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CRIME PREVENTION AND CRIMINAL JUSTICE

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

Report of the Secretary-General

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I. INTRODUCTION

1. The General Assembly, in its resolution 39/112 of 14 December 1984, requested the Secretary-General to present to the Assembly at its fortieth session, in accordance with past practice, a report on the implementation of the recommendations of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be prepared for the Seventh Congress in pursuance of paragraph 4 of Economic and Social Council resolution 1982/29 of 4 May 1982.

2. In the latter resolution the Council invited Member States to provide, for consideration by the Seventh Congress, information to the Secretary-General on the implementation of the recommendations of the Sixth Congress, in order to ensure continuity between the two Congresses in accordance with resolution 17 of the Sixth Congress. ^{1/} As may be recalled, in that resolution the Sixth Congress took note with appreciation of the report of the Secretary-General on implementation of the resolutions of the Fifth Congress (A/35/289) and recommended that the process initiated by General Assembly resolution 32/59 of 8 December 1977 with respect to that report should be continued in relation to subsequent congresses.

3. In order to attain the highest possible rate of response for compilation of the present report, the Secretary-General transmitted several complementary inquiries to Governments: one general survey concerned the implementation of all recommendations of the Sixth Congress and included different inquiries pertaining to specific issues, namely alternatives to imprisonment and social resettlement of offenders, capital punishment, the Code of Conduct for Law Enforcement officials, crime trends and crime prevention strategies, the situation of women in the administration of criminal justice systems, the Standard Minimum Rules for the Treatment of Prisoners adopted at the First Congress, and victims of crime.

4. The present report is based on the replies of all countries to all inquiries mentioned in the preceding paragraph. As at 7 June 1985, the following 23 States had replied to the general survey: Austria, Bulgaria, Canada, Chile, Colombia, Cuba, Cyprus, Czechoslovakia, Denmark, Finland, France, Germany, Federal Republic of, Honduras, Indonesia, Israel, Italy, Mali, Sri Lanka, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, Union of Soviet Socialist Republics and Yugoslavia. It should be noted, however, that, in replying to the general survey a number of countries emphasized that detailed information in compliance with certain resolutions of the Congress had already been provided in response to the Secretary-General's specific inquiries.

5. The following 121 States had responded to at least one or more of the inquiries on specific topics: Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy,

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Jamaica, Japan, Jordan, Kenya, Kiribati, Kuwait, Liberia, Libyan Arab Jamahariya, Luxembourg, Madagascar, Malaysia, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Rwanda, Saint Lucia, Senegal, Seychelles, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela, Yugoslavia, Zambia and Zimbabwe.

6. Most resolutions of the Sixth Congress called also for action by the United Nations. In order to provide more comprehensive information on implementation, the present report contains, in addition, information on the work accomplished by the United Nations in this regard, notably by the crime prevention and criminal justice programme, including the activities of the regional and interregional institutes.

II. IMPLEMENTATION OF THE CARACAS DECLARATION

1. Recommendation

7. The Caracas Declaration, 2/ unanimously adopted by the Sixth Congress, and annexed to General Assembly resolution 35/171 of 15 December 1980, represents a major step towards the establishment of international co-operation in the struggle against crime and serves to reaffirm the responsibility of the United Nations in the field of crime prevention and criminal justice. Through the Declaration, the Sixth Congress invited the General Assembly, in the light of the importance attached to the terms therein, to take appropriate action at the earliest opportunity.

2. Action by the United Nations

General Assembly

8. By its resolution 35/171, the General Assembly, while endorsing the Caracas Declaration, urged the Secretary-General to implement the recommendations of the Sixth Congress concerning the new perspectives for international co-operation in the field of crime prevention, and called upon all relevant organizations of the United Nations system to take the necessary measures to ensure a concerted and sustained effort in implementing the principles contained in this Declaration.

9. In its resolution 36/21 of 9 November 1981, the General Assembly called upon the Committee on Crime Prevention and Control to give particular attention, in the formulation of the agenda for the Seventh Congress, to current and emerging trends in crime prevention and criminal justice, with a view to defining new guiding principles in this area in the context of development and the new international economic order, taking into account the political, economic, social and cultural circumstances and traditions of each country.

Committee on Crime Prevention and Control

10. Based on a draft submitted by the Secretariat, the Committee, at its eighth session, formulated a set of guiding principles for crime prevention and criminal justice in the context of development and a new international economic order, 3/ to be submitted to the Seventh Congress through the Economic and Social Council.

Economic and Social Council

11. Accordingly, by decision 1984/153 of 25 May 1984, the Council decided to forward the draft Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order to the Seventh Congress for consideration and adoption.

The Secretary-General

12. With the aim of implementing the provisions of the Caracas Declaration, the Secretariat undertook appropriate research, with special consideration for new types of criminality in the context of socio-economic changes, focusing on the linkages between crime and specific socio-economic issues, such as urbanization, industrialization, unemployment and rural-urban migration. The aim of the studies was to improve the identification of socio-economic factors accompanying high and low crime rates, thus providing assistance to Member States in their efforts to develop national policies and programmes for the prevention of crime.

13. For the same purpose, the Secretariat participated in an Expert Group Meeting held by the International Institute of Higher Studies in Criminal Science, at Siracusa, Italy, in January 1983, which formulated the initial draft of the guiding principles. In addition, the Secretariat convened an ad hoc expert group meeting at Vienna in October 1984, which assisted in the conceptualization of new approaches to crime prevention and criminal justice in the context of development and a new international economic order.

14. In pursuance of General Assembly resolution 36/21, in which the Department of Technical Co-operation for Development of the Secretariat and the United Nations Development Programme were urged to increase their level of support for programmes of technical assistance in the field of crime prevention and criminal justice, and in order to encourage technical co-operation among developing countries, in 1981 the Secretary-General established the post of Interregional Adviser for Crime Prevention and Criminal Justice with functions to include assisting Governments and regional institutes in the assessment of crime patterns and trends and informing them on ways and means to integrate crime prevention policies and programmes in overall national socio-economic planning. The post was filled in 1982, and experience has shown that there exists a strong interest in such services, as illustrated by the large number of requests for advisory missions.

15. The Interregional Preparatory Meeting for the Seventh Congress on topic 1, held in India in 1985, unanimously adopted the New Delhi Consensus on the New Dimensions of Criminality and Crime Prevention in the Context of Development (A/CONF.121/IPM/5), which called upon Governments to grant high priority to the

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integration of crime prevention and criminal justice policies in national development planning and to strengthen the corresponding national mechanisms by allocating adequate resources to crime prevention and criminal justice programmes. The New Delhi Consensus also recommended that Governments should strengthen international co-operation and programmes in the field of crime prevention and criminal justice.

16. The Meeting also emphasized the need for further study of criminality in relation to human rights and fundamental freedoms and for investigation of the forms and impact of organized crime, terrorism and drug trafficking upon socio-economic development. In response to the Caracas Declaration, the Meeting called for the strengthening of regional and interregional activities through the United Nations regional institutes for the prevention of crime and the treatment of offenders and requested the Secretary-General to undertake a comprehensive review of the functioning of the United Nations in that respect. Finally, the Meeting underlined the importance of enhancing the capacity of the United Nations to extend technical assistance to developing countries.

III. IMPLEMENTATION OF THE RESOLUTIONS OF THE SIXTH CONGRESS

Resolution 1. Crime trends and crime prevention strategies

1. Implementation by Member States

Recommendations

17. The Congress called upon all States Members of the United Nations to take every measure in their power to eliminate the conditions of life which detract from human dignity and lead to crime, including unemployment, poverty, illiteracy, racial and national discrimination and various forms of social inequality. All States were invited to ensure, in the process of implementing measures of economic development simultaneous realization of adequate measures of a social and cultural nature and to promote broader public participation in their implementation. The Congress also proposed the continuation of studies aimed at improving systems of registration and crime statistics, so that those systems fully reflect the peculiarities of the State and the dynamics of crime in a given country, bearing in mind its historical, socio-economic and cultural conditions.

Implementation

18. Bulgaria considered prevention as the principal approach in the struggle against crime. It had organized a unified programme to combat crime and other offences and anti-social manifestations which involved various governmental departments as well as the public at large in order to achieve the broadest possible social reach of preventive and anticriminal measures. As a further means of strengthening the programme, an inter-agency council had been established, with the main task of providing methodological assistance for those activities and, in addition, organizing exchanges of experience and advanced training programmes for personnel directly concerned with crime prevention.

19. In Colombia, measures had been taken to reduce the conditions of life which might lead to crime, for example unemployment, poverty, illiteracy, racial discrimination and social inequality. However, despite efforts to improve living conditions through housing projects, loans and other means, situations that were likely to increase crime still persisted.
20. Cuba reported that the involvement of the entire population in the economic, cultural and scientific life of the country through the Economic and Social Development Plan for the five-year period 1981-1985 had contributed considerably to the elimination of some of the criminogenic factors. Efforts were also being made to strengthen the criminal justice system and to develop useful crime statistics with the assistance of the United Nations.
21. In Denmark, the Council for Prevention of Crime had initiated studies to undertake social measures for crime prevention, taking into account the interrelationship between criminality and adverse social conditions stemming from family and environmental problems and other inadequate opportunities of personal development.
22. In Indonesia, efforts had been made to link crime prevention strategies with the economic development and social structures of the country. The reduction of the number of unemployed people together with the policy of balancing the population flow to the big cities were expected to improve control of crime. In order to achieve that goal the Government had initiated new industries in less populated areas as well as transmigration programmes which provided land for its unemployed people and enabled them to start a more productive life.
23. Switzerland was reviewing its criminal code relating to offences against the family and morality with a view to guaranteeing complete equality between men and women. Efforts also were being made to improve criminal policy and criminological research.
24. In Thailand, governmental policies pertaining to crime prevention strategies and criminal justice planning had been formulated in order to curb criminality. To implement those policies, the Ministry of Interior had adopted a plan of action for the period 1982-1986.
25. In the United Kingdom, the Government had adopted a balanced and co-ordinated strategy whereby all agencies involved in general social policy were called upon to concern themselves with the prevention of crime in their planning and decision-making. In relation to juvenile offenders, special attention was being given to the role of the school. Moreover, the administration of wider social policies had been made aware of their relevance to the problem of crime, in order to achieve more benefits in the prevention of crime at little or no additional cost.
26. In the Union of Soviet Socialist Republics, a system for short-term and long-term crime prevention planning had been set up in an effort to eliminate the causes of crime. This system included the state-wide and regional economic and social development plans and other plans for the social development of administrative-territorial units and sub-units. Currently, the USSR was

concentrating its preventive measures on improvements of the function of the Office of the Public Prosecutor, on the strengthening of administrative and executive discipline and on prevention of abuse of authority by officials. Further improvements were being undertaken in the protection of public order in cities and other communities by way of close collaboration between the police and the public and through a continued introduction of the latest technical means for safeguarding socialist and personal property. Refinements in the procedures for the accounting and storage of goods and materials as well as stricter monitoring of the observance of trade rules were also initiated.

27. Yugoslavia had made all efforts in its economic and overall social development to prevent or eliminate social conditions which affected negatively the national crime situation. It was mentioned that the country had based its crime policies on prevention and suppression only to the extent deemed to be necessary.

28. In addition to these replies a total of 65 countries responded to a specific report, prepared by the Secretariat, entitled "Second United Nations survey of crime trends, operations of criminal justice systems and crime prevention strategies" (A/CONF.121/8), which is before the Congress.

2. Action by the United Nations

Mandate

29. The Congress requested the Economic and Social Council to consider the relevance of economic and social conditions in the general context of crime prevention and control.

Action

(a) Committee on Crime Prevention and Control

30. At its eighth session, the Committee submitted to the Economic and Social Council a draft resolution on crime prevention and criminal justice in the context of development, 4/ by which the Secretary-General was requested to maintain and develop the United Nations data base on criminal statistics, by continuing to conduct quinquennial surveys of crime trends, operations of criminal justice systems and crime prevention strategies, and to report periodically to the Committee on the progress made in that respect.

(b) Economic and Social Council

31. Having considered the report of the Committee, the Council, in resolution 1984/48 of 25 May 1984, adopted the above-mentioned draft resolution. At the same time the Council noted the progress made towards the improvement of national criminal statistics and the establishment of a United Nations crime-related data base.

(c) The Secretary-General

32. In fulfilment of this request, the second United Nations survey of crime trends, operations of criminal justice systems and crime prevention strategies, was undertaken and a progress report prepared, to be submitted to the Seventh Congress (see para. 28 above). In this connection, the Secretary-General convened two expert group meetings on the topic of criminal statistics, one with the collaboration of the School of Criminal Justice at Rutgers University, New Jersey, and the other with the Sam Houston State University, Texas.

33. Furthermore, the Secretary-General included in the regular work programme the preparation of a manual on the collection and analysis of crime and criminal justice statistics, with the specific objective of assisting interested national and local administrations in the development of criminal statistics systems. The manual is undergoing final revision by the regional commissions, the United Nations Statistical Office and the United Nations regional institutes for the prevention of crime and the treatment of offenders and is expected to be available by the end of 1985.

(d) The regional institutes

34. The United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) finalized in 1982 a draft manual for the establishment of an integrated system of criminal statistics, and submitted it for consideration to the Inter-American Conference of Statisticians, held at Buenos Aires in 1983, where the draft Manual was endorsed and recommended for implementation by the countries of the region. The Helsinki Institute for Crime Prevention and Control (HEUNI) held a European seminar in 1984 on the theme "Effective, Rational and Humane Criminal Justice". In the same year, HEUNI arranged two expert group meetings on trends in crime and information sources in the criminal justice and crime prevention field in Europe, the aim of which was to analyse the European results of the second United Nations survey (see para. 32 above). Similar meetings were held in 1984 at the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) to analyse the results of the survey in the Asia and Pacific region. The results of these meetings will be reported to the Seventh Congress.

Resolution 2. Development of crime and justice statistics

1. Implementation by Member States

Recommendations

35. The Congress recommended that all States should enhance their efforts to improve information about those crimes and those parts of the justice system that presented the fewest problems of comparability and reporting difficulties for each State.

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Implementation

36. In Colombia, a Committee on Justice Statistics had been established to set up uniform criteria for the preparation of statistical material compiled by various agencies. In 1984 this Committee became part of the National Crime Prevention Commission, thus enabling it to make recommendations on the kind of information needed to facilitate research into the causes and dynamics of crime and ways of preventing it.

37. Denmark reported that its statistical basis for criminological research was constantly improving through increased use of electronic data processing.

38. Switzerland noted that, apart from data on criminal convictions, statistics relating to the investigation of offences and the imposition of sentences involving deprivation of liberty were available to its authorities.

39. In Yugoslavia, crime statistics were compiled on a comprehensive basis. They encompassed all stages of the proceedings, including sentencing and enforcement of criminal sanctions. The statistics were prepared following methods of uniform classification which provided comparative illustrations for national and international application. Since the adoption of resolution 2 of the Sixth Congress, 1/ particular efforts had been made to collect data on victims of crime and to monitor statistical data on certain categories of crime, including economic criminality.

2. Action by the United Nations

Mandate

40. The Congress requested the Secretary-General to intensify efforts to co-ordinate the collection of comparable cross-national statistics on crime and justice in each of the Member States, initially at the regional level, and recommended that the Secretary-General should provide technical assistance to Member States according to their individual needs in order to encourage their participation.

Action

41. For action by the United Nations reference may be made to efforts undertaken by the Secretary-General, as described under resolution 1 (paras. 32 and 33).

Resolution 3. Effective measures to prevent crime

1. Recommendation and mandate

42. The Congress requested the Secretary-General to focus his efforts in crime prevention on reinforcing man's faith in his ability to follow the path of good and recommended that Member States should exert efforts towards the improvement of conditions in that respect.

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2. Implementation by Member States and action by the United Nations

43. The broad principles contained in this resolution make it difficult to fully assess in concrete terms the degree of implementation by Member States and action by the United Nations. The replies given to this resolution were seen to be in close context to other resolutions of the Congress. Consequently, the responses to resolution 3 have been included in the text of the present report in the sections pertaining to implementation of other relevant resolutions.

Resolution 4. Development of minimum standards of juvenile justice

1. Implementation by Member States

Recommendation

44. The Congress recommended that a high degree of social attention should be paid to the ways in which juveniles were handled, because of their early state of development.

Implementation

45. Austria reported that a governmental bill on juvenile justice had been submitted to the Parliament with the following objectives: to raise the upper age limit for application of the special criminal provisions for juveniles from 18 to 19 years; to enable the prosecutor or the youth court to discharge the defendant for a probationary period or under the condition of fulfilling certain obligations, such as community service or services to the victim; to reduce the period of detention awaiting trial; to extend the rights and functions of probation officers in criminal procedures; and to provide only restricted information on criminal records to institutions outside the criminal justice system.

46. In Colombia, the Government had paid special attention to all aspects of the protection of juveniles, in particular those who had become involved in the criminal justice system. Legal advisory services to juveniles and their families and measures for the protection of minors were considered to be preventive as they strengthened the family unit and ensured that minors were not abandoned. In addition, comprehensive programmes for the care of street children were carried out through the construction of children's shelters in cities.

47. In Czechoslovakia, an expert seminar had been held in September 1984, which had considered further measures aimed at social and legal prevention of juvenile delinquency, as well as the proposed standard minimum rules for the administration of juvenile justice (see E/AC.57/1984/2).

48. In Denmark, the Ministry of Justice had issued instructions that prosecutors should request custody in remand at home rather than in remand in prison for offenders from 15 to 17 years of age. Exception to this rule might be made only when the offence committed was of a grave or dangerous character. In 1983, the Danish Government had started comprehensive efforts to improve the knowledge and the sense of responsibility of young people with respect to administrative and legal aspects of day-to-day work.

49. In Finland, a specific act had been passed which emphasized the need to take into account the personal situation of juvenile offenders. Current law reforms proposed the application of more lenient penalties and, whenever possible, the use of alternatives to imprisonment for minor offenders. In the case of pre-trial detention the law stipulated that young offenders should be kept apart from other arrested persons and detainees.
50. In Indonesia, the National Intelligence Service had established a committee to co-ordinate campaigns against juvenile delinquency. In addition, a standing committee at the Department of Justice was charged with the work of heightening legal awareness among the younger generation. These efforts were complemented by the establishment of committees on legal education and on crime prevention and the treatment of offenders.
51. In Switzerland, the authorities had expressed great interest in the proposed standard minimum rules for the administration of juvenile justice, with a view to introducing and promoting the rules as effectively as possible.
52. In Thailand, measures to treat juvenile delinquents could be taken either on a non-custodial or on a custodial basis. In the case of the latter, highly qualified training schools offered academic and vocational training suitable to individual needs of young offenders. After-care programmes in co-operation with social workers were also available.
53. In the United Kingdom, the juvenile justice systems provided sufficient protection of the constitutional rights of juveniles, combined with concern for their welfare. Currently, the Government was substantially increasing expenditures for developing community-based alternatives to custody for juvenile offenders, with the aim of reducing recidivism among young people.
54. In the Union of Soviet Socialist Republics, the social development plans contained a range of measures designed to combat the causes of youth criminality, such as research studies on the personality of the juvenile offender and on appropriate legal measures. In order to strengthen the family's functions three interconnected measures had been adopted: measures intended to reduce the number of unsupervised minors; to create conditions that would enable parents to devote more time and money to their children; and to assist families in acquiring the kind of pedagogical knowledge that could contribute to the more effective raising of children. The criminal legislation provided for substantial limitations on the application of penal sanctions against minors and, once involved in the criminal justice system, the rights and interests of minors in judicial proceedings were safeguarded by additional protections.
55. In Yugoslavia, criminal law provided for special treatment of juvenile offenders which took into consideration the personality of the minor. Some of the legal provisions were (a) restricted recourse to preventive arrest and detention; (b) prohibition of the publication of names of minors involved in proceedings; (c) participation of social services in the course of trial preparations; and (d) limited public access to court procedures.

2. Action by the United Nations

Mandate

56. The Congress recommended that the Committee on Crime Prevention and Control should be requested to develop standard minimum rules for the administration of juvenile justice and the care of juveniles, which could serve as a model for Member States. In addition, the Secretary-General should assign to one of the United Nations crime prevention centres the responsibility for conducting research on the causes of delinquency and programmes for its prevention. The Secretary-General also should report to the Seventh Congress on the progress achieved in these two fields.

Action

(a) Committee on Crime Prevention and Control

57. At its seventh and eighth sessions, the Committee, in collaboration with the Secretariat and the United Nations regional institutes, formulated the draft standard minimum rules for the administration of juvenile justice, which had been endorsed, in principle, by the regional preparatory meetings for the Seventh Congress and had been adopted, as amended, by the Interregional Preparatory Meeting for the Seventh Congress on topic 4 (see A/CONF.121/IPM/1).

(b) Economic and Social Council

58. By decision 1984/153, the Council approved the recommendations of the Committee at its eighth session. In the same decision the Council presented the draft standard minimum rules, as amended by the Interregional Preparatory Meeting on topic 4, to the Seventh Congress for consideration and adoption.

(c) The Secretariat and the institutes

59. The United Nations Social Defence Research Institute (UNSDRI) and the United Nations regional institutes have, over the past five years, collaborated regularly and have conducted cross-cultural research on delinquency. A report was jointly prepared, in collaboration with national correspondents, entitled Research in juvenile delinquency (A/CONF.121/11), which is before the Seventh Congress. The report will assist the research workshop on youth crime and juvenile justice, to be conducted during the Congress in pursuance of Economic and Social Council resolution 1984/45 of 25 May 1984.

60. Furthermore, the Economic and Social Commission for Asia and the Pacific (ESCAP), in collaboration with UNAFEI, undertook a joint project to survey juvenile crime and prevention and treatment modalities in the Asia and Pacific region. The results of this research effort were considered by a regional workshop, held at UNAFEI in the summer of 1985, and will be before the research workshop mentioned in the preceding paragraph.

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61. A number of training courses and expert meetings on juvenile justice were held by the United Nations institutes. In 1984 UNSDRI hosted a meeting of the scientific panel for the preparation of the research workshop entitled "Perspectives in action-oriented research in juvenile crime and justice". In 1981 UNAFEI conducted the fifty-eighth international training course on the topic "An integrated approach to effective juvenile justice administration", and in 1983 held the International Seminar on the Formulation of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. From 1980 to 1982, ILANUD conducted courses for the training of personnel in juvenile treatment centres. In addition, a number of non-governmental organizations undertook research on key contemporary issues relating to juvenile justice.

Resolution 5. Extra-legal executions

1. Implementation by Member States

Recommendation

62. The Congress deplored and condemned the practice of killing and executing political opponents or suspected offenders, carried out by armed forces, law enforcement or other governmental agencies or by paramilitary or political groups acting with the tacit or other support of such forces or agencies. The Congress affirmed that such acts constituted a particularly abhorrent crime, the eradication of which was a high international priority, and called upon all Governments to take effective measures to prevent such acts.

Implementation

63. In Bulgaria, the practice of extra-legal executions was totally unknown. The country's constitution stated that punishment was determined by law only and that it should be imposed exclusively by the duly established judicial organs.

64. Colombia reported that it had carried out only just sentences. Cases involving disappeared persons or homicides committed by paramilitary forces had been subjected to strict investigation by the National Office of the Attorney-General.

65. Finland, Switzerland and Yugoslavia reported that arbitrary executions did not occur in their countries.

2. Action by the United Nations

Mandate

66. The Congress urged all organs of the United Nations dealing with questions of crime prevention and human rights to take all possible action to bring extra-legal executions to an end.

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Action(a) General Assembly

67. The General Assembly, in resolution 35/172 of 15 December 1980, requested the Secretary-General to use his best endeavours in cases where the minimum standards of legal safeguards were not respected, and to seek from Member States, and concerned intergovernmental and non-governmental organizations their views concerning the problem of arbitrary and summary executions, and to report to the Committee on Crime Prevention and Control at its seventh session.

(b) Committee on Crime Prevention and Control (seventh session)

68. In response to the request of the General Assembly, the Secretary-General obtained views and observations on the problem of arbitrary and summary executions, and presented them in a report to the Committee at its seventh session (E/AC.57/1982/4 and Add.1). On the basis of the information contained in the report, the Committee decided to study further the question of death penalties that did not meet the acknowledged minimum legal guarantees and safeguards and recommended that the issue should be discussed at the Seventh Congress.

(c) Economic and Social Council

69. The Council, in its resolution 1983/24 of 26 May 1983, endorsed the recommendations of the Committee mentioned above.

(d) Committee on Crime Prevention and Control (eighth session)

70. Subsequently, the Secretary-General prepared a note on arbitrary and summary executions (E/AC.57/1984/16), on the basis of which the Committee, at its eighth session, formulated a set of safeguards guaranteeing protection of the rights of those facing the death penalty.

71. On the recommendation of the Committee, the Economic and Social Council, in its resolution 1984/50 of 25 May 1984, approved the safeguards and invited the Seventh Congress to consider them with a view to establishing an implementation mechanism. The General Assembly, in its resolution 39/118 of 14 December 1984 endorsed the Council's resolution and called upon Member States to spare no effort in providing for adequate procedures and resources so as to ensure implementation of the safeguards. The Assembly also requested the Secretary-General to employ his best endeavours in cases where the safeguards were violated.

(e) Commission on Human Rights

72. Reference also may be made to the work of the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities as well as of the Special Rapporteur to the Commission on arbitrary and summary executions. By resolution 39/110 of 14 December 1984, the General Assembly appealed to all Governments to co-operate with the Special Rapporteur and requested him to respond effectively to information that came before him.

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Resolution 6. Torture and inhuman treatment: measures to put
an end to torture and ill-treatment

1. Implementation by Member States

Recommendation

73. The Congress called upon all Governments to take effective measures to prevent practices of torture and ill-treatment of detained persons and to punish persons found guilty of such practices.

Implementation

74. In Bulgaria, a new law guaranteed all prisoners the right to humane treatment and respect for their human dignity. In the case of misuse of force by officials, the Bulgarian penal code provided punishment of up to 10 years of imprisonment. Furthermore, the Constitution established the liability of the State for damages caused by illegal acts or improper official actions of its organs.

75. In Colombia, a precautionary order had been issued to prison governors requiring them to eliminate any kind of cruel treatment of prisoners. Colombia also mentioned that it supported the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/46 of 10 December 1984, annex).

76. Finland had detailed rules on the treatment of persons under arrest or otherwise deprived of their liberty. The accused person was not under any obligation to confess, and any unacceptable method of extracting a confession was prohibited. Statements by the accused were not to be directed or confessions extracted by means of deliberate misinformation, promises of benefits, threats, extortion or other coercion. The Chancellor of Justice and the Parliamentary Ombudsman observed that civil servants abided by these rules.

77. Switzerland reported that it had conducted campaigns against torture and other inhuman treatment at all levels, and that its authorities had reacted with determination against such acts.

78. In Yugoslavia, the Constitution warranted the respect for human dignity in criminal and any other proceedings, involving deprivation or restriction of liberty and enforcement of penalties.

2. Action by the United Nations

79. The resolution contains no specific mandate addressed to the United Nations. However, resolution 11 refers to related subject matter and, therefore, reference may be made to this resolution (paras. 141-143 below).

Resolution 7. Prevention of the abuse of power

1. Implementation by Member States

Recommendations

80. The Congress recommended that the public should be made aware of the harmful consequences of the abuse of economic and political power and that Member States should consider working on the further improvement of civil and penal laws against such abuses, and further intensify co-operative efforts among themselves to prevent, prosecute and control such abuses.

Implementation

81. In Austria, a new bill in the field of economic offences and corruption was being examined by Parliament. The bill proposed to extend the definition of certain offences and the range of certain sanctions for them, including the possibility of additional financial sanctions. In particular, courts were to be authorized to order the repayment of unjustified profit.

82. Bulgaria reported that in 1981 an exhaustive criminological study on bribery and other manifestations of corruption had been undertaken, resulting in the formulation of a comprehensive programme which called upon the leading ministries, departments and organizations in the country to take specific measures.

83. In Colombia, abuses of economic and political power had been of particular concern in recent years by virtue of the material and social harm they caused. Additional measures to those contained in the penal code were deemed to be necessary.

84. In Denmark, the Ministry of Justice had set up a special committee to review legislation on economic crime. In addition, a special public prosecutor dealt exclusively with developments in the sphere of economic crime and instituted proceedings for all offences in that category.

85. In Finland, the new penal code, completed in 1984, had proposed new provisions mainly to cover property-related and white collar crimes. The objective was to pay more attention to systematic white collar crime and to potential abuses such as unfair marketing, bribery, industrial espionage etc., within the economy of the country, where hitherto only dispersed provisions outside the penal code had existed. The proposals were also applicable to the abuse of technical expertise and computer crime.

86. Mali expressed its concern about the abuse of power in its various forms, in particular abuse of political, public and economic power, and their interrelationship.

87. Switzerland had taken an active part in many regional and international meetings aimed at combating the abuse of power. At the national level, the current criminal code reform showed increased concern on that matter.

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88. In Thailand, the Commission of Counter Corruption had been established under the office of the Prime Minister and had been entrusted with investigative powers to make inquiries into any alleged misconduct of Government officials.

89. Yugoslavia had supported the recommendations contained in resolution 7 and reported that they were implemented both in the normative system and in practice.

90. In addition to these replies, a total of 31 countries responded to a specific survey carried out by the Secretariat on legislative provisions against abuses of power and measures used for their prevention and control (E/AC.57/1984/12). Furthermore, a total of 67 countries provided responses summarized in a report of the Secretary-General entitled "Survey of redress, assistance, restitution and compensation for victims of crime" (A/CONF.121/4), which is before the Congress.

2. Action by the United Nations

Mandate

91. The Congress recommended that more effective strategies should be developed internationally, regionally and nationally, as appropriate, to prevent, prosecute and control abuses of power. The United Nations, with special concern for the needs and interests of developing countries, should continue to gather, analyse and disseminate information to Member States concerning abuse of economic and political power. Moreover, research and training should be developed at all levels to assist Member States in combating such abuses. The United Nations should also continue its present work on the development of guidelines and standards in that field and the possibility of international agreements on illicit payments should be actively pursued.

Action

(a) The Secretary-General

92. Two reports of the Secretary-General entitled, respectively, "Patterns, trends, dynamics and impact of criminal acts involving abuses of power, and the typology of offenders and victims" (E/AC.57/1984/13) and "Guidelines for measures on behalf of victims of crime and abuses of power" (E/AC.57/1984/14), were prepared for submission to the Committee on Crime Prevention and Control at its eighth session.

93. In addition, the Secretariat received information from Member States, as mentioned in paragraph 90 above.

94. Moreover, the Interregional Preparatory Meeting on topic 3 ("Victims of crime") formulated a draft resolution on justice and assistance for victims (A/CONF.121/IPM/4, annex I), which is before the Congress for consideration.

(b) Committee on Crime Prevention and Control

95. The Committee, at its seventh session, examined the subject matter and observed that it provided scope for further scientific contributions and studies (E/CN.5/1983/2, para. 143). At its eighth session, in its resolution 8/1, the Committee expressed hope that the Seventh Congress would elaborate essential principles on this matter.

(c) The regional institutes

96. The regional institutes sought to strengthen concerted action against abuses of power in the countries of their regions. Training courses for criminal justice personnel placed special emphasis on ways of dealing with new and expanding forms of crime, such as drug trafficking, and their interfaces with abuses, such as corruption. In addition, in 1983 HEUNI held a seminar on the subject "Towards a victim policy in Europe".

Resolution 8. Alternatives to imprisonment

1. Implementation by Member States

Recommendations

97. The Congress recommended that Member States should examine their legislation with a view to removing legal obstacles to utilizing alternatives to imprisonment in appropriate cases. Member States should endeavour to make the necessary resources available for carrying out alternative sanctions, and should consider means for the effective involvement of the various components of the criminal justice system and the community in the continuing process of developing such alternatives. Moreover, legal and administrative procedures should be evaluated with a view to reducing the detention of persons awaiting trial or sentencing, and efforts should be made to inform the public of the advantages of alternatives to imprisonment so as to encourage public acceptance of these measures. The Congress further invited Governments to report to the Secretary-General every five years on developments in this field.

Implementation

98. Austria had amended its Code of Criminal Procedure in 1983 to curtail pre-trial detention.

99. Bulgaria reported that its criminal legislation contained no legal impediments to the extensive use of criminal, administrative, educational and other measures as alternatives to imprisonment. Several arrangements had been made to release the offender from criminal responsibility and to apply social measures, such as probationary release; release of minors and application of educational measures; using fines; imposition of correctional labour; depenalization of certain minor offences against public property, committed for the first time; suspending the execution of sentences; and punishment in the form of compulsory resettlement

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combined with the obligation to engage in socially useful work. As a result of these measures, more than 65 per cent of the convicted persons did not serve a prison sentence.

100. Canada considered alternatives to imprisonment to be equally effective, less costly, and more promising for the offender's resocialization. Community service orders and restitution orders, which were formerly served as additional punishment to incarceration, were currently taken as complete and independent sentences. In line with this policy, several experiments administered through community-based programmes had been conducted to encourage communities to take greater responsibility for the offender's reintegration into society. Another alternative to criminal proceedings was the increasing use of restitution by offenders to victims. In addition, fines and bail were used for offenders sentenced to less than two years of imprisonment. Provisions for community supervision of remand cases, substituting remand in custody, were also mentioned.

101. In Colombia, probation and suspended sentences had been applied as suitable measures for the rehabilitation of the offender. In this context a commission responsible for evaluating judicial and administrative procedures had been established with a view to reducing the detention of persons awaiting trial.

102. Czechoslovakia reported that among the issues of the Sixth Congress, which had been considered in the context of the pending amendment of the national criminal legislation, was the widening of the range of alternative sanctions to prison sentences, particularly in the case of juvenile delinquents.

103. In Denmark, de-institutionalization had been introduced 10 years ago and remained an important issue in sentencing policy.

104. Finland, since 1983, had permitted the conversion of certain offences entailing a maximum penalty of six-month imprisonment into fines. Another alternative had been an experimental procedure to reach a settlement between the offender and the victim through voluntary mediators.

105. Israel had implemented a set of alternatives to prison sentences with a view to making prison penalties more relevant to the type of the offence and the personality of the offender. Special emphasis had been placed on community service.

106. Sri Lanka had provided for a number of alternatives to prison sentences, such as fines, suspended sentences, community service orders, forfeiture of property, conditional discharges, and detention in precincts of courts. In order to strengthen the utility of such measures, efforts had been made to educate the public and to change the attitude of society towards discharged prisoners, with the co-operation of private organizations to conduct various prison rehabilitation projects. Another project of rehabilitation through work disciplines was currently under consideration.

107. Switzerland recently had begun a complete revision of the general provisions of the national criminal code, including a large number of proposals for replacing prison sentences through fines, community service, probation, loss of certain rights etc.

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108. Thailand, while acknowledging imprisonment as an appropriate sanction for certain offences, provided for alternatives to imprisonment, one of which was suspended imprisonment with probation order. Those measures had been especially successful in the case of drug users. Such suspended sentences with probation orders might be imposed by court under certain conditions: the term of imprisonment should not exceed two years; the offender should report to an official specified by the court, receive training and refrain from any behaviour which might lead to the commission of the same offence.

109. The United Kingdom had significantly increased the resources available to the agencies responsible for the development and management of alternatives to imprisonment.

110. In Yugoslavia, the law provided for the following alternatives to imprisonment: suspended sentence; suspended sentence with protective supervision; reprimand by the court; and certain security measures of a curative nature. In all, only about 20 per cent of the offenders had been sentenced to imprisonment.

111. In addition to these replies a total of 61 countries responded to a specific survey on the subject "Alternatives to imprisonment and measures for the social resettlement of prisoners" (A/CONF.121/13), which is before the Seventh Congress.

2. Action by the United Nations

Mandate

112. The Congress requested the Committee on Crime Prevention and Control to consider the question of alternatives to imprisonment at the earliest date, and to examine the possibility of preparing a report on the extent to which such alternatives were being utilized for submission to the Seventh Congress. The Secretary-General was called upon to provide advice and support on request from Member States and to facilitate co-operation among Member States interested in developing such alternatives.

Action

(a) Committee on Crime Prevention and Control

113. The Committee, at its eighth session, considered a report on alternatives to imprisonment and measures for the social resettlement of prisoners prepared by the Secretary-General (E/AC.57/1984/9), and requested him to update the report on the basis of information provided by Member States and other sources.

(b) Economic and Social Council

114. The Council, in its resolution 1984/46 of 25 May 1984, endorsed the Committee's decision.

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(c) The Secretary-General

115. In preparing the new report, as requested, the Secretariat analysed the information received from 61 countries and from other sources including regional institutes (see para. 111 above).

(d) Regional institutes

116. ILANUD had prepared a comparative study on pre-trial detention and on alternatives to reduce it. At present, the Institute is conducting a field project aimed at utilizing measures other than imprisonment in dealing with persons charged with different crimes. Another ongoing research project examines economic sanctions as alternatives to imprisonment. UNAFEI also had devoted several projects and training courses to the question of alternatives to imprisonment.

Resolution 9. Specific needs of women prisoners

1. Implementation by Member States

Recommendations

117. The Congress recommended that recognition should be given to the specific problems of women prisoners and the need to provide the means for their solution. In countries where it was not yet done programmes and services used as alternatives to imprisonment should be made available to women offenders on an equal basis with male offenders.

Implementation

118. Austria had passed a bill aimed at extending the possibilities for women prisoners to take care of their children within prison. In view of positive experience with the existing practice, Austria noted that child care within the penal establishment should be granted until the child had reached the age of three years.

119. In Bulgaria, a number of different measures for imprisoned women were provided by law: the segregation of women prisoners from men and the exclusively female custodial personnel in such institutions; absence of severe conditions or other restrictions; specialized care for pregnant women, such as regular medical observation and the provision of an enriched diet; sufficient leisure time; and the opportunity for children to attend nurseries at the institutions.

120. In Colombia, women prisoners were provided with separate premises for detention and work and with special services for pregnancy, birth and child care.

121. Switzerland had made efforts to eliminate all inequalities in treatment between men and women. Such inequalities had arisen mainly through the fact that Switzerland had only one prison for women, which, when it was distant from a prisoner's home resulted in the curtailment of some rights, such as leaves on parole and visits. The situation had improved after the Cantons, which were responsible for their prisons, had agreed to decentralized arrangements and, in one case, had built a new prison for women.

122. In the Union of Soviet Socialist Republics, the code of criminal procedure provided less severe treatment for sentenced women compared to that for men. The execution of a sentence imposed on pregnant women might be deferred by the court for up to one year and, in the case of convicted women with young children, up to the third year of the child. In some cases pregnant women were allowed to live and work outside the correctional labour colonies during pregnancy, childbirth and the first two years of the child. In such cases, convicted women were settled near the colony and kept under supervision.

123. In Yugoslavia, female prisoners received the same treatment as male offenders in criminal proceedings and in the execution of criminal sanctions. As regards pregnant women and women offenders with children, alternatives to imprisonment were widely used, particularly suspended sentences. In case of imprisonment of female offenders, special maternity wards were at their disposal where mother and child could stay up to one year of the child's age.

124. A total of 61 countries replied to a survey on the situation of women and the administration of criminal justice systems, the results of which are reported in document A/CONF.121/17 and Add.1, which is before the Congress.

2. Action by the United Nations

Mandate

125. The Congress recommended that the United Nations, and all other international organizations, should make continuing efforts to ensure that the woman offender was treated fairly and equally during arrest, trial, sentence and imprisonment, with particular attention to the special problems which women offenders encountered, such as pregnancy and child care. At future congresses and their preparatory meetings, as well as in the work of the Committee on Crime Prevention and Control, time should be allotted for the study of women as offenders and victims and appropriate representation of women in Government delegations would be desirable.

Action

(a) The Secretary-General

126. In 1982, the Secretary-General conducted the first United Nations survey on the situation of women and the administration of criminal justice systems (1970-1982) to which 61 Governments, through their national correspondents, responded, providing information (see para. 124 above). On the basis of survey data and other relevant research findings, two reports of the Secretary-General were prepared for consideration of the Congress: "The fair treatment of women by the criminal justice system (A/CONF.121/17 and Add.1); and "The situation of women as victims of crime" (A/CONF.121/16).

(b) Committee on Crime Prevention and Control

127. The Committee, at its eighth session, recommended that the questions of the fair treatment of women by the criminal justice system and of the situation of women as victims of crime should be included in the agenda of the Seventh Congress.

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(c) Economic and Social Council

128. The Council, in its resolution 1984/49 of 25 May 1984, endorsed the recommendations of the Committee.

Resolution 10. Development of measures for the social
resettlement of the imprisoned

1. Implementation by Member States

Recommendations

129. The Congress recommended that Member States should seek to promote measures aimed at keeping sentences involving deprivation of liberty as short as possible; should ensure that their prison systems were sufficiently differentiated to allow the assignment of inmates in accordance with their needs, so as to facilitate their placement in open institutions wherever possible; should seek to maintain and develop the personal and social relationships of the prisoner by making generous provision for correspondence and visits, as well as for leave from the prison; and should plan and carry out measures designed to facilitate the post-release adjustment of the inmate in society, in close co-operation with the various correctional bodies and social agencies; and should ensure that opportunities were made available for the development of the prisoner's educational potentialities. The training and education of prison staff should be promoted so that they might contribute to the implementation of these measures, and public acceptance of them should be encouraged. The Congress also invited Governments to report to the Secretary-General every five years on developments in this field.

Implementation

130. Bulgaria reported that its general policy was to shorten deprivation of liberty as much as possible by using probation and early release on parole. After amending the law in 1982, it had applied a more differentiated approach to the various categories of inmates by creating different types of facilities, such as open and semi-open correctional labour communities for persons sentenced up to three years. Furthermore, there were different prisons and correctional labour communities for first offenders and recidivists serving long-term sentences. Efforts also had been undertaken to increase the educational level and qualification of all prisoners through general programmes.

131. In Canada, inmates were classified according to security requirements when entering the federal correctional system and had appropriate counselling psychological services at their disposal. A programme had been designed to ensure that inmates were assessed on an individual basis by scheduling and planning the inmates' time in prison and the preparation for various release programmes. At the same time a differentiated employment programme, including industrial and agricultural projects, had been used in federal penitentiaries. Upon release, various ex-inmate employment centres sponsored by private agencies as well as by organized volunteer groups in co-operation with federal and provincial correctional services had carried out measures designed to facilitate the post-release adjustment of the inmate.

132. In Colombia, efforts were being undertaken to establish a prison system aimed at facilitating the prisoner's placement in open institutions whenever possible. Social work which developed personal and social relations of the inmate and educational opportunities in the form of vocational training were offered in prisons as measures for reintegration into society.

133. In Cuba, the penal code provided for different alternative measures, which would facilitate a more effective individual approach to the treatment of offenders. As regards confined persons an entire educational system had been devised in order to enable them to study up to the secondary level and to acquire a variety of trades and technical skills.

134. In Finland, the draft of the new penal code proposed greater flexibility in the duration of sentences, aiming at keeping prison sentences short.

135. In Honduras, the objectives of the drafts of both the new criminal code and the new penitentiary law were to establish institutions for the rehabilitation of the inmates and to prepare them for work. Therefore, the drafts provided for the treatment and post-release guidance of convicts with a view to their social rehabilitation.

136. Israel expressed the recognition that volunteer activity for the rehabilitation of the ex-convict was not sufficient to cope with the severity of the problem: governmental responsibility also was deemed to be necessary. Those governmental functions were carried out by the Prisoner Rehabilitation Authority, which was a legally independent body aiming at the following goals: planning and general policy, preparation of all-inclusive rehabilitation programmes for each prisoner, community activities, promotion of public awareness on the subject, preparation of legislative proposals, and co-ordination of activities of all voluntary bodies in this field.

137. In Sri Lanka, prison sentences could be reduced under its present prison rules, especially in the case of good conduct during service. Whenever prison conditions permitted, prisoners were kept separately according to sex, age, criminal record etc. Post-release adjustment of prisoners in society was prepared through schemes for home leave, work release, release on licence (parole), transfer to open prison camps, and through the prisoners' welfare association, which assisted the Department of Social Services on a voluntary basis. With regard to the education of prison staff, the Centre for Research and Training in Corrections had been set up with the assistance of United Nations experts.

138. In the Sudan, treatment of prisoners was aimed at reforming the convict in order to ensure good conduct after release. Furthermore, the law provided for the classification of inmates, on the basis of age, sex, criminal record etc. Early release could be granted on the occasion of national or religious celebrations as well as for good conduct and behaviour during imprisonment. Open prison camps were functioning successfully, taking into account the customs and traditions of certain local tribes.

139. In Yugoslavia, the classification of penal institutions had been introduced so that shorter prison terms were served mainly in open correctional institutions. The provisions for vocational education, family contact and measures for social resettlement after release were considered to be appropriate.

2. Action by the United Nations

Mandate

140. The Congress requested the Committee on Crime Prevention and Control to consider the question of the development of measures for the social resettlement of the imprisoned at the earliest date and to prepare a report on the extent to which such measures were being utilized for submission to the Seventh Congress.

Resolution 11. Prevention of torture and other forms of cruel, inhuman or degrading treatment

1. Implementation by Member States

141. This resolution contains no specific recommendation addressed to the Member States. However, reference may be made to resolution 6 (paras. 73-79) in this regard.

2. Action by the United Nations

Mandate

142. The Congress welcomed the adoption by the General Assembly, in its resolution 34/169 of 17 December 1979, of the Code of Conduct for Law Enforcement Officials and expressed the hope that the General Assembly would adopt the draft body of principles for the protection of all persons under any form of detention or imprisonment, the draft code of medical ethics and the draft convention against torture.

Action

143. By its resolution 37/194 of 18 December 1982, the General Assembly adopted the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, included as an annex to that resolution. In addition, by resolution 39/46 of 17 December 1984, the Assembly adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, included as an annex to that resolution. As regards the draft body of principles for the protection of all persons under any form of detention or imprisonment, this instrument is in a final stage of preparation (see A/39/784).

Resolution 12. Code of Conduct for Law Enforcement Officials1. Implementation by Member StatesRecommendation

144. As requested by the Sixth Congress in its resolution 12, the General Assembly, by its resolution 35/170 of 15 December 1980, called upon all States to make the text of the Code of Conduct for Law Enforcement Officials available to all law enforcement officials in their own language and to instruct them in training programmes and refresher courses on the provisions of the national legislations which are connected with the Code and other basic texts on human rights. In addition, the Assembly invited Governments to consider measures to promote the application of the Code, including the organization of symposia on the role of law enforcement officials in the protection of human rights. 5/

Implementation

145. In Bulgaria, all officials had been made familiar with the text of the Code of Conduct and the provisions contained therein. The actions of law enforcement officials were aimed at protecting human rights that made the use of torture, genocide and other forms of inhumane treatment inadmissible. To avoid acts of corruption law enforcement officials had been placed under the supervision of the entire public.

146. In Chile, all law enforcement officials graduated at the Police Academy and were trained in accordance with the principles of the Code.

147. In Cuba, the provisions of the Code were incorporated in the laws and regulations for the relevant officials. Violations pertaining to the treatment of offenders fell within the competence of the judicial authorities, and the laws sanctioned those who failed to comply with the standards in this area.

148. France reported that the provisions of the Code were fully reflected in its laws and regulations.

149. In Yugoslavia, laws and regulations reflected the content of the Code.

150. In addition, several countries expressly referred to the last United Nations survey on the implementation of the Code, to which these countries had already responded. In this survey a total of 54 countries provided information to the Secretary-General, which is before the Congress (A/CONF.121/12).

2. Action by the United NationsMandate

151. The General Assembly, in its resolution 35/170, recalling the mandate contained in resolution 12 of the Sixth Congress, invited the Committee on Crime

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Prevention and Control to study the application of the Code on the basis of the information received from Member States. The Assembly requested the Committee, in particular, to take into account the recommendations of any national symposia on the role of law enforcement officials in the protection of human rights and to include the outcome of its considerations in its regular report to the Economic and Social Council.

Action

(a) Committee on Crime Prevention and Control

152. The Committee, at its eighth session, in considering a first interim report of the Secretary-General on this subject (E/AC.57/1984/4 and Corr.1), noted that more information was required to assess fully the degree of implementation in order to present a comprehensive report to the Seventh Congress.

(b) Economic and Social Council

153. In its decision 1984/153 of 25 May 1984, the Council endorsed the Committee's view.

(c) The Secretary-General

154. In response to the Council's recommendation, the Secretary-General obtained information of 54 countries, and the results and analysis of these replies are contained in document A/CONF/121/12, which is before the Congress (see para. 150 above).

Resolution 13. Transfer of offenders

1. Implementation by Member States

Recommendations

155. The Congress urged Member States to consider the establishment of procedures for the transfer of offenders, recognizing that such procedures should only be undertaken with the consent of both the sending and receiving countries and either with the consent of the prisoner or in his interest.

Implementation

156. Austria intended to ratify the Convention on the Transfer of Sentenced Persons adopted by the Council of Europe in 1983. A bilateral agreement on this subject existed with Yugoslavia and another would be concluded with Hungary. Moreover, the Austrian Act on Extradition and Mutual Aid in Criminal Matters allowed for the transfer of offenders without a general agreement and without reciprocity.

157. Bulgaria was one among several other countries that had concluded a convention on the exchange of convicted persons and felt that the expansion of the scope of such conventions would contribute to the rehabilitation of offenders.

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158. Colombia expressed its interest in receiving advice as well as technical and professional assistance from outside in order to study the possibility of establishing more suitable procedures for the transfer of prisoners.

159. Finland reported that it had special arrangements with the other Scandinavian countries which allowed foreign prisoners to serve their sentence in their home country. Those arrangements could also be extended to the reciprocal exchange of persons under probation and the transfer of fines and forfeiture.

160. In the Federal Republic of Germany, judicial assistance in the execution of sentences could be rendered to foreign States even in the absence of a formal treaty. While for arrangements with member States of the Council of Europe the Convention on the Transfer of Sentenced Persons was applied, in the case of non-member States the United Nations draft model agreement on the transfer of foreign prisoners was used.

161. Italy had recently signed the Convention on the Transfer of Sentenced Persons, formulated by the Council of Europe. Negotiations had also started with several countries concerning bilateral treaties on the same subject. Moreover, a bill was being prepared which envisaged the transfer of offenders from other countries, even without a formal treaty and without reciprocity.

162. Switzerland had signed the Convention prepared by the Council of Europe and reported that its practice was in full compliance with that Convention.

163. Thailand reported that it had provided measures for the return of foreign prisoners to their home countries to serve their sentence. Those measures had been based on bilateral treaties with Canada, France, Italy, Spain and the United States.

164. Yugoslavia had taken measures for the transfer of its citizens sentenced by foreign courts and for the transfer of foreign nationals sentenced in the country. These measures had been introduced by amending national legislation and through bilateral agreements, as for instance with Austria. Similar agreements were under way.

2. Action by the United Nations

Mandate

165. The Congress called upon the Secretary-General to provide or facilitate the provision of technical and professional advice and support at the request of Member States that were interested in the transfer of offenders. The Congress also requested the Committee on Crime Prevention and Control to give priority to the development of a model agreement on that subject with a view to presenting it to the General Assembly for consideration as soon as possible.

Action

(a) The Secretary-General

166. The Secretary-General, in response to the call of the Congress, carried out an evaluation of existing treaties providing for the transfer of foreign prisoners to their home countries. On the basis of this information, the Secretary-General, in co-operation with the Alliance of Non-Governmental Organizations on Crime Prevention and Criminal Justice, at Vienna, convened in 1983 an International Seminar on the Transfer of Prisoners in order to produce a first draft of a model agreement. The draft thus obtained had been further elaborated by the Secretariat and then submitted to the Committee.

(b) Committee on Crime Prevention and Control

167. On the basis of the document prepared by the Secretary-General (E/AC.57/1984/CRP.2), the Committee, at its eighth session, decided to recommend to the Economic and Social Council to transmit the draft model agreement on the transfer of foreign prisoners to the Seventh Congress.

(c) Economic and Social Council

168. By decision 1984/153, the Council endorsed the recommendations of the Committee contained in its decision 8/2 concerning the draft model agreement. In the same decision, the Council presented the draft agreement and the related recommendations to the Seventh Congress for consideration and adoption. The draft model agreement, together with an explanatory note prepared by the Secretariat (A/CONF.121/10), is before the Congress.

Resolution 14. Human rights instruments and their
implementation for prisoners

1. Implementation by Member States

169. Although in this resolution the Congress did not make specific recommendations addressed to Member States, it recalled, in its preamble, the First Congress in 1955 and, in particular, the Standard Minimum Rules for the Treatment of Prisoners. As regards implementation of those Rules, reference may be made to the fourth survey of the Secretary-General, which is before the Congress and to which, as of 31 May 1985, a total of 57 countries had replied (A/CONF.121/15).

2. Action by the United Nations

Mandate

170. The Congress requested the General Assembly to include a specific item concerning the implementation of human rights for prisoners in the agenda of the Seventh Congress.

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Action(a) General Assembly

171. In response to this request, the General Assembly, in its resolution 39/118, inter alia, had endorsed the recommendations contained in Economic and Social Council resolution 1984/47 of 25 May 1984 on procedures for the effective implementation of the Rules and had requested the Seventh Congress to give urgent attention to the matter of devising ways and means to ensure more effective application of the existing standards and to report thereon to the Assembly at its fortieth session. In the same resolution, the Assembly had requested the Secretary-General to discharge fully his tasks in connection with the implementation of the Rules and had requested the Council, through the Committee on Crime Prevention and Control, to keep those matters under constant review. The Assembly further had invited the specialized agencies and other relevant United Nations bodies, as well as intergovernmental and non-governmental organizations concerned, to continue to co-operate with the Secretary-General in those endeavours by providing assistance and by submitting proposals for relevant action to the Seventh Congress. Finally, the Assembly had decided to consider at its fortieth session the question of human rights in the administration of justice.

(b) The Secretariat and regional institutes

172. In 1984 the fourth United Nations survey on the implementation of the Standard Minimum Rules for the Treatment of Prisoners was carried out (see para. 169 above). Furthermore, in 1982, UNAFEI held an international training course on the improvement of correctional programmes for more effective rehabilitation of offenders. A similar meeting had been held by ILANUD to analyse the implementation of the Rules in the Latin American region.

Resolution 15. Legal information and the dissemination
of legal knowledge1. Implementation by Member StatesRecommendations

173. The Congress called upon Member States to take steps to organize a broader study of the fundamental principles of law through educational and cultural institutions and public organizations, with a view to enabling the public to acquire the necessary knowledge for the defence of their rights and interests. In the process of legal instruction, attention should also be given to the basic United Nations documents on the questions of human rights and the prevention of crime and the treatment of offenders.

Implementation

174. In Bulgaria, the dissemination of legal information to the public was an important task for government officials and was undertaken on an organized basis.

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A variety of forms of legal information was offered, such as university lectures, meetings, seminars, round-table discussions and conferences. Over a five-year period, more than 200,000 persons had attended such meetings, apart from those availing themselves of free legal advice at community centres. The centralized mass information media also published items on legal subjects in order to better inform and educate citizens. To the same end, schools were involved in the process of providing legal information.

175. In Colombia, instructions on the provisions of the national Constitution were part of the curriculum in primary and secondary education, with a view to raising the level of legal knowledge. At the same time, institutions such as the legal advice offices at universities provided people of lower income with advice, free of charge, on various aspects of the law. Mass media also informed citizens about their rights and duties.

176. In Czechoslovakia, the Academy of Sciences had included in its research work on the prevention of crime the strengthening of legal awareness and the improvement of legal education for the population.

177. The activities of Denmark as regards the improvement of legal knowledge are mentioned in the present report under resolution 1.

178. In Finland, schools had incorporated courses on basic civil rights and civil duties. Moreover, many voluntary citizens' organizations, subsidized by the Government, disseminated information on human rights and related matters.

179. In Indonesia, the promotion of greater legal awareness of the public was one of the major goals of crime prevention policy.

180. In Switzerland, equal access to universities had improved the general level of legal knowledge among students. The universities had set up adult education classes in which law was taught. In addition, the frequent holding of referenda involved the people to a large extent in national affairs, which often resulted in a wider dissemination of legal information.

181. In Thailand, the Bureau of Civil Liberty and Public Interest Protection had disseminated legal information on a nation-wide basis. Further, at every court a public relations officer was available to advise litigants in legal matters, free of charge. The Ministry of Justice frequently had broadcast legal information and had given public lectures concerning legal matters at various places.

182. In Yugoslavia, legal aid and protection were provided for in the Constitution, and the relevant information was widely disseminated through programmes in schools and faculties. Citizens also were informed through mass media, lectures etc. of their rights and the means of their protection.

2. Action by the United Nations

Mandate

183. The Congress requested the Secretary-General to study the problem of instructing the population, especially young people, in the principles of law, with a view to ensuring wide dissemination of experience acquired in that field by the various countries and to arrange for the preparation of a special programme to provide legal education. The Congress also requested the Secretary-General to call the attention of Member States to the need to render their assistance, so as to ensure that the mass information media, in dealing with problems of law and justice, and recognizing the principles of freedom of information and freedom of the press, were guided by the idea of humanism, respect for human dignity as the norms of law and order.

Action

184. Efforts had been made by regional institutes to incorporate those factors in their training programmes. Moreover, in his conduct of work, the Interregional Adviser had provided assistance to Governments with a view to ensuring that the values contained in the resolution would be constantly kept in mind. In the preparation of the working papers for the Seventh Congress on topics 1, 2 and 4, special attention had also been given to legal information and the dissemination of legal knowledge.

Resolution 16. Guidelines to ensure the independence of judges and to improve the selection and training of judges and prosecutors

1. Implementation by Member States

Recommendation

185. The Congress recommended that Member States should avoid all discrimination in the selection, appointment and advancement in their professional career of judges and prosecutors. The independence of the judiciary should be guaranteed and all necessary improvements in the recruitment and training of judges and prosecutors should be made. The possibility of devoting a larger part of their budgets to the judicial system should also be considered.

Implementation

186. In Bulgaria, all judges were elected to and dismissed from office by the People's Assembly, with the exception of Supreme Court judges. Only junior judges were elected directly by the State Council. In the exercise of their tasks, judges were independent and guided only by the law. The courts were not bound by the findings and suggestions of the Public Prosecutor, but directed the proceedings in their own way. Judges were immune and could be subject to criminal investigation only with the permission of the State Council. Candidates for judicial office had

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to meet several requirements: Bulgarian citizenship, the completion of higher legal education and of one-year training, including the successful passing of examinations.

187. In Colombia, the independence of the judiciary was guaranteed and all forms of discrimination were avoided.

188. In Finland, judicial tasks were exercised only by independent tribunals, without any interference from outside the judiciary. Judges could not be deposed except when they had been found guilty after a legal investigation.

189. In Switzerland, judges were either elected or appointed by Parliament and were independent from the Government, except in matters of administration. Professional judges had full university training in law, which was supplemented by several years of practice at the bar as a notary or in the administration. In order to reduce the amount of work of the criminal courts, the policy was to seek first of all to rationalize the administration of justice before increasing its budget allocations. Currently, a committee of experts worked on simplified procedures in penal matters.

190. In Thailand, the independence of the judiciary was guaranteed by the Constitution and safeguarded by the Judicial Commission which was composed of the most senior judges of the country. As regards public prosecutors, training programmes were organized at three different levels: a one-year in-service course for newly recruited assistant public prosecutors; a one-month training course for chief public prosecutors in the provinces; and a seminar for high-ranking public prosecutors at the level of divisional directors.

191. In Yugoslavia, the independence of the judiciary was guaranteed by its Constitution. Judges were selected in a way which would ensure professional expertise for the exercise of judicial tasks. Financial resources provided for the work of prosecutors and judges were considered to be satisfactory.

2. Action by the United Nations

Mandate

192. The Congress called upon the Committee on Crime Prevention and Control to formulate, as a matter of priority, guidelines relating to the independence of judges and the selection, professional training and status of judges and prosecutors. The Congress further requested the Secretary-General to provide interested Member States with all the technical assistance needed to attain the objectives of the resolution and to encourage international collaboration in research and in the training of judges, using, in particular, regional institutes for the prevention of crime and the treatment of offenders.

Action(a) Committee on Crime Prevention and Control

193. The Committee had formulated the guidelines at its eighth session in decision 8/3, taking into account previous developments in this area. The Committee had based its considerations, among other things, on a report of the Secretary-General that had been prepared in close collaboration with the relevant offices and institutes of the United Nations, as well as with other interested parties.

(b) Economic and Social Council

194. On the recommendation of the Committee, the Council, in its decision 1984/153, invited the Interregional Preparatory Meeting for topic 5 of the Congress to finalize the guidelines, in co-operation with all parties concerned, and requested the Secretary-General to submit the finalized text to the Seventh Congress for adoption.

(c) The Secretary-General

195. As requested by the Sixth Congress, the Secretary-General had encouraged and facilitated research carried out in this area in recent years at various levels. In addition, representatives of the Secretariat had attended a number of international meetings on this subject in order to provide further impetus as well as to obtain first-hand information.

Resolution 17. Implementation of the conclusions of the Sixth
United Nations Congress on the Prevention of
Crime and the Treatment of Offenders

196. This resolution contains the mandate for the present report, as outlined in the introduction.

Resolution 18. Support for the United Nations Latin American
Institute for the Prevention of Crime and the
Treatment of Offenders

Mandate

197. In the resolution the Congress appealed to the international community and to the countries of the Latin American region, in particular, to make a significant contribution to ILANUD for its efforts in the region.

Action

(a) General Assembly

198. In responding to this recommendation, the General Assembly, in its resolution 35/171, requested the Secretary-General to take appropriate steps necessary for the strengthening of the existing regional institutes, including ILANUD.

(b) Economic and Social Council

199. In addition, the Economic and Social Council, in its resolution 36/21 of 9 November 1981, urged the Department of Technical Co-operation for Development of the Secretariat and the United Nations Development Programme to increase their level of support to programmes of technical assistance in the field of crime prevention and criminal justice. On the recommendation of the Committee on Crime Prevention and Control at its eighth session, the Council, by its resolution 1984/51 of 25 May 1984, also emphasized the usefulness of regional co-operation as fostered by the regional institutes and urged the Secretary-General to find appropriate means to strengthen the financial capacity of these institutes.

(c) United Nations Development Programme

200. In pursuance of those resolutions the United Nations Development Programme has provided further financial support to ILANUD. However, no information has been received as regards contributions by Governments.

Resolution 19. Establishment in Africa of a regional institute
for social defence

Mandate

201. The Congress recommended that the Secretary-General should co-operate closely with the Organization of African Unity with a view to establishing a regional institute for social defence in Africa, financially assisted by the United Nations Development Programme.

Action

(a) General Assembly

202. With reference to this resolution, the General Assembly, in its resolution 35/171, requested the Secretary-General to take appropriate steps for the establishment of institutes for research, training and technical assistance in those regions that are without such institutes.

(b) Economic and Social Council

203. Notwithstanding the efforts undertaken by the United Nations and other parties in pursuance of this mandate, the Economic and Social Council, in its resolution

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1984/51, noted that the African Regional Preparatory Meeting, in its resolution on subregional, regional and interregional co-operation in crime prevention and criminal justice, had viewed with great concern the delay in the establishment of an African regional institute on the prevention of crime and the treatment of offenders. In the same resolution, the Council urged the Secretary-General and all the organizations and agencies involved in the establishment of such an institute to take steps to ensure its prompt creation, if possible before the Seventh Congress, and also appealed to Governments in that region to co-operate fully and act expeditiously in that respect.

Notes

1/ Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report prepared by the Secretariat (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. b.

2/ Ibid., sect. A.

3/ Official Records of the Economic and Social Council, 1984, Supplement No. 6 (E/1984/16-E/AC.57/1984/18) chap. I, sect. C, decision 8/1.

4/ Ibid., Supplement No. 6 (E/1984/16-E/AC.57/1984/18), chap. I, sect. A, draft resolution V.

5/ The General Assembly, in its resolution 34/169 of 17 December 1979, had adopted the Code which had been formulated by the Committee on Crime Prevention and Control in pursuance of a recommendation of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The Assembly had decided to transmit the Code to Governments for favourable consideration within the framework of national legislation or practice as a body of principles for observance by law enforcement officials.
