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Addendum

Chapter [...]

United Nations standards and norms in crime prevention and criminal justice

A. Structure of the debate

1. At its 9th meeting, on 14 May 2001, the Commission on Crime Prevention and Criminal Justice considered item 7 of its agenda. It had before it reports of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/CN.15/2001/10 and Corr.1) and on the use and application of United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2001/9).

2. At its 9th meeting, on 14 May, following an introductory statement by the Director of the Centre for International Crime Prevention, the Commission heard statements by the representatives of Belarus, the United States of America, Mexico, Colombia, Canada, Saudi Arabia, Poland, the Netherlands, South Africa, Egypt and Indonesia. The Commission also heard statements by the observers for Sweden, China, Botswana, the Congo, Finland, Cameroon and Slovakia. The observer for the World Society of Victimology also made a statement.

B. Deliberations

3. The Director of the Centre for International Crime Prevention explained the approach and position of the Centre with respect to the status and advancement of

its mandated, ongoing and envisaged work in standard-setting and in promoting and overseeing the use and application of existing standards in crime prevention and criminal justice, including by information-gathering and survey processes. He introduced the idea of a new cross-cutting or “clustered” approach. He stated that, in future, the Centre might seek the advice of leading authorities on the “clusters”, using as a model the survey and research on the death penalty. The usefulness of the periodic review of the application by Governments of the United Nations instruments in crime prevention and criminal justice was emphasized.

4. Speakers supported the application of United Nations standards and norms in crime prevention and criminal justice as an important means by which Governments could upgrade criminal justice administration, across sectors, improving professional performance in effectively combating crime while safeguarding basic elements of human rights in an integrated manner.

5. It was noted that restorative justice and mediation were the areas in which some Governments had expressed interest in terms of the negotiation of a new international instrument. The Secretary-General’s enquiry on the matter had been satisfactory in terms of the survey results, 36 responses having been received thus far. The representative of Canada informed the Commission that his Government would host an expert group meeting on that matter. Some speakers called for inclusion of basic international principles or common elements in such a new instrument; others expressed caution regarding the scope and application of such an instrument, which should not contravene basic precepts of criminal sanctioning such as proportionality, consistency and predictability.

6. Many speakers stressed that the prevention and control of crime in all its forms should remain a central function of criminal justice systems and should not be suspended or underestimated in the light of the recent focus on “special” or “new” forms of crime such as corruption and organized crime. There was agreement that the world was far from being free of the threat of conventional crime. In line with the proposed “clustered” approach, it was stated that all standards and norms in crime prevention and criminal justice had great value and potential in preventing or deterring conventional forms of crime.

7. The elimination of violence against women was seen as an important task for Governments. The Centre for International Crime Prevention was called upon to outline basic policy guidelines in line with the United Nations standards that could assist Governments in a more practical manner in their efforts to eliminate violence against women. The view was expressed that more concerted international efforts had to be made to eliminate gender-discriminatory and exploitative violence. Governments were called on to participate in the international survey on violence against women that had been initiated by the European Institute for Crime Prevention and Control, affiliated with the United Nations, with the support of the Government of Canada.

8. Many speakers noted that increased international attention and national action were rightly focusing on the status and role of and care for victims of crime, implementing the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex); however, there was still much to be done to guarantee the rights of victims in the criminal justice process. Concerns were raised regarding the needs and rights of special groups of

victims such as women and children. The adoption of the United Nations Convention against Transnational Organized Crime and its protocols (General Assembly resolution 55/25) had brought into focus the needs of new groups of victims, in particular victims of transnational crime.

9. Several speakers supported the idea of providing earmarked funds for victims of crime and abuse of power in the context of technical assistance. It was stated that such technical assistance should be in the form of small-scale projects in developing countries to establish or render support for basic victim services and specific measures for special victim groups and campaigns for raising awareness of victims' rights. It was suggested that a sub-account might be established for that purpose within the United Nations Crime Prevention and Criminal Justice Fund. The representative of the Netherlands announced that his Government would make a voluntary contribution of 100,000 United States dollars to the Fund to support victims of crime.

10. 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 and the Guide for Policy Makers on the Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power were welcomed as useful tools for promoting victims' rights and services. Many speakers supported the idea of translating the Handbook and the Guide into all official languages of the United Nations. The representative of Canada expressed the intention of his Government to provide a French translation of the Handbook.

11. Speakers expressed satisfaction with the work of the Centre for International Crime Prevention in the area of standards and norms in crime prevention and criminal justice. Many speakers suggested that the work be continued following the new "clustered" approach, the possibility of which could be further pursued after the eleventh session of the Commission, the theme of which would be "Reform of the criminal justice system". It was also suggested that a comprehensive document might be prepared that would provide an overview of work advanced, proposals for further advancement and difficulties in that regard, by "cluster". Many speakers were of the view that the Secretary-General's proposal to consolidate, streamline and better rationalize reporting obligations was particularly valuable.

12. On 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 (E/CN.15/2001/10 and Corr.1), the observer for the European Union called on so-called "retentionist" countries to work towards abolition of the death penalty and called for a moratorium on the sentencing and imposition of capital punishment. Some speakers from so-called "retentionist" countries reported on the efforts of their Governments to limit the scope and application of the death penalty, to offer alternatives such as life imprisonment and to move towards abolition of the death penalty. It was noted that progressively fewer persons were being sentenced to death. Some speakers expressed the view that the total abolition of the penalty was functionally still difficult, as certain serious types of crime, such as homicide, rape and robbery, did not allow for it.

C. Action taken by the Commission