

6. *Recommends* that the Commission for Social Development give consideration to the desirability of convening, subject to the availability of funds, regional and sectoral meetings on the selection of targets in the field of aging during 1991 and 1992 and global consultations in 1993 and 1997, to coincide with the third and fourth quadrennial reviews and appraisals of the implementation of the Plan of Action;

7. *Notes with appreciation* the work of the recent *ad hoc* inter-agency meetings on aging and recommends that inter-agency meetings on aging be convened biennially;

8. *Welcomes with appreciation* the rapid progress made by the International Institute on Aging, in Malta, in establishing, in close collaboration and co-operation with the United Nations system, as well as with governmental and non-governmental institutions and organizations, programmes that promote in a practical manner the implementation of the Plan of Action, particularly through curriculum development, training courses, a global survey on training and the establishment of an information network, and requests the Secretary-General, in reporting on the question of aging to the General Assembly at its forty-sixth session, to inform the Assembly of the activities of the Institute;

9. *Takes note with satisfaction* of the plans for the establishment of training institutes on aging in Argentina and Yugoslavia and in Central America and the Caribbean;

10. *Requests* the Centre for Social Development and Humanitarian Affairs of the Secretariat to provide, within existing resources, technical assistance to the African Society of Gerontology;

11. *Welcomes* global fund-raising initiatives for activities in the field of aging, particularly the proposed establishment in 1991 of an independent foundation on aging under the patronage of the United Nations, to be called the Banyan Foundation, the main goal of which will be to empower the elderly in all world regions to maintain maximum independence and the ability to contribute to society in the context of the Plan of Action, thus serving as a much-needed international fund-raising vehicle for programmes for the aging worldwide;

12. *Requests* the Commission on the Status of Women to consider under the priority theme "development" the positive contributions and specific roles of elderly women in the development of their societies;

13. *Notes with appreciation* the support given by the United Nations Population Fund to the Aging Unit of the Centre for Social Development and Humanitarian Affairs, and urges the Fund to maintain this commitment;

14. *Notes with satisfaction* the close collaboration of the Centre for Social Development and Humanitarian Affairs, as the United Nations focal point on aging, with intergovernmental and non-governmental organizations active in the field of aging, and encourages the Centre to continue to strengthen this collaboration;

15. *Designates* 1 October as International Day for the Elderly;

16. *Urges* Governments and non-governmental organizations to contribute to the Trust Fund for Aging;

17. *Also urges* Governments and non-governmental organizations to contribute human and financial resources through the Centre for Social Development and Humanitarian Affairs for the co-ordination and implementation of the action programme on aging for 1992 and beyond;

18. *Urges* the Secretary-General to consider increasing the human and financial resources of the Aging Unit of the Centre for Social Development and Humanitarian Affairs in order to enable it to fulfil its mandate as the United Nations focal point on aging;

19. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution;

20. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Question of aging".

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#### 45/107. International co-operation for crime prevention and criminal justice in the context of development

*The General Assembly,*

*Reaffirming* the purposes and principles of the United Nations and the commitment of all States to respect the obligations assumed by them, in accordance with the Charter of the United Nations,

*Convinced* that crime prevention and criminal justice in the context of development should be oriented towards the observance of the principles contained in the Caracas Declaration,<sup>67</sup> the Milan Plan of Action,<sup>68</sup> the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order<sup>69</sup> and other relevant resolutions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

*Recalling* its resolution 43/99 of 8 December 1988, in which it stressed the need for Member States to continue to make concerted and systematic efforts to strengthen international co-operation in crime prevention and criminal justice, as identified in the Milan Plan of Action, and to facilitate the adoption by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders of viable and constructive action-oriented strategies against crime,

*Recalling also* its resolution 44/72 of 8 December 1989,

*Recalling further* Economic and Social Council resolution 1989/68 of 24 May 1989, in which the Council reaffirmed its conviction of the importance of the programme of the United Nations in the field of crime prevention and criminal justice and the necessity of strengthening it in order to make it fully responsive to the needs and expectations of Member States,

<sup>67</sup> Resolution 35/171, annex.

<sup>68</sup> See *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. A.

<sup>69</sup> *Ibid.*, sect. B.

*Adopts* the recommendations on international co-operation for crime prevention and criminal justice in the context of development, as contained in the annex to the present resolution.

68th plenary meeting  
14 December 1990

ANNEX

**Recommendations on international co-operation for crime prevention and criminal justice in the context of development**

**A. CRIME PREVENTION AND CRIMINAL JUSTICE IN THE CONTEXT OF DEVELOPMENT**

1. Governments should reaffirm their commitment to respect the existing international treaties and their adherence to principles expressed in the Charter of the United Nations and in other relevant international instruments. Crime can also be prevented by ensuring that those principles are not sacrificed.
2. Member States should intensify the struggle against international crime by respecting and promoting the rule of law and legality in international relations and, for that purpose, they should complete and further develop international criminal law, fully implement the obligations following from international treaties and instruments in this field (*pacta sunt servanda*), and examine their national legislation in order to ensure that it meets the needs of international criminal law.
3. Governments should accord priority attention to the promulgation and implementation of appropriate laws and regulations to control and combat transnational crime and illegal international transactions, especially by the provision of proper collaborative schemes and trained personnel. Also, national laws should be reviewed in order to ensure a more effective and adequate response to the new forms of criminal activity, not only through the application of criminal penalties, but also through civil or administrative measures.
4. The national, regional and international aspects of growing pollution and the exploitation and destruction of the environment should be recognized and controlled as a matter of urgency, in view of the increasing and alarming devastation, deriving from various sources. Besides measures of administrative law and liability under civil law, the role of criminal law as an instrument that can help to achieve such control should be kept under review. The desirability of elaborating guiding principles for the prevention of crimes against the environment should be considered.
5. In view of the fact that advanced technology and specialized technical knowledge are employed in criminal activities pursued in international trade and commerce, including computer fraud, by the misuse of banking facilities and the manipulation of tax laws and customs regulations, law enforcement and criminal justice officials should be properly trained and provided with adequate legal and technical means to be able to detect and investigate such offences. The co-ordination and co-operation of other relevant agencies at the national level should be ensured and their capacities further improved. The development and strengthening of direct arrangements of international co-operation between the various agencies of national criminal justice systems should also be pursued.
6. Since even legitimate enterprises, organizations and associations may sometimes be involved in transnational criminal activities affecting national economies, Governments should adopt measures for the control of such activities. They should also collect information from various sources so as to have a solid base for the detection and punishment of enterprises, organizations and associations, their officials, or both, if they are involved in such criminal activities, with a view also to preventing similar conduct in the future.
7. Note should be taken of the fact that many countries lack adequate laws to deal with the emerging manifestations of transnational crime and that the adoption and implementation of appropriate instruments and measures to prevent this type of criminality are urgently needed. In this regard, the exchange of information on existing laws and regulations should be encouraged in order to facilitate the dissemination and adoption of appropriate measures.
8. Because the corrupt activities of public officials can destroy the potential effectiveness of all types of governmental programmes, hinder development, and victimize individuals and groups, it is of crucial importance that all nations should (a) review the adequacy of their criminal laws, including procedural legislation, in order to respond to all forms of corruption and related actions designed to assist or to facilitate corrupt activities, and should have recourse to sanctions that will ensure adequate deterrence; (b) devise administrative and regulatory mechanisms for the prevention of corrupt practices or the abuse of power; (c) adopt procedures for the detection, investigation and conviction of corrupt officials; (d) create legal provisions for the forfeiture of funds and property from corrupt practices; and (e) take appropriate measures against enterprises involved in corruption. The Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat should co-ordinate the elaboration of materials to assist countries in these efforts, including the development of a manual to combat corruption, and should provide specialized training to judges and prosecutors that would qualify them to deal with the technical aspects of corruption, as well as with the experiences derived from specialized courts handling such matters.
9. Noting the alarming threat posed by illicit trafficking in narcotic drugs and psychotropic substances, which is among the worst crimes that humanity is facing, and the action taken by United Nations drug control units and bodies in this field, and concerned that, despite all the efforts made at the national, regional and international levels, this phenomenon persists unabated, it is important that efforts to combat this type of criminality be given a central place in all crime prevention and criminal justice plans and programmes. The work of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs in this area should be strengthened. Special assistance should be extended to developing countries for the implementation of drug abuse control programmes and the elaboration of collaborative prevention and control strategies.
10. The process of developing comprehensive model codes, especially at the regional and subregional levels, to combat crimes of transnational and international dimensions, should be encouraged. Also, efforts should be made to harmonize national criminal laws, so as to make them fully responsive to the realities and ramifications of such crimes. Practical arrangements, such as extradition, mutual assistance in criminal justice and the sharing and exchange of expertise and information, should be pursued. Adequate attention should be given to effective enforcement mechanisms in order to minimize the consequences of transborder crimes, including their effect on countries not directly involved.
11. Appropriate educational policies should be developed for making the populations of Member States more sensitive to the problem through formal educational systems and general public information programmes, with a view to promoting awareness of the ways and means by which criminal victimization can be avoided, as well as acquainting the public at large with the objectives and processes of the criminal justice system.
12. In recognition of the need for specific preventive measures related to such types of criminality as burglary, violent theft and street crime, an inventory of preventive measures should be prepared by the United Nations on the basis of an in-depth assessment and evaluation of their effectiveness in various cultural, social, economic and political contexts.
13. With respect to the victims of crime and abuse of power, a guide containing an inventory of comprehensive measures for education on the prevention of victimization, and on the protection of, and assistance and compensation to, victims should be prepared. This guide should be applied in accordance with the legal, socio-cultural and economic circumstances of each nation, taking into account the important role of non-governmental organizations in this sphere.
14. In view of its crucial function in crime prevention, the criminal justice system should be developed on the basis of the progressive rationalization and humanization of criminal laws and procedures, sentencing policies and dispositional alternatives, within the overall framework of social justice and societal aspirations.
15. A systematic approach to crime prevention planning should be pursued to provide for the incorporation of crime prevention policies into national development planning, starting from an overall reassessment of substantive criminal and procedural laws whenever appropriate. This approach would include the introduction of the processes of decriminalization, depenalization and diversion, as well as reforms of procedures that would ensure the support of members of the public and review of existing policies with a view to assessing their impact. It would also include appropriate links to be established between the

criminal justice system and other development sectors, including education, employment, health, social policy and other related fields.

16. The trial process should be consonant with the cultural realities and social values of society, in order to make it understood and to permit it to operate effectively within the community it serves. Observance of human rights, equality, fairness and consistency should be ensured at all stages of the process.

#### B. INTERNATIONAL, SCIENTIFIC AND TECHNICAL CO-OPERATION

17. In order to increase the effectiveness of international co-operation in crime prevention and criminal justice, concerted efforts should be made towards (a) the ratification and implementation of existing international instruments; (b) the development of bilateral and multilateral instruments; and (c) the preparation and elaboration of model instruments and standards for use at the national, bilateral, multilateral, subregional, regional and interregional levels.

18. The formulation of international instruments, standards and norms should include the following specific areas of concern: (a) judicial assistance treaties, in particular between common law and civil law countries, dealing with the means for obtaining evidence conforming to the requirements of the requesting State; (b) development of standardized requests for extradition and mutual assistance; (c) development of the means of providing assistance to victims of crime and abuse of power, with emphasis on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,<sup>70</sup> and of providing adequate protection for witnesses; (d) further consideration of issues of transnational jurisdiction in order to assist in the process of responding to requests for extradition and mutual assistance and in the implementation of international instruments; and (e) elaboration of standards for international assistance in respect of bank secrecy, facilitating the seizure and confiscation of proceeds in bank accounts derived from criminal acts. In particular, banks and other financial institutions should be urged to standardize their reporting requirements and documents so that these can be used more rapidly and effectively as evidence. More effective international standards to inhibit the laundering of money and investment connected with criminal activities, such as narcotics trafficking and terrorism, should also be developed.

19. Member States, intergovernmental and non-governmental organizations and international, national and private funding agencies should assist the United Nations in the establishment and operation of a global crime prevention and criminal justice information network. Member States are urged to contribute to this endeavour by financing equipment and expertise. Consideration should also be given to determining the categories of criminal justice data that can be provided and exchanged on a regular basis.

20. In accordance with the numerous decisions and resolutions of relevant organs of the United Nations, including the quinquennial United Nations congresses on the prevention of crime and the treatment of offenders, measures should be taken to strengthen programmes of international technical and scientific co-operation in the field of crime prevention and criminal justice on a bilateral and multilateral basis, as substantive components of broader development programmes, taking into account the special needs of developing countries and, in particular, the worsening socio-economic situation in many of them, which contributes to the increase of structural inequality and criminality.

21. In order to formulate and develop proper regional and interregional strategies of international, technical and scientific co-operation in combating crime and improving the effectiveness of preventive and criminal justice activities, the programmes of technical and scientific co-operation should be directed especially towards (a) reinforcement of the technical capacities of the criminal justice agencies; (b) an upgrading of the human and technical resources in all sectors of the criminal justice system in order to stimulate technical assistance, model and demonstration projects, research activities and training programmes, in close co-operation with the United Nations institutes for the prevention of crime and the treatment of offenders and competent non-governmental organizations; (c) the further development and improvement, at the national, regional, interregional and international levels, of information bases for the collection, analysis and dissemination of data on crime trends, innovative ways and methods of crime prevention and control, and the operation of criminal justice agencies, in order to provide an appropriate basis for policy-formula-

tion and programme implementation; (d) the promotion, through educational programmes and training activities, of the implementation of United Nations norms, guidelines and standards in crime prevention and criminal justice; and (e) the elaboration and implementation of joint strategies and collaborative arrangements to deal with crime problems of mutual concern.

22. The Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, as the focal point of United Nations activities in this field, the United Nations institutes for the prevention of crime and the treatment of offenders, the co-operating entities like the Arab Security Studies and Training Centre, the interregional advisory services in crime prevention and criminal justice, and other relevant United Nations bodies, as well as intergovernmental and non-governmental organizations enjoying consultative status with the Economic and Social Council, should be strengthened so as to increase the scope of their operations, improve their co-ordination and diversify forms and methods of technical and scientific co-operation.

23. The role of the Committee on Crime Prevention and Control as the principal body dealing with crime prevention and criminal justice matters, which is entrusted, *inter alia*, with the preparations for the United Nations congresses on the prevention of crime and the treatment of offenders, should be further enhanced so as to enable it to fulfil its important functions.

24. The capacity of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, as the only professional and specialized entity within the United Nations system with overall responsibility for its crime prevention and criminal justice programme, should be strengthened in terms of both human and financial resources. Prompt implementation of the General Assembly and Economic and Social Council resolutions related thereto is urgently needed. In particular, priority attention should be given to the implementation of paragraphs 4 and 5 of General Assembly resolution 42/59 of 30 November 1987, in which the Assembly approved the recommendations contained in Economic and Social Council resolutions 1986/11 and 1987/53, concerning the review of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice,<sup>71</sup> and requested the Secretary-General, *inter alia*, to take measures to ensure that the programme of work is supported by adequate resources; and paragraph 3 (a) of Economic and Social Council resolution 1987/53, in which the Council requested the Secretary-General to develop the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs as a specialized body and facilitating agent in the field of crime prevention and criminal justice. Attention should also be given to other relevant resolutions of the General Assembly and the Economic and Social Council, as well as to the recommendations of the regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and of the Committee on Crime Prevention and Control.

25. The United Nations institutes for the prevention of crime and the treatment of offenders should further develop their research, training and technical assistance capacities, and widen their collaborative networks through more extensive reliance on non-governmental organizations and national research and educational institutions, in order to meet the growing requests from developing countries for technical and scientific assistance. The Governments concerned, relevant regional bodies and organizations and United Nations entities should actively assist the United Nations institutes for the prevention of crime and the treatment of offenders, and, in particular, should assist the African Institute for the Prevention of Crime and the Treatment of Offenders, in consolidating its status and further promoting its activities.

26. Governments should be invited to fund regional advisory services in their regions, directly or through the United Nations Development Programme, so as to develop further and complement existing structures and possibilities in this field. The regional commissions should be encouraged to do likewise and should be supported in their efforts to that end.

27. Special attention should be paid to strengthening the collaborative ties in the field of crime prevention and criminal justice between the Centre for Social Development and Humanitarian Affairs and the

<sup>70</sup> Resolution 40/34, annex.

<sup>71</sup> See E/1987/43

Department of Technical Co-operation for Development of the Secretariat, the United Nations Development Programme, the World Bank and other relevant entities, with a view to ensuring adequate resources for technical co-operation activities in crime prevention and criminal justice. Interested Governments should give priority to the inclusion of crime prevention and criminal justice projects in the national and regional programmes proposed for the support of the United Nations Development Programme.

28. In order to fully implement the mandates emerging from the crime prevention and criminal justice programme and to provide additional technical and scientific expertise and resources for matters of international co-operation in this field, broader involvement of, and assistance by, non-governmental organizations are required.

29. Governments and other funding agencies should contribute to the United Nations Trust Fund for Social Defence in order to enable the United Nations to implement, in an adequate and effective manner, programmes of technical and scientific co-operation in this field.

#### 45/108. Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice

##### *The General Assembly,*

*Aware* of the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950,

*Recalling* its resolutions 40/32 of 29 November 1985, 41/107 of 4 December 1986, 42/59 of 30 November 1987, 43/99 of 8 December 1988 and 44/72 of 8 December 1989 and Economic and Social Council resolutions 1986/11 of 21 May 1986, 1987/53 of 28 May 1987, 1988/44 of 27 May 1988 and 1989/68 of 24 May 1989, and taking note of Council resolution 1990/27 of 24 May 1990,

*Recognizing* the increasingly transnational character and dimensions of crime and also recognizing that the new, organized and sophisticated forms of crime call for concerted international action,

*Alarmed* by the high human and material costs of crime and aware that its consequences involve a substantial drain on the economies of Member States, and loss and damage to the victims of crime,

*Convinced* of the urgent need for more effective and responsive international mechanisms to assist countries and facilitate joint strategies in areas of mutual concern,

*Noting* that the Committee on Crime Prevention and Control, in its resolution 10/1 of 31 August 1988,<sup>72</sup> requested its Chairman to appoint a sub-committee to provide an overview of the magnitude of the problem of crime in its economic, criminological, social and juridical aspects, to assess the most efficient means of stimulating practical international action in support of Member States and, in particular, the role of the United Nations in that regard, and to make recommendations to the Committee, at its eleventh session, concerning the most effective mechanisms for the implementation of the conclusions of the overview, and noting that a report on these matters was prepared by the sub-committee appointed by the Chairman, which was considered, reviewed, revised and approved by the Committee

by its resolution 11/3 of 16 February 1990,<sup>73</sup> at its eleventh session,

*Noting also* that the General Assembly, in its resolution 44/72, invited the Committee on Crime Prevention and Control, at its eleventh session, to give priority attention to the conclusions and recommendations of its sub-committee and to consider appropriate follow-up thereto by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

*Taking note with appreciation* of the report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme"<sup>74</sup> and noting the endorsement of the report by the Eighth Congress, as well as the deliberations of the Congress thereon,<sup>75</sup>

1. *Decides* to establish an intergovernmental working group, which, on the basis of the report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme", would produce a report elaborating proposals for an effective crime prevention and criminal justice programme and suggesting how that programme could most appropriately be implemented, and, accordingly, requests the President of the General Assembly, in consultation with the chairmen of the regional groups, to appoint no more than thirty Member States on the basis of the principle of equitable geographical distribution to constitute the membership of the working group;

2. *Invites* Member States, in consultation with the Secretary-General and the Chairman of the Committee on Crime Prevention and Control, to convene an early ministerial meeting:

(a) To consider the report of the intergovernmental working group in order to decide what the future crime prevention and criminal justice programme should be;

(b) To consider, in this context, the possible need for a convention or other international instrument to develop the content, structure and dynamics of that programme, including mechanisms for setting priorities, securing the implementation of the programme and monitoring the results achieved;

3. *Requests* the Secretary-General, in preparation for the ministerial meeting, to assess the possible implications of the programme proposed by the intergovernmental working group for the resources and organization of the Secretariat and to report thereon to the ministerial meeting and to the Committee on Crime Prevention and Control;

4. *Also requests* the Secretary-General to take all practical measures to ensure rapid implementation of General Assembly resolutions 42/59 and 44/72 and Economic and Social Council resolutions 1986/11, 1987/53, 1989/68 and 1990/27, in so far as they relate to the strengthening and upgrading of the status of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat, taking into account the demands on the Branch that will be created by the preparations for the meeting of the intergovernmental working group and the ministerial meeting and by the current and expected

<sup>72</sup> See *Official Records of the Economic and Social Council, 1988, Supplement No. 10 (E/1988/20)*, chap. I, sect. C.

<sup>73</sup> *Ibid.*, 1990, Supplement No. 10 (E/1990/31), chap. I, sect. D.

<sup>74</sup> E/1990/31/Add.1.

<sup>75</sup> See A/CONF.144/28, chap. IV.