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## Commission on Crime Prevention and Criminal Justice

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### Draft report

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#### Addendum

### Use and application of United Nations standards and norms in crime prevention and criminal justice

1. At its 8th and 9th meeting, on 26 and 27 May 2005, the Commission on Crime Prevention and Criminal Justice considered agenda item 8, entitled “Use and application of United Nations standards and norms in crime prevention and criminal justice”. It had before it the following documents:

(a) Interim report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2005/14);

(b) Report of the Intergovernmental Expert Group Meeting to Develop Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, held in Vienna on 15 and 16 March 2005 (E/CN.15/2005/14/Add.1);

(c) Report of the Secretary-General on action to promote effective crime prevention (E/CN.15/2005/15);

(d) Note by the Secretariat on capital punishment and safeguards guaranteeing protection of the rights of those facing the death penalty (E/CN.15/2005/16);

(e) 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/2005/3).

2. At its 8th meeting, on 26 May, following an introductory statement by the Secretariat, the Commission heard statements by the observers for Bolivia (on



behalf of the Group of Latin American and Caribbean States) and Luxembourg (on behalf of the States members of the European Union and its candidate and potential candidate States), and by the representatives of Algeria, Austria, Canada, Egypt, Indonesia, Japan and Turkey. Statements were also made by the observers for Germany, Hungary and Portugal.

3. At its 9th meeting, on 27 May, the Commission heard statements by the observers for the Asia Crime Prevention Foundation, Defence for Children International, the European Institute for Crime Prevention and Control, affiliated with the United Nations, the Friends World Committee for Consultation, the International Centre for Criminal Law Reform and Criminal Justice Policy, the International Commission of Catholic Prison Pastoral Care, the International Society of Social Defence and Humane Criminal Policy, Pax Romana and Penal Reform International.

4. In his introductory statement, the representative of the Secretariat invited the Commission to watch a documentary film entitled “Making Standards Work”, which had been commissioned by the United Nations Information Service and produced by Two Hands Free, a non-governmental organization. The video had been inspired by the fiftieth anniversary of the adoption of the Standard Minimum Rules for the Treatment of Prisoners.<sup>1</sup>

5. Referring to the interim report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2005/14), he noted that the main focus of the report was on developments in the use and application of standards and norms, in particular through the provision of technical assistance to requesting States in four areas: treatment of offenders and penal reform; the judiciary and law enforcement; children in conflict with the law; and protection of victims, thus placing the use and application of standards and norms in the broader context of the establishment of the rule of law and criminal justice reform. The report further outlined inter-agency coordination activities and participation by the United Nations Office on Drugs and Crime (UNODC) in United Nations system-wide initiatives in those areas.

6. With respect to the main findings of the seventh quinquennial survey on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/2005/3), covering the period 1999 to 2003, he recalled that the report had already been considered by the Commission on Human Rights at its sixty-first session, which had adopted Commission resolution 2005/59 on 20 April 2005. He also noted that 16 additional replies to the questionnaire for the seventh survey had been received since the submission of the report, which would be summarized in a future addendum.

7. The report of the Secretary-General on action to promote effective crime prevention (E/CN.15/2005/15) outlined current efforts of Member States to develop and strengthen policies in the field of crime prevention, inter-agency coordination and cooperation in crime prevention, as well as the strengthening or establishment

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<sup>1</sup> *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.A, and Economic and Social Council resolution 2076 (LXII).

of crime prevention networks at the international, regional and national levels and the provision of technical assistance by UNODC in this area.

8. Several speakers expressed their countries' support for the efforts of the United Nations to develop and disseminate standards and norms in criminal justice and to assist States in their use and application. In that regard, it was noted that the collective responsibility of the Commission was to ensure that there existed, at the international level, an evolving set of instruments that Member States could rely on to refine their existing criminal justice systems or on which to build their systems during a transitional period following a conflict. It was also observed that it was only through an integrated approach, combining the binding instruments and the existing standards and norms, that the international community could respond to the needs of States and promote international cooperation, in particular in post-conflict situations. In that regard, it was important to promote the widest possible dissemination of standards and norms, including in national languages and in university curricula, and their use as training materials, especially in the provision of technical assistance.

9. A number of speakers welcomed the periodic review of selected standards and norms, based on the cluster approach, as a standing item of the agenda of the Commission. Another speaker stressed that standards and norms were of limited value unless they were implemented by Member States, as had been recognized in the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice.<sup>2</sup> One speaker stated that her country was particularly interested in learning about the work of UNODC in relation to the issue of the elimination of violence against women.

10. The Chairperson of the Intergovernmental Expert Group Meeting to Develop Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime noted that the proposed guidelines agreed upon by the Group represented an important step in the advancement of the rights of children in the criminal justice system. Having outlined the objectives of the guidelines and their principles, she explained that the section on implementation was directed at professionals, who should be trained to protect and meet the needs of child victims and witnesses effectively. She hoped that the positive spirit that had prevailed during the development of the Guidelines by the Intergovernmental Expert Group would be followed up by positive action by the Commission to adopt them.

11. Many delegations expressed their support for the proposed guidelines and recommended that the Commission should adopt them, although one speaker noted that the Expert Group had been convened at short notice and that preparations for such meetings could be improved.

12. With regard to the report on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, most speakers expressed their appreciation to the Secretariat for the work that had been accomplished, recommending that the Secretary-General should continue to collect information and continue to produce quinquennial reports, in accordance with relevant resolutions of the Economic and Social Council, so that the next report could be submitted to the Commission in 2010.

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<sup>2</sup> A/CONF.203/18, chap. I, resolution 1.

13. Most speakers expressed their countries' opposition to the use of capital punishment as it inherently constituted a violation of the right to life and human dignity. One speaker referred to the fact that the deterrent effect of capital punishment had not been proven and that, in his country, the abolition of capital punishment had not led to an increase in crime. Several speakers expressed their country's commitment to working towards the universal abolition of the death penalty and in urging all States, in the meantime, to impose a moratorium on executions. Some speakers reported positive developments in their countries, one in relation to the total abolition of the death penalty and the others in relation to a progressive restriction of the scope of the death penalty and the imposition of a moratorium.

14. The importance of crime prevention, including crime prevention activities at the local and national levels, was stressed by several speakers, who also noted that the Guidelines for the Prevention of Crime (Economic and Social Council resolution 2002/13, annex) served as a significant reference for developing both crime prevention activities at the local level and national crime prevention strategies.

15. Several speakers reported on national projects in victim support and urban crime prevention. One speaker noted that developed countries had much to learn from the experience of developing countries, especially with regard to community crime prevention and the use of alternative mechanisms for conflict resolution.

16. With regard to standards and norms pertaining to the treatment of prisoners, one speaker noted that many countries had reported that they were experiencing difficulties in applying those standards and norms. The situation was often exacerbated by overcrowding and the spread of infectious diseases, including HIV/AIDS, which required urgent attention. In that context, drawing from the draft charter of fundamental rights of prisoners, which had been discussed at the Eleventh Congress, the speaker suggested that, as a direct response to the commitment made in paragraph 30 of the Bangkok Declaration, further consideration should be given to enhancing the implementation of existing standards in relation to prison management and to developing further standards for prisoners, including in respect of women offenders. Recalling the reference in the Vienna Declaration and Programme of Action to women in the criminal justice system, one speaker drew the attention of the Commission to the particular problems that imprisonment imposed on women and their children. He encouraged States to promote alternatives to imprisonment for women and informed the Commission that his organization had developed guidelines for the treatment of children imprisoned with their mothers.

17. With regard to HIV/AIDS in prisons, some speakers welcomed the developments that had taken place in pursuance of Economic and Social Council resolution 2004/35 of 21 July 2004, in particular the convening by UNODC of a consultative meeting on HIV/AIDS in Vienna on 17 and 18 February 2005, which had resulted in a draft framework for national responses to HIV/AIDS prevention, care and support in prison settings. Speakers also noted that an ancillary meeting on HIV/AIDS in prison had been held during the Eleventh Congress and welcomed the fact that the Bangkok Declaration gave recognition to this important issue. One speaker drew the attention of the Commission to the extensive study on drug services and health care provisions in prisons in Central and Eastern Europe,

published and distributed by the European Institute for Crime Prevention and Control, affiliated with the United Nations.

18. Several speakers recalled the twentieth anniversary of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex) and outlined recent initiatives in the area, in particular with regard to victims of terrorism in view of the trauma suffered by them and their kin. Some speakers also welcomed the fact that the Eleventh Congress had recognized the importance of further developing restorative justice policies, procedures and programmes.

19. In relation to children in conflict with the law and those who were victims of crime, some speakers reported recent positive developments in their countries, such as legislative changes to implement the Convention on the Rights of the Child (General Assembly resolution 44/25, annex) and programmes to protect child victims.

20. At the closing meeting, the observer for the American Society of Criminology, on behalf of the Alliance of Non-Governmental Organizations on Crime Prevention and Criminal Justice in New York and Vienna, paid a special tribute to Eduardo Vetere, Director of the Division for Treaty Affairs of UNODC, for his contribution to work on standards and norms in crime prevention and criminal justice. He acknowledged in particular Mr. Vetere's dedication and commitment to the implementation of standards and norms, his diplomatic skills, his charisma and cooperative spirit, which encouraged the highest integrity and most professional behaviour among all those who crossed his path. The NGO alliance in New York and Vienna presented Mr. Vetere with a plaque in order to remind him of the friendship and gratefulness of the NGO community.

21. In his concluding remarks, the representative of the Secretariat welcomed the very useful discussions under the agenda item. He welcomed the proposals for initiatives in areas not yet covered by existing standards and norms and stressed the need to continue progress since the Standard Minimum Rules had been adopted 50 years ago. He went on to summarize the discussions on the abolition of capital punishment and the implementation of the safeguards guaranteeing the protection of those facing the death penalty and noted that tremendous progress had been made since the first survey. Concerning the protection of victims, he drew the attention of the Commission to the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, approved by the Commission on Human Rights at its sixty-first session in its resolution 2005/35.