

Reaffirming the importance of United Nations standards, norms and guidelines 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. *Invites* Governments to promote and disseminate the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*¹⁷⁹ in the languages of their countries;

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

3. *Invites* Governments that have not yet replied to the questionnaires on the four standards in crime prevention and criminal justice referred to in its resolution 1996/16, namely the Standard Minimum Rules for the Treatment of Prisoners,¹⁸⁰ the Code of Conduct for Law Enforcement Officials¹⁸¹ together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,¹⁸² the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power¹⁷⁰ and the Basic Principles on the Independence of the Judiciary,¹⁸³ to submit their replies in order to enable the Secretariat to summarize that information and to disseminate it through the World Wide Web database facility of the United Nations Crime and Justice Information Network;

4. *Requests* the Secretariat to prepare the relevant survey instruments on the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),¹⁷¹ the Guidelines on the Role of Prosecutors¹⁸⁴ and the Basic Principles on the Role of Lawyers¹⁸⁵ for submission to the

¹⁷⁹ United Nations publication, Sales No. E.92.IV.1 and corrigendum.

¹⁸⁰ *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.

¹⁸¹ General Assembly resolution 34/169, annex.

¹⁸² *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. B.2, annex.

¹⁸³ *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 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.

¹⁸⁴ *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.

¹⁸⁵ *Ibid.*, chap. I, sect. B.3, annex.

Commission on Crime Prevention and Criminal Justice at its seventh session;

5. *Calls upon* Member States to consider making available funds for technical cooperation activities that are aimed at promoting the further use and application of United Nations standards and norms in crime prevention and criminal justice;

6. *Recommends* that the cooperation and coordination between the Crime Prevention and Criminal Justice Division of the Secretariat and the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights be further improved, not only to avoid overlapping in the implementation of their programmes, but also to reinforce existing collaboration;

7. *Requests* the Secretary-General to convene a meeting of government experts in crime prevention and criminal justice, attending in their personal capacity, funded by extrabudgetary resources, to review the draft minimum rules for the administration of criminal justice,¹⁸⁶ without prejudice to the future work of the Commission on Crime Prevention and Criminal Justice, paying special attention to the following:

(a) Whether those draft minimum rules duplicate or contradict existing conventions or standards and norms in crime prevention and criminal justice;

(b) The necessity of elaborating such an instrument;

(c) The diversity of legal systems and practices in each Member State.

*36th plenary meeting
21 July 1997*

1997/33. Elements of responsible crime prevention: standards and norms

The Economic and Social Council,

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

Recalling also its resolution 1992/22 of 30 July 1992 on the implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice, in section VI of which it determined that crime prevention in urban areas and juvenile and violent criminality would be one of the priority themes that should guide the Commission on Crime Prevention and Criminal Justice in the development of a detailed programme,

Recalling further its resolution 1995/9 of 24 July 1995 on guidelines for the prevention of urban crime,

Taking into account the fact that a growing and undermining criminality highlights the inadequacy of conventional criminal policies and the need urgently to devise preventive approaches,

¹⁸⁶ See E/CN.15/1994/11.

Considering that the challenge and the magnitude of modern crime, including organized crime, combined with the insufficient resources of the criminal justice system, for example, the overpopulation of prisons and overburdened criminal justice systems, reinforce the need for non-repressive crime prevention,

Considering also that an international effort is necessary to develop an effective strategy on responsible crime prevention,

1. Takes note of the preliminary draft of elements of responsible crime prevention: standards and norms, annexed to the present resolution;

2. Requests the Secretary-General to seek comments from Member States, relevant intergovernmental and non-governmental organizations, as well as the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, on the draft contained in the annex to the present resolution, including the advisability of elaborating such an instrument;

3. Also requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at a future session, on the comments received;

4. Further requests the Secretary-General to organize, drawing upon extrabudgetary funds, an ad hoc expert group meeting to examine the comments, to elaborate proposals for further action and to report thereon to the Commission on Crime Prevention and Criminal Justice;

5. Urges Member States and relevant intergovernmental and non-governmental organizations, as well as the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, to extend to the Secretary-General their full support in implementing the present resolution.

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ANNEX

Elements of responsible crime prevention: standards and norms

I. THE CONCEPT OF CRIME PREVENTION

1. The prevention of crime through non-punitive measures is to be considered an important complement to the administration of criminal law. It constitutes a legitimate response by society to threats to the safety of citizens posed by criminal acts.

2. The concept of crime prevention should not be limited to conventional forms of crime, including domestic violence, but should encompass new forms of crime, such as organized crime, terrorism, illegal trafficking in migrants, computer crime and cybercrime, environmental crime, corruption and illegal commerce related to the acquisition and development of weapons of mass destruction.

3. The concept of crime prevention should take into account the growing internationalization of criminal activities and the

relationship between the global economy, advanced technologies and national phenomena of crime, with special consideration for developing countries.

II. RESPONSIBLE CRIME PREVENTION

4. Under all circumstances, measures of crime prevention should be carried out in strict conformity with the relevant provisions of international law and international standards of human rights.

5. Crime prevention should respect principles such as the rule of law, the protection of individual rights and freedoms, the principle of equality before the law and due process.

6. Whenever preventive measures are adopted which do not infringe upon the principles set out in paragraphs 4 and 5 above but which affect human rights, they must be implemented in strict accordance with the principle of the rule of law and of proportionality.

7. If the impact of a preventive measure on human rights is comparable to that of a penal measure, there should be provision for the same legal guarantees, including controls by the courts or by an ombudsman.

8. Measures which touch upon the rights of those who are considered to be at risk of becoming offenders should be handled in strict accordance with the principles set out in paragraphs 4 and 5 above [with great restraint]. Prediction of future criminality at the individual level requires a high degree of caution and stigmatization should be avoided. However, this should not obviate the development of secondary prevention programmes for persons with known risk factors.

9. In the planning and implementation of preventive measures, affirmative action may play a role but discrimination should always be avoided.

10. If the police are a partner in the implementation of prevention programmes, their participation should not be hidden and any confusion of roles should be avoided. Data collected in relation to prevention programmes should be used for the criminal investigation of serious crime only.

11. The limits within which the private security sector may act should be defined by law. The private security sector, in accordance with human rights standards, should not exercise any function which, by its nature, is incompatible with the rule of law and the principle that the use of force is reserved for the State.

12. Codes of conduct for public officials and other persons involved are useful supplements to legal regulations in order to reduce the risks connected with preventive measures.

13. Preventive measures that do not in any way affect the rights of individuals need little legal regulation. Over-regulation in this respect would unduly limit the development of these types of measures.

III. THE PROMOTION OF RESPONSIBLE CRIME PREVENTION

14. Governments should take appropriate steps to promote and to regulate crime prevention through the establishment of

special councils or other agencies, provisions for funding and the dissemination of information. Crime prevention programmes should be developed and implemented in collaboration with the police, municipalities, the private sector and other interested parties in a manner that clearly sets objectives and defines roles.

15. Crime prevention strategies at the national, local and community levels should also address the root causes of crime through social, economic, public health and educational policies. Where appropriate, crime prevention programmes should be linked to comprehensive programmes addressing social marginalization and exclusion.

16. Community-based programmes of crime prevention that include the active participation of citizens, the business sector, the police and other relevant parties should be encouraged and developed. These programmes should avoid activities with the potential to affect the rights of others.

17. Crime prevention measures which target groups at risk of becoming offenders, especially youth, should be promoted and should include educational opportunities, employment, housing and leisure facilities. These measures should avoid the stigmatization of the target groups.

18. Where necessary, educational support, such as instruction in parental skills, and special medical care should be offered as early as possible to families with children at risk. Steps should be taken to ensure that these provisions do not stigmatize the clients or infringe upon their rights.

19. Situational crime prevention programmes should be developed, to include target hardening, environmental design and surveillance. These programmes should not unduly reduce the quality of the built environment or limit free access to the public domain or public facilities.

20. Victim-oriented crime prevention consisting of, *inter alia*, the provision of information and advice to potential victims, should be promoted. Steps should be taken to avoid the undue rise of fear of crime or the stigmatization of the target groups.

21. Victims of crime should be offered protection, where necessary, and should be informed of possible ways to reduce the risks of future victimization, with due consideration for the rights of offenders. Due regard should be given to means of avoiding the tendency to blame the victim, as well as to reparation by the offender.

22. To promote prevention, provisions should be made available or strengthened for out-of-court mediation in appropriate penal matters, if this option is foreseen in national legislation. Procedures should comply with the principles of due process.

23. Research on crime prevention, including evaluation studies, should be promoted, taking into account the interests and rights of all parties involved. The international exchange of information on best practices, in terms of both effectiveness and respect for human rights, should be facilitated.

1997/34. Implementation of the United Nations Declaration on Crime and Public Security

The Economic and Social Council,

Recalling General Assembly resolution 51/60 of 12 December 1996, by which the Assembly, convinced that the adoption of a declaration on crime and public security would contribute to the enhancement of the struggle against serious transnational crime, approved the United Nations Declaration on Crime and Public Security,

Noting that the General Assembly, in its resolution 51/60, urged Member States to make every effort to ensure that the Declaration became generally known and was observed and implemented in full in accordance with their respective national legislation,

Noting also that the General Assembly, in its resolution 51/60, invited the Secretary-General to inform all States and the relevant specialized agencies and organizations of the adoption of the Declaration,

1. *Welcomes* the report of the Secretary-General on technical cooperation and coordination of activities¹⁸⁷ setting forth the information provided to date by Member States on their efforts to observe and implement in full General Assembly resolution 51/60 and the United Nations Declaration on Crime and Public Security in accordance with their national legislation;

2. *Requests* the Secretary-General, utilizing a questionnaire or other means to ensure standardized responses, to seek from Member States, as well as from any interested intergovernmental organizations or United Nations institutes, information related to the implementation of the Declaration, including in particular, in the case of Member States, the following:

(a) A summary of existing legislation and pending legislative proposals to combat serious transnational crime, including organized crime, illicit drug and arms trafficking, smuggling of other illicit articles, organized trafficking in persons, terrorist crimes and the laundering of proceeds from serious crimes;

(b) A summary of bilateral, regional, multilateral and global extradition, mutual legal assistance and other types of law enforcement cooperation arrangements;

(c) A summary of involvement or participation in law enforcement training and education activities at the international level;

(d) A status report on adherence to the principal existing international treaties relating to various aspects of the problem of international terrorism and to the international drug control conventions;

(e) A summary of existing or proposed victim assistance programmes or systems;

(f) A summary of existing or proposed legislation to combat the transnational flow of the proceeds of serious

¹⁸⁷ E/CN.15/1997/17.