the elimination of violence against women,

1. Urges Member States to review and evaluate their legislation and legal principles, procedures, policies and practices relating to criminal matters, in a manner consistent with their legal systems, to determine if they have a negative impact on women and, if they have such an impact, to modify them in order to ensure that women are treated fairly by the criminal justice system;

2. Also urges Member States to undertake strategies, develop policies and disseminate materials to promote women’s safety in the home and in society at large, including specific crime prevention strategies that reflect the realities of women’s lives and address their distinct needs in such areas as social development, environmental design and educational prevention programmes;

3. Further urges Member States to promote an active and visible policy of integrating a gender perspective into the development and implementation of all policies and programmes in the field of crime prevention and criminal justice, which may assist in the elimination of violence against women so that, before decisions are taken, an analysis may be made to ensure that they entail no unfair gender bias;

4. Calls upon the Commission on Crime Prevention and Criminal Justice, through the Centre for International Crime Prevention of the Secretariat and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to cooperate with all relevant organs, bodies and other entities of the United Nations system and to coordinate their activities on issues relating to violence against women and to the removal of gender bias in the administration of criminal justice;

5. Calls upon the institutes comprising the Programme network to continue training in the field of violence against women and to consolidate and disseminate information on successful intervention models and preventive programmes at the national level;
6. Requests the Commission to ensure that Strategies for Confronting Domestic Violence: A Resource Manual is published in all official languages of the United Nations, subject to the availability of regular budget or extrabudgetary funds, and acknowledges the contribution of Canada in that respect;

7. Calls upon Governments, international organizations and non-governmental organizations, as appropriate, to translate Strategies for Confronting Domestic Violence: A Resource Manual into local languages and to ensure its wide dissemination for use in training and education programmes;

8. Takes note of the report of the Secretary-General on the elimination of violence against women, including the revision of the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women, based on comments received from Member States, United Nations entities, including the specialized agencies and associate entities, as well as intergovernmental and non-governmental organizations;

9. Adopts the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, annexed to the present resolution, as a model for guidelines to be used by Governments in their efforts to address, within the criminal justice system, the various manifestations of violence against women;

10. Urges Member States to be guided by the Model Strategies and Practical Measures in developing and undertaking strategies and practical measures to eliminate violence against women and in promoting women’s equality within the criminal justice system;

11. Requests the Commission on Crime Prevention and Criminal Justice, through the Centre for International Crime Prevention of the Secretariat, to assist Member States, at their request, in utilizing the Model Strategies and Practical Measures;

12. Calls upon the Commission on Crime Prevention and Criminal Justice to continue to consider the elimination of violence against women within the training and technical assistance efforts of the United Nations Crime Prevention and Criminal Justice Programme;

13. Requests the Secretary-General to ensure the wide dissemination of the Model Strategies and Practical Measures, with a view to promoting their use;

14. Also requests the Secretary-General to transmit the Model Strategies and Practical Measures to the relevant United Nations organizations and bodies, such as the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Commission on Human Rights, including the Subcommission on Prevention of Discrimination and Protection of Minorities, and the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and its consequences, and invites those organizations and bodies to develop strategies and practical measures on the elimination of violence against women in their areas of expertise;

15. Invites the Economic and Social Council to consider including the question of violence against women at the high-level segments of one of its forthcoming sessions, in the context of its discussion on the human rights of women;

16. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, through the Economic and Social Council, a report on the implementation of the present resolution.

ANNEX

Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice

1. The multifaceted nature of violence against women suggests that different strategies are required for different manifestations of violence and the various settings in which it occurs. The practical measures, strategies and activities described below can be introduced in the field of crime prevention and criminal justice to deal with the problem of violence against women. Except where otherwise specified, the term “women” encompasses “girl children”.

2. Recalling the definition of violence against women contained in the Declaration on the Elimination of Violence against Women and reiterated in the Platform for Action adopted by the Fourth World Conference on Women, the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice build upon the measures adopted by Governments in the Platform for Action, bearing in mind that some groups of women are especially vulnerable to violence.

3. The Model Strategies and Practical Measures specifically acknowledge the need for an active policy of bringing into the mainstream a gender perspective in all policies and programmes related to violence against women and of achieving gender equality and equal and fair access to justice, as well as establishing the goal of gender balance in areas of decision-making related to the elimination of violence against women. The Model Strategies and Practical Measures should be applied as guidelines in a manner consistent with relevant international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, with a view to furthering their fair and effective implementation.

4. The Model Strategies and Practical Measures should be implemented by Member States and other entities, without prejudice to the principle of gender equality before the law, in order to facilitate the efforts by Governments to deal with the various manifestations of violence against women within the criminal justice system.

5. The Model Strategies and Practical Measures are aimed at providing de jure and de facto equality between women and men. The Model Strategies and Practical Measures do not give preferential treatment to women but are aimed at ensuring that any inequalities or forms of discrimination that women face in achieving access to justice, particularly in respect of acts of violence, are redressed.

I. Criminal law

6. Member States are urged:

(a) To periodically review, evaluate and revise their laws, codes and procedures, especially their criminal laws, to ensure their value and effectiveness in eliminating violence against women and to remove provisions that allow for or condone violence against women;
(b) To review, evaluate and revise their criminal and civil laws, within the framework of their national legal systems, in order to ensure that all acts of violence against women are prohibited and, if not, to adopt measures to do so;

(c) To review, evaluate and revise their criminal laws in order to ensure that:

(i) Persons who are brought before the courts on judicial matters in respect of violent crimes or who are convicted of such crimes can be restricted in their possession and use of firearms and other regulated weapons, within the framework of their national legal systems;

(ii) Individuals can be prohibited or restrained, within the framework of their national legal systems, from harassing, intimidating or threatening women.

II. Criminal procedure

7. Member States are urged to review, evaluate and revise their criminal procedure, as appropriate, in order to ensure that:

(a) The police have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests in cases of violence against women, including confiscation of weapons;

(b) The primary responsibility for initiating prosecutions lies with prosecution authorities and does not rest with women subjected to violence;

(c) Women subjected to violence have an opportunity to testify in court proceedings equal to that of other witnesses and that measures are available to facilitate such testimony and to protect their privacy;

(d) Rules and principles of defence do not discriminate against women and such defences as honour or provocation do not allow perpetrators of violence against women to escape all criminal responsibility;

(e) Perpetrators who commit acts of violence against women while voluntarily under the influence of alcohol or drugs are not absolved of all criminal or other responsibility;

(f) Evidence of prior acts of violence, abuse, stalking and exploitation by the perpetrator is considered during court proceedings, in accordance with the principles of national criminal law;

(g) Courts, subject to the constitution of their State, have the authority to issue protection and restraining orders in cases of violence against women, including removal of the perpetrator from the domicile, prohibiting further contact with the victim and other affected parties, inside and outside the domicile, and to impose penalties for breaches of these orders;

(h) Measures can be taken when necessary to ensure the safety of victims and their families and to protect them from intimidation and retaliation;

(i) Safety risks are taken into account in decisions concerning non-custodial or quasi-custodial sentences, the granting of bail, conditional release, parole or probation.

III. Police

8. Member States are urged, within the framework of their national legal systems:

(a) To ensure that the applicable provisions of laws, codes and procedures related to violence against women are consistently enforced in such a way that all criminal acts of violence against women are recognized and responded to accordingly by the criminal justice system;

(b) To develop investigative techniques that do not degrade women subjected to violence and that minimize intrusion into their lives, while maintaining standards for the collection of the best evidence;

(c) To ensure that police procedures, including decisions on the arrest, detention and terms of any form of release of the perpetrator, take into account the need for the safety of the victim and others related through family, socially or otherwise, and that these procedures also prevent further acts of violence;

(d) To empower the police to respond promptly to incidents of violence against women;

(e) To ensure that the exercise of police powers is undertaken according to the rule of law and codes of conduct and that the police may be held accountable for any infringement thereof;

(f) To encourage women to join police forces, including at the operational level.

IV. Sentencing and correction

9. Member States are urged, as appropriate:

(a) To review, evaluate and revise sentencing policies and procedures in order to ensure that they meet the goals of:

(i) Holding offenders accountable for their acts related to violence against women;

(ii) Stopping violent behaviour;

(iii) Taking into account the impact on victims and their family members of sentences imposed on perpetrators who are members of their families;

(iv) Promoting sanctions that are comparable to those for other violent crimes;

(b) To ensure that a woman subjected to violence is notified of any release of the offender from detention or imprisonment where the safety of the victim in such disclosure outweighs invasion of the offender's privacy;

(c) To take into account in the sentencing process the severity of the physical and psychological harm and the impact of victimization, including through victim impact statements where such practices are permitted by law;

(d) To make available to the courts through legislation a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence;

(e) To ensure that the sentencing judge is encouraged to recommend treatment of the offender at the time of sentencing;

(f) To ensure that there are appropriate measures in place to eliminate violence against women who are detained for any reason;

(g) To develop and evaluate offender treatment programmes for different types of offenders and offender profiles;

(h) To protect the safety of victims and witnesses before, during and after criminal proceedings.

V. Victim support and assistance

10. Member States are urged, as appropriate:

(a) To make available to women who have been subjected to violence information on rights and remedies and on how to obtain them, in addition to information about participating in criminal proceedings and the
scheduling, progress and ultimate disposition of the proceedings;

(b) To encourage and assist women subjected to violence in lodging and following through on formal complaints;

(c) To ensure that women subjected to violence receive, through formal and informal procedures, prompt and fair redress for the harm that they have suffered, including the right to seek restitution or compensation from the offenders or the State;

(d) To provide for court mechanisms and procedures that are accessible and sensitive to the needs of women subjected to violence and that ensure the fair processing of cases;

(e) To establish a registration system for judicial protection and restraining orders, where such orders are permitted by national law, so that police or criminal justice officials can quickly determine whether such an order is in force.

VI. Health and social services

11. Member States, in cooperation with the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women’s equality, and research institutes are urged, as appropriate:

(a) To establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation for women and their children who are at risk of becoming or who have been victims of violence;

(b) To establish, fund and coordinate services such as toll-free information lines, professional multidisciplinary counselling and crisis intervention services and support groups in order to benefit women who are victims of violence and their children;

(c) To design and sponsor programmes to caution against and prevent alcohol and substance abuse, given the frequent presence of alcohol and substance abuse in incidents of violence against women;

(d) To establish better linkages between medical services, both primary and emergency, and criminal justice agencies for purposes of reporting, recording and responding to acts of violence against women;

(e) To develop model procedures to help participants in the criminal justice system to deal with women subjected to violence;

(f) To establish, where possible, specialized units with persons from relevant disciplines especially trained to deal with the complexities and victim sensitivities involved in cases of violence against women.

(b) To ensure adequate training, sensitivity and education of police, criminal justice officials, practitioners and professionals involved in the criminal justice system regarding all relevant human rights instruments;

(c) To encourage professional associations to develop enforceable standards of practice and behaviour, which promote justice and equality for women, for practitioners involved in the criminal justice system.

VIII. Research and evaluation

13. Member States and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, relevant entities of the United Nations system, other relevant international organizations, research institutes and non-governmental organizations, including organizations seeking women’s equality, are urged, as appropriate:

(a) To develop crime surveys on the nature and extent of violence against women;

(b) To gather data and information on a gender-disaggregated basis for analysis and use, together with existing data, in needs assessment, decision-making and policy-making in the field of crime prevention and criminal justice, in particular concerning:

(i) The different forms of violence against women, its causes and consequences;

(ii) The extent to which economic deprivation and exploitation are linked to violence against women;

(iii) The relationship between the victim and the offender;

(iv) The rehabilitative or anti-recidivistic effect of various types of intervention on the individual offender and on the reduction of violence against women;

(v) The use of firearms, drugs and alcohol, particularly in cases of violence against women in situations of domestic violence;

(vi) The relationship between victimization or exposure to violence and subsequent violent activity;

(c) To monitor and issue annual reports on the incidence of violence against women, arrest and clearance rates, prosecution and case disposition of the offenders;

(d) To evaluate the efficiency and effectiveness of the criminal justice system in fulfilling the needs of women subjected to violence.

IX. Crime prevention measures

14. Member States and the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women’s equality, and research institutes are urged, as appropriate:

(a) To develop and implement relevant and effective public awareness, public education and school programmes that prevent violence against women by promoting equality, cooperation, mutual respect and shared responsibilities between women and men;

(b) To develop multidisciplinary and gender-sensitive approaches within public and private entities that participate in the elimination of violence against women, especially through partnerships between law enforcement officials and services specialized in the protection of women victims of violence;
(c) To set up outreach programmes for offenders or persons identified as potential offenders in order to promote the peaceful resolution of conflicts, the management and control of anger and attitude modification about gender roles and relations;

(d) To set up outreach programmes and offer information to women, including victims of violence, about gender roles, the human rights of women and the social, health, legal and economic aspects of violence against women, in order to empower women to protect themselves against all forms of violence;

(e) To develop and disseminate information on the different forms of violence against women and the availability of programmes to deal with that problem, including programmes concerning the peaceful resolution of conflicts, in a manner appropriate to the audience concerned, including in educational institutions at all levels;

(f) To support initiatives of organizations seeking women’s equality and of non-governmental organizations to raise public awareness of the issue of violence against women and to contribute to its elimination.

15. Member States and the media, media associations, media self-regulatory bodies, schools and other relevant partners, while respecting the freedom of the media, are urged, as appropriate, to develop public awareness campaigns and appropriate measures and mechanisms, such as codes of ethics and self-regulatory measures on media violence, aimed at enhancing respect for the rights of women and discouraging both discrimination against women and stereotyping of women.

X. International cooperation
16. Member States and United Nations bodies and institutes are urged, as appropriate:

(a) To exchange information concerning successful intervention models and preventive programmes in eliminating violence against women and to compile a directory of those models;

(b) To cooperate and collaborate at the regional and international levels with relevant entities to prevent violence against women and to promote measures to effectively bring perpetrators to justice, through mechanisms of international cooperation and assistance, in accordance with national law;

(c) To contribute to and support the United Nations Development Fund for Women in its activities to eliminate violence against women.

17. Member States are urged:

(a) To limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women to those that are formulated as precisely and as narrowly as possible and that are not incompatible with the object and purpose of the Convention;

(b) To condemn all violations of the human rights of women in situations of armed conflict, to recognize them as being violations of international human rights and humanitarian law and to call for a particularly effective response to violations of that kind, including, in particular, murder, systematic rape, sexual slavery and forced pregnancy;

(c) To work actively towards ratification of or accession to the Convention on the Elimination of All Forms of Discrimination against Women for the States that are still not parties to it, so that universal ratification can be achieved by the year 2000;

(d) To give full consideration to integrating a gender perspective in the drafting of the statute of the international criminal court, particularly in respect of women who are victims of violence;

(e) To cooperate with and assist the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences in the performance of his or her mandated tasks and duties, to supply all information requested and to respond to the Special Rapporteur’s visits and communications.

XL. Follow-up activities

18. Member States, United Nations bodies, subject to the availability of extrabudgetary funds, the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, other relevant international organizations, research institutes and non-governmental organizations, including organizations seeking women’s equality, are urged, as appropriate:

(a) To encourage the translation of the Model Strategies and Practical Measures into local languages and to ensure its wide dissemination for use in training and education programmes;

(b) To utilize the Model Strategies and Practical Measures as a basis, a policy reference and a practical guide for activities aimed at eliminating violence against women;

(c) To assist Governments, at their request, in reviewing, evaluating and revising their criminal justice systems, including their criminal legislation, on the basis of the Model Strategies and Practical Measures;

(d) To support the technical cooperation activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network in eliminating violence against women;

(e) To develop coordinated national, regional and subregional plans and programmes to put the Model Strategies and Practical Measures into effect;

(f) To design standard training programmes and manuals for the police and criminal justice officials, based on the Model Strategies and Practical Measures;

(g) To periodically review and monitor, at the national and international levels, progress made in terms of plans, programmes and initiatives to eliminate violence against women in the context of the Model Strategies and Practical Measures.

Prison conditions

On 21 July [meeting 36], on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], the Economic and Social Council adopted resolution 1997/36 without vote [agenda item 7 (e)].

International cooperation for the improvement of prison conditions

The Economic and Social Council, Gravely alarmed by the serious problem confronting many Member States as a result of prison overcrowding, Convinced that conditions in overcrowded prisons may affect the human rights of prisoners,

Recognizing that prison overcrowding requires the implementation of effective policies directed towards the rehabilitation of prisoners and their social reintegration, as well as the application of the Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles for the Treatment of Prisoners,

Mindful of the fact that the physical and social conditions associated with prison overcrowding may result in outbreaks of violence in prisons, a development that could pose a grave threat to law and order,


Recalling also the resolutions on the conditions of prisoners adopted by United Nations congresses on the prevention of crime and the treatment of offenders, in particular resolution 16 on reduction of the prison population, alternatives to imprisonment and social integration of offenders and resolution 17 on the human rights of prisoners, both adopted on 6 September 1985 by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Taking note of the resolution adopted at the seminar entitled "Criminal justice: the challenge of prison overcrowding", organized by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders with the support of the European Commission, and held at San Jose, Costa Rica, from 3 to 7 February 1997, in which it was recommended, inter alia, that the number of prisoners should not exceed the number that could be held in decent conditions,

Taking note also of the Kampala Declaration on Prison Conditions in Africa, annexed to the present resolution,

Noting the nomination of a special rapporteur on prisons in Africa by the African Commission on Human and Peoples’ Rights, in accordance with recommendations contained in the Kampala Declaration,

Mindful that many Member States lack the necessary resources to resolve the problem of prison overcrowding,

1. Requests the Secretary-General to provide assistance to countries, at their request and within existing resources or, where possible, funded by extrabudgetary resources if available, for the improvement of their prison conditions in the form of advisory services, needs assessment, capacity-building and training;
2. Invites other entities of the United Nations system, including the United Nations Development Programme and the United Nations Crime Prevention and Criminal Justice Programme network, as well as intergovernmental organizations, to assist the Secretary-General in implementing the request contained in paragraph 1 above;
3. Urges Member States, if they have not yet done so, to introduce appropriate alternatives to imprisonment in their criminal justice systems;
4. Recommends that Member States, if they have not yet done so, adopt appropriate effective measures to reduce pre-trial detention;
5. Invites international and regional financial institutions such as the World Bank and the International Monetary Fund to incorporate into their technical assistance programmes measures to reduce prison overcrowding, including the construction of adequate infrastructure and the development of alternatives to imprisonment in criminal justice systems;
6. Requests the Commission on Crime Prevention and Criminal Justice to discuss the issue of prison overcrowding in the context of technical cooperation at its eighth session, with a view to achieving greater international cooperation in that area;
7. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its eighth session on the implementation of the present resolution.

ANNEX

Kampala Declaration on Prison Conditions in Africa

Prison conditions
Considering that in many countries in Africa the level of overcrowding in prisons is inhuman, that there is a lack of hygiene, insufficient or poor food, difficult access to medical care, a lack of physical activities or education, as well as an inability to maintain family ties, Bearing in mind that any person who is denied freedom has a right to human dignity,
Bearing in mind also that the universal norms on human rights place an absolute prohibition on torture of any description,

Bearing in mind further that some groups of prisoners, including juveniles, women, the old and the mentally and physically ill, are especially vulnerable and require particular attention,
Bearing in mind that juveniles must be separated from adult prisoners and that they must be treated in a manner appropriate to their age,
Remembering the importance of proper treatment for female detainees and the need to recognize their special needs,
The participants in the International Seminar on Prison Conditions in Africa, held at Kampala from 19 to 21 September 1996, recommend:
1. That the human rights of prisoners should be safeguarded at all times and that non-governmental agencies should have a special role in this respect;
2. That prisoners should retain all rights which are not expressly taken away by the fact of their detention;
3. That prisoners should have living conditions which are compatible with human dignity;
4. That conditions in which prisoners are held and the prison regulations should not aggravate the suffering already caused by the loss of liberty;
5. That the detrimental effects of imprisonment should be minimized so that prisoners do not lose their self-respect and their sense of personal responsibility;
6. That prisoners should be given the opportunity to maintain and develop links with their families and the outside world;
7. That prisoners should be given access to education and skills training in order to make it easier for them to reintegrate into society after their release;
8. That special attention should be paid to vulnerable prisoners and that non-governmental organizations should be supported in their work with these prisoners;
9. That all the norms of the United Nations and the African Charter on Human and Peoples’ Rights on the treatment of prisoners should be incorporated into national legislation in order to protect the human rights of prisoners;
10. That the Organization of African Unity and its member States should take steps to ensure that prisoners are detained in the minimum conditions of security necessary for public safety.

Remand prisoners
Considering that in most prisons in Africa a great proportion of prisoners are awaiting trial, sometimes for several years,
Considering also that for this reason the procedures and policies adopted by the police, the prosecuting authorities and the judiciary can significantly influence prison overcrowding,
The participants in the International Seminar on Prison Conditions in Africa, held at Kampala from 19 to 21 September 1996, recommend:
1. That the police, the prosecuting authorities and the judiciary should be aware of the problems caused by prison overcrowding and should join the prison administration in seeking solutions to reduce this;
2. That judicial investigations and proceedings should ensure that prisoners are kept in remand detention for the shortest possible period, avoiding, for example, continual remands in custody by the court;
3. That there should be a system for regular review of the time detainees spend on remand.

Prison staff
Considering that any improvement in conditions for prisoners will be dependent on staff having pride in their work and a proper level of competence,
Bearing in mind that this will only happen if staff are properly trained,
The participants in the International Seminar on Prison Conditions in Africa, held at Kampala from 19 to 21 September 1996, recommend:
1. That there should be a proper career structure for prison staff;
2. That all prison personnel should be linked to one government ministry and that there should be a clear line of command between the central prison administration and the staff in prisons;
3. That the State should provide sufficient material and financial resources for staff to carry out their work properly;
4. That in each country there should be an appropriate training programme for prison staff to which the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders should be invited to contribute;
5. That there should be a national or subregional institution to deliver this training programme;
6. That the penitentiary administration should be directly involved in the recruitment of prison staff.

Alternative sentencing
Noting that, in an attempt to reduce prison overcrowding, some countries have been trying to find a solution through amnesties or pardons or by building new prisons,
Considering that overcrowding causes a variety of problems, including difficulties for overworked staff,
Taking into account the limited effectiveness of imprisonment, especially for those serving short sentences, and the cost of imprisonment to the whole of society,
Considering the growing interest in African countries in measures which replace custodial sentences, especially in the light of human rights principles,
Considering that community service and other non-custodial measures are innovative alternatives to imprisonment and that there are promising developments in Africa in this regard,
Considering also that compensation for damage done is an important element of non-custodial sentences,
Considering further that legislation can be introduced to ensure that community service and other non-custodial measures will be imposed as an alternative to imprisonment,
The participants in the International Seminar on Prison Conditions in Africa, held at Kampala from 19 to 21 September 1996, recommend:
1. That petty offences should be dealt with according to customary practice, provided this meets human rights requirements and that those involved so agree;
2. That, whenever possible, petty offences should be dealt with by mediation and should be resolved between the parties involved without recourse to the criminal justice system;
3. That the principle of civil reparation or financial recompense should be applied, taking into account the financial capability of the offender or of his or her parents;
4. That the work done by the offender should, if possible, recompense the victim;
5. That community service and other non-custodial measures should, if possible, be preferred to imprisonment;
6. That there should be a study of the feasibility of adapting successful African models of non-custodial measures and applying them in countries where they are not yet being used;
7. That the public should be educated about the objectives of these alternatives and how they work.
2. Should nominate a Special Rapporteur on Prisons in Africa as soon as possible;
3. Should make the member States aware of the recommendations contained in the present Declaration and publicize United Nations and African norms and standards on imprisonment;
4. Should cooperate with non-governmental organizations and other qualified institutions in order to ensure that the recommendations contained in the present Declaration are implemented in all the member States.

Measures to regulate firearms

In a response to Economic and Social Council resolution 1996/28 [YUN 1996, p. 1044], the Secretary-General, in March, submitted to the Commission a report [E/CN.15/1997/4 & Corr.1] on measures to regulate firearms. Information collected from Member States on measures to regulate firearms was used to establish a database on the subject, which was available through the United Nations Crime and Justice Information Network. An Expert Group Meeting was held (Vienna, 10-14 February) to discuss the finalization of the international study on firearm regulation, prepared in response to Council resolution 1995/27 [YUN 1995, p. 1138]; to make recommendations on firearm regulation; to help finalize the summary of the study; and to improve the survey instrument.

Three regional workshops were held: for Europe (Ljubljana, Slovenia, 22-26 September); for Africa (Arusha, United Republic of Tanzania, 3-7 November); and for the Americas (Sao Paulo, Brazil, 8-12 December) [E/CN.15/1998/4]. A regional workshop for Asia was scheduled for 1998. The workshops reviewed regional developments and priorities of firearm regulation, as well as a number of issues raised in the draft international study. Annexed to the report were the results of the February Expert Group Meeting and a summary of an international study on general firearm regulation.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/28 without vote [agenda item 7 (c)].

Firearm regulation for purposes of crime prevention and public health and safety

The Economic and Social Council,

Recalling resolution 9 of 7 May 1995 adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995,


Mindful of the need for effective implementation of those resolutions,

Taking note of the report of the Secretary-General on measures to regulate firearms,

Taking note also of the findings contained in the draft "United Nations international study on firearm regulation", prepared by the Crime Prevention and Criminal Justice Division of the Secretariat,

Taking note further of the work of the Inter-American Drug Abuse Control Commission of the Organization of American States on the question of control of the international movement of illicit firearms and explosives, including the proposal for a model regulation for the control of the international movement of firearms,

1. Urges Member States that have not already replied to the questionnaire related to the draft "United Nations international study on firearm regulation" to do so by 30 September 1997;
2. Requests the Secretary-General to continue the data collection and dissemination of information on firearm regulation, including the revised survey format referred to in the report of the Expert Group Meeting on Gathering Information on and Analysis of Firearm Regulation, held at Vienna from 10 to 14 February 1997, and the ongoing and regular maintenance of a list of contact persons and organizations in each Member State with the responsibility of providing such information and enhancing the existing database on firearm regulation;
3. Takes note with appreciation of the proposal of the Secretary-General to convene an ad hoc meeting of representatives of relevant international organizations with a view to better coordinating the data collection that is necessary for a more complete understanding of the issues affecting firearm regulation;
4. Requests the Secretary-General to promote, within existing resources, technical cooperation projects that recognize the relevance of firearm regulation in addressing violence against women, in promoting justice for victims of crime and in addressing the problem of children and youth as victims and perpetrators of crime, and in re-establishing or strengthening the rule of law in post-conflict peacekeeping projects;
5. Encourages Member States to consider, where they have not yet done so, regulatory approaches to the civilian use of firearms that include the following common elements:

(a) Regulations relating to firearm safety and storage;
(b) Appropriate penalties and/or administrative sanctions for offences involving the misuse or unlawful possession of firearms;
(c) Mitigation of or exemption from criminal responsibility, amnesty or similar programmes that individual Member States determine to be appropriate, so as to encourage citizens to surrender illegal, unsafe or unwanted firearms;
(d) A licensing system, including the licensing of firearm businesses, to ensure that firearms are not distributed to persons convicted of serious crimes or other persons who are prohibited under the laws of the respective Member States from owning or possessing firearms;
(e) A record-keeping system for firearms, including a system for the commercial distribution of firearms and a requirement for appropriate marking of ...
firearms at manufacture and upon import, to assist criminal investigations, discourage theft and ensure that firearms are distributed only to persons who may lawfully own or possess firearms under the laws of the respective Member States;  
6. Requests the Secretary-General to include in the provisional agendas for the four regional workshops on firearm regulation to be organized in 1997 in accordance with the work plan approved by the Council in its resolution 1996/28, within existing resources or subject to the availability of extrabudgetary funding, the possible development of a United Nations declaration of principles, based on the regulatory approaches suggested above, the collection of comparable information on firearm regulation, the provision of technical assistance, training and information sharing and the need for implementing bilateral, regional or multilateral agreements or arrangements on combating illicit trafficking in firearms, in order to ensure that all Member States have sufficient capacity in the area of firearm regulation, and requests that interested non-governmental organizations should each be allowed to make a statement at the regional workshops on subjects covered in their agenda but should not be permitted to attend workshop meetings where sensitive law enforcement issues will be discussed;  
7. Also requests the Secretary-General to seek the views of Member States, the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, relevant United Nations entities and intergovernmental and non-governmental organizations on the development of a declaration of principles, based on the regulatory approaches suggested above, and to submit a report containing the views received to the Commission on Crime Prevention and Criminal Justice at its seventh session;  
8. Further requests the Secretary-General to explore ways and means of developing a programme of continuing education for criminal justice administrators and of public education and awareness-building in relation to the links between firearms in civilian use and the unacceptable levels of violence in cities, communities and families and to disseminate that information in order to encourage Member States to undertake similar programmes;  
9. Encourages Member States to ensure the tracing of illegal firearms and accurate and prompt responses to requests from other Member States for firearm-tracing;  
10. Invites the International Criminal Police Organization to review the firearm- and ballistic-tracing capabilities of its member States, with a view to advising the Commission on Crime Prevention and Criminal Justice on the adequacy of those capabilities, and to clarify and compile common firearm terminology and descriptions, preferably in the form of an index, in order to enhance the sharing of investigative information on illegal firearms among Member States;  
11. Invites the United Nations Panel of Governmental Experts on Small Arms, established in pursuance of General Assembly resolution 50/70 B of 12 December 1995, and other relevant specialized intergovernmental organizations to provide the Commission with available information about the results of their work in relation to the proliferation of illegal military small arms in Member States;  
12. Invites the Customs Cooperation Council, also called the World Customs Organization, to review international customs practices relating to the movement of firearms for civilian purposes and worldwide trends in firearm smuggling, including such matters as import and export licensing, monitoring, standard protocols, including a common import and export certificate, and an advance notification system, with a view to advising the Commission on the effectiveness of controls concerning the international movement of firearms;  
13. Invites other relevant intergovernmental organizations to re-analyse their data on issues related to firearms, within the scope of the United Nations international study on firearm regulation, with a view to informing the Commission, through the Secretary-General, of possible steps towards improving the collection and analysis of the related interdisciplinary statistics;  
14. Reiterates its request to the Secretary-General to publish the "United Nations international study on firearm regulation", as scheduled in the work plan approved in Council resolution 1996/28, and to disseminate the study as widely as possible;  
15. Encourages Member States to disseminate the report of the Secretary-General on measures to regulate firearms and the "United Nations international study on firearm regulation" in their own countries and to consider the usefulness of the report and the study in evaluating whether to undertake new initiatives in firearm regulation;  
16. Requests the Secretary-General to prepare a report on the implementation of the present resolution and to submit it to the Commission at its seventh session;  
17. Decides that the Commission on Crime Prevention and Criminal Justice should consider the item entitled "Measures to regulate firearms" at its seventh session, drawing on the report of the Secretary-General referred to in paragraph 16 above.

**Statistics and computerization**

In response to Economic and Social Council resolution 1996/11 [YUN 1996, p. 1045], the Secretary-General, in a March report [E/CN.15/1997/5], reviewed the computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information. He described the status of the Fifth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems covering the period 1990-1994, which was being conducted jointly by the Crime Prevention and Criminal Justice Division and the Statistics Division. The report described other data collection and statistical activities and analysed replies received from Member States to a survey of national capacities for the collection of crime statistics. The replies indicated that all respondents were keeping statistics on reported or detected crimes. The report summarized the views of Member States on the establishment of an advisory steering group and
a standing pool of experts to implement technical cooperation activities. As for future activities, the Secretary-General suggested that the next step in expanding the exchange of information within the United Nations Crime Prevention and Criminal Justice Programme network should be the broader and more systematized electronic provision of information to Commission members.

In April [E/CN.15/1997/5/Add.1], the Secretary-General transmitted to the Commission the report of the Expert Group Meeting on Criminal Justice Management and Information Projects: Improving National and International Data Collection and Exchange (Buenos Aires, Argentina, 10-13 March). The Group made recommendations on the implementation of the Fifth United Nations Survey, on the survey of national capacities for the collection of data on crime prevention and criminal justice, and on the establishment of an advisory steering group and a standing pool of experts. It also made recommendations on the Guide on Development and Analysis of Criminal Justice Statistics and the question of transnational crime.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/27 without vote [agenda item 7 (c)].

**Strengthening the United Nations Crime Prevention and Criminal Justice Programme with regard to the development of crime statistics and the operations of criminal justice systems**

The Economic and Social Council, Recalling its resolution 1996/11 of 23 July 1996, entitled “International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information”, in which it urged Member States to assist the Secretary-General in strengthening the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme network,

Recalling also the recommendations of the Expert Group Meeting on Criminal Justice Management and Information Projects: Improving National and International Data Collection and Exchange, held at Buenos Aires from 10 to 13 March 1997,

Considering the importance of the exchange of information and technical assistance with regard to the computerization of operational information in criminal justice,

Mindful that the development of adequate national capacities is vital to the reliability of global statistics,

Considering the urgent need for statistics on conventional types of crime and on transnational crime that can be used for comparative purposes,

Considering also that crime and criminal justice statistics that can be used for comparative purposes are an indispensable tool for designing criminal policies,

Taking into account the fact that modern information technologies offer new opportunities both for improved operational information systems and for the collection, analysis and dissemination of statistical information,

Noting with appreciation the directory of computerized criminal justice information systems published by the European Institute for Crime Prevention and Control, affiliated with the United Nations, and the draft model of the European Sourcebook of Crime and Criminal Justice Statistics, to be published by the Council of Europe,

Noting with appreciation also the interregional training course entitled “The United Nations Crime and Justice Information Network: Providing Information to and from Developing Countries”, hosted by the Government of the Republic of Korea, which was held at Seoul from 9 to 13 September 1996,

1. Urges Member States to designate offices or bodies responsible for the coordination of data collection at the country level, with a view to improving cooperation with the United Nations, and to communicate information on the designated coordinating offices or bodies to the Crime Prevention and Criminal Justice Division of the Secretariat;

2. Requests the Secretary-General to provide assistance, upon request, to those Member States that might have difficulties in replying to the questionnaires related to the United Nations surveys of crime trends and operations of criminal justice systems;

3. Recommends that the Secretary-General carry out the Sixth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems for the period 1995-1997 and that subsequent core surveys be conducted every three or four years and include, when needed, supplementary surveys on selected topics;

4. Urges Member States and the relevant institutes of the United Nations Crime Prevention and Criminal Justice Programme network to assist the Secretary-General in establishing an advisory steering group, pursuant to Economic and Social Council resolution 1996/11, drawing upon extrabudgetary resources, to carry out the following operational tasks:

(a) Assisting Member States, at their request, through, inter alia, a standing pool of experts, in the review and assessment of experiences in the computerization of criminal justice operations and/or in the implementation of actual computerization projects;

(b) Assisting Member States, at their request, through, inter alia, a standing pool of experts, in technical cooperation projects to strengthen national capacities for the collection, analysis and dissemination of crime and criminal justice statistics, including participation in the United Nations surveys of crime trends and operations of criminal justice systems and the international surveys of victims of crime;

(c) Assisting Member States, at their request, in the training, at the national, regional and interregional levels, of experts in the collection, analysis, dissemination and policy use of crime and criminal justice statistics;

(d) Assisting the Secretary-General in the design of a core questionnaire for future United Nations surveys
of crime trends and operations of criminal justice systems and in the design of supplementary questionnaires on extensive ad hoc topics;

(e) Assisting the Secretary-General in the design of an effective framework for the collection of data on transnational crime;


(g) Assisting in the training of officials responsible for maintaining national crime and criminal justice statistics in order to improve national data collection capacities;

5. Welcomes the offer of the Governments of Argentina and the Netherlands to support the work of the advisory steering group by hosting regional and/or interregional meetings, and invites other Member States to provide similar support;

6. Also welcomes the offer of the Government of Canada to assist the Secretariat, which will work in cooperation with the members of the United Nations Crime Prevention and Criminal Justice Programme network and other interested experts, in the preparation of the Guide on the Development and Analysis of Criminal Justice Statistics;

7. Requests the Secretary-General to develop, in cooperation with the members of the United Nations Crime Prevention and Criminal Justice Programme network and other interested experts, an annex to the above-mentioned Guide that would include specific examples of basic statistical instruments used for data collection, such as questionnaires, information output, reports, classifications, definitions and victimological issues, with a view to making national approaches to data collecting more compatible, thus making data comparable.

Preparations for Tenth UN Crime Congress


ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/23 without vote [agenda item 7 (c)].

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

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 52/91 below.]

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/635], adopted resolution 52/91 without vote [agenda item 103].

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

The General Assembly,


Considering that, pursuant to its resolutions 415(V) of 1 December 1950 and 46/152 of 18 December 1991, the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders is to be convened in the year 2000,

Recognizing the significant contributions of the United Nations congresses on the prevention of crime and the treatment of offenders to the promotion and strengthening of international cooperation in crime prevention and criminal justice,

Bearing in mind the new role of the congresses, as stipulated in paragraph 29 of the Statement of Principles and Programme of Action of the United Nations Crime Prevention and Criminal Justice Programme contained in the annex to resolution 46/152,

Recalling Economic and Social Council resolution 1993/32 of 27 July 1993 and the draft rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders annexed to that resolution,

Recalling resolution 5/1 of 30 May 1996 of the Commission on Crime Prevention and Criminal Justice, in which the Commission requested the Secretary-General to summarize the views received from Governments, relevant agencies and programmes of the United Nations system and intergovernmental and non-governmental organizations concerning the proposals for the theme, format, agenda items, workshop topics and possible venue of the Tenth Congress for consideration by the Commission at its sixth session,


2. Decides that the Tenth Congress should be held in the year 2000 and that the following topics should be included in its provisional agenda, as recommended by the Commission on Crime Prevention and Criminal Justice at its sixth session:

(a) Promoting the rule of law and strengthening the criminal justice system;
(b) International cooperation in combating transnational crime: new challenges in the twenty-first century;
(c) Effective crime prevention: keeping pace with new developments;
(d) Offenders and victims: accountability and fairness in the justice process;

3. Also decides that four workshops on the following issues should be held within the framework of the Tenth Congress:
(a) Combating corruption;
(b) Crimes related to the computer network;
(c) Community involvement in crime prevention;
(d) Women in the criminal justice system;

4. Welcomes the offer by the Government of South Africa to host the Tenth Congress, and requests the Secretary-General to initiate consultations with the Government and to report to the Commission at its seventh session;

5. Takes note with appreciation of the statement made on behalf of the Government of Austria that, if consensus could be reached and questions of timing could be resolved, that Government would be honoured to host the Tenth Congress at Vienna;

6. Requests the Commission, at its seventh session, to finalize the programme for the Tenth Congress and to make its final recommendations, through the Economic and Social Council, to the General Assembly, taking into account the fact that the Tenth Congress should deal with a limited number of precisely defined substantive topics reflecting the urgent needs of the world community and should include practical technical workshops on well-focused issues related to the substantive agenda items;

7. Requests the Secretary-General to prepare a discussion guide for the consideration of the Commission, in cooperation with the institutes for the prevention of crime and the treatment of offenders affiliated with the United Nations, and invites Member States to be actively involved in that process;

8. Invites the regional commissions, the United Nations Crime Prevention and Criminal Justice Programme network, government-appointed national correspondents in the field of crime prevention and criminal justice, the specialized agencies and other entities within the United Nations system, the intergovernmental organizations concerned and relevant governmental organizations in consultative status with the Economic and Social Council to become actively involved in the preparations for the Tenth Congress;

9. Invites Member States to be represented at the Tenth Congress at a high political level, for example by heads of State, government ministers and attorneys-general;

10. Decides to reserve the first two days of the plenary session at the Tenth Congress following its opening primarily for statements by such representatives at a high political level on the main themes of the Congress;

11. Requests the Secretary-General to prepare an overview of the state of crime and criminal justice worldwide for presentation at the opening of the Tenth Congress;

12. Also requests the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Tenth Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups, and to take appropriate measures to encourage the participation of the academic and research community at the Tenth Congress;

13. Further requests the Secretary-General to provide the Centre for International Crime Prevention of the Secretariat, serving as the secretariat of the Tenth Congress, with the resources necessary to undertake, in an effective and timely manner, within the overall appropriations of the programme budget for the biennium 1998-1999, the preparatory activities for the Tenth Congress, as directed by the Commission, including the organization of regional preparatory meetings, and to ensure adequate resources for the biennium 2000-2001 for other requirements and the conduct of the Tenth Congress itself;

14. Requests the Secretary-General to provide resources, as required, in accordance with established United Nations budgetary practice and within the overall appropriations of the programme budget for the biennium 1998-1999, and adequate resources for the biennium 2000-2001, in order to ensure an appropriate programme of public information relating to the preparations for the Tenth Congress;

15. Also requests the Secretary-General to make available the necessary resources for the participation of the least developed countries in the regional preparatory meetings for the Tenth Congress and in the Congress itself, in accordance with past practice;

16. Invites the Commission, as the preparatory body for the United Nations congresses, to finalize all organizational arrangements for the Tenth Congress at its seventh session, including its dates, duration, documentation and venue;

17. Requests the Secretary-General to ensure proper follow-up action to the present resolution and to report thereon to the General Assembly, through the Commission on Crime Prevention and Criminal Justice at its seventh session.

Human resources

UN research and training institutes

In his July report outlining a programme of reform for the United Nations [A/51/950] (see PART FIVE, Chapter I), the Secretary-General stated that he would initiate, in consultation with the United Nations University (UNU) and other research institutes of the UN family, measures for coordinating and rationalizing their activities and ensuring that they contributed more fully and effectively to UN policies, programmes and priorities. Recommendations might be made to Member States to improve governance arrangements in respect of those institutes, possibly including amendments to the UNU Charter. In addition, the United Nations Staff College (UNSC) would be requested, in preparing programmes for international civil servants throughout the
UN Institute for Training and Research

In October [A/52/367], the Secretary-General transmitted a report approved by the Board of Trustees of UNITAR on the completion of its restructuring, which was carried out in compliance with General Assembly resolution 47/227 [YUN 1993, p. 996]. During the restructuring process, UNITAR transferred its headquarters from New York to Geneva; established a liaison office in New York; continued to operate with no financial assistance from the UN regular budget, as it had for five years; downgraded the post of Executive Director; downsized and streamlined its staff; phased out research functions not related to training; and made efforts to establish closer cooperation with other entities of the UN system.

UNITAR's programmes were aimed at enhancing the functions and performance of national civil servants; some 4,000 people participated in about 70 training events annually in five continents. In identifying and designing its programmes, UNITAR was guided by the following objectives: inter-institutional cooperation and networking; avoiding duplication and building on existing resources; ensuring a valuable contribution in a cost-effective manner; and responding to the needs of recipient countries and inter-governmental organizations.

The Board had launched a fund-raising campaign to expand the Institute's core funding and called on Member States to contribute, in particular those industrialized States that had utilized UNITAR services. The Institute's general fund, which amounted to some $1 million, was not sufficient to allow UNITAR to systematically develop new programmes, share its innovations and experience with other institutions and participate more fully in crafting a more system-wide approach to capacity-building.

In response to Assembly resolution 51/188 [YUN 1996, p. 1051], the Secretary-General, in an October report [A/52/492], discussed UNITAR's role within the UN system. In recent years, the UNITAR Board of Trustees had given increasing attention to enhancing the Institute's inter-agency cooperative links and, in September, had reviewed a document by the Executive Director on UNITAR's principal axes of cooperation. He stated that the Institute's cooperative links with the UN Secretariat and with the funds, programmes and specialized agencies of the system, were diverse in nature, ranging from occasional events to well-structured, long-term joint ventures. UNITAR had greatly expanded its network of cooperation with regional, national, public and non-governmental institutes, especially research institutions.

The report suggested that the experience of UNITAR in terms of training methods and pedagogical materials would be of value to the UNSC project, established in 1996 [YUN 1996, p. 1050] and inaugurated by the Secretary-General in April 1997. As the Staff College was conceived as a global network of institutions, partnership arrangements would be key to development of the project. The Secretary-General observed that, despite the completion of the restructuring of UNITAR, it remained vulnerable, owing to the fragility of its general fund.

UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/631], adopted resolution 52/206 without vote [agenda item 100].

Economic and social questions
Welcoming the successful restructuring of the Institute and the recent progress made by the Institute in its various programmes and activities, including the improved cooperation that has been established with other organizations of the United Nations system and with regional and national institutions,

Expressing its appreciation to the Governments and private institutions that have made or pledged financial and other contributions to the Institute,

Reiterating that the funding of training programmes offered at the specific request of States or departments and units of the Organization and other organs of the United Nations system and the specialized agencies should be arranged by the requesting parties,

Recognizing that training activities should be accorded a more visible and larger role in support of the management of international affairs and in the execution of the economic and social development programmes of the United Nations system,

1. Reaffirms the relevance of the United Nations Institute for Training and Research in view of the growing importance of training within the United Nations and the training requirements of States, and the pertinence of research activities related to training undertaken by the Institute within its mandate;

2. Invites the Institute to strengthen further its cooperation with other United Nations institutes and relevant national, regional and international institutes, as well as with projects;

3. Renews its appeal to all Governments and to private institutions that have not yet contributed financially or otherwise to the Institute to give it their generous financial and other support, and urges the States that interrupted their voluntary contributions to consider resuming them in the light of the successful restructuring and revitalization of the Institute;

4. Stresses the need for an effective division of labour among the main training and research institutions of the United Nations system, taking into account the distinct and complementary mandates of the United Nations University, the United Nations Institute for Training and Research and the United Nations Staff College Project, and, in this regard, notes the recommendations of the Joint Inspection Unit;

5. Also stresses the need for better coordination among the main training and research institutions of the United Nations system, and in this regard notes the recommendations of the Joint Inspection Unit;

6. Further stresses in this regard the need for the General Assembly to consider all major training issues in a coherent manner without prejudice to its resolution 50/227 of 24 May 1996;

7. Welcomes the initiative of the Board of Trustees and the Executive Director to explore the possibilities for the Institute to become a partner of the agencies and bodies of the United Nations system with respect to their training programmes, especially for developing countries and countries with economies in transition, consistent with the division of labour;

8. Requests the Board of Trustees to attract, to the extent possible, experts from developing countries and countries with economies in transition for the preparation of the relevant training materials for the programmes and activities of the Institute;

9. Calls upon the Secretary-General to explore all possible ways and means to provide additional facilities to the Institute for conducting programmes and training courses that are provided at no cost to States and to their representatives accredited to United Nations offices in New York, Nairobi, Geneva and Vienna;

10. Requests the Secretary-General, in consultation with the Institute, as well as with the United Nations funds and programmes, to explore ways and modalities to utilize systematically the Institute in the execution of training and capacity-building programmes;

11. Also requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

United Nations University

UNU activities

During 1997, the United Nations University (UNU) continued its research, capacity-building and dissemination activities, as described in a report of the UNU Council to the General Assembly [A/53/31]. UNU carried out global activities in four programme areas: environment, science and technology, development, and peace and governance. The Council’s report described UNU efforts in postgraduate training, dissemination of research findings and institutional development and reviewed UNU work in cooperation with other UN organizations. Academic activities were carried out by a decentralized network of scholars working at UNU headquarters in Tokyo, Japan, and by the UNU’s eight research and training centres and programmes around the world: the World Institute for Development Economics Research (Helsinki, Finland); the Institute for New Technologies (Maastricht, Netherlands); the International Institute for Software Technology (Macau); the Institute for Natural Resources in Africa (Accra, Ghana); the Institute of Advanced Studies (Tokyo); the International Leadership Academy (Amman, Jordan); the International Network on Water, Environment and Health (Hamilton, Canada); and the Programme for Biotechnology in Latin America and the Caribbean (Caracas, Venezuela).

In March, the Secretary-General appointed Hans van Ginkel (Netherlands) as the fourth Rector of the UNU, effective 1 September 1997.

UNU Council

The UNU Council, at its forty-fourth session (Tokyo, 1-5 December) [A/53/31], focused on the new Rector’s assessment of the University’s strengths and weaknesses. It also discussed the 20-year external peer evaluation of UNU planned for 1998 to assess the extent to which the University had fulfilled the objectives set out in its charter over the 11-year period from 1987 to 1997; the Joint Inspection Unit (JIU) review (see below);
and the adoption of the 1998-1999 budget and academic programme.

On 18 December, the General Assembly (decision 52/450), decided that, beginning in 1998, the report of the UNU Council would be considered directly by the Assembly's Second Committee, in accordance with its programme of work.

**ECONOMIC AND SOCIAL COUNCIL ACTION**


**Report of the Council of the United Nations University**

Recalling General Assembly resolution 3081 (XXVIII) of 6 December 1973,

Stressing the need to rationalize further the agenda of its substantive session in accordance with the relevant provisions of General Assembly resolution 50/227 of 24 May 1996,

2. Expresses its appreciation to the outgoing Rector of the University for his contribution to the work of the University during his term in office;
3. Recommends that the General Assembly adopt a decision whereby, beginning in 1998, the report of the Council of the University would be considered directly by the Second Committee of the General Assembly in accordance with its programme of work.

**JIU report.** In August, the Secretary-General transmitted to the General Assembly the JIU work programme for 1997-1998 [A/52/267], in which JIU stated that it was prepared to undertake a comprehensive review of UNU since it had been in existence for more than 20 years without a proper external evaluation. The report would cover the functioning of UNU and issues facing it, focusing among other things, on the management, organizational structure, governance arrangements and the relevance of its activities to the emerging needs of the larger UN community.

**Human resources for development**

In response to General Assembly resolution 50/105 [YUN 1995, p. 1162], the Secretary-General, in an October note [A/52/540], described further action taken by the UN system with regard to developing human resources for development (HRD), with a special focus on inter-agency coordination. The Secretary-General noted two significant developments that had a direct impact on the substance and process of HRD within the UN system: the active efforts under way within the system to coordinate assistance to countries in the follow-up to the major global conferences held during the 1990s and the package of UN system reform proposals announced by the Secretary-General in July 1997 (see PART FIVE, Chapter I). The UN conferences of the 1990s had innovative themes that bore directly on HRD policies and practice. The concept of sustainable livelihoods for all offered a fresh framework for development strategies that could guide HRD and address some of the shortcomings of earlier HRD strategies.

**GENERAL ASSEMBLY ACTION**

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/628/Add.8], adopted resolution 52/196 without vote, as orally amended [agenda item 97 (h)].

**Developing human resources for development**

The General Assembly,

Reaffirming its resolutions 50/105 of 20 December 1995, 48/205 of 21 December 1993, 46/143 of 17 December 1991 and 45/191 of 21 December 1990, as well as the relevant sections of the Agenda for Development,

Recognizing that people are at the centre of concerns for sustainable development and that the development of human resources is an essential component in the achievement of sustainable development, and stressing that effective human resources development should strengthen people's capabilities and competencies and enlarge the choices available to them in developing their lives and fulfilling their aspirations so as to reach total human development,

Recognizing also that there is a need to integrate human resources development into comprehensive strategies that mainstream a gender perspective, taking into account the needs of all people, in particular, the needs of women and the girl child,

Stressing that Governments have the primary responsibility for defining and implementing appropriate policies for human resources development and that there is a need for continued support from the international community to complement the efforts of Governments of developing countries to promote human resources development in pursuit of their national programmes, plans and strategies for development,

Stressing also that there is a need for a supportive and favourable national and international economic environment that will enhance human resources development in developing countries and promote sustained economic growth and sustainable development, in accordance with the relevant General Assembly resolutions and recent United Nations conferences,

Recognizing that economic reforms and structural adjustment programmes are aimed at benefiting those countries which undertake them but that these programmes can also affect the capacity of Governments to implement appropriate policies that promote human resources development, and that there is a need, in the formulation of these programmes, to continue to integrate measures that mitigate such an effect,
Recognizing also the vital role of South-South cooperation in supporting national efforts at human resource development,

Emphasizing the continued need for coordination and integration among the organs and organizations of the United Nations system in assisting developing countries, in particular the least developed among them, to foster the development of their human resources, especially that of the most vulnerable, and for the United Nations to continue to give priority to human resources development in developing countries,

Recognizing the importance accorded to the human component of development in the declarations and programmes of action adopted at all the major United Nations conferences and summits since 1990,

1. Takes note of the note by the Secretary-General;
2. Emphasizes that, in the development of human resources, an overall, well-conceived and integrated approach that mainstreams a gender perspective and takes into account the needs of all people should be adopted, incorporating such vital areas as population, health, nutrition, water, sanitation, housing, communications, education and training, and science and technology, as well as taking into account the need to create more opportunities for employment in an environment that guarantees political freedom, popular participation, respect for human rights, justice and equity, all of which are essential for enhancing human capacity to meet the challenge of development;
3. Encourages all countries to apply the requisite policies to ensure the development of their human resources, through education and training and by seeking, where possible, to increase receptivity to technological innovations, including those in the field of information technology;
4. Emphasizes the need to ensure the full participation of women in the formulation and implementation of national policies to promote human resources development;
5. Acknowledges the efforts of developing countries in promoting human resources development, and, in this regard, emphasizes the need for international cooperation to advance human resources development and the need for concerted efforts to support the efforts of developing countries, especially those in Africa, and the least developed countries, to develop their human resources;
6. Encourages all countries to accord priority, in particular in national budgets, to human resources development in the context of the adoption of economic and social policies;
7. Emphasizes that human resources development and institution-building can be promoted through South-South cooperation, and calls upon countries to take action in this regard;
8. Invites international organizations, including international financial institutions, to continue to give priority to supporting the objectives of human resources development and to integrating them into their policies, programmes and operations;
9. Emphasizes that structural adjustment programmes should support social development goals, in particular the eradication of poverty, the promotion of full and productive employment and the enhancement of social integration, with due regard to the implementation of sound economic policies;
10. Calls upon the relevant organs, organizations and bodies of the United Nations system, in accordance with their mandates, work programmes and priorities, to coordinate effectively their activities in support of national and regional action in the area of human resources development and capacity-building, both among themselves and with other development partners, and to strengthen the impact of their development activities on human resources development;

11. Requests the Secretary-General to include in his report to the General Assembly at its fifty-fourth session an assessment of the effectiveness of the contributions made by the United Nations system to advance human resources development through its operational activities, and to make recommendations to further enhance the efficiency and effectiveness of its contributions to human resources development, including the identification of possible new approaches that will enhance their impact;
12. Decides to include in the provisional agenda of its fifty-fourth session, under the item entitled "Sustainable development and international economic cooperation", the sub-item entitled "Human resources development".

**Education for all**

In response to General Assembly resolution 50/143 [YUN 1995, p. 1129], the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), issued a June progress report on the implementation process of the education for all objectives [A/52/183-E/1997/74]. The report included the conclusions and recommendations of the mid-decade meeting of the International Consultative Forum on Education for All (Amman, Jordan, 16-19 June 1996), and of the third global meeting of the Education for All Forum, established to follow up the 1990 World Conference on Education for All [YUN 1990, p. 763]. Annexed to the report was the Amman Affirmation, which summarized the gains, shortfalls and emerging challenges identified by the Forum following its mid-decade review of progress towards education for all.

**GENERAL ASSEMBLY ACTION**

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/634], adopted resolution 52/84 without vote [agenda item 102].

**Education for all**

The General Assembly,

Recalling that in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child the right of every individual to education is recognized as inalienable,

Recalling also its resolutions 42/104 of 7 December 1987, by which it proclaimed 1990 as International Lit-
Literacy Year, 44/127 of 15 December 1989, 46/93 of 16 December 1991 and 50/143 of 21 December 1995, in which it called for continuing international efforts to promote literacy.

Recalling further its resolution 45/126 of 14 December 1990, in which it called for strengthening efforts towards the elimination of illiteracy of women of all ages,

Mindful of the fact that eradication of illiteracy is one of the paramount objectives of the International Development Strategy for the Fourth United Nations Development Decade,

Deeply concerned about the persistence of the gender gap in education which is reflected by the fact that nearly two thirds of the world's adult illiterates are women,

Convinced that literacy, especially functional literacy and adequate education, represents an indispensable element for the development and harnessing of science, technology and human resources for economic and social progress,


Confident that the International Literacy Year and the World Conference on Education for All, held at Jomtien, Thailand, in 1990, resulted in increased awareness and support for literacy efforts and became a turning point in the struggle for a literate world,

Underlining the importance of sustaining and further promoting the progress achieved since the International Literacy Year and the Jomtien Conference,

Welcoming the Amman Affirmation, the final communiqué of the mid-decade meeting of the International Consultative Forum on Education for All, adopted at Amman in June 1996, which reaffirmed the necessity for and possibility of bringing the benefits of education to all,

Recognizing that, despite the significant progress in basic education, especially the increase in primary school enrolment coupled with a growing emphasis on the quality of education, major problems, both emerging and continuing, still persist which require even more forceful and concerted action at the national and international levels so as to achieve the goal of education for all,

1. Takes note of the report of the Secretary-General and the Director-General of the United Nations Educational, Scientific and Cultural Organization entitled "Progress report on the implementation process of the education for all objectives";

2. Reaffirms that basic education for all is essential for achieving the goals of eradicating poverty, reducing child mortality, curbing population growth, achieving gender equality and ensuring sustainable development, peace and democracy;

3. Acknowledges the efforts of the mid-decade review of progress towards achieving the goals of education for all in identifying both continuing and emerging challenges, and stresses the need to meet those challenges and to accelerate the efforts to meet the basic needs of people of all age groups, particularly girls and women;

4. Appeals to all Governments to step up their efforts to eradicate illiteracy and to direct education towards the full development of the human personality and to the strengthening of respect for all human rights and fundamental freedoms;

5. Also appeals to all Governments to redouble their efforts to achieve their own goals of education for all by setting firm targets and timetables, where possible, including gender-specific education targets and programmes to combat the illiteracy of women and girls, and by working in active partnership with communities, associations, the media and development agencies, to reach those targets;

6. Appeals anew to Governments and to economic and financial organizations and institutions, both national and international, to lend greater financial and material support to the efforts to increase literacy and achieve education for all;

7. Invites Member States, the specialized agencies and other organizations of the United Nations system and relevant intergovernmental and non-governmental organizations to further intensify their efforts to effectively implement the World Declaration on Education for All, the Amman Affirmation and the Hamburg Declaration and the Agenda for the Future adopted at the Fifth International Conference on Adult Education, held at Hamburg, Germany, from 14 to 18 July 1997, as well as the relevant commitments and recommendations to promote literacy made at major United Nations-sponsored international conferences, with a view to better coordinating their activities and increasing their contribution to development;

8. Recommends that all Member States and relevant organizations of the United Nations, as well as non-governmental organizations, provide the necessary information on the implementation of the strategies of education for all to the Secretary-General and to the Director-General of the United Nations Educational, Scientific and Cultural Organization so as to enable them to report on the overall progress achieved and the shortfalls encountered in attaining the goal of education for all;

9. Requests the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization and in consultation with Member States, to consider effective ways and means for achieving the goal of education for all, including the desirability and the feasibility of launching a United Nations decade to eradicate illiteracy, and to report thereon to the General Assembly at its fifty-fourth session, through the Economic and Social Council;

10. Decides to include in the provisional agenda of its fifty-fourth session the question of cooperation towards education for all under the item on social development.

University for Peace

On 4 November [meeting 44], the General Assembly adopted resolution 52/9 [draft: A/52/L.10 & Add.1] without vote [agenda item 26].
The General Assembly,

Recalling that in its resolution 34/111 of 14 December 1979 it approved the idea of establishing the University for Peace as a specialized international centre for post-graduate studies, research and the dissemination of knowledge specifically aimed at training and education for peace and its universal promotion within the United Nations system,

Recalling also that in its resolution 35/55 of 5 December 1980 it approved the establishment of the University for Peace in conformity with the International Agreement for the Establishment of the University for Peace,

Recalling further its resolutions 45/8 of 24 October 1990 and 46/11 of 24 October 1991, on the tenth anniversary of the University for Peace and the report of the Secretary-General on that anniversary, its resolution 48/9 of 25 October 1993, in which it decided to include in the agenda of its fiftieth session the item entitled "University for Peace", and its resolution 50/41 of 8 December 1995, in which it decided to include in the agenda of its fifty-second session the item entitled "University for Peace" and requested the Secretary-General to consider ways of strengthening cooperation between the United Nations and the University for Peace and to submit a report thereon to the General Assembly at its fifty-second session,

Recognizing once again that the University has suffered from financial limitations which have impeded the full development of the activities and programmes necessary for carrying out its important mandate,

Recognizing also the important and varied activities carried out by the University during the period 1995-1997, largely thanks to the financial contributions made by Canada, Costa Rica and Spain and contributions by foundations and non-governmental organizations,

Noting that in 1991 the Secretary-General, with the assistance of the United Nations Development Programme, established a Trust Fund for Peace consisting of voluntary contributions in order to provide the University with the means necessary to extend its sphere of activity to the rest of the world, to take full advantage of its potential capacity for education, research and support of the United Nations and to carry out its mandate of promoting peace in the world,

Noting also that the University has placed special emphasis, in the context of the report of the Secretary-General entitled "An Agenda for Peace", on the area of conflict prevention, peacekeeping and peace-building, as well as on the peaceful settlement of disputes, and that it has launched programmes in the area of democratic consensus-building and in the training of academic experts in the techniques of the peaceful settlement of conflicts, as well as a broad programme in Central America and the Caribbean on the building of cultures of peace,

Considering the importance of promoting an education for peace which will help to foster respect for the values inherent in peace and universal coexistence among human beings, such as respect for life, friendship and solidarity between peoples and the dignity and integrity of persons irrespective of their nationality, race, sex, religion or culture,

Considering with appreciation that the Government of Uruguay established in 1997 in the city of Montevideo a World Centre for Research and Information on Peace, by agreement with the University for Peace, which gave that Centre the status of regional sub-headquarters of the University for Peace for South America,

Taking into account the efforts being made by the United Nations and by the United Nations Educational, Scientific and Cultural Organization for the development and promotion of a new culture of peace,

Recalling that in its resolution 46/11 it decided to include in the agenda of its forty-eighth session and biennially thereafter an item entitled "University for Peace",

1. Requests the Secretary-General, in view of the intense work done by the University for Peace, to consider ways of strengthening cooperation between the United Nations and the University for Peace and to submit a report thereon to the General Assembly at its fifty-fourth session;

2. Invites Member States, non-governmental organizations and intergovernmental bodies, as well as interested organizations and individuals, to contribute directly to the Trust Fund for Peace and to the budget of the University;

3. Invites Member States to accede to the International Agreement for the Establishment of the University for Peace, thereby demonstrating their support for a global peace studies institution whose mandate is the promotion of a global culture of peace;

4. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "University for Peace".