

**1998/21. United Nations standards and norms in crime prevention and criminal justice**

*The Economic and Social Council,*

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

*Reaffirming* the importance of United Nations standards, norms and guidelines in crime prevention and criminal justice and the need to maintain a balance between the current main priority issue of combating transnational organized crime and the other priority issues of the Programme,

I

USE AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION AND CRIMINAL JUSTICE

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

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

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

2. *Requests* the Secretary-General to continue the information-gathering and to submit to the Commission on Crime Prevention and Criminal Justice at its ninth session a report on the use and application of the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),<sup>79</sup> the Guidelines on the Role of Prosecutors<sup>80</sup> and the Basic Principles on the Role of Lawyers,<sup>81</sup> and to prepare updated reports where at least thirty additional States have replied in respect of a standard or norm on which a report has already been submitted;

3. *Also requests* the Secretary-General to prepare survey instruments on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,<sup>59</sup> the United Nations Declaration on Crime and Public Security<sup>82</sup> and the International Code of Conduct for Public Officials;<sup>62</sup>

4. *Invites* States to provide resources to the Secretariat with a view to making the information provided on the use and application of United Nations standards and norms in crime

prevention and criminal justice accessible through the United Nations Crime and Justice Information Network via the World Wide Web;

5. *Invites* States and research institutes to make use of the information gathered regarding the use and application of United Nations standards and norms in crime prevention and criminal justice;

6. *Requests* the Secretary-General to include in his budget proposals on the United Nations Crime Prevention and Criminal Justice Programme the resources appropriate for the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat, in order to enable the Centre to fulfil its mandates;

II

ADMINISTRATION OF JUVENILE JUSTICE

*Recalling* its resolution 1997/30 of 21 July 1997, on the administration of juvenile justice, and the Guidelines for Action on Children in the Criminal Justice System, annexed to that resolution,

*Welcoming* the fact that the Committee on the Rights of the Child places considerable emphasis on juvenile justice during the review of State party reports, and noting that its concluding observations often include recommendations to seek technical assistance in juvenile justice from the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat and the United Nations Children's Fund, in accordance with article 45 of the Convention on the Rights of the Child,<sup>26</sup>

*Emphasizing* the important preventive character of the effective use and application of existing United Nations standards and norms in juvenile justice,

*Concerned* about the situation of children in conflict with the law and their treatment by the criminal justice system in a number of States,

*Concerned also* about the fact that, in the view of the Committee on the Rights of the Child, juvenile justice reform is needed in almost all States whose country reports have been considered,

1. *Takes note* of the report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice,<sup>83</sup> in which the Secretary-General highlighted difficulties and deficiencies in the use and application of United Nations standards and norms in juvenile justice by Member States;

2. *Welcomes* the fact that the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat has enhanced its cooperation with other United Nations entities and with other partners involved in assisting Member States in setting up separate juvenile justice systems or in improving existing juvenile justice systems by adapting them to the United Nations standards and norms in juvenile justice;

<sup>79</sup> General Assembly resolution 45/110, annex.

<sup>80</sup> *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.2), chap. I, sect. C.26, annex.

<sup>81</sup> *Ibid.*, chap. I, sect. B.3, annex.

<sup>82</sup> General Assembly resolution 51/60, annex.

<sup>83</sup> E/CN.15/1998/8 and Add.1.

3. *Also welcomes* the increased number of technical assistance projects in the field of juvenile justice, which reflects an increased awareness on the part of Member States of the importance of juvenile justice reform in establishing and maintaining stable societies and the rule of law;

4. *Further welcomes* the establishment of a coordination panel on technical advice and assistance in juvenile justice to coordinate activities in the field of juvenile justice, subject to the conditions set out in Economic and Social Council resolution 1997/30, and calls on the partners involved to increase their cooperation, share information and pool their capacities and interests in order to increase the effectiveness of programme implementation;

5. *Urges* States to include, where necessary, provisions for juvenile justice in their national development plans, calls upon States to include the administration of juvenile justice in their funding policies for development cooperation, and invites them to respond favourably to requests from other States that are seeking assistance from the Centre for International Crime Prevention, the Office of the United Nations High Commissioner for Human Rights or the United Nations Children's Fund in developing and improving juvenile justice systems;

6. *Urges* States parties to the Convention on the Rights of the Child<sup>26</sup> to intensify their efforts to ensure full implementation of their obligations under the Convention and to pursue the goals set forth in the Convention with regard to the treatment of children in the administration of juvenile justice, and urges States to use and apply the United Nations standards and norms in juvenile justice and related instruments;

7. *Reaffirms* that juvenile justice remains a high priority in the work of the Centre for International Crime Prevention, in particular as juveniles, both those in conflict with the law and those in difficult circumstances who may be potential future criminals, are easy prey for criminal organizations closely linked with activities of transnational organized crime;

8. *Requests* the Centre to continue to provide technical assistance in the field of juvenile justice, and calls on Member States to provide the necessary resources;

9. *Underlines* the need for mainstreaming a gender perspective into all policies and programmes relating to children in the criminal justice system;

10. *Requests* the Secretary-General to report on the administration of juvenile justice, as well as on the activities of the coordination panel on technical advice and assistance in juvenile justice, to the Commission on Crime Prevention and Criminal Justice at its eighth session;

### III

#### VICTIMS OF CRIME AND ABUSE OF POWER

*Recognizing* the importance of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which was adopted by the General Assembly in its resolution 40/34 of 29 November 1985 and annexed thereto, and is considered a landmark in the treatment of victims,

*Deeply concerned* about the continuing victimization by crime, especially organized crime, violence, terrorism and abuses of power, of vulnerable groups and individuals in particular, which exacts a vast human cost and impairs the quality of life in many parts of the world,

*Recalling* the recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995,<sup>84</sup> as well as the expert group meetings on the same subject held at Tulsa, United States of America, from 10 to 12 August 1996, at The Hague, the Netherlands, on 6 and 7 March 1997<sup>85</sup> and in Washington, D.C., on 26 and 27 February 1998,<sup>86</sup> which highlighted the needs of victims of crime and abuse of power and the necessity of concerted action to protect and assist such victims,

*Underlining* the fact that the subject of victims of crime and abuse of power will be one of the four main topics of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held at Vienna in April 2000,

1. *Welcomes* the Guide for Policy Makers on the Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power<sup>87</sup> and the Handbook on Justice for Victims on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;<sup>88</sup>

2. *Notes* the consideration that the Preparatory Committee on the Establishment of an International Criminal Court has given to provisions related to victims, in particular with regard to the proposed creation of a victims and witnesses unit;

3. *Urges* the Secretary-General to translate the Guide and the Handbook into all official languages of the United Nations and to disseminate them widely, using also electronic means of dissemination;

4. *Recommends* the continued development of a database on practical national experiences, on relevant case law and legislation and on the use and application of the Declaration, taking into account different systems and traditions, including indigenous and customary justice practices, and welcomes the initiative of the Government of the Netherlands to establish such a database and to maintain it for an initial duration of three years;

5. *Requests* the Secretary-General:

(a) To seek the views of Member States regarding the desirability and feasibility of establishing an international fund for victims of crime and abuse of power in order to support, *inter alia*, the following:

<sup>84</sup> E/CN.15/1996/16/Add.5.

<sup>85</sup> E/CN.15/1997/CRP.8.

<sup>86</sup> E/CN.15/1998/CRP.8.

<sup>87</sup> E/CN.15/1998/CRP.4.

<sup>88</sup> E/CN.15/1998/CRP.4/Add.1.

- (i) Technical assistance to develop and/or strengthen victim support services and organizations;
- (ii) Specific projects and activities;
- (iii) Awareness campaigns on victim rights and crime prevention;
- (iv) Eligible victim claims resulting from international and transnational crime, where national avenues of recourse and/or redress are unavailable or insufficient;

(b) To convene a working group on this matter, consisting of Member States that express an interest in such a fund, and welcomes the offer of the Government of the Netherlands to host the working group;

6. *Invites* the Secretary-General, Member States and intergovernmental and non-governmental organizations active in victim assistance and redress, using a multi-partner approach where appropriate, to incorporate victim assistance modules in technical cooperation projects and to assist Member States, on request, in applying the Guide and the Handbook, through training courses, seminars, study tours, fellowships and advisory services, in order to help to resolve problems in the implementation of the Declaration, and welcomes the initiative of the Government of the United States of America to establish a training programme to that end;

7. *Invites* the Secretary-General, with the assistance of interested States and relevant organizations, to make use of the database referred to in paragraph 4 above in order to provide guidelines for drafting appropriate laws on victims and, at the request of Member States, to assist in the elaboration of new legislation;

8. *Invites* the Secretary-General, Member States and intergovernmental and non-governmental organizations:

(a) To promote, where necessary, demonstration or pilot projects for the establishment and the further development of victim services, and other operational activities;

(b) To develop measures, where necessary, for special victim groups, such as victims of terrorism, victims and witnesses of organized crime, victims of hate or bias crimes, female and child victims of violence and sexual abuse and disabled victims;

9. *Invites* the Secretary-General to seek the views of Member States on the establishment of a coordination panel or other mechanism to ensure concerted action, with an appropriate division of responsibilities, among United Nations entities and other entities concerned in order to promote the implementation of the Declaration;

10. *Requests* the Secretary-General to seek the views of Member States on the plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, annexed to the present resolution, with a view to reporting on it to the Commission on Crime Prevention and Criminal Justice at its eighth session;

11. *Also requests* the Secretary-General to report to the Commission at its eighth session on the implementation of the present resolution.

44th plenary meeting  
28 July 1998

## ANNEX

### Plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

#### I

#### CAPACITY-BUILDING

1. The Secretary-General,<sup>89</sup> Member States and intergovernmental and non-governmental organizations active in victim assistance and redress are requested<sup>90</sup> further to incorporate victim assistance modules in technical cooperation projects and to assist interested Member States in applying the Guide for Policy Makers on the Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power<sup>87</sup> and the Handbook on Justice for Victims on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,<sup>88</sup> through training courses, seminars, study tours, fellowships and advisory services, in order to help to resolve problems in the implementation of the Declaration.

2. The Secretary-General is requested to develop, in collaboration with relevant intergovernmental and non-governmental organizations, criteria for the selection of technical cooperation projects for the establishment or the further development of victim services.

3. Member States, intergovernmental and non-governmental organizations and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network are invited to assist the Secretary-General in updating, with an appropriate interval, the Guide and the Handbook, giving special attention to practical national experiences, legislative information and case law concerning special victim groups, such as victims and witnesses of organized crime, terrorism, economic and environmental crime or bias or hate crimes and victims of violence against women and children.

4. The Secretary-General, together with intergovernmental and non-governmental organizations and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, is requested to assist interested Member States in the development of reparative and restorative policies for victims of violations of human rights and humanitarian law, as part of national reconstruction and reconciliation, and in the promotion of justice and the rule of law.

<sup>89</sup> In the present plan of action, references to the Secretary-General are understood as signifying primarily the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network.

<sup>90</sup> When the Secretary-General is requested to carry out activities, they should be performed within existing resources or through extrabudgetary funding.

## II

### INFORMATION-GATHERING, INFORMATION EXCHANGE AND RESEARCH

5. The Secretary-General, in cooperation with interested Member States and non-governmental organizations, is requested to support the international database on practical national and regional experiences in providing technical assistance in this field and on bibliographic and legislative information, including case law relevant to this field.

6. Member States and non-governmental organizations are invited to provide information for the database on projects, new programmes, case law and legislation and other relevant guidelines that have been found to be effective and that could serve as models for such developments elsewhere and to help in identifying experts who could assist Member States, upon request, in implementing such projects, programmes and legislation.

7. Member States and intergovernmental and non-governmental organizations are invited to give consideration to the further development and use of methods of gathering data on victimization, such as standardized victimization surveys, including their extension to cover groups of victims such as victims and witnesses of organized crime, terrorism, economic and environmental crime or bias or hate crimes and victims of violence against women, children and migrants.

8. Member States and intergovernmental and non-governmental organizations are invited to promote the evaluation of the efficacy of different forms of providing assistance to victims, the evaluation of the extent to which the criminal justice process takes into consideration the legitimate needs and concerns of victims and the evaluation of different forms of ensuring compensation and restitution to victims.

## III

### PREVENTION OF VICTIMIZATION

9. The Secretary-General, together with cooperating institutes and organizations, is invited to study ways in which to provide technical assistance to Member States, upon request, in responding to cases of large-scale victimization, terrorism and man-made catastrophes that are the result of criminal negligence, ensuring that the necessary emergency assistance is provided, using, where necessary, interdisciplinary and international crisis response teams to help in dealing with the situation and in responding to the needs and rights of the victims.

10. Member States are encouraged to consider the introduction, where necessary, and the strengthening of the work of ombudsmen and civilian review bodies or other complaint mechanisms and means of preventing and investigating possible abuse of power.

11. Member States and non-governmental organizations are encouraged to conduct public information and education campaigns designed to prevent and curtail victimization and re-victimization. Such campaigns should include both general campaigns directed at broad sectors of the population and special campaigns targeting selected groups known to be at high risk of such victimization and re-victimization.

12. Member States, in close cooperation with representatives of the mass media, are encouraged to elaborate and implement effectively guidelines for the media aimed at protecting victims and curtailing re-victimization.

## IV

### ACTION AT THE REGIONAL AND INTERNATIONAL LEVELS

13. The Secretary-General, in cooperation with Member States and the regional commissions, is requested to explore the possibility of developing regional mechanisms for monitoring victimization and providing recourse and/or redress for victims.

14. The Secretary-General, in cooperation with the international professional and academic community, is requested to help Member States in identifying lacunae in international criminal law and humanitarian and human rights law concerning the protection and rights of victims and witnesses, with a view to addressing those lacunae.

## V

### COORDINATION OF RELEVANT INITIATIVES

15. The Secretary-General is requested to assist Member States in strengthening coordination arrangements and procedures to foster joint planning and implementation of victim-related activities.

16. The Secretary-General is requested to ensure concerted action, with an appropriate division of responsibilities, among United Nations entities and other entities concerned with promoting the implementation of the Declaration.

17. The Secretary-General is requested to assist Member States, upon request, in the elaboration of joint strategies and the mobilization of support for providing assistance to victims, including wider citizen participation and the promotion of the principles of restorative justice.

#### **1998/22. Status of foreign citizens in criminal proceedings**

*The Economic and Social Council,*

*Guided by the Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly by its resolution 217 A (III) of 10 December 1948,*

*Bearing in mind the relevant international legal instruments in the field of human rights,*

*Bearing in mind also the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva from 22 August to 3 September 1955,<sup>91</sup> and approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957, and the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners, approved by the Council in its resolution 1984/47 of 25 May 1984 and set out in the annex thereto,*

<sup>91</sup> United Nations publication, Sales No. 1956.IV.4, annex I, sect. A.