

expert group on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice, using extrabudgetary resources made available by the Government expressly for that purpose;

11. *Also requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its sixth session on the implementation of the present resolution;

12. *Decides* that the Commission on Crime Prevention and Criminal Justice at its sixth session should consider the draft programme of action on juvenile justice.

*45th plenary meeting
23 July 1996*

1996/14. Use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

The Economic and Social Council,

Recalling the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted, on the recommendation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also its resolution 1995/27 of 24 July 1995, section IV, paragraph 32, in which it requested the Secretary-General to seek the views of Member States and relevant organizations on the advisability of preparing a manual on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

Noting with appreciation the deliberations and work of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995, and its recommendations,⁴⁸

Noting the usefulness of the manuals already published and disseminated by the Secretariat under the United Nations Crime Prevention and Criminal Justice Programme,

1. *Recognizes* the desirability of preparing a draft manual or draft manuals on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power for submission to the Commission on Crime Prevention and Criminal Justice at its sixth session, on the understanding that the Secretary-General will seek the views of Member States on the draft manual or draft manuals and will report on those views to the Commission at its seventh session;

2. *Recommends* that this work be undertaken, taking into account the different legal systems and practices of each

State, by expert group meetings to be convened with extrabudgetary funds in cooperation with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, the World Society of Victimology and other entities, and with the support of the Secretary-General;

3. *Welcomes* the offers by the Governments of the Netherlands and the United States of America to host the expert group meetings;

4. *Recommends* that the expert group meetings explore the feasibility of establishing a database on promising practices and legislation on victim-related issues, as a supplement to the manual or manuals;

5. *Decides* that the use and application of the Declaration should be considered by the Commission on Crime Prevention and Criminal Justice as a topic under an appropriate agenda item;

6. *Requests* the Secretary-General to bring to the attention of the Preparatory Committee for the Establishment of an International Criminal Court the potential applicability of the basic principles contained in the Declaration.

*45th plenary meeting
23 July 1996*

1996/15. Safeguards guaranteeing protection of the rights of those facing the death penalty

The Economic and Social Council,

Recalling General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 and Economic and Social Council resolutions 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1990/51 of 24 July 1990 and 1995/57 of 28 July 1995,

Recalling also article 6 of the International Covenant on Civil and Political Rights,⁴⁹

Recalling further the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed to its resolution 1984/50 of 25 May 1984, and its resolution 1989/64 of 24 May 1989 on the implementation of the safeguards,

Taking note of the report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty,⁵⁰

Recalling the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, set forth in the annex to its resolution 1989/65 of 24 May 1989 and endorsed by the General Assembly in its

⁴⁸ E/CN.15/1996/16/Add.5 and E/CN.15/1996/CRP.1.

⁴⁹ See General Assembly resolution 2200 A (XXI), annex.

⁵⁰ E/CN.15/1996/19.

resolution 44/162 of 15 December 1989, and taking note of the recommendations of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions concerning the death penalty contained in his report to the Commission on Human Rights at its fifty-second session,⁵¹

Taking note of Security Council resolution 827 (1993) of 25 May 1993, in which the Security Council decided to establish the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and to adopt the statute of the International Tribunal annexed to the report of the Secretary-General pursuant to paragraph 2 of Security Council resolution 808 (1993) of 22 February 1993,⁵² and taking note also of Security Council resolution 955 (1994) of 8 November 1994, in which the Security Council decided to establish the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and to adopt the statute of the International Tribunal for Rwanda annexed to that resolution,

1. *Notes that, during the period covered by the report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty,⁵⁰ an increasing number of countries abolished the death penalty and others followed a policy reducing the number of capital offences and declared that they had not sentenced any offender to that penalty, while still others retained it and a few reintroduced it;*

2. *Calls upon Member States in which the death penalty has not been abolished to effectively apply the safeguards guaranteeing protection of the rights of those facing the death penalty, which state that capital punishment may be imposed for only the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences;*

3. *Encourages Member States in which the death penalty has not been abolished to ensure that each defendant facing a possible death sentence is given all guarantees to ensure a fair trial, as contained in article 14 of the International Covenant on Civil and Political Rights,⁴⁹ and bearing in mind the Basic Principles on the Independence of the Judiciary,⁵³ the*

⁵¹ E/CN.4/1996/4 and Corr.1.

⁵² See *Official Records of the Security Council, Forty-eighth Year, Supplement for April, May and June 1993*, document S/25704 and Add.1.

⁵³ *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, Italy, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D. 2, annex.

Basic Principles on the Role of Lawyers,⁵⁴ the Guidelines on the Role of Prosecutors,⁵⁵ the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,⁵⁶ and the Standard Minimum Rules for the Treatment of Prisoners;⁵⁷

4. *Also encourages Member States in which the death penalty has not been abolished to ensure that defendants who do not sufficiently understand the language used in court are fully informed, by way of interpretation or translation, of all the charges against them and the content of the relevant evidence deliberated in court;*

5. *Calls upon Member States in which the death penalty may be carried out to allow adequate time for the preparation of appeals to a court of higher jurisdiction and for the completion of appeal proceedings, as well as petitions for clemency, in order to effectively apply rules 5 and 8 of the safeguards guaranteeing protection of the rights of those facing the death penalty;*

6. *Also calls upon Member States in which the death penalty may be carried out to ensure that officials involved in decisions to carry out an execution are fully informed of the status of appeals and petitions for clemency of the prisoner in question;*

7. *Urges Member States in which the death penalty may be carried out to effectively apply the Standard Minimum Rules for the Treatment of Prisoners, in order to keep to a minimum the suffering of prisoners under sentence of death and to avoid any exacerbation of such suffering.*

*45th plenary meeting
23 July 1996*

1996/16. United Nations standards and norms in crime prevention and criminal justice

The Economic and Social Council,

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

Stressing the need for further coordination and concerted action in translating those standards and norms into practice,

Recalling its resolution 1993/34 of 27 July 1993, in section III of which it requested the Secretary-General to commence a process of information-gathering to be

⁵⁴ *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.1), chap. I, sect. B. 3, annex.

⁵⁵ *Ibid.*, sect. C. 26.

⁵⁶ General Assembly resolution 43/173, annex.

⁵⁷ *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I, sect. A.