

1992/22. Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice

The Economic and Social Council,

Recalling its resolution 155 C (VII) of 13 August 1948, by which the United Nations was entrusted with leadership in promoting international cooperation in crime prevention and criminal justice and in making the fullest use of the knowledge and experience of national and international organizations which have an interest and competence in this field,

Recalling also its resolutions 1979/20 of 9 May 1979, 1984/48 of 25 May 1984 and 1990/24 of 24 May 1990, in which it requested the Secretary-General to explore new formulas for providing developing countries with technical cooperation, to develop concrete projects of technical cooperation and to promote education, training and public awareness in the field of crime prevention and criminal justice,

Reaffirming its recommendation, contained in resolution 1990/19 of 24 May 1990, that the international community, working through bilateral or multilateral arrangements, should provide Member States, at their request, with necessary assistance, in order to contribute to the establishment of the infrastructure required for crime prevention and criminal justice,

Recalling its resolutions 1986/11 of 21 May 1986, 1987/53 of 28 May 1987, 1988/44 of 27 May 1988 and 1989/68 of 24 May 1989, on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice, in which it called for intensified technical cooperation in this field,

Recalling also its resolutions 1989/63 of 24 May 1989 and 1990/21 of 24 May 1990, dealing with United Nations standards and norms in crime prevention and criminal justice,

Recognizing that many States suffer from extreme shortages of human and financial resources, which prevents them from adequately responding to problems related to crime,

Noting with appreciation the efforts made by many States at the bilateral level to provide assistance and know-how in the field of crime prevention and criminal justice,

Acknowledging the need for global efforts commensurate with the magnitude of national and transnational crime,

Bearing in mind that effective international action in crime prevention and criminal justice requires improved coordination of all related activities carried out by United Nations entities,

Recognizing that such improved coordination can only be effected through the continuous and close cooperation of all United Nations entities whose mandates are relevant to crime prevention and criminal justice,

Welcoming with appreciation Commission on Human Rights resolution 1992/31 of 28 February 1992,² and emphasizing that all Member States should recognize the fundamental importance of human rights in the daily administration of crime prevention and criminal justice,

Also welcoming with appreciation Commission on Narcotic Drugs resolution 11 (XXXV) of 15 April 1992,⁴⁹

Desirous of assisting States in improving their capacity to face the challenge of criminality by fostering new courses of action and enhancing collaborative ties and assistance through mutually supportive partnerships between Member States and the United Nations crime prevention and criminal justice programme, and any regional or subregional United Nations institutes, the establishment of which may be necessary to achieve this goal,

Recalling General Assembly resolution 45/121 of 14 December 1990, in which the Assembly invited Member States to monitor systematically the steps being taken to ensure the coordination of efforts in the planning and implementation of effective and humane measures designed to reduce the social and economic costs of crime and its negative effects on the development process, as well as to continue to explore new avenues for international cooperation in this field,

Recalling also General Assembly resolution 46/152 of 18 December 1991, in which the Assembly emphasized the practical orientation of the United Nations crime prevention and criminal justice programme and decided that it should provide States with practical assistance, such as data collection, information and experience sharing, and training, in order to achieve the goals of preventing crime and of improving the response to it,

Bearing in mind the urgent and specific needs of the least developed countries in the field of training and in the upgrading and development of their human resources,

Convinced of the need to encourage constructive dialogue and collaboration between Governments, intergovernmental and non-governmental organizations and funding agencies, with a view to formulating practical operational plans and policies,

Emphasizing the direct relevance of crime prevention and criminal justice to sustained development, stability, security, democratic change and improved quality of life,

Bearing in mind that many developing countries are faced with a lack of skilled personnel, training opportunities and technological and material know-how and have a keen interest in technical cooperation, advisory services and other types of aid,

Determined to respond to the increasing requests from Governments for technical cooperation and advisory services in crime prevention and criminal justice,

Recognizing that the Secretariat will be called upon to

perform new tasks in order to service the annual sessions of the Commission on Crime Prevention and Criminal Justice,

Convinced that operational activities and technical assistance should occupy a prominent place in the United Nations activities in crime prevention and criminal justice, in the light of the recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held in Paris from 21 to 23 November 1991,⁵⁰

Taking note of the report of the Secretary-General on the implementation of the conclusions and recommendations of the Ministerial Meeting, in pursuance of General Assembly resolution 46/152,⁵¹ the progress report of the Secretary-General on United Nations activities in crime prevention and criminal justice, including detailed information on current programme budget and extrabudgetary activities of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat,⁵² the progress report of the Secretary-General on the activities of the United Nations Interregional Crime and Justice Research Institute and the regional institutes for the prevention of crime and the treatment of offenders,⁵³ the note by the Secretary-General on strengthening existing international cooperation in crime prevention and criminal justice, including technical cooperation in developing countries, with special emphasis on combating organized crime,⁵⁴ and the note by the Secretary-General on the proposed revisions to programme 29 of the medium-term plan for the period 1992-1997,⁵⁵

I

STRENGTHENING THE OPERATIONAL CAPACITY OF THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME, ESPECIALLY OPERATIONAL ACTIVITIES AND ADVISORY SERVICES

1. *Decides* that, under the guidance of the Commission on Crime Prevention and Criminal Justice, the secretariat of the programme should be responsible for facilitating the planning, coordination and implementation of practical activities in the field of crime prevention and criminal justice, in close collaboration with Governments and interregional and regional institutes, specialized agencies, funding agencies, intergovernmental and non-governmental organizations, the activities of which should be promoted in this field;

2. *Recommends* that the General Assembly at its forty-seventh session take favourable action on the proposals to be submitted by the Secretary-General pursuant to General Assembly resolution 46/152, relating to the strengthening of the programme;

3. *Reaffirms* the request of the General Assembly to the Secretary-General to take the necessary measures to commit the human and financial resources necessary to strengthen the programme as a whole, with emphasis on designing, implementing and monitoring technical cooperation projects at the national, regional and subregional levels, so as to enable it:

(a) To devote greater attention to helping States requesting assistance, including those channelling requests through United Nations peace-keeping operations, to identify their crime prevention and criminal justice needs and address them through technical cooperation, particularly with regard to law reform within their legal systems, in-

cluding the improvement of legislation and procedures, the elaboration of criminal codes, the improved planning and formulation of national policies concerning crime prevention and criminal justice strategies, the acceleration of human resources development in specialized fields, and to assisting with the practical implementation of United Nations standards, norms and guidelines in crime prevention and criminal justice;

(b) To contribute to the preservation and reinforcement of democracy and justice based on the rule of law, in its field of competence and in collaboration with all the entities of the United Nations system and other appropriate organizations, taking appropriate account of United Nations norms and standards concerning crime prevention, criminal justice, law enforcement and protection of victims, as well as means of conflict resolution and mediation;

(c) To plan, implement and evaluate crime prevention and criminal justice assistance projects and to serve as a facilitating agent and a dynamic operational tool with which to assist countries in preventing crime, promoting security, sustaining national development and enhancing justice and respect for human rights;

(d) To serve as a world-wide training network for developing countries with specific requirements by developing training schemes, including manuals and curricula, by organizing national, regional and cross-sectoral training courses, workshops and seminars on priority issues, tailoring their objectives to the needs of the recipient countries, and by developing fellowship programmes;

(e) To further develop clearing-house facilities in relation to crime prevention and criminal justice issues, including the capacity to match the needs for training with the opportunities available to meet them;

(f) To continue and improve the surveys of crime trends and the operation of criminal justice systems carried out periodically by the United Nations, as a means of obtaining and providing a cross-nationally updated picture of patterns and dynamics of crime in the world, including its transnational forms; to carry out the surveys at two-year intervals, with preparations for the next survey (1990-1992) commencing at the end of 1993, in collaboration with the United Nations Development Programme and, within their competence, in collaboration with interregional, regional and national crime prevention and criminal justice institutes; and to include provisions for the regular publication and dissemination of the surveys, starting with the proposed programme budget for the biennium 1994-1995;

(g) To strengthen the United Nations Criminal Justice Information Network by inviting Governments, interregional and regional organizations, other relevant entities and the private sector to join and support the Network financially and logistically as a viable instrument for the dissemination and exchange of information and the transfer of knowledge for improved criminal justice management and more effective crime prevention;

(h) To promote policy-oriented research and studies on topics of interest to the Commission on Crime Prevention and Criminal Justice, as well as to individual member States or groups of member States;

(i) To determine, in cooperation with Governments and interregional and regional institutes, categories of crime prevention and criminal justice information to be supplied to and exchanged through the United Nations

Criminal Justice Information Network, taking into account priorities specified by the Commission, with a view to ensuring more effective functioning of the Network;

(j) To cooperate closely and directly with a variety of national, regional, interregional and international institutions and training agencies and develop a roster of experts in different disciplines with practical experience in the field of crime prevention and criminal justice, as part of the clearing-house function or for such other purposes as the Commission may decide;

(k) To strengthen interregional and regional advisory services in crime prevention and criminal justice, so as to ensure necessary feedback and follow-up action;

(l) To develop and implement the various activities of the programme, in accordance with the priorities recommended by the Commission;

4. *Requests* the Secretary-General, pursuant to the recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, to initiate the necessary consultations for the preparation of a report, to be considered by the Commission at its second session, setting out options and recommendations for the creation of an appropriate mechanism, such as a foundation, to mobilize human, financial and other resources to further technical cooperation.

II

ESTABLISHMENT OF A SUBPROGRAMME ON OPERATIONAL ACTIVITIES, PLANNING AND OVERALL COORDINATION

1. *Takes note* of the proposed revisions to programme 29 of the medium-term plan for the period 1992-1997,⁵⁵ which reflect the programmatic changes resulting from the most recent relevant resolutions of the General Assembly, as well as the conclusions and recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme;

2. *Recommends* the establishment, within programme 29 of the medium-term plan, of a subprogramme on operational activities, planning and overall coordination, in response to paragraph 5 of General Assembly resolution 46/152 and the statement of principles and programme of action annexed to the resolution;

3. *Invites* the Committee for Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions to ensure proper follow-up to the recommendation in paragraph 2 of the present section;

4. *Requests* the Secretary-General to reflect appropriately in the revised estimates to be submitted under section 21 of the programme budget for the biennium 1992-1993 and in subsequent bienniums the changes resulting from the recommendation in paragraph 2 of the present section.

III

INVOLVEMENT OF MEMBER STATES

1. *Urges* developed countries, as envisaged in General Assembly resolution 46/152, to strengthen their aid programmes and commit themselves to support technical assistance and advisory services in the field of crime prevention and criminal justice in order to enhance the global

commitment to improving justice and promoting human rights and the rule of law;

2. *Invites* Member States to establish reliable and effective channels of communication among themselves and with the United Nations crime prevention and criminal justice programme, including the United Nations Interregional Crime and Justice Research Institute, the regional institutes and government-appointed national correspondents in the field of crime prevention and criminal justice, particularly with regard to the facilities available for training, the use of modern techniques to combat crime which are consistent with international human rights standards, the provision of fellowships, study tours and consultancies, and personnel and information exchanges;

3. *Encourages* Governments in need of technical assistance in the field of crime prevention and criminal justice to identify their specific needs and to avail themselves of the services provided by the United Nations crime prevention and criminal justice programme, as well as of those provided bilaterally, access to which should be facilitated by the United Nations Secretariat.

IV

COORDINATION OF ACTIVITIES

1. *Expresses its appreciation* to the Arab Security Studies and Training Centre for acting as host to the annual joint programme coordination meetings of the United Nations crime prevention and criminal justice programme network held in Saudi Arabia;⁵⁶

2. *Notes* that the United Nations Interregional Crime and Justice Research Institute reports to the Economic and Social Council through the Commission on Crime Prevention and Criminal Justice, and invites all other institutes referred to in paragraph 35 of the annex to General Assembly resolution 46/152 to submit, at future sessions of the Commission, statements outlining their programmes of work and the implementation thereof, with a view to assisting the Commission in facilitating the coordination of their activities;

3. *Recommends* that the following activities be undertaken by the Secretary-General:

(a) The promotion of arrangements for various types of exchanges within the programme network, in particular the secondment and exchange of staff;

(b) The collection of information, in particular research results and academic and scientific literature, and dissemination thereof to both professionals and the general public in order to permit the development and evaluation of measures and strategies for crime prevention and criminal justice and the identification of viable policy options for States of different regions;

(c) The development of field-level operations and other forms of direct collaborative activity designed to translate into practical action new policy perspectives, strategies and innovative techniques;

(d) The promotion of closer collaboration and continuing dialogue with Governments on matters of special concern;

(e) The coordination and integration of the activities of the interregional, regional and associate institutes cooperating with the United Nations in the field of crime prevention and criminal justice;

(f) The promotion of collaboration with and among research and training institutions around the world;

(g) The encouragement of Governments to appoint their national correspondents in the field of crime prevention and criminal justice to act as focal points and to foster effective communication and cooperation with the secretariat and other elements of the programme, including the interregional and regional institutes in the field of crime prevention and criminal justice;

(h) The development of criteria and procedures for the creation and affiliation of new United Nations institutes or centres that would be included among those referred to in paragraph 35 of the annex to General Assembly resolution 46/152, for consideration by the Commission at its second session, and the favourable review of requests by groups of States to establish United Nations subregional institutes;

4. *Recognizes* the Commission as the principal policy-making body of the United Nations in the field of crime prevention and criminal justice and requests it to coordinate, as appropriate, relevant activities in this field;

5. *Requests* the Commission on Crime Prevention and Criminal Justice to cooperate closely with the Commission for Social Development, the Commission on Human Rights, the Commission on Narcotic Drugs, the Commission on the Status of Women, other bodies, including the International Law Commission, and the specialized agencies, including the United Nations Educational, Scientific and Cultural Organization, whose activities may have crime prevention and criminal justice aspects, in order to increase the efficiency and effectiveness of United Nations activities in areas of mutual concern and to ensure proper coordination and avoidance of possible duplication;

6. *Requests* the Secretary-General to strengthen cooperation between the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs of the Secretariat, including, in particular, preparations for the World Conference on Human Rights and coordination of the various technical advisory services provided by both Centres, in order to undertake joint programmes and strengthen existing mechanisms for the protection of human rights in the administration of justice;

7. *Approves* the decision of the Commission on Crime Prevention and Criminal Justice to authorize its secretariat to prepare concrete proposals on how such cooperation can most effectively be realized;

8. *Urges* the Commission to cooperate closely with, and to appropriately utilize the expertise, advocacy and assistance of, intergovernmental and non-governmental organizations in the development and implementation of the programme on crime prevention and criminal justice;

9. *Requests* the Secretary-General to encourage effective cooperation and coordination of relevant activities and to provide to the Commission all the assistance necessary to achieve this goal;

10. *Also requests* the Secretary-General, in order to assist the Commission in the setting of programme priorities:

(a) To conduct a survey of activities carried out in the field of crime prevention and criminal justice within the United Nations system;

(b) To conduct a survey of activities on priority themes identified in section VI, paragraph 1, below, carried out by relevant intergovernmental bodies and non-governmental organizations, including activities at the regional level;

(c) To prepare a report, based on an analysis of the in-

formation gathered through the surveys mentioned in subparagraphs (a) and (b), which outlines options relating to the priority themes, with their associated budget implications, for consideration by the Commission at its second session in connection with the development of its programme of work for the period 1992-1996;

11. *Requests* the Secretary-General to provide Governments with the above-mentioned report sixty days in advance of the second session of the Commission.

V

FUNDING OF OPERATIONAL ACTIVITIES

1. *Reaffirms* the crucial role of the Commission on Crime Prevention and Criminal Justice in mobilizing the support of Member States for the United Nations crime prevention and criminal justice programme, as envisaged in paragraph 26 (d) of the annex to General Assembly resolution 46/152;

2. *Recommends* that the General Assembly consider arrangements for funding programme support, taking into account the practices elsewhere in the United Nations system;

3. *Requests* the Secretary-General to assist in mobilizing support for the programme and in undertaking vigorous fund-raising activities to strengthen particularly the operational capacity of its technical assistance and advisory services:

(a) By broadening the base of the financial support of the programme by approaching Governments, private foundations, intergovernmental and non-governmental organizations, academic institutions and the private sector;

(b) By establishing collaborative relationships with the United Nations Development Programme, the World Bank, other United Nations funding agencies and regional development banks and by exploring innovative partnerships to finance joint technical assistance projects;

(c) By organizing special events that would bring together donor countries, recipient countries and funding agencies, with a view to strengthening the financial base of the United Nations Crime Prevention and Criminal Justice Fund,⁵⁷ encouraging voluntary contributions in cash or in kind, and establishing an ongoing dialogue for more effective operational activities.

VI

PRIORITIES

1. *Determines* that the following priority themes should guide the work of the Commission in the development of a detailed programme and the budget allocations for the period 1992-1996:

(a) National and transnational crime, organized crime, economic crime, including money laundering, and the role of criminal law in the protection of the environment;

(b) Crime prevention in urban areas, juvenile and violent criminality;

(c) Efficiency, fairness and improvement in the management and administration of criminal justice and related systems, with due emphasis on the strengthening of national capacities in developing countries for the regular collection, collation, analysis and utilization of data in the development and implementation of appropriate policies;

2. *Recommends* that in the course of the programme budget planning process, allocation should be made for special operational activities and advisory services in situations of urgent need and for programme organization, evaluation and reporting obligations;

3. *Determines* that in the areas noted in paragraph 1 of the present section, the objectives should be:

(a) To concentrate the majority of programme resources on the provision of training, advisory services and technical cooperation in a limited number of areas of recognized need, taking into account the need for technical assistance to developing countries, in order to achieve a synergetic effect, allowing intense and effective use of materials, resources and experience from both regular budgetary resources and voluntary contributions;

(b) In the case of special operational activities and advisory services in situations of urgent need, to offer timely and practical assistance to Governments, upon request, in situations that do not permit a problem to be adopted as a regular priority by the Commission on Crime Prevention and Criminal Justice; in implementing these special operational activities and advisory services, the Secretariat should place major emphasis on serving as a broker and clearing-house, providing advisory services and training to Member States from within existing budgetary resources and through voluntary contributions; the Secretariat should submit to the Commission at its second session a narrative and statistical report on the implementation of these special operational activities and advisory services, together with a statement of expenditure and any appropriate recommendations;

(c) With regard to programme organization, evaluation and reporting obligations, to assist the Commission in reaching agreement on the general goals of the programme and the needs to be met; to ascertain the capacity available to meet those needs; to determine the objectives, specific activities and mechanisms to be used for that purpose; to remain cognizant of pertinent developments and advise the Commission on them, and discharge other reporting responsibilities; and to mobilize support for the programme;

4. *Invites* the Commission to keep its priorities under review and to ensure that the programme developments related to the substantive preparations for the United Nations congresses on the prevention of crime and the treatment of offenders take those priorities into account;

5. *Accords* high priority to the United Nations crime prevention and criminal justice programme, in accordance with General Assembly resolution 46/152, and requests an appropriate share of the overall resources of the United Nations for the programme.

VII

FOLLOW-UP

1. *Urges* the Department of Economic and Social Development of the Secretariat, the United Nations Development Programme and other pertinent funding agencies and bodies to give full support to technical assistance projects in crime prevention and criminal justice and to encourage technical cooperation in this field among developed and developing countries;

2. *Decides* that the Commission on Crime Prevention and Criminal Justice shall include in its agenda, beginning with its second session, a standing item on technical assist-

ance, which would deal with the most practical course of action to be followed to render the programme fully operational and enable it to respond to the specific needs of Governments, including financial needs, if possible;

3. *Decides also* that the Commission shall include in its agenda, beginning with its second session, a standing item on existing United Nations standards and norms in the field of crime prevention and criminal justice, which serve as recommendations to Member States, and on, *inter alia*, their use and application;

4. *Requests* the Secretary-General to report to the Economic and Social Council at its substantive session of 1993, through the Commission on Crime Prevention and Criminal Justice, on the progress made in the implementation of the various provisions of the present resolution.

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