

THE EVOLUTION OF THE UNITED NATIONS CONGRESSES ON CRIME PREVENTION AND CRIMINAL JUSTICE

Matti Joutsen



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In Memoriam : Dimitri Vlassis
~ 1959 – 2019 ~

Dedicated staff member of the UNODC
Guiding light in the development of the UN Crime Congresses

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This publication is a succinct explanation of how the UN crime congresses, world-largest conferences on crime prevention and criminal justice, evolved throughout history. This book covers significant issues of, among others, the origin of the UN Crime Congress, the participation, outcome as well as overview of each individual UN Crime Congress.

INTRODUCTION



The United Nations Congresses on Crime Prevention and Criminal Justice (referred to below as the UN Crime Congresses)¹ are the world's largest global gatherings on crime and justice. They are also the oldest periodic conferences organized by the United Nations on a specific subject area. The Congresses bring together senior policy makers, practitioners, UN agencies, intergovernmental and non-governmental organizations as well as individual experts in crime prevention, law enforcement, prosecution, the courts, corrections and related fields. The Congresses are organized every five years by the United Nations Office on Drugs and Crime (UNODC) together with the host country, in accordance with mandates given by the General Assembly.

The first UN Crime Congress was held in Geneva in 1955, and the fourteenth is to be held in Kyoto, Japan on 7-12 March 2021. The most recent UN Crime Congress, the Thirteenth, was held in Doha in April 2015, and included among its 4,000 participants the Secretary-General of the United Nations, the President of the General Assembly, and the President of the Economic and Social

¹ Up to the Tenth UN Crime Congress held in Vienna in 2000, the official name was the United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The name change came with General Assembly resolution 56/119, para. 1.

Council (ECOSOC). About one half of the over 140 national delegations to the Doha Congress were headed by the country's Minister of Justice, Minister of the Interior, Minister for Foreign Affairs, Prosecutor General or other official of ministerial rank. The host country, Qatar, was represented by the Emir, the Deputy Emir, the Prime Minister, and four other Ministers.

Over the course of sixty-five years, the composition and the nature of the Congresses have evolved, largely reflecting shifts in the general approach to crime, as well as changes in the UN crime prevention and criminal justice programme (referred to below as the UN Crime Programme). What began as genteel gatherings of largely Western experts engaging in scholarly debates about the causes of juveniledelinquency and the proper correctional treatment of offenders, later became increasingly politicised and heated exchanges of views between government representatives regarding priorities, who has the responsibility to act, and who should bear the financial burden. This paper traces what changes have occurred, and why.

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Origin of the UN crime congresses

International professional and academic meetings on crime and justice have a long history that has fed into the evolution of the UN Crime Congresses. Over 170 years ago, in 1846, the International Congress of Penitentiary Sciences was held in Frankfurt am Main, Germany, and attracted 75 participants from twelve European countries and from the United States to discuss the treatment of children in conflict with the law.² The First International Congress on the Prevention and Repression of Crime, held at London in 1872, led to the establishment of the International Penal and Penitentiary Commission (IPPC), which undertook to organize similar international congresses every five years.

When the League of Nations was established in the aftermath of the First World War, the IPPC became affiliated with it, but continued with its series of international congresses, all held in European capitals (Berlin 1925, London 1930 and Paris 1935). The League of Nations, in turn, fostered some discussions among experts on crime-related issues and produced a few reports on subjects such as juvenile delinquency and child welfare, trafficking in women and children, counterfeiting, and correctional treatment, but in general it did not have a very high profile in international discussions on crime and justice.³

On the establishment of the United Nations in 1945, this new intergovernmental organization assumed a more active role than the League of Nations in crime and justice. It did so in two steps, by identifying what crime and justice issues it would deal with, and by taking over the functions of the IPPC.⁴

² Redo 2012a, p. 108.

³ Lopez-Rey 1985, pp. 8, 93–95; Redo 2012a, p. 68.

⁴ This was achieved through General Assembly Resolution 415 (V).

In 1950, the General Assembly decided that the mandate of what became the UN Crime Programme would cover the following:⁵ juvenile delinquency; assessment of adult offenders before sentencing; probation; fines, and open penitentiary institutions; habitual offenders; the role of medical, psychological and social sciences in dealing with delinquency and crime; the training of correctional staff; and criminal statistics, with a view to the development of a report on the state of crime.

This list is reflective of the interests of the Western European and North American countries that dominated the membership of the fledgling United Nations. These same Western European and North American countries had formed the core membership of the IPPC and had provided the bulk of the participants at the IPPC conferences. Markedly absent from the list of issues to be covered were organised crime and transnational crime (although trafficking in women and children did merit reference in other UN documents).⁶

By taking over the functions of the IPPC, in turn, the United Nations was able to jump-start the establishment of its Crime Programme by receiving from the IPPC elements that formed the nucleus of its three main mechanisms:

⁵ *International Review of Criminal Policy, United Nations Department of Social Affairs 1952, Vol. 1, p. 12.*

⁶ *When the substantive programme mandate was debated at the General Assembly in 1950, the Soviet Union and four of its allies objected to the issues identified in the draft, on the grounds that these were essentially internal matters, and according to the UN Charter, the UN has no right to become involved in domestic issues. In their view, the UN mandate on crime and justice should be limited to international and transnational crimes such as genocide, slavery, narcotic drugs, trafficking in women and children, and trafficking in obscene publications (Lopez-Rey 1985, p. 1; Redo 2012a, p. 110; Clark 1994, p. 15).*

- a Secretariat body to deal with crime and justice issues,⁷
- an ad hoc Advisory Committee to assist the Secretariat,⁸ and
- the future United Nations Crime Congresses.

Paragraph (d) of General Assembly resolution 415 (v) stated that

“The United Nations shall convene every five years an international congress similar to those previously organized by the IPPC (International Penal and Penitentiary Commission). Resolutions adopted at such international Congresses shall be communicated to the Secretary-General and, if necessary, to the policy-making bodies.”

The first meeting of the new ad hoc Advisory Committee was held in New York in June 1953 and had, as the first item on its agenda, the “organization of the World Quinquennial Congress in the field of the prevention of crime and the treatment of offenders.”⁹ In view of the new mandate of the UN Crime Programme, it was not surprising that the focus of this first UN Crime Congress was on corrections, which was dealt with in four out of the five agenda items: the (draft) Standard Minimum Rules for the Treatment of Prisoners, the selection and training of correctional personnel, open correctional institutions, and prison labour. A fifth agenda item dealt with the prevention of juvenile delinquency.

The First UN Crime Congress, held in Geneva in 1955, launched the cycle of UN Crime Congresses. The Fourteenth UN Crime Congress to be held in Kyoto in April 2020 will mark sixty-five years of a continuous global discussion on crime prevention and criminal justice.

⁷ According to subparagraph (h) of General Assembly resolution 415 (v), two IPPC “professional officers” were detached to the Secretariat and one Secretariat staff member “specialised in the field of the prevention of crime and the treatment of offenders” was assigned to work with them.

⁸ This ad hoc Advisory Committee was placed on a permanent footing in 1972 as the United Nations Committee on Crime Prevention and Control, which in turn was replaced, in 1991, by the United Nations Commission on Crime Prevention and Criminal Justice.

The mandate of the UN crime congresses

In planning the First UN Crime Congress, the ad hoc Advisory Committee emphasized that the Congresses were designed to be expert bodies, and not policymaking bodies of the United Nations.¹⁰ They would, in effect, be a soundingboard for experts on developments in crime and criminal justice, bodies for an exchange of views and experiences on what works and what does not work in crime prevention and criminal justice. To ensure this, the ad hoc Advisory Committee called for the participants to be a mixture of national delegations, specialized UN agencies, intergovernmental organizations, non governmental organizations as well as individual participants.

The expertise of the Congresses has been strengthened from the outset by the fact that many national delegations included a mix of senior criminal policymakers, practitioners from different fields, and academics. Furthermore, the letter of invitation to the First UN Crime Congress sent out to Governments specified that even members of national delegations were to express their personal opinion on the different issues on the agenda, and not their national position.¹¹

Speaking at the First UN Crime Congress, Dr. Manuel Lopez-Rey, as the representative of the UN Secretary-General at the Congress, identified three ways in which the new UN Crime Congress differed from the conferences organized by the IPPF. He noted that the items on the agenda “were part of the extensive United Nations work programme on social questions” and should not be seen in isolation from that work programme. Second, the Congress was

¹⁰ The ad hoc Advisory Committee stated that “... although the Congress was to express the opinion of the experts, it was nevertheless essential to bear in mind the fact that its recommendations would be submitted to the policy-making organs of the United Nations, which are made up of Government representatives.” Report of the First UN Crime Congress, para. 12, citing E/CN.5/298, para. 11.

The same point was noted in para. 5 of the report on the First UN Crime Congress: “The Congress ... was designed to give experts from the entire world an opportunity to express and compare their opinions ...”

¹¹ The footnote to Rule 18 of the Rules of Procedure for the First UN Crime Congress, available at <http://www.unodc.org/congress/en/previous/previous-01.html> notes that, “[a]s stated in the note of invitation to governments, it is understood that in view of the nature of the Congress, the participants will express their own personal opinions.”

part of the broader UN Crime Programme envisaged by General Assembly resolution 415 (v). And third, the Congress recommendations would be forwarded to the Secretary-General for the appropriate follow-up action by the respective UN bodies, in particular by the Social Commission of ECOSOC.¹²

The mandate of the UN Crime Congresses remained essentially the same over the first thirty years of their existence, to the end of the 1980s. The Advisory Committee (and later the UN Committee on Crime Prevention and Control) selected the agenda items, the Committee members generally attended the Congresses, and when these Committee members again convened in a session of the Committee, they sought to ensure the appropriate follow-up for the outcome of the Congresses.

Throughout these early years the Advisory Committee and, subsequently, the UN “Crime Committee” never engaged in a fundamental debate as to a possible need to review the over all mandate and structure of the UN Crime Congresses; the concept of these quinquennial events was regarded as working quite well. During the end of the 1980s, however, this issue was raised. At that time, a vigorous debate arose over the need to restructure the UN Crime Programme. One national delegation in particular argued that these Congresses were not effective or particularly useful, and that other professional international fora existed. Given that part of the projected restructuring would entail replacing the expert driven UN Crime Committee with a government-driven UN Commission on Crime Prevention and Criminal Justice, which was to convene annually, it was the view of this delegation that the Congresses could be discontinued. This remained, however, a minority view, and the Congresses continued to have a function in the new UN Crime Programme.¹³

¹² Report of the First UN Crime Congress, para. 37.

¹³ The author of this paper was at the time a member of the UN Crime Committee and was actively engaged in this debate.

In the restructuring, the consultative function of the UN Crime Congresses was enshrined in paragraph 29 of the annex to General Assembly resolution 46/152 as follows:

“The United Nations congresses on the prevention of crime and the treatment of offenders, as a consultative body of the programme, shall provide a forum for:

(a) The exchange of views between States, intergovernmental organizations, non-governmental organizations and individual experts representing various professions and disciplines;

(b) The exchange of experiences in research, law and policy development;

(c) The identification of emerging trends and issues in crime prevention and criminal justice;

(d) The provision of advice and comments to the commission on crime prevention and criminal justice on selected matters submitted to it by the commission;

(e) The submission of suggestions, for the consideration of the commission, regarding possible subjects for the programme of work.”

Particular attention should be paid here to subparagraphs (d) and (e). While earlier, the Congresses had reported directly to the General Assembly,¹⁴ they would now report to the newly established UN Crime Commission. In addition, phrases such as “provision of advice and comments”, and “submission of suggestions” underline that the UN Crime Congresses do not set UN policy on crime and justice; this would be the mandate of the UN Crime Commission.

Paragraph 30 of the same annex specified that the UN Crime Congress would continue to be held every five years, for a period of between five and ten working

¹⁴The Eighth UN Crime Congress had reported to the General Assembly through ECOSOC.

days, and that the UN Crime Commission was to “select precisely defined topics for the congresses in order to ensure a focused and productive discussion.”

Finally, para 30 (c) provided that

“Quinquennial regional meetings should be held under the guidance of the commission on issues related to the agenda of the commission or of the congresses, or on any other matters, except when a region does not consider it necessary to hold such a meeting. The United Nations institutes for the prevention of crime and the treatment of offenders should be fully involved, as appropriate, in the organization of those meetings. The commission shall give due consideration to the need to finance such meetings, in particular in developing regions, through the regular budget of the United Nations.”

When the UN Crime Commission met at its first session in 1992, it recommended for the consideration of ECOSOC a resolution on the preparations for the next UN Crime Congress, the ninth in order.¹⁵ The wording of the resolution reflected a heightened interest in efficiency and timeliness. For example, the draft noted that the Congress “should deal with a limited number of precisely defined substantive topics, which reflect the urgent needs of the world community” and that “there should be action-oriented research and demonstration workshops related to the topics”. These workshops were to be organized in cooperation with the UN Programme Network of Institutes. To staunch the possibility of resolutions being submitted to the Congress at the last minute (as had happened at the Eighth UN Crime Congress in 1990), the draft resolution specified that draft resolutions on the selected topics were to be submitted “well in advance of the Ninth Congress.”¹⁶

¹⁵ ECOSOC resolution 1992/24.

¹⁶ *Ibid*, paras. 2 and 4.

Ten years later, in January 2002, General Assembly resolution 56/119 on the “Role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders” reviewed the functioning and method of work of the Congresses in order to further improve their effectiveness. The formal nature of the UN Crime Congresses as “a consultative body of the United Nations Crime Prevention and Criminal Justice Programme” was reaffirmed, and the General Assembly recognized that they “have been a forum for promoting the exchange of experiences in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental organizations and individual experts representing various professions and disciplines”, and that they played a role “in preparing suggestions, for consideration by the Commission, on possible subjects for its programme of work.”

Also the basic elements of the UN Crime Congresses remained the same: regional preparatory meetings, agenda items, workshops (involving panels of experts that maintain “an open dialogue with the participants” and avoid the “reading of statements”),¹⁷ and ancillary meetings. To streamline the Congress preparations and cut costs, the resolution stated that the Commission should request the Secretary-General to prepare only those background documents which are absolutely necessary for implementing the programme of work of the congress”.

¹⁷ It has often proven difficult to wean participants – and indeed the expert panellists – away from the reading of prepared statements and draw them into an “open dialogue”. This difficulty, of course, is all too familiar at conferences around the world, no matter what the subject. The difficulty is all the greater when the participants at a UN Crime Congress Workshop number in the hundreds, and they come from different cultures and backgrounds, with different debating styles, and are working with six different official languages.

The 2002 GA resolution incorporated two innovations that had been introduced at the Tenth UN Crime Congress (2000): a high-level segment (at which statements would be given by participants of ministerial rank or above), and consolidation of the formal outcome of the Congress into a single Declaration. In addition, the UN Crime Congresses were renamed the “United Nations Congresses on Crime Prevention and Criminal Justice”.

The resolution once again underlined that it was the UN Crime Commission, and not the UN Crime Congress, that set UN policy on crime and justice. This the resolution did by noting that

“any action suggested to the Commission regarding its programme of work, contained in the declaration of the congress, shall be undertaken through individual resolutions of the Commission.”

The participants at the UN crime congresses

The participants at IPPC conferences had been a mix of members of national delegations, representatives of various organizations interested in crime and justice issues, and individual experts. This same broad mix continued when the UN took over responsibility for their organization. With the advent of intergovernmental organizations (such as the Council of Europe and the Organization of American States), this new category was added, as was a category consisting primarily of specialized UN agencies.

National delegations. Among the different categories, national delegations have been and continue to be privileged. From the outset, it was their votes on resolutions that counted, although up to 1975, also non-governmental organizations and even individuals could vote “for consultative purposes”.¹⁸

During the First and Second UN Crime Congresses, the rules of procedure gave priority to speak to members of national delegations.¹⁹ Beginning with the Third UN Crime Congress, the chairperson had the power to give the floor to speakers regardless of whom they represented.²⁰ This more egalitarian approach to the giving of the floor continues today, and is a marked departure from the rules of procedure applied to, for example, sessions of the UN Commission on Crime Prevention and Criminal Justice, where governmental delegations have priority.

¹⁸ The records of the UN Crime Congresses up to 1975 appear to suggest that this possibility of a “consultative vote” existed in theory only, since decisions were made by consensus.

¹⁹ During the first two UN Crime Congresses, furthermore, a time limit was placed on statements: 10 minutes for the first statement, and (in 1960) five minutes on subsequent statements by the same speaker (Rule 13 of the Rules of Procedure for the First UN Crime Congress (1955), and Rule 12 of the Rules of Procedure for the Second UN Crime Congress (1960)). The Rules of Procedure for later Congresses gave the chairperson the discretion to limit the length of interventions. (See, for example, the Rules of Procedure for the Third UN Crime Congress.)

In the experience of the author, most speakers have not exceeded the patience of the audience, and thus there has rarely been a need for the chairperson to call a speaker to order for speaking too long. At the Thirteenth UN Crime Congress (2015), one chairperson used a useful tool: after he had announced the maximum time to be allowed for each speaker, a timer was shown on the backdrop, clicking down to zero.

²⁰ Rule 20 of the Rules of Procedure at the Third UN Crime Congress stated that in giving the floor to speakers, the chairperson should give due regard to geographical representation and the points which each speaker proposes to discuss.

The chairpersons and other elected officials are selected solely from among the members of national delegations.²¹

Perhaps the most important respect in which members of national delegations are privileged in respect of other participants is that, since the restructuring of the UN Crime Programme, only they can sit in negotiations on the most visible outcome of the Congresses, the Congress Declarations. Other categories of participants do not have the right to be present in these negotiations even as observers.

National liberation movements (such as the Palestine Liberation Organization) have generally been listed separately at the end of the national delegation category.

Specialized UN agencies. A number of specialized UN agencies (such as ILO, UNESCO and WHO) may have an interest in the topics on the agenda of the various UN Crime Congresses, and they often participate as observers. Strictly speaking, a “specialized UN agency” is an autonomous organization that works with the UN (and other agencies) under the coordination of ECOSOC. However, at times various units of the UN Secretariat itself (such as the United Nations Development Programme) will send representatives to UN Crime Congresses and be listed as a “specialized UN agency.”²²

²¹ Present practice in the election of the Congress officials is that they reflect an equitable geographical balance.

²² The most recent Congress, the Thirteenth, used the following separate sub-categories of specialized UN agencies: the United Nations; representatives of United Nations Secretariat units; United Nations bodies and agencies; the United Nations Interregional Institute, affiliated regional institutes and centres of the UN Crime Prevention and Criminal Justice Programme Network; and specialized agencies.

With the establishment in 1962 of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), a new subcategory was created, which is generally grouped under “specialized UN agencies”, although at times it has been listed separately: the members of the UN Crime Programme Network of Institutes (referred to as the PNI institutes). The first such institutes were established through agreements between the UN Secretariat and the host country and included not only UNAFEI but also somewhat similar regional institutes in Latin America and the Caribbean, Europe, Africa, and the Arab countries, as well as the UN Interregional Crime and Justice Research Institute. In time, the network expanded to include several institutes with a specific focus (such as the International Centre for Criminal Law Reform and Criminal Justice Policy, in Vancouver, the International Centre for the Prevention of Crime, in Montreal, and the Raoul Wallenberg Institute of Human Rights, in Lund, Sweden), several national institutes (the National Institute of Justice in the United States, the Australian Institute of Criminology, the Korean Institute of Criminology, and the Thailand Institute of Justice) as well as other entities around the world, eighteen in all.²³ These PNI institutes have a formal role at UN Crime Congresses, in that they have the primary responsibility for the organization of the research and demonstration workshops that have been a feature of the Congresses since 1975.

²³ Information on the PNI network and on the individual institutes is available at <https://www.unodc.org/unodc/en/commissions/CCPCJ/PNI/institutes.html>

The PNIs have different types of affiliations with the UN Crime Programme, different institutional arrangements, different orientations, different working methods and different resource bases. UNICRI and the regional institutes were expressly created to work together with the UNODC within the framework of the UN Crime Programme. There are different institutional links between the UNODC and these institutes, such as (in most cases) including a UN Secretariat representative in their respective governing board. With the national institutes and the institutes with a specific focus, which have other mandates to fulfil that may well compete with, if not overshadow, the UN mandate, the links are somewhat looser.

The work within the framework of the UN Crime Programme is coordinated through two regular meetings of the entire PNI network each year.

Intergovernmental organizations. Intergovernmental organizations have the right to participate in UN Crime Congresses as observers.

Formally, an intergovernmental organization is one in which the members are national governments. The United Nations itself is the best-known example. Other examples that have played an important role in the crime prevention and criminal justice sector are the Council of Europe, the Organization of American States, the African Union and the European Union.²⁴

Non-governmental organizations. As is the case with intergovernmental organizations, non-governmental organizations participate in UN Crime Congresses as observers. The role of non-governmental organizations in the UN in general, and in the UN crime programme in particular, has evolved considerably over the years.²⁵

When the United Nations was founded in 1945 as an intergovernmental organization, non-governmental organizations (NGOs) successfully lobbied for a provision in the Charter that grants NGOs consultative status with the Economic and Social Council.²⁶ Article 71 of the UN Charter states:

“The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.”

²⁴ Although the International Criminal Police Organization is usually listed in this category, it is strictly speaking not intergovernmental, since its membership consists of the criminal police entities of different countries.

²⁵ The following presentation on non-governmental organizations is based largely on Joutsen 2018.

²⁶ See Willets 2000, p. 191 and *passim*.

On the basis of Article 71 of the UN Charter, a distinction continues to be made between NGOs²⁷ with consultative status with ECOSOC, and other NGOs. Those with consultative status have a standing invitation to attend for example the UN Crime Congresses, whereas other NGOs need to apply to the UN Secretariat for an invitation to attend.

NGOs have been active at all the UN Crime Congresses, from the first such Congress held in 1955. Up to the Fifth UN Crime Congress in 1975, non-governmental organizations (and experts attending in a personal capacity) even had the (theoretical) right to vote at UN Crime Congresses “for consultative purposes”.²⁸

In addition, non-governmental organizations have organized so-called ancillary meetings at the UN Crime Congress, which have drawn a broad mix of participants.²⁹ These have often been of very high quality, and the number of such meetings has been increasing with each successive Congress.

²⁷ Another distinction that derives from the wording of Article 71, and which has largely lost its significance in practice, is between international and national NGOs. Essentially, an international NGO is one that is active in more than one state. A national NGO, in turn, largely limits its activity to the state in question.

²⁸ See, for example Rule 21 of the Rules of Procedure of the First UN Crime Congress, available at <http://www.unodc.org/congress/en/previous/previous-01.html>. In advance of the Fifth UN Crime Congress (1975), the Rules of Procedure were amended to limit the right to vote to governmental delegations, to bring the Rules “into conformity with current practice in other United Nations bodies”. Report of the Fifth UN Crime Congress, para. 464.

²⁹ Such ancillary meetings had been organized since the First UN Crime Congress. See below, section 4, and also Clark 1994, pp. 78-79.

In the UN Crime Programme itself, NGO involvement can be traced back to the very first years of the United Nations.³⁰ The UN Crime Commission operates, and its forerunner the UN Crime Committee operated, under ECOSOC rules of procedure, which recognize NGOs as a specific category of participants.³¹ Consequently, NGOs have participated in, and have been very active in, the various sessions of the UN Crime Committee and its successor, the UN Crime Commission.

Four international NGOs in particular should be mentioned in connection with the UN Crime Congresses. The International Penal and Penitentiary Foundation,³² the International Association of Penal Law, the International Society of Criminology and the International Society for Social Defence (which have been known collectively within the UN Crime Programme as the “Big Four”) are international NGOs that bring together academics and practitioners with an interest in crime prevention and criminal justice.³³ Although the four have somewhat different profiles of membership and orientation, for many years there was very close networking (and extensive overlap) especially among the members of the board of directors of these four organizations, the membership of the UN Crime Committee, and the UN Secretariat. For a period roughly from the late 1970s to the early 1990s, there was even an effort to align the main themes of the international conferences of the respective “Big Four” with the theme and agenda items of the following UN Crime Congresses, and to avoid

³⁰ See for example Clark 1994, p. 92 and *passim*. Linke 1983, provides an overview of NGO involvement in the UN Crime Programme after the Secretariat unit responsible for the Programme was transferred from New York to Vienna in 1976.

³¹ Rules of Procedure of the Functional Commissions of the Economic and Social Council, available at <http://www.ohchr.org/Documents/HRBodies/CHR/RoP.pdf>

Rule 75 provides for the right of NGOs to designate representatives to attend public meetings of the commission and its subsidiary organs as observers. Rule 76 provides for consultation with NGOs, including the right to be heard by the Commission.

³² The International Penal and Penitentiary Foundation continues the work of the IPPC.

³³ Bassiouni 1995 contains chapters dealing with the activities of each of these four NGOs and their contribution to the UN Crime Programme.

conflicts in the scheduling of these major events.³⁴ Furthermore, from 1963 to the mid-1990s, the “Big Four” held joint conferences that focused on one of the main agenda items of the following UN Crime Congress.³⁵

In addition to the “Big Four”, many other NGOs have been, and are, actively involved in crime prevention and criminal justice. The International Scientific and Professional Advisory Council (ISPAC) was established in 1991 to serve as a structure for networking among these NGOs, as well as academic institutions interested in the work of the UN Crime Programme.³⁶ More broadly, alliances of NGOs with consultative and associated status have been established in both New York (1972) and Vienna (1983).³⁷

The role of NGOs has also been quite discernible in the drafting of the UN standards and norms on crime prevention and criminal justice, beginning with the first such standard and norm, the Standard Minimum Rules on the Treatment of Prisoners (SMRs), which was adopted by the General Assembly in 1955. The SMRs had, indeed, been drafted under the auspices of the IPPC. Especially during the time of the UN Crime Committee, other standards and norms were generally drafted by outside experts, who often worked together with various NGOs and academic institutions that were active in respect of the subject matter of the draft. These drafts were generally then submitted to a UN Crime Congress for approval and action.³⁸

³⁴ Under this arrangement, during each year in a five-year cycle, one of the “Big Four” would organize its main international conference, leading up to the fifth year, during which the respective UN Crime Congress would be held. At the time, the author was an active member of three of the “Big Four” and on the Board of two of them.

³⁵ Rostad 1985, pp. 87-88. These joint conferences were facilitated and hosted by the International Science and Professional Advisory Council, under the chairmanship of Dr. Beria di Argentine.

³⁶ Clark 1994, pp. 92-94. ISPAC is a member of the UN Programme Network of Institutes.

³⁷ Redo 2012b, p. 126.

³⁸ Rostad 1985, p. 85.

Individual experts. In keeping with the tradition of the IPPC,³⁹ the UN Crime Congresses have from the outset been attended by individual experts. These participants can even submit papers to the Congress. The official list of the First UN Crime Congress notes 65 such papers that had been submitted and assigned a Congress document signum. The available documentation for most subsequent UN Crime Congresses does not include such a list. However, the website of the most recent Congress, the Thirteenth UN Crime Congress (2015), provides links to the many individual expert papers submitted.⁴⁰

Already at the First UN Crime Congress, a process was devised by which individuals seeking to attend the Congress would be “vetted” by the Secretariat. The report of the First UN Crime Congress specifies that the Congress was open to persons in the following categories:⁴¹

- (a) “Officials of competent ministries and departments, police officials, officials of institutions for adult and juvenile delinquents;
- (b) Members of judicial bodies;
- (c) Members of the Bar;
- (d) Members of the teaching staff of universities;
- (e) Persons who have done distinguished scientific work in the field of prevention of crime and treatment of offenders;

³⁹ On the role of standards and norms in the UN Crime Programme, see Joutsen 2016.

This active involvement of NGOs in the drafting of soft law instruments was criticised by some governments, and was one of the arguments put forward for the need to shift to a government-driven UN Crime Programme. Some governments were of the view that they had not had sufficient input during the drafting process and were being asked at a UN Crime Congress more or less to accept the text that had been placed before them. See for example Clark 1994, pp. 42-45 and 129-132.

⁴⁰ The very extensive list of publications submitted to the Thirteenth UN Crime Congress is available at <http://www.unodc.org/congress/en/previous/previous-13.html>.

Papers submitted by individual experts (or indeed by other participants, including national delegations) are not “official” Congress documents, which would need to be translated into the six official languages of the UN. Moreover, the Secretariat will not assist in the distribution of unofficial documents other than by setting aside tables (outside of the meeting rooms) on which delegations and individual experts can leave documents they believe would be of interest to the participants. With some exceptions, only official documents may be placed in the “pigeonholes” set aside for each individual delegation or distributed inside the meeting rooms to the seats of the individual delegations.

⁴¹ Report of the First UN Crime Congress, para. 9.

(f) Representatives of governmental or private social agencies which are concerned with offenders or with the prevention of crime; and

(g) Persons, or representatives of organizations, invited by the Secretary General.”

Somewhat similar criteria were used at the Second and Third UN Crime Congresses. For the Fourth UN Crime Congress in Kyoto in 1970, the criteria was simplified to “individual participants having a direct interest in the field of social defence, including representatives of criminological institutes and of national non-governmental organizations concerned with social defence matters”.⁴² The language of social defence was abandoned for the Fifth UN Crime Congress in 1975, when the reference was to “individual members having a direct interest in the field of crime prevention and criminal justice, including representatives of criminological institutes and of national organizations concerned with crime prevention and criminal justice.”⁴³

The rules of procedure for the Seventh UN Crime Congress (1985) no longer sought to define the background of who could request the right to attend in their personal capacity, other than by referring to them as “individual experts in the field of crime prevention and the treatment of offenders”.⁴⁴ This terminology was used at subsequent UN Crime Congresses.⁴⁵

⁴² Report of the Fourth UN Crime Congress, para. 10 and Rule 1 (c) of the Rules of Procedure, provided at p. 62 ff of the Report of the Fourth UN Crime Congress.

⁴³ Rule 1 (b) of the Rules of Procedure, provided at p. 79 ff of the Report of the Fifth UN Crime Congress.

⁴⁴ Rule 58 (1) of the Rules of Procedure for the Seventh UN Crime Congress, available at <http://www.unodc.org/congress/en/previous/previous-07.html>

⁴⁵ Formally, the Secretariat “invites” qualified individuals to attend the Congresses. In practice, interested individuals apply for permission to attend.

In practice, most individual experts come from the host country or from within the region in question. The hosts of the different UN Crime Congresses have taken quite different approaches to this issue. When the Congress was organized in Milan in 1985, the delegation of the host country consisted of 185 members. This was considerably surpassed in 2010, when the Congress was organized in Bahia de Salvador. The national delegation of the host country, Brazil, consisted of 1,551 members.

Table 1. Participants at the UN Crime Congresses, 1955 - 2015

UN Crime Congress	National delegations	Specialized agencies	Intergovernmental organizations	Nongovernmental organizations	Individual experts	Total participants
First (Geneva, 1955)	51	3	2	43	257	512
Second (London, 1960)	68	4	4	50	632	1,046
Third (Stockholm, 1965)	74	3	2	39	658	1,083
Fourth (Kyoto, 1970)	79	3	2	31	556	998
Fifth (Geneva, 1975)	101	3	4	33	240	909
Sixth (Caracas, 1980)	102	2	6	38	170 (a)	920
Seventh (Milan, 1985)	125	16	9	58	ca 400	1,395
Eighth (Havana, 1990)	127	21	6	49	ca 250	1,127
Ninth (Cairo, 1995)	138	22	17	73	ca 420 (b)	1,899
Tenth (Vienna, 2000)	137	15	20	58	ca 400	1,902
Eleventh (Bangkok, 2005)	129	32	25	35	ca 1,100	ca 3,000
Twelfth (Salvador, 2010)	102	29	17	45	181 (c)	ca 3,000
Thirteenth (Doha, 2015)	142	31	23	47	475 (c)	ca 4,000

The preparation and structure of the UN crime congresses

Preparation of the UN Crime Congresses. The UN Crime Congresses are held in five-year cycles, in relatively standardized steps:

- the UN Crime Commission⁴⁶ invites governments to make suggestions on the theme, agenda items and Workshop topics of the Congress (usually, the first year of the cycle);
- the UN Crime Commission decides on the theme, agenda items and Workshop topics of the Congress (usually, the second year of the cycle);
- the UN Crime Commission accepts the invitation of the future host country to organize the UN Crime Congress (usually, the second or third year of the cycle);⁴⁷
- the Secretariat and the host country negotiate the “host country agreement” necessary for holding a UN Crime Congress (finalization of this agreement may continue up to near the time of the Congress);
- the Secretariat drafts the Discussion Guide that sets out the main issues and possible questions for discussion in respect of each agenda item and Workshop topic; input on the Discussion Guide is received from the Programme Network Institutes responsible for organizing the respective Workshops (usually, the third year of the cycle);

⁴⁶ Formally speaking, the UN Crime Commission submits the decision through ECOSOC to the General Assembly for approval.

References here to the UN Crime Commission should be understood as referring, up to and including preparations for the Eighth UN Crime Congress (1990), to the UN Crime Committee. While the UN Crime Commission is convened every year, its predecessor, the UN Crime Committee, held sessions every second year.

⁴⁷ Governments are invited to be “actively involved” in the drafting of the Discussion Guides.

- the Discussion Guide is approved by the UN Crime Commission (usually, the third year of the cycle);
- regional preparatory meetings are organized (usually, during the first four months of the fourth year of the cycle);⁴⁸ and
- informal negotiations begin on the text of the Congress Declaration (following the holding of the regional preparatory meetings).⁴⁹

At the session of the UN Crime Commission immediately following the Congress, the Congress report will be considered, and the Commission decides on possible follow-up action. At subsequent sessions, the Secretariat and national delegations report on what action they have taken for implementation.

Throughout the cycle, the Secretariat makes the necessary and often quite extensive technical, logistical and other preparations for the organization of a smooth Congress. This includes the organization of the regional preparatory meetings and the negotiation of the host country agreement. In cooperation with the host country, the many practical preparations include identification of a suitable range of accommodation alternatives for the participants, local transport arrangements, protocol arrangements, and ensuring that there are a suitable number of meeting rooms for both the official sessions as well as smaller

⁴⁸The regions for which preparatory meetings are organized are Africa, Asia and the Pacific, Europe, Latin America and the Caribbean, and Western Asia. Following the Ninth UN Crime Congress (1995), the organization of European regional meetings was discontinued, since some countries argued that, with the UN Crime Commission holding annual sessions in Vienna, the European countries had sufficient opportunity for European preparation. However, European regional preparatory meetings were revived in preparation for the Fourteenth UN Crime Congress (2020).

The European regional preparatory meeting brings together two UN regional groupings, Eastern Europe and the group referred to as "Western Europe and others."

During the cycles for the preparation of the Sixth, Seventh and Eighth UN Crime Congresses (1980 – 1990), inter-regional expert meetings were organized on each of the agenda items. This practice was discontinued after the 1990 Congress, following the restructuring of the UN Crime Programme.

⁴⁹ Although a Congress Declaration was adopted at the Fourth UN Crime Congress (1970), this had been negotiated during the Congress itself. As noted below in section 6, beginning with the Tenth UN Crime Congress (2000), each Congress has adopted as its main output a Congress Declaration, which had been extensively negotiated in advance of the Congress.

informal meetings. Separately, the Secretariat is compiling the necessary (and often quite voluminous) documentation, which includes background reports on the different agenda items, reports of the regional preparatory meetings, and other UN Secretariat reports requested by the UN Crime Commission or otherwise regarded as necessary in view of the items to be discussed.⁵⁰ The identification of the official documentation is currently done in consultation with the extended Bureau of the UN Crime Commission.⁵¹

Governments are encouraged to make their own national preparations for the upcoming UN Crime Congress. This includes not only identification of the members of the national delegation, but also preparation of material for the Congress. Governments are encouraged to “be represented at the highest possible level... for example by Heads of State or Government, Government ministers or attorneys general”, and to send “legal and policy experts, including practitioners with special training and practical experience in crime prevention and criminal justice”.⁵² In addition, governments are encouraged “where appropriate” to establish national preparatory committees.

⁵⁰ *Beginning with the Sixth UN Crime Congress in 1980, a report on the “State of crime and justice worldwide” has been part of the official documentation.*

⁵¹ *The extended Bureau of the UN Crime Commission currently consists of the chairperson, the three vice-chairpersons and rapporteur of the Commission, the chairpersons of the five regional groups, a representative of the European Union, and a representative of the “Group of 77 and China” group of developing countries.*

⁵² *See, for example, A/RES/72/192, paras. 14 and 15.*

Also ancillary meetings have been organized in connection with the Congresses from the outset.⁵³ These have generally been meetings of non-governmental organizations, professional organizations and geographical interest groups. The Secretariat is requested “to take appropriate action to encourage the participation of the academic and research community” in these meetings. Governments are encouraged to participate in these meetings “as they provide an opportunity to develop and maintain strong partnerships with the private sector and civil society organizations.”⁵⁴ For several of the most recent UN Crime Congresses, the coordination of these ancillary meetings has been done by the International Scientific and Professional Advisory Council, and in practice by one individual working in close coordination with the Secretariat and the host government, Mr Gary Hill. Under his guidance, arrangements for the ancillary meetings are made so that, to the extent possible, these do not overlap with formal sessions or other ancillary meetings covering similar issues.⁵⁵

⁵³ See, for example, para 32 of the report of the First (1955), para. 35 of the report of the Second (1960), and para. 35 of the report of the Third UN Crime Congress (1965). The reports of several of the Congresses do not indicate how many ancillary meetings were held. Ten such meetings were held at both the Fourth and the Fifth UN Crime Congress (para. 32 of the report of the Fourth UN Crime Congress and para 465 of the report of the Fifth UN Crime Congress). 35 such meetings were held at the Tenth UN Crime Congress (2000), 42 at the Eleventh (2005), 82 at the Twelfth (2010) and 195 at the Thirteenth UN Crime Congress (2015). Gary Hill, private communication, 1 March 2019.

⁵⁴ See, for example, A/RES/72/192, para. 17.

⁵⁵ Through the efforts of Mr Hill and those of his team of volunteer “interns”, ancillary meetings at the more recent UN Crime Congresses have also been provided with interpretation as needed, and summaries of the different ancillary meetings have been made available.

Structure of the UN Crime Congresses. The basic (formal) programme of the UN Crime Congresses consists of work in a plenary body and work in two or more committees (at first referred to as “sections”). Broadly speaking, the different agenda items (including possible recommendations, conclusions and resolutions) are debated in the committees, and the results are reported at the end of the Congress to the plenary body.⁵⁶

At the Fifth (1975) and Seventh (1985) UN Crime Congress, a new formal element was introduced, research and demonstration workshops.⁵⁷ These are intended to be more practical and technical than the more policy-oriented discussions on the different agenda items, of interest in particular to practitioners. The number of workshops at each Congress has increased, and currently the time in the Committees is divided more or less evenly between the agenda items and the workshop topics.

The Tenth (2000) UN Crime Congress added a further new element, the high-level segment. The idea is that heads of national delegations of ministerial rank or higher (and selected other participants) would discuss the Congress themes with one another. Furthermore, the respective Congress Declaration is

⁵⁶ The plenary body is used for the formal opening, closing and (beginning with the Tenth UN Crime Congress in 2000) the high-level segment. Also it may deal with an agenda item, as a result of which the formal proceedings of the Congress may be conducted in three different conference halls at the same time.

Before the Tenth UN Crime Congress, in 1990, when the Congress would consider separate resolutions, these resolutions would be discussed in a Committee and then forwarded to the plenary for formal adoption.

⁵⁷ Report of the Fifth UN Crime Congress, para. 471.

⁵⁸ The high-level segment does increase political visibility, but it is in some respects problematic. Because of the large number of participants of ministerial rank or higher attending the Congresses and wishing to speak, the time allotted to each can be quite short, generally about five to seven minutes (with more time given to a head of state). Each speaker will of course speak to his or her national priorities, as a result of which it becomes difficult to form an overview of the perhaps one hundred different statements given over the course of two or three days.

Various permutations have been suggested, such as identifying in advance which high-level speakers intend to address certain issues, and bringing them together in themed mini-segments, perhaps even in a roundtable format. These have so far remained suggestions.

⁵⁹ E/CN.15/2007/6, p. 16.

adopted during the high-level segment, thus giving it more political visibility.⁵⁸ As noted at an intergovernmental meeting held in 2006 to review the work of the UN Crime Congresses,

“As a result of the introduction of the high-level segment as an integral part of the congresses in 2000, commitments were being made at the highest possible level of national representation and the importance of ensuring that such commitments would be honoured was stressed.⁵⁹”

The officials of the Congress (referred to collectively at the first Congresses as the steering committee, and at subsequent Congresses, the general committee) consist of the President (by tradition, the head of the delegation of the host Government),⁶⁰ and vice-presidents (vice chairpersons) to preside over each of the sections (or to substitute as needed for the President), as well as a general rapporteur. At the more recent UN Crime Congresses, a distinction has been made between the general category of vice-presidents (of whom there were 27 at the Thirteenth UN Crime Congress (2015), selected on the basis of equitable geographical balance, with an additional person designated as First Vice-President) and two persons to serve as chairpersons of the two Committees.

Each section has, in addition, a vice chairperson and a rapporteur. At the First and Second UN Crime Congresses, the function of the section rapporteur was not limited to reporting on the proceedings (in accordance with the title) and instead these Congresses adhered to the practice at professional and academic meetings whereby the rapporteur initiated the debate by providing background and context. At the Third (1965) UN Crime Congress, the discussions

⁶⁰ In 1975, when a decision was taken only a few months in advance of the Fifth UN Crime Congress to move the venue from Toronto to UN headquarters in Geneva, Switzerland, this practice was not followed. A diplomatic solution was found: since the UN Secretary-General had declared 1975 to be the “Year of the Woman”, the Congress agreed that the highest-ranking female head of a national delegation attending the Congress, Minister of Justice Inkeri Anttila of Finland, would serve as President.

A quarter of a century later (2000), when the Congress was held at UN headquarters in Vienna, Mr Penuell Mpana Maduna, Minister of Justice of South Africa, was elected President.

were initiated and guided by small panels selected for equitable geographical representation.⁶¹ At the Fourth (1970) and subsequent UN Crime Congresses, the use⁶² of such geographically balanced panels to launch the discussion was at the discretion of the chairperson, and in practice these panels were very rarely used. Instead, a representative of the Secretariat would generally present a summary of the official background documentation.

The Secretary-General is represented by a senior UN official referred to as the Secretary-General of the Congress, who is assisted by the Executive Secretary. The extensive responsibilities of the Executive Secretary include overseeing all the Secretariat preparations referred to earlier, including the preparation of all of the official documentation, organization of the preparatory meetings, ensuring all support services, including translation and interpretation services in the official languages,⁶³ servicing the meetings, and assisting the rapporteurs in the drafting of the reports.

As noted above, also a number of ancillary meetings are organized at the UN Crime Congresses. The level of discussion at such meetings has often been quite high. At the Thirteenth UN Crime Congress in 2015, where a total of 195 ancillary meetings were held, some ancillary meetings were designated as “special events”, and were given more publicity by the Secretariat.

Various professional visits have been arranged in connection with the Congresses, at first primarily to correctional institutions. In addition, exhibitions has been part of the Congress programme from the outset; at the First and

⁶¹ Report of the Third UN Crime Congress, para. 29.

⁶² See, for example, Rule 9 of the Rules of Procedure of the Fourth UN Crime Congress.

⁶³ The six official working languages of the UN are Arabic, Chinese, English, French, Russian and Spanish. At the First UN Crime Congress (1955), there were three official working languages, English, French and Spanish. Russian was added at the Second UN Crime Congress (1960), and Arabic and Chinese were added at the Sixth UN Crime Congress (1970).

Second UN Crime Congresses, these dealt with prisons. The scope of these exhibitions has expanded over the years, and, as with the ancillary meetings, the arrangements have been coordinated by the International Scientific and Professional Advisory Council in cooperation with the UNODC and the host government.

The programme of the first UN Crime Congresses also contained lectures given by eminent criminal justice professionals and scholars, with equitable geographical distribution. In general, one expert was selected from each region to give a lecture on an issue related to the respective agenda items.

At all the UN Crime Congresses except one, participants have been free to move from one to another session. During the Fourth UN Crime Congress (1970), participants were required to register for sections in order to be recognized as being “qualified to speak in that section”. Participants could register for at most two sections, and no participant could be registered for meetings that would be held simultaneously on the same day.⁶⁴ This stringent rule was no longer applied at subsequent Congresses, presumably due to the practical difficulties in being able to follow who was registered for which section, and to the fact that in particular members of smaller delegations often did have to take part in discussions going on simultaneously in two or more places.

From 1955 to 1990, the UN Crime Congresses lasted a leisurely two weeks, with the intervening weekend set aside for recreational and social activities. Following the restructuring of the UN Crime Programme in 1991, UN Crime Congresses have been shortened to an uninterrupted span of eight days, plus one day in advance of the UN Crime Congress for “pre-Congress negotiations”.

The most recent Congress, the Thirteenth, was preceded by a “Youth Forum” at which young participants discussed selected items on the Congress agenda. The report of the Youth Forum was submitted to the Congress.

⁶⁴ Rule 8 of the Rules of Procedure, Report of the Fourth UN Crime Congress, p. 63.

Overview of the individual UN crime congresses



First United Nations Crime Congress, Geneva, 22 August – 3 September 1955

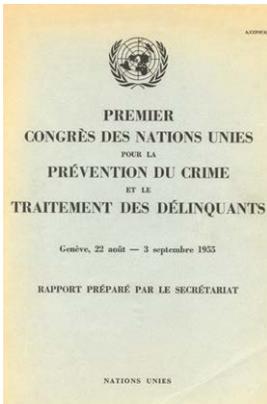
The First UN Crime Congress was held in 1955 in Geneva and lasted for two weeks. It was attended by 51 national delegations, three specialized agencies (WHO, UNESCO and ILO), two intergovernmental organizations (the Council of Europe and the Arab League), 43 non-governmental organizations, and 257 individual participants. The total number of participants was 512.⁶⁵

The First UN Crime Congress focused almost exclusively on the traditional criminological and criminal justice concerns of the proper treatment of young offenders and prisoners. This selection of focus had been bolstered by the fact that the number of young offenders and prisoners had risen dramatically in post-war Europe, the geographical area with which most of the participants were familiar. Among the agenda items considered

⁶⁵ The basic source for the number of Congress participants from 1955 to 2005 in different categories is "United Nations Congresses on Crime Prevention and Criminal Justice 1955–2010. 55 years of achievement", UNODC 2010, available at http://www.un.org/en/conf/crimecongress2010/pdf/55years_ebook.pdf. Individual Congress reports and other sources provide somewhat different figures. One source of error is double-counting; the same participant might appear on the list of participants in two or even more categories, for example as a member of a national delegation and as a representative of an NGO.

by this Congress were the possibilities of “open” penal and correctional institutions (a new concept for many participants), the selection and training of prison personnel, and the proper use of prison labour. The work was dealt with in three sections, which reported back to the plenary. The seven resolutions of the Congress were communicated to the Secretary-General.⁶⁶

The traditional nature of the focus of the First UN Crime Congress should be seen against the background that, at the time in question, the prevailing understanding was that crime was due to a pathology on the part of the individual offender. Although by the time of the 1955 Congress, many pure biological theories of the cause of crime (such as the anthropological theory that “born criminals” could be identified by congenital stigmata) had long since been



⁶⁶ One resolution was adopted on each of the five agenda items. A sixth, one-paragraph resolution dealt with technical assistance, and the seventh resolution was essentially an expression of thanks to the Secretary-General, the IPPC and the Swiss authorities for the success of the First UN Crime Congress. Report of the First UN Crime Congress, p. 82.



discredited, criminology during the immediate post-Second World War period continued to assume that the “cause” of crime in an individual offender could be diagnosed, and that he or she could be rehabilitated through the application of suitable therapy (rehabilitation). Several of the key persons involved in early UN criminal policy were strongly influenced by the ideology of “social defence” which had at first focused on the “dangerous” personality of offenders, “safety measures” and resocialization. Reference can be made in particular to Dr. Manuel Lopez-Rey of Bolivia, who served as the head of the UN Secretariat unit on crime prevention and criminal justice (aptly named the Social Defence Section) from 1952 to 1961, and thus who served in this capacity also at the time of the First and Second UN Crime Congresses.⁶⁷

⁶⁷ Dr. Marc Ancel of France has written extensively on social defence and was very active in the UN Crime Programme. Other influential advocates of social defence included Dr. Gerhard Mueller of the United States, who served as the head of the Section from 1974 to 1981, and Dr. Adolfo Beria di Argentine of Italy. On social defence, see Redo 2012a, pp. 64-66.

One of the agenda items at the First UN Crime Congress was the draft Standard Minimum Rules for the Treatment of Prisoners, which had been drafted by the IPPC and had been endorsed by the League of Nations. The Standard Minimum Rules were subsequently formally approved by the Economic and Social Council.⁶⁸ These Standard Minimum Rules became the prototype for a rapidly expanding set of UN standards and norms on crime prevention and criminal justice.⁶⁹

Participants at the First UN Crime Congress could apply for membership cards at the International Tennis Club and the United Nations Swimming Club in Geneva. In addition, governmental delegation members motoring to Geneva could apply for a special card entitling them to purchase petrol free of customs duty.⁷⁰



⁶⁸ ECOSOC res. 663 C (XXIV) of 31 July 1957.

⁶⁹ Dr. Gerhard Mueller, who served as head of the UN Crime Prevention and Criminal Justice Branch from 1974 to 1981, has noted that the Standard Minimum Rules mark the global incorporation into soft law of key principles of classical criminal law, such as *nullum crime sine lege* and *nullum poena sine lege*, and in this respect paved the way for the International Covenant on Civil and Political Rights. G.O.W. Mueller, *Whose Prophet is Cesare Beccaria? A Study on the Origins of Criminological Theory*, in Adler, F., Laufer, W., *Advances in Criminological Theory*, Vol. 2, New Jersey 1988. Cited in Redo, 2012a, p. 106.

⁷⁰ *Handbook of the Congress*, pp. 11 and 13, available at http://www.unodc.org/documents/congress/Previous_Congresses/1st_Congress_1955/003_Handbook_of_the_Congress.pdf

Second United Nations Crime Congress, London, 8 – 19 August 1960

The Second UN Crime Congress, held in London, was attended by 68 national delegations, four specialized agencies (ILO, WHO, UNESCO and UNICEF), four intergovernmental agencies (the Commission for Technical Cooperation South of the Sahara, the Council of Europe, the International Children's Centre, and the League of Arab States), 50 non-governmental organizations and 632 individual participants, of whom one third, 206, came from the host country, the



United Kingdom. Altogether, the Congress was attended by 1,046 participants. As noted by the Right Honourable Viscount Kilmuir, Lord Chancellor of England, in opening the Congress, the event was being held at a time when “the problems of crime were growing in gravity and the resources of treatment agencies were increasingly diversified.” He regarded as most disturbing the “disproportionate increase of crime among young people at a time of unparalleled economic prosperity, when unemployment was negligible and educational and social welfare services were highly developed.”⁷¹ He saw as the proper response an increase in the material facilities given to crime prevention and criminal justice, continued research, and a “fundamental re-examination of the whole philosophy of the

⁷¹ Report of the Second UN Crime Congress, para. 39.



nature of crime and legal punishment”, including an attempt “to reach a coherent criminal policy embracing alike the criminal law, the agencies for enforcing the law, the judicature, and the methods of treatment.”⁷²

The agenda items at the Second UN Crime Congress seemed suitable for expanding on the issues raised by the Rt. Hon. Viscount: the origin, prevention and treatment of new forms of juvenile delinquency, as well as special police services for the prevention of juvenile delinquency; short-term imprisonment; prison labour; pre-trial treatment and after-care as well as assistance to dependents or prisoners; and criminality resulting from social change and economic development in less developed countries.

This last agenda item marked two significant shifts in the approach to crime prevention and criminal justice. One was that the perspective was being expanded beyond the developed Western countries, to examine crime and the response to crime in other regions, in less developed countries.⁷³ The second was that criminological thinking was increasingly moving away from individualistic theories that saw crime as a pathology which could be diagnosed and treated, towards theories that were seeking to understand

⁷² Report of the Second UN Crime Congress, para. 42.

⁷³ Despite the widening of focus to include other regions, comparative and international criminology at first remained hampered by assumptions that Western criminological concepts and hypotheses could readily be transferred from one region to another.



the impact that cultural, technical, economic and social changes have on the level and structure of crime in society. As noted by Dr. Manuel Lopez-Rey, in his capacity as representative of the Secretary-General, the improvement of material living conditions and welfare policies could not alone stop the increase in crime, since new forms of crime would inevitably appear as the result of development.⁷⁴

Conclusions and recommendations were adopted on each of the themes of the Congress. In addition, two resolutions were adopted by the Congress, one on United Nations social defence activities, and one an expression of gratitude to the host of the Congress.

A “programme of interest to the wives of participants” was organized at the same time as their (male) spouses were offered visits to correctional institutions.⁷⁵

⁷⁴Report of the Second UN Crime Congress, para. 46.

⁷⁵Report of the Second UN Crime Congress, para. 29. The “ladies programme” included among others a fashion show, a visit to a cosmetics company, and a visit to a department store.

Third United Nations Crime Congress, Stockholm, 9 – 18 August 1965



The Third UN Crime Congress, held in Stockholm, was attended by 74 national delegations, three specialized agencies (ILO, WHO and UNESCO), two intergovernmental agencies (the Council of Europe, and the League of Arab States), 39 non-governmental organizations and 658 individual participants, of whom one-fifth (129) came from the host country, Sweden. Altogether, the Congress was attended by 1,083 participants. When compared to the First and Second UN Crime Congresses, a considerably larger number of the participants at the Third UN Crime Congress came from newly independent developing countries.

The Third UN Crime Congress was the first to have a Congress theme: "Prevention of Criminality". It was during this period that in particular the Nordic countries were under going a shift from rehabilitation-oriented criminal justice (as epitomized by the social defence ideology), to a broader societal focus on crime as an interaction between society and the individual. At the same time, there was an increasing interest in empirical criminological

research. Accordingly, the Congress featured a special plenary session on questions of research, which sought to identify the research problems connected with the development of policy and programmes.⁷⁶

In opening the Congress, Mr Herman Kling, the Minister of Justice of Sweden, stressed the importance of humane approaches to criminal justice and warned against the dangers that could result from overly severe measures, with their stress on efficiency in criminal justice.⁷⁷ In turn, Mr Philippe de Seynes, the representative of the UN Secretary-General, referred to the recent adoption by ECOSOC of a resolution that endorsed the principle that the prevention of youth crime and adult crime should form part of comprehensive economic and social development plans.⁷⁸

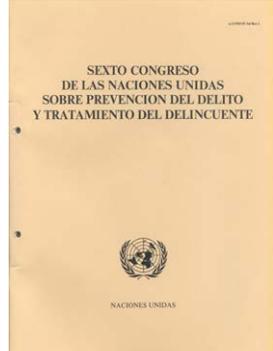
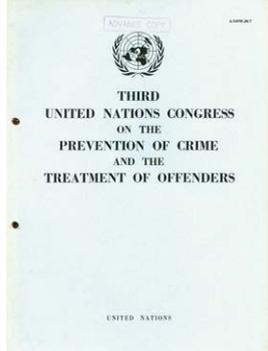
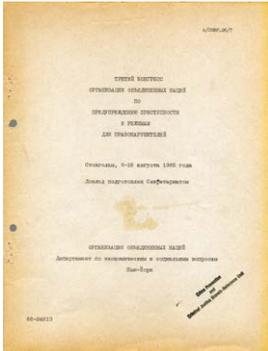
Mr Kling's opening comments were in line with the overall prevention orientation of the Congress. All six agenda items (social change and criminality; social forces and the prevention of criminality; community preventive action; measures to combat recidivism; probation and other non-institutional measures; and special preventive and treatment measures for young adults) represented a clear shift from the focus at the First and Second UN Crime Congresses on the formal criminal justice system and formal control, to examining how formal and informal social control could strengthen one another.

One of the issues that was featured for the first time at the Third UN Crime Congress was technical assistance in the field of crime prevention and criminal justice. The Congress recommended the employment of United Nations regional advisers. This issue of technical assistance would remain a mainstay of UN Crime Programme discussions, with repeated calls to the UNODC and other

⁷⁶ Report of the Second UN Crime Congress, para. 17.

⁷⁷ Report of the Third UN Crime Congress, para. 38.

⁷⁸ Report of the Third UN Crime Congress, para. 46.



stakeholders, as well as to member states, to expand their technical assistance to developing countries that request such assistance. Five years previously, at the Second UN Crime Congress, the theme had been addressed in particular under the agenda item “Prevention of types of criminality resulting from social changes and accompanying economic development in less developed countries”. With the exception of the Fifth UN Crime Congress, a specific reference to technical assistance was inserted into one or more of the agenda items at every subsequent UN Crime Congress, or was incorporated through a reference to “international cooperation” or (at the Fourth and Seventh UN Crime Congresses) to “development”.

Only one resolution was adopted by the Third UN Crime Congress, consisting of five paragraphs. The resolution welcomed the Secretary-General’s proposals for strengthening the activities of the UN “in the field of social defence”, expressed the wish for continuation of technical assistance in this field, noted with satisfaction the ongoing conversion of the ad hoc Advisory Committee of Expert on the Prevention of Crime and the Treatment of Offenders into a standing body which would report directly to the Social Commission of ECOSOC, noted with satisfaction the decision of the Secretary-General to establish a social defence trust fund, and expressed gratitude to the host of the Third UN Crime Congress.

Fourth United Nations Crime Congress, Kyoto, 17 - 26 August 1970



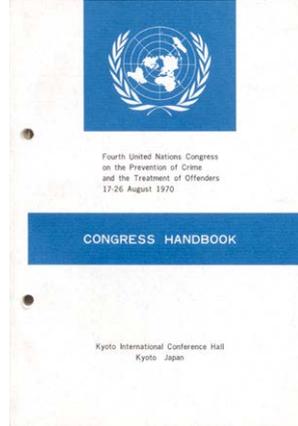
The Fourth UN Crime Congress, held in Kyoto, was the first to be held outside of Europe. It had as its theme “Crime and development”. As with the Third UN Crime Congress, the agenda items reflected the predilections of the time, with a continuing shift from viewing crime solely as an issue of individual conduct, to viewing crime as an issue of economic and social development.⁷⁹ The Congress discussed social defence policies in relation to development planning, public participation in crime prevention and control, the Standard Minimum Rules on the Treatment of Prisoners in the light of recent developments, and the organization of research for policy development in social defence.⁸⁰

The Fourth UN Crime Congress was attended by 79 national delegations, three specialized agencies (ILO, UNICEF and WHO), two intergovernmental agencies

⁷⁹ An additional factor behind the selection of the theme was that the UN was entering its Second Development Decade.

⁸⁰ Although the term “social defence” can thus still be seen to be part of the UN Crime Programme lexicon in 1970, by the time of the Fourth UN Crime Congress the social defence ideology had left behind its earlier focus on crime as pathology and had come to see crime as an interaction between society and the individual. This is not to detract from the continuing relevance of so-called bio-social theories of crime, which seek to identify and treat pathologies that increase the risk that an individual will engage in criminal conduct. Dr. Marc Ancel in particular sought to encourage this evolution in the understanding of social defence, with the publication of his *La défense sociale nouvelle*. The first edition appeared in 1954, with revised editions in 1966 and 1981.

By the end of the 1980s at the latest, the term “social defence” appears to have been retired from UN use.



(the Council of Europe, and the League of Arab States), 31 non-governmental organizations and 556 individual participants, of whom one-half (282) came from the host country, Japan. Altogether, the Congress was attended by 998 participants. Their Imperial Highnesses Prince and Princess Takamatsu honoured the participants by attending the opening of the Fourth UN Crime Congress.

The Fourth UN Crime Congress was the first to have regional preparatory meetings, held in Africa, the Arab countries, Asia, and Latin America and the Caribbean. These worked on the basis of discussion papers which were in effect the first drafts of the Congress working papers.⁸¹

In opening the Fourth UN Crime Congress, Under Secretary-General Philippe de Seynes, speaking on behalf of the Secretary-General, called for "bolder and

⁸¹ Report of the Fourth UN Crime Congress, para 20. However, it may be noted that already the First UN Crime Congress was preceded by "regional consultative group" meetings that had examined some of the items on the agenda. Report of the First UN Crime Congress, para. 13.

better co-ordinated action, both nationally and internationally, to meet the problem of crime.” He noted that crime was acknowledged to be a socio-political problem of the first order, which required not only technical measures, but also “comprehensive measures at the highest political level”.⁸² He drew attention also to the fear of crime, which was causing people to retreat behind double locks, television cameras and private security services away from the dangers of the streets outside, and to the impact that this fear of crime, polarization and insularity was having on social integration.⁸³ Mr de Seynes further referred to terrorism and aircraft hijacking, which at the time of the Congress were receiving increasing global attention and had not previously been discussed at a UN Crime Congress.⁸⁴ His comments presaged a quickly strengthening focus of the UN Crime Congresses on transnational and organised crime, one which received considerable attention five years later, at the Fifth UN Crime Congress.⁸⁵

Early traces of this emerging discussion on transnational and organized crime could be seen in the discussion at the Fourth UN Crime Congress under the agenda item on social defence policies in relation to development planning. Reference was made, for example, to the new concept of “white collar” crime, and in this connection also to graft and corruption.⁸⁶

⁸² Report of the Fourth UN Crime Congress, para. 54.

⁸³ Report of the Fourth UN Crime Congress, para. 55.

⁸⁴ Aircraft hijackings became especially prevalent during the 1970s, until their number was reduced by the introduction of increased security measures at airports around the world. At the time the Fourth UN Crime Congress was in session in Kyoto, a Japanese airliner was hijacked, and a briefing on hijackings, given by selected Congress participants, was organized for the media. Report of the Fourth UN Crime Congress, para. 47.

⁸⁵ See for example Lopez-Rey 1985, pp. 16–17.

⁸⁶ Report of the Fourth UN Crime Congress, paras. 69 and 73-74.

Ten ancillary meetings were held during the Fourth UN Crime Congress.⁸⁷ In view of the large number of UNAFEI alumni in attendance at the Congress in Kyoto, a meeting of the ad hoc Advisory Committee of the Institute was held.⁸⁸

The Fourth UN Crime Congress adopted a three-paragraph document called, for the first time, a “Congress Declaration”.⁸⁹ The Declaration called upon Governments to take effective measures to coordinate and intensify their crime prevention efforts within the context of their economic and social development; urged the UN and other international organizations to give high priority to crime prevention, including in particular technical aid; and recommended that special attention be given to the administrative, professional and technical structure necessary for more effective action in crime prevention.

Over a hundred families in the Kyoto area extended invitations to participants to visit their home. In addition, a “programme of interest to the wives of participants” was organized.⁹⁰

The Congress in Kyoto marked a turning point in the UN Crime Programme. Most of the members of the ad hoc Advisory Committee of Experts were in attendance at the Congress, and it was decided to convene this body in Kyoto immediately after the Fourth UN Crime Congress.⁹¹ At that meeting, the members of the Advisory Committee reviewed the recommendations of the Fourth UN Crime Congress and proposed several changes. The climate seemed favourable:

⁸⁷ Report of the Fourth UN Crime Congress, para. 32.

⁸⁸ Report of the Fourth UN Crime Congress, para. 33. UNAFEI, the first UN Programme Network Institute, had been established in 1962.

⁸⁹ A Congress Declaration was also adopted by the Sixth UN Crime Congress in 1970. Beginning with the Tenth UN Crime Congress in 2000, the outcome of each Congress was consolidated into a single Declaration.

⁹⁰ Report of the Third UN Crime Congress, para. 42.

"The Advisory Committee noted with particular satisfaction the observation made by the Under-Secretary General for Economic and Social Affairs in a Statement at the Congress that the United Nations would devote more energy and more resources to the elucidation of the problems of social defence."⁹²

The Kyoto Congress recommendations were formulated by the Committee into proposals which worked their way via the Commission for Social Development to the Economic and Social Council, and on to the General Assembly. One recommendation was to strengthen and reconstitute the Advisory Committee itself, as a result of which the ad hoc Committee was replaced by the Committee on Crime Prevention and Control. In opening the first session of the Committee for Crime Prevention and Control two years later, Mr de Seynes declared to the Committee that

"the Fourth United Nations Congress had put an end to the idea that the United Nations as an international organisation should not become involved in dealing with crime. Representation of diverse regions from different geographical areas and a variety of social systems had found that they had a great deal in common in so far as the forms and methods of crime prevention were concerned and were anxious that the United Nations should become an instrument to promote international co-operation to prevent crime. The establishment of the Committee was a direct result of the Congress."⁹³

⁹² *Criminality and Social Change*, E/CN.5/47, 8 December 1970, cited in Clifford 1979, p. 16.

⁹³ Clifford 1979, p. 47.

Fifth United Nations Crime Congress, Geneva, 1 - 12 September 1975

The Fifth UN Crime Congress, held in Geneva, was originally scheduled to be held in Toronto, Canada. During the early summer of 1975 it became apparent that the Palestine Liberation Organisation would send a delegation to the Congress. As a consequence, the Government of Canada requested a postponement of one year, for further negotiations. The Committee of Conferences of the General Assembly decided not to accede to the request, and transferred the venue to UN headquarters in Geneva, to be held on the same dates as originally planned.⁹⁴

The Congress was attended by 101 national delegations, three specialized agencies (ILO, UNESCO and WHO), four intergovernmental agencies (the Council of Europe, the International Criminal Police Organization, the League of Arab States, and the Organisation of Economic Cooperation and Development), 33 non-governmental organizations and 240 individual participants. Altogether, the Congress was attended by 909 participants.

The theme of the Fifth UN Crime Congress was “Crime prevention and control: The challenge of the last quarter of the century.” The five substantive agenda items dealt with

- changes in forms and dimensions of criminality – transnational and national;
- criminal legislation, judicial procedures and other forms of social control in the prevention of crime;
- the emerging roles of the police and other law enforcement agencies, with special reference to changing expectations and minimum standards of performance;
- the treatment of offenders, in custody or in the community, with

⁹⁴ Report of the Fifth UN Crime Congress, para. 433.

specialreference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations; and

- economic and social consequences of crime: new challenges for research and planning.

Two of the agenda items, one dealing with law enforcement and the other with corrections, reflect the continued interest in the UN Crime Programme in the development of new standards and norms, and in implementing existing ones. The other three agenda items brought in new perspectives.

The agenda item on the prevention of crime dealt with the “traditional” issues of criminal legislation and judicial procedures, in other words the operation of the (formal) criminal justice system, but it also included the phrase “other forms of social control”. This marked a deepening of the attention brought already by the Third UN Crime Congress (1965) to informal social control.

Also the agenda item on research and planning marked a continuation of an issue dealt with extensively ten years earlier, at the Third UN Crime Congress. A new feature was the attention paid not only to the social consequences of crime, but also to the economic consequences, the victim, the community, the state, and society in general. The Congress recommended, for example, that a cost-benefit approach should be encouraged.⁹⁵ The report summarizing the discussion on the costs of crime – such as a section entitled “redistributing the costs of crime” – reads almost like a comprehensive manual for integrating

⁹⁵ Report of the Fifth UN Crime Congress, para. 24 (a) and (l).

data on the costs of crime into national policy-making.⁹⁶

The issue of research to support policy making was dealt with also in a formal element of the programme of UN Crime Congresses that was introduced for the first time at the Fifth UN Crime Congress, a workshop dealing with evaluative research. The workshop was organized by the UN Interregional Crime and Justice Research Institute, UNICRI.⁹⁷

The agenda item entitled “changes in forms and dimensions of criminality transnational and national” marked the start of an even more significant shift in the UN Crime Programme than the attention given at the Fifth UN Crime Congress to informal social control, or to the importance of research data in policy-making. This agenda item led to a rich discussion on organized crime, and on the transnational dimensions of crime.⁹⁸ The term “transnational” itself is attributed to the Executive Secretary of the Fifth UN Crime Congress, Professor Gerhard Mueller, and is a

⁹⁶ Report of the Fifth UN Crime Congress, paras. 302-371. Redistributing the costs of crime is dealt with in paras. 365- 368. The rapporteur responsible for this section of the report was Mr Warren Woodham, Permanent Secretary of the Ministry of National Security and Justice of Jamaica.

It is the author's understanding that the rapporteurs at the first UN Crime Congresses, who tended to be academics or otherwise persons with extensive experience in summarizing and presenting views, by and large wrote the reports by themselves, with the assistance of the Secretariat. In some cases, the rapporteur finalized the report after the meeting, based on his or her notes. With some rapporteurs, as with Mr Woodham on the costs of crime, the report takes the form of a well-structured, comprehensive and authoritative statement of what (in the light of the discussion) is known about the topic.

In this respect, a shift has occurred, in that the Secretariat almost invariably prepare first drafts of the reports in order to assist the rapporteur (and the Rapporteur General) in his or her work. Although the reports continue to be of high quality, they are more clearly a summary of the debate than of the “state of the art”, and abound with qualifiers along the lines of “the participants agreed that ...”, “several speakers noted that ...” and “one delegation cautioned that ...”

Following this shift, the draft report presented at the end of the Congress (in all six official languages) is a very advanced one. Subsequent changes to the report will primarily be limited to linguistic editing of the different language versions.

⁹⁷ Report of the Fifth UN Crime Congress, para. 471. At the time, the name of the Institute was the United Nations Social Defence Research Institute.

⁹⁸ The development of the discussion on transnational organized crime at the Fifth through the Ninth UN Crime Congresses (1975 - 1995) is traced in UNTOC 2006, pp. ix-xvi.

criminological term coined “in order to identify certain criminal phenomena transcending international borders, transgressing the laws of several states or having an impact on another country.”⁹⁹

This discussion on the transnational and national changes in forms and dimensions of criminality introduced many topics that would appear again and again at subsequent UN Crime Congresses, and in the work of the UN Crime Committee and then the UN Crime Commission: crime as a business, white-collar crime and economic crime, trafficking in cultural artefacts, “violence of transnational and comparative significance” (i.e. terrorism), and criminality associated with migration. In this same connection, attention was drawn for the first time at a UN Crime Congress to female criminality as a rapidly increasing phenomenon.¹⁰⁰

The first four UN Crime Congresses could be described as scholarly, with the chairpersons and rapporteurs successfully guiding the participants to reaching consensus on substantive issues of how to prevent and respond to crime. The Fifth UN Crime Congress had considerably more contentious topics on its agenda. In addition to being the first UN Crime Congress to discuss organized crime and the transnational aspects of crime, it expanded the discussion beyond crime prevention and criminal justice, to consider also human rights standards, approving the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹⁰¹ The Fifth UN Crime Congress adopted

⁹⁹ Mueller 2001, p. 13. The term is also useful in providing a distinction from the concept of “international crime”, which refers to a crime against international law. Typical examples of international crimes are war crimes and crimes against humanity.

¹⁰⁰ Report of the Fifth UN Crime Congress, paras. 48-115.

¹⁰¹ This was subsequently adopted as General Assembly resolution 3452(XXX), which in turn was the genesis of the Convention on the same topic adopted by the Commission on Human Rights (1987).

recommendations on the abuse of economic power; drug trafficking; terrorism; theft and destruction of cultural property; interpersonal violence; and changing expectations of police performance. This last point laid the basis for the Code of Conduct for Law Enforcement Officials, which was adopted by the General Assembly in its resolution 34/169 of 17 December 1979.¹⁰²

Despite the contentiousness of the topics, the Fifth UN Crime Congress succeeded in finding consensus on all the matters before it.

For the first time, the report distinguished between matters calling for action by the General Assembly, matters calling for action by or brought to the attention of the Committee on Crime Prevention and Control, matters calling for action by or brought to the attention of functional commissions of the Economic and Social Council, matters calling for action by or brought to the attention of other bodies or agencies, and matters calling for action by or brought to the attention of specialized agencies.¹⁰³

¹⁰² A/CONF.203/15.

¹⁰³ *The addressees of the various conclusions and recommendations included the Commission for Social Development, the Commission on Narcotic Drugs and the International Narcotics Control Board, the Statistical Commission, the Commission on Human Rights, the Commission on Transnational Corporations, the Commission on the Status of Women, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations Disaster Relief Co-ordinator, the United Nations regional commissions and institutes, UNDP, ICAO, ILO, UNESCO and WHO. Report of the Fifth UN Crime Congress, paras. 27-40.*

Sixth United Nations Crime Congress, Caracas, 25 August – 5 September 1980



The Sixth UN Crime Congress, held in Caracas, was the first to be held in a developing country. It was attended by 102 national delegations, two specialized agencies (ILO and WHO), six intergovernmental agencies (the Council of Europe, the International Criminal Police Organization, the League of Arab States, the Organisation of African Unity, the Organisation of American States, and the Pan-Arab Organization for Social Defence), 38 non-governmental organizations and 170 individual participants. Altogether, the Congress was attended by 920 participants.

In addition to the regional preparatory meetings that had been held also for earlier UN Crime Congresses, for the first time interregional expert meetings were organized on each of the five agenda items of the Sixth UN Crime Congress. In addition, “pre-Congress consultations” were held among national delegations for the first time, to deal with procedural and organizational matters (such as the identification of candidates for the various positions on the General Committee).¹⁰⁴

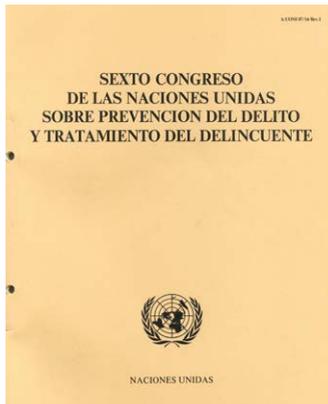
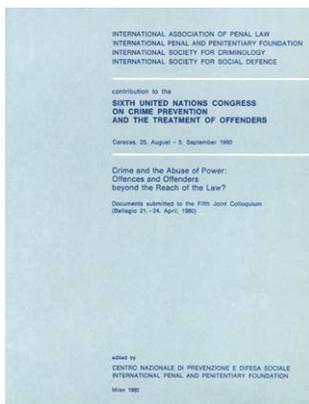
¹⁰⁴ Report of the Sixth UN Crime Congress, para. 7.

The overall theme of the Sixth UN Crime Congress was “Crime prevention and the quality of life”. The six substantive agenda items dealt with

- crime trends and crime prevention strategies;
- juvenile justice: before and after the onset of delinquency;
- crime and the abuse of power: offences and offenders beyond the reach of the law;
- deinstitutionalization of corrections and its implications for the residual prisoner;
- United Nations norms and guidelines in criminal justice: From standard-setting to implementation, and capital punishment; and
- new perspectives in crime prevention and criminal justice and development: the role of international cooperation.

In connection with the first agenda item, on crime trends, the Congress was presented with the results of the first United Nations survey of crime trends and operations of criminal justice systems, based on information received from 65 Member States.¹⁰⁵ Although interpretation of the results was made difficult by a number of factors, including differences in national laws, recording practice and statistical categories, the survey suggested that crime was increasing in the great majority of developed and developing countries for which data were available, and that crime was taking on new forms and dimensions.

¹⁰⁵ A/CONF.87/4. The corresponding results of the second, third and fourth surveys were presented to the next three UN Crime Congresses. Beginning with the Tenth UN Crime Congress (2000), the title of the report has been “The state of crime and criminal justice worldwide. Report of the Secretary-General.” See, for example, A/CONF.187/5. The crime and criminal justice data reports submitted to the Sixth, Seventh and Eighth UN Crime Congresses (1980, 1985 and 1990) included tables showing comparative rates among countries, an issue which causes methodological concern (since the definition of offences, reporting practice and the way in which statistics are compiled vary immensely from country to country, considerable caution should be exercised in comparing rates) and political concern (tables comparing for example the number of robberies or murders reported in different countries are perhaps too readily used to make assumptions about the quality of life in different countries, or about the intrinsic superiority of one country over another). Reasons such as these led to a change beginning with the Ninth UN Crime Congress in 1995. As of that time, reports of the Secretary-General generally provided data only for sets of countries, such as the countries in different regions, and not for individual countries.



The inclusion of the phrase “deinstitutionalization of corrections” in the fourth agenda item was in line with discussions at earlier UN Crime Congresses on community-based corrections (as designated agenda items at the First, Third and Fifth UN Crime Congresses in 1955, 1965 and 1975). However, it was also in part a reflection of concern over the increase in the prison population in many countries, with the accompanying concern about the difficulties of prison management and the rehabilitation of offenders in severely overcrowded prisons. While earlier, the debate had largely been on proper identification of which offenders “merited” a sentence of imprisonment due to the severity of the offence and/or the risk that he or she posed to society, more and more practitioners and academics were suggesting a need for fundamental changes in criminal policy in order to decrease the use of imprisonment.¹⁰⁶

¹⁰⁶ Among the key figures in this debate were Prof. Andrew von Hirsch, whose influential book “Doing Justice” appeared in 1976 (Hill and Wang, New York), and Prof. Nils Christie, whose equally influential article “Conflicts as Property” appeared one year later, in 1977 (*British Journal of Criminology*, Volume 17, Issue 1, pp. 1-15). Both of these contributed to what is known, in criminology and criminal justice studies, as the neo-classical theory of crime control.

The agenda item on “crime as abuse of power: offences and offenders beyond the reach of the law” marked a new area for UN Crime Congresses and generated considerable debate. “Offences beyond the reach of the law” raised issues related to criminalization, while “offenders beyond the reach of the law” raised issues related to impunity in law and in practice.¹⁰⁷

Also otherwise the debates at the Sixth UN Crime Congress grew heated. While at all the earlier Crime Congresses it had been possible to reach consensus on conclusions and recommendations, without the need for votes, this did not prove possible at the Sixth UN Crime Congress. There were several difficult issues: the concept of a “New International Criminal Justice Order”, the death penalty, torture and inhuman treatment, and the prevention of the abuse of power.

At the time, the political debate in particular in Latin American countries featured references to the “New Economic International Order”, which was an effort by developing countries to replace the so-called Bretton Woods agreement with a structure that would provide them, in their view, with more favourable terms of trade as well as greater control over multinationals operating within their country.¹⁰⁸

After extensive debate, the Sixth UN Crime Congress adopted a ten-paragraph Declaration which recognized that “crime prevention and criminal justice should be considered in the context of economic development, political systems, social and cultural values and social change, as well as in the context of the new international economic order”. In a way, it presaged the Sustainable Development Goals (adopted by the General Assembly 35 years later, in 2015) by declaring that “all crime prevention policies should be co-ordinated with strategies for social, economic, political and cultural development.”

¹⁰⁷ UNTOC 2006, p. x.

¹⁰⁸ In 1974, the General Assembly of the United Nations had adopted the Declaration for the Establishment of a New International Economic Order (GA resolution 3201 (S-VII)).

In addition to the Caracas Declaration, the Congress adopted 19 resolutions and one decision. Most of these were adopted by consensus, which was reached relatively easily, as in the case for example of recommendations for standard minimum rules on juvenile justice, public participation in crime prevention, and improved statistics. Two draft resolutions, on “Effective measures to prevent crime” and “Extra-legal executions”, were adopted, as orally amended, with no votes against, but with several abstentions.¹⁰⁹

In respect of the draft resolution on the death penalty, several countries objected to provisions in the draft that implied eventual and universal abolition of the death penalty. The draft resolution was not adopted by the Sixth UN Crime Congress, on the understanding that it would be submitted to the next UN Crime Congress.¹¹⁰

In respect of a draft resolution on the “New International Criminal Justice Order”, several delegations objected in particular to a provision calling for a study on the “elaboration of the principles on which the international order for the prevention of crime and the treatment of offenders should be based and to the preparation, as appropriate, of draft international instruments in the fields of international criminal law and international co-operation in combating criminality”, with a view to submitting such a study to a “special international Congress to be convened promptly for the purpose of laying the foundations for the new international order”.¹¹¹ The draft was not approved.

¹⁰⁹ Report of the Sixth UN Crime Congress, paras. 133, 203-212 and 214-216.

¹¹⁰ Report of the Sixth UN Crime Congress, paras. 130 and 132, and pp. 58-61.

Already the somewhat ungainly formulation of the agenda item under which the death penalty was discussed (“United Nations norms and guidelines in criminal justice: From standard-setting to implementation, and capital punishment”) suggests that some (presumably abolitionist) delegations had wanted to discuss this as a separate agenda item, but had accepted a merger of two proposed agenda items as a compromise. Discussing capital punishment under a separate agenda item would have given the issue a higher profile, required the Secretariat to prepare a separate background report, and increased the time allotted to the discussion.

¹¹¹ Report of the Sixth UN Crime Congress, paras. 130 and 132, and pp. 61-62.

In addition, draft resolutions on “Torture and inhuman treatment” and “Prevention of the abuse of power” were adopted as orally amended, but only by majority vote, something which had never occurred before at UN Crime Congresses (or would occur subsequently).

Seventh United Nations Crime Congress, Hilan, 26 August - 6 September 1985



The theme of the Seventh UN Crime Congress, held in Milan, was “Crime prevention for freedom, justice, peace and development” and there were five substantive agenda items:

- new dimensions of criminality and crime prevention in the context of development: challenges for the future;
- criminal justice processes and perspectives in a changing world;
- victims of crime;

- youth, crime and justice; and
- formulation and application of United Nations standards and norms in criminal justice.

In addition, the United Nations Interregional Crime and Justice Research Institute and the European Institute for Crime Prevention and Control, affiliated with the United Nations, together with other Programme Network Institutes, organized a research workshop on “Perspectives in action-oriented research: Youth, crime and juvenile justice” as part of the formal programme of the Congress.

The Seventh UN Crime Congress was attended by 125 national delegations, 16 UN and related agencies, nine intergovernmental agencies, 58 non-governmental organizations and about 400 individual experts.¹¹² Altogether, the Congress was attended by 1,395 participants.¹¹³

Of the five agenda items, four can be seen as a continuation of the debate on similar issues at earlier UN Crime Congresses: crime prevention and criminal justice in the context of development, criminal justice processes, youth crime, and the UN standards and norms. The fifth agenda item, with the very short and simple title of “victims of crime”, reflected a broad new approach to crime prevention and criminal justice, one that looked at the victim’s perspective. Interest in victimology had been percolating in criminology for some time,¹¹⁴ and especially during the 1960s support increased for “victim policy”, measures

¹¹² As noted in section 3 of this paper, as of the Seventh UN Crime Congress the term “individual expert” replaced the earlier term, “individual participant”.

¹¹³ The official list of participants at the Seventh UN Crime Congress did not include individual experts. Their number was calculated on the basis of the total number of participants reported by the UN (1,395), minus members of national delegations (706) and members of other delegations (283). Some members of “other delegations” were listed also as members of national delegations, and so these counts must be taken as estimates.

The national delegation of the host country, Italy, consisted of 165 members.

¹¹⁴ Among the generally acknowledged pioneers in victimology were Prof. Hans von Hentig (“The Criminal and His Victim: Studies in the Sociobiology of Crime”, 1948), Prof. Stephen Schafer (“The Victim and His Criminal: A Study in Functional Responsibility, 1968) and Prof. Marvin Wolfgang (“Patterns of Criminal Homicide”, 1958).

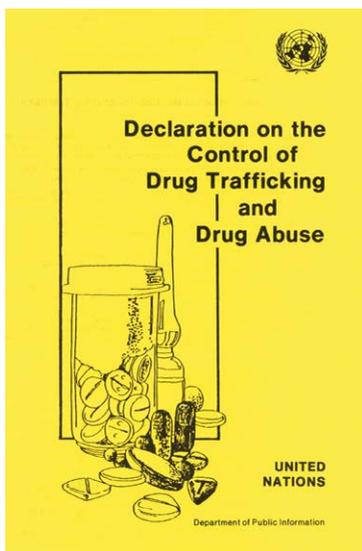
designed to take into account the interests and concerns of the victim in the criminal justice system. The Seventh UN Crime Congress contributed to the globalization of this discussion, in particular through its adoption of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.¹¹⁵

One draft resolution, which went on to be adopted by the General Assembly, dealt with domestic violence.¹¹⁶ Domestic violence against children and domestic violence against women were the two main strands that had contributed to the broader emerging interest in victim issues. To the extent that the draft resolution dealt with violence against women, furthermore, it was notable in signifying the recognition of entrenched sexism not only in society in general, but also in the criminal justice system. Paternalistic and sexist attitudes on the part of many criminal justice practitioners have made them reluctant to intervene in what happens in the home, making domestic violence very much a hidden crime. The issue had been identified almost in passing by the previous, Sixth UN Crime Congress.¹¹⁷ The topicality of the issue was enhanced by the fact

¹¹⁵ A/RES/40/34. Although broad victim issues did not appear as a separate agenda item at subsequent UN Crime Congresses, a victim perspective can be seen on the agenda of every Congress since 1995. One agenda item at the Ninth UN Crime Congress (1995) dealt with "Crime prevention strategies, in particular as related to crimes in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives". One agenda item at the Tenth UN Crime Congress (2000) dealt with "Offenders and victims: accountability and fairness in the justice process", and one Workshop dealt with "Women in the criminal justice system". One Workshop at the Eleventh UN Crime Congress dealt with "Enhancing criminal justice reform, including restorative justice". One agenda item at the Twelfth UN Crime Congress (2010) dealt with "Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime; and Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families". One Workshop at the Thirteenth UN Crime Congress (2015) dealt with "Trafficking in persons and smuggling of migrants: successes and challenges in criminalization, in mutual legal assistance and in effective protection of witnesses and trafficking victims".

¹¹⁶ A/RES/40/36.

Paragraph 6 of the GA resolution invited the next, Eighth UN Crime Congress (1990) "to consider the problem of domestic violence under a separate agenda item dealing with domestic violence." This invitation was not taken up.



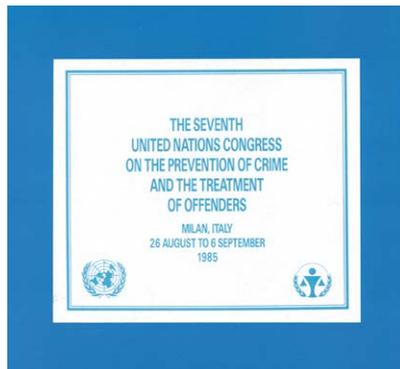
that the 1980s had been recognized by the United Nations as the “Decade for Women.”

Including the two victim-related resolutions mentioned above, both of which went on to adoption by the General Assembly, the Seventh UN Crime Congress adopted a record 32 different instruments. Among these were the three-page “Milan Plan of Action”, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, and the Basic Principles on the Independence of the Judiciary. The Congress also adopted the first UN model bilateral treaty on crime issues, the Model Agreement on the Transfer of Foreign Prisoners.

¹¹⁷ The Sixth UN Crime Congress had adopted a brief resolution entitled “Specific Needs of Women Prisoners.” Three of the four operative paragraphs deal with women as offenders. However, the last paragraph requests that future UN Crime Congresses, and the UN Crime Committee, allot time to the “study of women as offenders and victims” This last paragraph also “urges Governments to include appropriate representation of women in their delegations”. Report of the Sixth UN Crime Congress, pp. 12-13.

Among the other instruments adopted was a twelve-page document entitled “Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order”. This was forwarded with the other instruments to the General Assembly for action, but was disregarded by the General Assembly.¹¹⁸

The Milan Plan of Action contains eighteen points, and can be seen as the forerunner for the considerably more detailed action plans adopted in the aftermath of the Tenth UN Crime Congress (2000),¹¹⁹ and also for the Congress Declarations adopted at all UN Crime Congresses beginning with the Tenth UN Crime Congress. The Milan Plan of Action outlined a worldwide programme for crime prevention and criminal justice. Although much of its language is generic (in referring to crime in general), it does identify as key priority areas illicit drug trafficking, transnational organized crime, and terrorism. The Milan Plan of Action also stressed the need for action-oriented research and for providing technical assistance to developing countries.



¹¹⁸ Redo 2012a, p. 70. Redo concludes that this marked the failure of the concept of the New International Criminal Justice Order at the Seventh UN Crime Congress, and ultimately within the context of the UN Crime Programme. However, the linking in the United Nations of the issues of crime, criminal justice and development continued under the banner of sustainable development.

¹¹⁹ The “Vienna Action Plans”; GA resolution 56/261.

Eighth United Nations Crime Congress, Havana, 27 August – 7 September 1990



The theme of the Eighth UN Crime Congress, held in Havana, was “International co-operation in crime prevention and criminal justice for the 21st century”. Each of the five agenda items had lengthy names:

- crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation;
- criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures;
- effective national and international action against: a) organized crime; b) terrorist criminal activities;
- prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directives; and
- United Nations norms and guidelines in crime prevention and criminal justice; implementation and priorities for further standard-setting.

In addition, the United Nations Interregional Crime and Justice Research Institute and the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), organized a research workshop on “Alternatives to imprisonment,” and HEUNI organized a demonstration workshop on “Computerization of criminal justice administration”. At that time, computerization was relatively new in the management of criminal justice systems, and the Workshop aroused considerable interest.¹²⁰

The Eighth UN Crime Congress was attended by 127 national delegations,¹²¹ 21 UN organs and related agencies, six intergovernmental agencies, 49 non-governmental organizations and about 250 individual experts. Altogether,



¹²⁰ This interest was clearly sustained. Computerization of the criminal justice system was returned to five years later as a Workshop topic at the Ninth UN Crime Congress. Computer crimes, in turn, were dealt with at all subsequent UN Crime Congresses: at Workshops at the Tenth, Eleventh and Thirteenth UN Crime Congresses (2000, 2005 and 2015) and as an agenda item at the Twelfth UN Crime Congress (2010). At the next UN Crime Congress (2020), a Workshop will look at the broader issues of “new technologies as means for and tools against crime”.

¹²¹ One of the major participants in the UN Crime Programme, the United States, did not send a national delegation to the Eighth UN Crime Congress (1990).

¹²² The official list of participants at the Ninth UN Crime Congress did not include individual experts. Their number was calculated on the basis of the total number of participants reported by the UN (1,127), minus members of national delegations (694) and members of other delegations (187).



the Congress was attended by 1,127 participants.¹²²

The record set by the previous UN Crime Congress in the number of instruments adopted was easily surpassed in Havana. The Eighth UN Crime Congress approved model treaties on extradition, mutual assistance in criminal matters, transfer of proceedings in criminal matters, and transfer of supervision of offenders conditionally sentenced or conditionally released; the United Nations Standard Minimum Rules for Non-custodial Measures; the Basic Principles for the Treatment of Prisoners;¹²³ the United Nations Guidelines for the Prevention of Juvenile Delinquency; the United Nations Rules for the Protection of Juveniles Deprived of their Liberty; the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; the Guidelines on the Role of Prosecutors; and the Basic Principles on the Role of Lawyers.

¹²³ This should not be confused with the *Standard Minimum Rules on the Treatment of Prisoners*, adopted at the First UN Crime Congress. The "Basic Principles" consist of eleven brief, human rights related points.

All in all, the Eighth UN Crime Congress recommended thirteen draft instruments and resolutions for adoption by the General Assembly, and adopted three other instruments, thirty other resolutions, and one decision, for a grand total of forty-seven separate documents. The subject matter of these ranged from computerization of criminal justice to domestic violence, from instrumental use of children in criminal activities to the role of criminal law in the protection of the environment, and from corruption in government to terrorist criminal activities. With one exception, the drafts were all adopted by consensus. The exception was a draft resolution on the death penalty, which after a difficult passage through committee, was ultimately voted down in the plenary, having fallen four votes short of the two-thirds majority vote required under the rules of procedure.¹²⁴

The large number of draft resolutions, all dealing with issues which were undeniably important, gave rise to considerable concern. Some governmental representatives complained that many of the draft standards and norms had been prepared without sufficient government input. Others were of the view that soft law instruments (standards and norms, as well as resolutions) were an ineffective response to the growing problems of crime and criminal justice, and that the UN Crime Congresses should be looking more for practical and effective action than for words on paper. It was also pointed out by many participants that over half of the draft resolutions had not been submitted until at the Congress itself, and therefore there had been insufficient time to study these drafts. And there was also wide agreement that it was simply not possible for any delegation to follow and contribute to, at more or less the same time. the negotiations on forty-seven separate draft resolutions.¹²⁵

¹²⁴ The dry text of the Report of the Ninth UN Crime Congress does not convey the passion of the debate; paras. 335-352 and 356-359. Clark 1990, pp. 518-519 provides some background to, and a fuller description of, the debate.

This vote at the Ninth UN Crime Congress was the last time that a vote has been needed on any issue at the Crime Congresses to date.

¹²⁵ See, in particular, Clark 1994, pp. 126-132 and Clark 1990.

One of the documents recommended by the Eighth UN Crime Congress for adoption of the General Assembly became particularly significant against this background: the draft resolution on “Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice”. This led later in the year to adoption by the General Assembly of resolution 45/108 of 14 December 1990, which paved the way for a major restructuring of the UN Crime Programme. This resolution set up the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme, the conclusions of which were discussed at the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme in Paris from 21 to 23 November 1991. One month later, the General Assembly adopted resolution 46/152 of 18 December 1991. This resolution led to the replacement of the expert-driven Committee on Crime Prevention and Control by the government-driven Commission on Crime Prevention and Criminal Justice as a new functional commission of the Economic and Social Council.

Ninth United Nations Crime Congress, Cairo, 28 April – 5 May 1995



The Ninth UN Crime Congress, held in Cairo, was the first UN Crime Congress to be held after the restructuring of the UN Crime Programme. The theme of the Congress was “Less crime, more justice: Security for all”.

The four agenda items (which the General Assembly, in restructuring the UN Crime Programme, had stipulated be “precisely defined”) were the following:

- International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme;
- Action against national and transnational economic and organized crime, and the role of criminal law in the protection of the environment: national experiences and international cooperation;
- Criminal justice and police systems: management and improvement of police and other law-enforcement agencies, prosecution, courts and corrections; and the role of lawyers; and
- Crime prevention strategies, in particular as related to crimes in urban areas and juvenile and violent criminality, including the question of



victims: assessment and new perspectives.

The topics of the six “action-oriented research and demonstration workshops”, in turn, were:

- Extradition and international cooperation: exchange of national experience and implementation of relevant principles in national legislation;
- Mass media and crime prevention;
- Urban policy and crime prevention;
- Prevention of violent crime;
- Environmental protection at the national and international levels: potentials and limits of criminal justice; and
- International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operation and the development, analysis and policy use of criminal justice information.

The Ninth UN Crime Congress was attended by 138 national delegations, 22 UN and related agencies, 17 intergovernmental agencies, 73 non-governmental organizations and about 420 individual experts.¹²⁶ Altogether, the Congress

¹²⁶ Para. 14 of the report of the Ninth UN Crime Congress states that “Over 190 individual experts participated in the Congress as observers”. However, the list of participants includes about 420 names in the category of individual experts. As with some earlier Congresses, some individuals may have attended also as members of a delegation from, for example, a non-governmental organization, leading to double-counting.

was attended by 1,899 participants.

The Ninth UN Crime Congress can be seen as a congress in a state of transition from the expert-dominated UN Crime Congresses that had been held before, to the vision of more “efficient” congresses that would better serve the interests in particular of national governments in responding to what they saw as growing, and increasingly transnational, crime problems.

One indicator of this was that the preparations had been somewhat streamlined. The interregional expert meetings that had been held during the three previous UN Crime Congress cycles on each of the agenda items were abandoned.

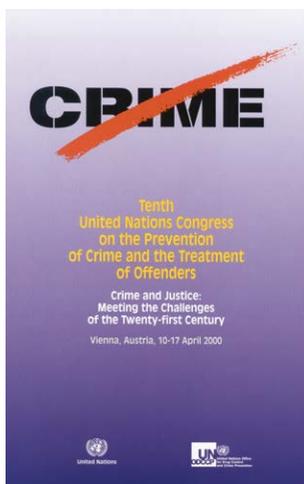
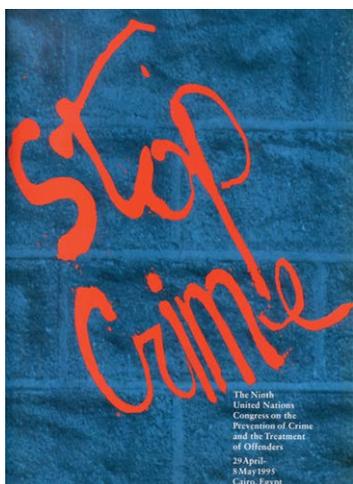
Perhaps a clearer sign of a shift was the increasing focus on transnational and organized crime. The Ninth UN Crime Congress was held only a few months after two major meetings were held in Italy: the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: a Global Approach, held in Courmayeur, Italy (June 1994),¹²⁷ and the World Ministerial Conference on Organized Transnational Crime, held in Naples, Italy (November 1994).¹²⁸

The conference in Naples had sparked considerable discussion at the Ninth UN Crime Congress on the possible need for an international convention or conventions against organized transnational crime. The conference in Courmayeur, in turn, had raised global awareness of the “new” offence of money

¹²⁷ E/CONF.88/7.

¹²⁸ A/49/748. See also UNTOC 2006, pp. xiii-xvi.

laundering. The previous UN Crime Congress in 1990 had given very little attention to the proceeds of crime and to money laundering.¹²⁹ Much more was said at the Ninth UN Crime Congress, and for example the annex to a resolution requesting that the Commission canvas the views of Governments on the need for an international convention specifically mentioned the prevention and control of money laundering as one of seven possible topics for such a convention.¹³⁰



¹²⁹ There were only two references to the proceeds of crime and money laundering in the report; paras 244 and 260 of the Eighth UN Crime Congress Report. In addition, there are passing references to money laundering in operative paragraph 18 of the annex to the Eighth UN Crime Congress resolution on "International Co-operation for Crime Prevention and Criminal Justice in the Context of Development", and in operative paragraphs 8 and 9 of the resolution on the "Prevention and Control of Organized Crime."

It may be noted here that, at the time in question, the United States in particular had been advocating for wide criminalization of money laundering. However, the United States did not send a delegation to the Eighth UN Crime Congress (1990) in Havana.

¹³⁰ This resolution marked one step on the way to the adoption five years later of the UN Convention against Transnational Organized Crime, which includes mandatory provisions calling on states parties to criminalize money laundering.



Similarly, more attention was paid to another “new” offence, corruption.¹³¹ In particular, a special one-day plenary session was held on “Experiences in practical measures aimed at combating corruption involving public officials”.¹³²

A further indicator of increasing governmental pressure for the Ninth UN Crime Congress to “get results” and to increase the efficiency and effectiveness of international cooperation in responding to crime was the discussions on developing model UN instruments on international cooperation. These led to the adoption of a resolution on the topic.¹³³

¹³¹ As noted, a passing reference to “graft and corruption” was made already at the Fourth UN Crime Congress (1970). At the Eighth UN Crime Congress (1990), the Secretariat had submitted a manual entitled “Practical measures against corruption”, and that Congress adopted a resolution on corruption in government. Otherwise, and with the exception of para. 72, there were few references to corruption in the report of the Eighth UN Crime Congress, and even these were generally as part of a list of different forms of crime.

The emergence of corruption as an issue at UN Crime Congresses is described in UNCAC 2010, pp. xii-xviii and xxii-xxiii.

¹³² Report of the Ninth UN Crime Congress, paras. 245-261.

¹³³ Several UN model agreements had already been developed. A model agreement on the transfer of foreign prisoners had been adopted at the Seventh UN Crime Congress (1985). Five years later, at the Eighth UN Crime Congress (1990), model treaties on extradition, mutual assistance in criminal matters, transfer of proceedings in criminal matters, and transfer of the supervision of offenders were adopted (respectively, General Assembly resolutions 45/116, 45/117, 45/118 and 45/119, annexes).

The Ninth UN Crime Congress was the first to examine the issue of environmental crime in depth.¹³⁴ It did so not only as part of an agenda item, but also in a separate Workshop devoted to this issue. Recent major environmental disasters such as the release of toxic gas in Bhopal in 1984, the Chernobyl nuclear plant melt-down in 1986, the Exxon Valdez oil spill in 1989 and the Kuwaiti oil fires in 1991 served to increase public attention to the extensive environmental harm that could result from human conduct. They also sparked an interest in environmental crime as a form of corporate crime.¹³⁵ The discussions at the Congress touched on such issues as crimes against cultural heritage, the illegal disposal of and trafficking in hazardous wastes, and illegal trafficking in wild and endangered species, issues which would be taken up at several subsequent UN Crime Congresses and sessions of the UN Crime Commission.¹³⁶

Another issue dealt with at the Ninth UN Crime Congress for the first time in a coordinated manner (as one of the Workshop topics) was the role of the mass media in crime prevention. The Workshop raised issues that would gain considerably in importance in the years to come, such as the role of a free press, and the role of Internet in shaping the information highway.¹³⁷ The Workshop also addressed the question of “Media as educator”, which

¹³⁴ The previous UN Crime Congress, in 1990, had adopted a resolution entitled “The role of criminal law in the protection of nature and the environment”, but only one brief paragraph in the report contains any reference to discussion on the substance. Report of the Eighth UN Crime Congress, pp. 130-132, para. 67 and paras. 92-94.

¹³⁵ Regarding the Workshop on environmental crime at the Ninth UN Crime Congress, see Alvazzi del Frate (undated).

As an example of the coordination among the “Big Four” NGOs referred to earlier in section 3 of this paper in preparing for the UN Crime Congresses, environmental crime was the main topic of the Twelfth International Congress of the International Society of Social Defence held in Paris in October 1991, and environmental law was one of the four topics of the Fifteenth International Conference of the International Association of Penal Law held in Buenos Aires in September 1994. The author served as one of the three rapporteurs at the ISSD Congress.

¹³⁶ Report of the Ninth UN Crime Congress, para. 360.

¹³⁷ Report of the Ninth UN Crime Congress, paras. 288 and 292-293.

presaged the attention that the UN Crime Programme would give to the role of education in crime prevention, an issue returned to separately at the Twelfth UN Crime Congress, and that will be prominent in the discussions at the next, Fourteenth UN Crime Congress in Kyoto in 2020, in connection with the concept of “a culture of lawfulness”.¹³⁸

The Ninth UN Crime Congress was more successful than the preceding ones in reducing the flow of draft instruments and resolutions. This was largely due to the innovation of collecting recommendations relating to the four substantive topics at the Congress into an “omnibus resolution” with 68 operative paragraphs, making this broadly comparable to the consolidated Declarations adopted at subsequent UN Crime Congresses. In addition to this resolution, the resolution on development of UN model instruments, and the resolution on a possible convention against organized transnational crime, six other resolutions as well as an expression of thanks to the host country were adopted. These other resolutions dealt with a range of issues, from the links between terrorist crimes and transnational organized crime, to violence against women, and children as victims and perpetrators of crime.

¹³⁸ The concept of “culture of lawfulness” is discussed in A/CONF.234/RPM.1/CRP.1.

Tenth United Nations Crime Congress, Vienna, 10 – 17 April 2000

The Tenth UN Crime Congress was held in Vienna at the turn of the millennium, and had as its self-evident theme “Crime and Justice: Meeting the Challenges of the 21st Century”



The Congress was held at the time of the finalization of the UN Convention against Transnational Organized Crime and its three protocols, and largely for this reason limited itself to only one general agenda item related to transnational organized crime: “international cooperation in combating transnational crime: new challenges in the twenty-first century”. The other agenda items dealt with more “traditional” crime and justice issues:

- the state of crime and criminal justice worldwide;
- promoting the rule of law and strengthening the criminal justice system;
- effective crime prevention: keeping pace with new developments; and
- offenders and victims: accountability and fairness in the justice process.

The workshops, in turn, dealt with

- combating corruption;
- women in the criminal justice system;
- community involvement in crime prevention; and
- crimes related to the computer network.



The Congress was attended by 137 national delegations, 15 specialized agencies, 20 intergovernmental agencies, 58 non-governmental organizations and over 400 individual experts. Altogether, 1,902 persons took part.



Although the tradition of regional preparatory meetings continued, such a preparatory meeting was no longer held in the European region.¹³⁹ The majority of the European countries were of the view that the holding in Vienna of annual UN Crime Commission sessions, as well as other meetings related to the UN Crime Programme, provided sufficient opportunities for them to exchange views.

The agenda item on the strengthening of the criminal justice system was itself a staple of the UN Crime Congresses, but the addition of the phrase, “rule of law” to the formulation of the agenda item marked once again a “first” for a UN Crime Congress. The phrase “rule of law” did not begin to become an everyday working term for the UN until in the immediate aftermath of the massive geopolitical changes in Europe at the end of the 1980s and the beginning of the 1990s. Within the framework of the UN Crime Programme, the phrase made its first significant appearance in 1990 in a standard and norm, the UN Standard Minimum Rules on Non-Custodial Treatment (the Tokyo Rules), in the context

¹³⁹ The European region consists in fact of two regional groups, Eastern Europe and the group known as “Western Europe and others.” After a gap of twenty years, a European regional preparatory meeting was held in preparation for the Fourteenth UN Crime Congress (2020).

¹⁴⁰ Rules 2.5 and 3.3.

A survey of the use of the phrase “rule of law” in the context of the UN Crime Programme is provided in Joutsen 2017.

of legal safeguards for the offender.¹⁴⁰ Several subsequent standards and norms make use of the phrase.¹⁴¹

The discussion at the Tenth UN Crime Congress contributed to the relatively rapid spread of references to the “rule of law”. The phrase appeared again as part of the formulation of one of the agenda items at the next UN Crime Congress, and for example the Congress Declarations adopted at the Eleventh, Twelfth and Thirteenth UN Crime Congresses (2005, 2010 and 2015) are replete with references it. The phrase was even incorporated into the lengthy theme of the Thirteenth UN Crime Congress (2015).



The Tenth UN Crime Congress had, for the first time, a high-level segment at which speakers of ministerial rank and above could take the floor. Statements were made by a total of 76 high-level participants.

¹⁴¹ The phrase “rule of law” appears not only in the Tokyo Rules, but also in the Guidelines for the Prevention of Crime (ECOSOC resolution 2002/13, annex, principle 12), the Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (GA resolution 65/228, annex, para. 16(j)), the Plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (ECOSOC resolution 1998/21, annex, para. 4), the Bangalore Principles of Judicial Conduct (E/CN.4/2003/65, and ECOSOC resolution 2006/23, annex, preambular para 5 and principle 1), and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (GA resolution 67/187, annex, para 1 and principle 1).

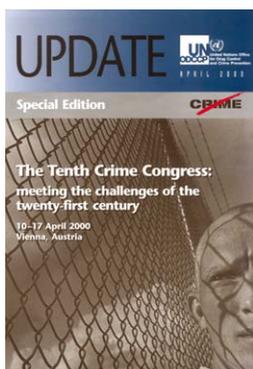
The Congress, as directed by the General Assembly, formulated a single Declaration, the “Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century”.¹⁴² The Declaration was about three pages (29 paragraphs) in length. The text of the draft Declaration had been negotiated extensively in advance of the Congress, and the negotiations continued throughout the Congress, until its adoption during the high-level segment at the end of the Congress. As stated by the UNODC in summarizing this document,



“In the Vienna Declaration, Member States set out an international agenda in crime prevention and criminal justice at the beginning of the new millennium. The Vienna Declaration captures the essence of the work carried out over many years and sets out specific key commitments that should reflect a vision for the future work of the United Nations Crime Prevention and Criminal Justice Programme and of Governments. More specifically, Member States pledged to take resolute and speedy measures to combat: terrorism; trafficking in human beings; illicit trade in firearms; smuggling of migrants; and money-laundering. The Vienna Declaration stressed the need for an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I).”¹⁴³

¹⁴² The General Assembly subsequently adopted this as an annex to its resolution 55/59.

¹⁴³ A/CONF.203/15, paras. 40 and 41.



Beginning with the Tenth UN Crime Congress, more attention has been focused on follow-up to the Congress recommendations. Although the Congresses do not have the mandate to set policy, they do produce suggestions for what measures Governments, the Secretariat and other stakeholders might consider taking. The General Assembly had, previously, usually invited governments to be guided by the resolutions and recommendations of the various Congresses, and had requested the Secretary-General to take the appropriate operational follow-up action.¹⁴⁴

The procedure in respect of the Tenth UN Crime Congress was different. First, instead of a broad resolution dealing with the Tenth UN Crime Congress as such (as was done with the previous Congresses), one General Assembly resolution adopted the consolidated Vienna Declaration¹⁴⁵ and a separate General Assembly resolution considered follow-up to the Tenth UN Crime Congress.¹⁴⁶

¹⁴⁴ See, for example, GA resolution 45/120, adopted after the Eighth UN Crime Congress (1990), and GA resolution 50/145, adopted after the Ninth UN Crime Congress (1995).

¹⁴⁵ GA resolution 55/59.

¹⁴⁶ GA resolution 55/60. Both GA resolutions had been drafted at the session of the UN Crime Commission that immediately followed the conclusion of the Tenth UN Crime Congress.

Second, the rather brief (three paragraph) GA resolution on follow-up used stronger language than earlier. The first operative paragraph begins “Urges Governments, in their efforts to prevent and combat crime, especially transnational crime ...”,¹⁴⁷ Here, the more exhortative “urges” has replaced “invites” as used in earlier, corresponding GA resolutions. The addition of the words “especially transnational crime” is once again a sign of the growing concern of the drafters over transnational (organized) crime.

Third, the second paragraph of the GA resolution requests that the UN Crime Commission, at its next session, continue its consideration of the findings and recommendations contained in the Vienna Declaration. No similar request for renewed consideration had been made after earlier Congresses.¹⁴⁸

Finally, the third paragraph “requests the Secretary-General to prepare, in consultation with Member States, draft plans of action to include specific measures for the implementation of and follow-up to the commitments undertaken in the Declaration for consideration and action by the Commission” at its following session. This third paragraph of the GA resolution lays the basis for what will become a recurring item on the agenda of the UN Crime Commission: each year, at the same time as the Commission discusses preparations for the next UN Crime Congress according to the five-year cycle, it reviews what has been done to follow up on the Declaration from the previous Congress.

¹⁴⁷ It may be noted here in passing that, during the negotiation of draft resolutions, considerable attention is paid to the exact wording. For example, while the General Assembly can “request” that the Secretary-General carry out certain activities, it is (with certain exceptions) not seen to have the mandate to “request” that governments do or refrain from doing certain activities; to do so would be widely seen as a violation of article 2(7) of the UN Charter, which prohibits the UN from intervening in matters which are essentially within the domestic jurisdiction of a state. Instead, the General Assembly may, for example, “invite”, “encourage” or “urge” governments to take certain action.

¹⁴⁸ The plans of action called for in this third paragraph were adopted through GA resolution 56/261. A follow-up General Assembly resolution on this was adopted one year later (GA resolution 57/170).

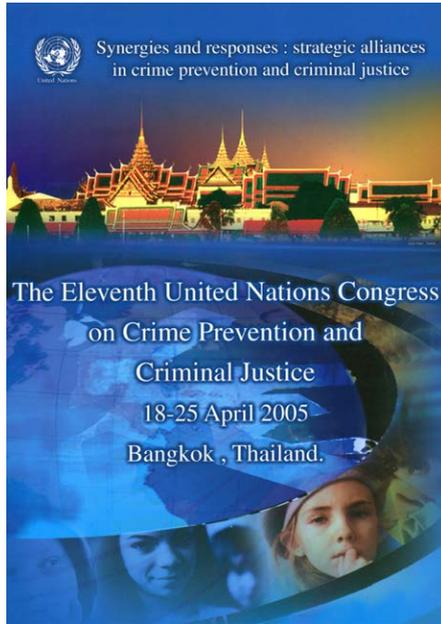
In the aftermath of subsequent UN Crime Congresses in 2005, 2010 and 2015, the process of preparing action plans was no longer followed.

Eleventh United Nations Crime Congress, Bangkok, 18 – 25 April 2005



The Eleventh UN Crime Congress, held in Bangkok, had as its theme “Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice”. The focus at the Eleventh UN Crime Congress on transnational (organized) crime was very clear, with four of the five agenda items dealing with this in one way or another:

- effective measures to combat transnational organized crime;
- international cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of the United Nations Office on Drugs and Crime;
 - corruption: threats and trends in the twenty-first century;
 - economic and financial crimes: challenges to sustainable development; and
 - making standards work: fifty years of standard-setting in crime prevention and criminal justice.



The same focus on transnational and organized crime appears in three of the six workshops:

- enhancing international law enforcement cooperation, including extradition measures;
- enhancing criminal justice reform, including restorative justice;
- strategies and best practices for crime prevention, in particular in relation to urban crime and youth at risk;
- measures to combat terrorism, with reference to the relevant international conventions and protocols;
- measures to combat economic crime, including money-laundering; and
- measures to combat computer-related crime.

This focus on transnational and organized crime should be seen in the light of the fact that, by the time of the Congress, the UN Convention on Transnational Organized Crime (with two of its protocols, one on trafficking in persons and one on the smuggling of migrants) had entered into force, and the UN Convention against Corruption entered into force a few months after the Congress was held. Both UN crime conventions established Conferences of the States Parties, which would meet biannually and deal with questions of implementation. Given that the large majority of the governments attending the Congresses were at the same time states parties to the two UN crime conventions, care had to be taken to avoid overlap in the issues considered at the different venues.

The Eleventh UN Crime Congress was attended by 129 national delegations, 32 specialized agencies, 25 intergovernmental agencies, 35 non-governmental organizations and over 1,100 individual experts. Altogether, the Congress was attended by over 3,000 participants.

As with the previous Congress, the Eleventh UN Crime Congress ended with a high-level segment, during which statements were made by 88 heads of national delegations, and the Bangkok Declaration was adopted. In addition, and in view of the recent entry into force of the UN Convention against



Transnational Organized Crime and coming entry into force of the UN Convention against Corruption, a special treaty event was organized in connection with the high-level segment, to encourage wider accession and ratification of these and other UN instruments.

The Congress had five agenda items and six workshops, which made for a very heavy agenda. Efforts were made to squeeze the programme into the short space of time available (eight days), for example by shortening the workshops from the two days each that had been allotted at the previous Congress, to just one day each. At the same time, however, the Bangkok Declaration was being intensely negotiated throughout the duration of the Congress, thus increasing the pressure in particular on the governmental delegations.

In the discussions at the UN Crime Commission, held soon after the Eleventh UN Crime Congress, extensive appreciation was given to Thailand for hosting the Congress, and to the Secretariat for servicing the Congress. At the same time, it was suggested that the UN Crime Commission should “adopt a more disciplined approach” to Congress preparations, for example by defining the agenda items better, and by allocating more time to each agenda item.¹⁴⁹

As a direct result of this discussion, a follow-up event was held in Bangkok, at the invitation of the Government of Thailand: a meeting of an intergovernmental group of experts to review the organization, structure and methods of work of the UN Crime Congresses.¹⁵⁰ The meeting produced a number of specific conclusions, dealing with such matters as the need to have carefully selected and sharply focused agenda items and topics, have technical workshops that emphasize an interactive exchange of views and experience (as opposed to the delivery of prepared statements), have a Congress Declaration that is focused and streamlined, publication and wide dissemination of the proceedings and

¹⁴⁹ E/CN.15/2005/20 (2005), para 40.

¹⁵⁰ E/CN.15/2007/6.



outcome, and the need to ensure adequate follow-up on the international and national levels.¹⁵¹

The intergovernmental meeting also recommended more coherent follow-up to the Congresses. One result of this has been that the Secretariat reports, and governments are invited to report, at subsequent sessions of the UN Crime Commission on their efforts to implement the commitments taken at the preceding Congress. At the next session of the UN Crime Commission, Thailand submitted a template for a checklist that governments could use in reporting on implementation of the Bangkok Declaration.¹⁵²

¹⁵¹ E/CN.15/2007/6, paras. 35-40 and *passim*.

¹⁵² E/CN.15/2007/CRP.1

Twelfth UN Crime Congress, Bahia de Salvador, 12 – 19 April 2010



Having been organized in Latin America and the Caribbean twice before (in Caracas in 1980, and in Havana in 1990), the UN Crime Congress returned to the region in 2010, to Bahia de Salvador, Brazil. The theme of the Congress was “Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world.”

The Twelfth UN Crime Congress was attended by 102 national delegations, 29 specialized agencies, 17 intergovernmental agencies, 45 non-governmental organizations and 181 individual experts. Altogether, the Congress was attended by over 3,000 participants.¹⁵³

As had been the case at the preceding, Eleventh UN Crime Congress, transnational and organized crime issues dominated the agenda items:

¹⁵³ Over one half of the total number of participants – 1,551 – were members of the national delegation of the host country, Brazil.

- children, youth and crime; and Making the United Nations guidelines on crime prevention work;
- provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism;
- criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime; and Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families;
- international cooperation to address money-laundering based on existing and relevant United Nations and other instruments; and Practical approaches to strengthening international cooperation in fighting crime-related problems; and
- recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime.



The workshops, in turn, dealt with more “traditional” crime and justice issues:

- international criminal justice education for the rule of law;
- survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system;
- practical approaches to preventing urban crime;
- links between drug trafficking and other forms of organized crime: international coordinated response; and
- strategies and best practices against overcrowding in correctional facilities.



A sub-text of much of the discussion at the Twelfth UN Crime Congress was the role of the criminal justice system in development, and as a pillar in the rule of law. In 2000, the UN General Assembly had adopted the Millennium Development Goals.¹⁵⁴

The Salvador Declaration, as was the case with the Bangkok Declaration before it, had been extensively negotiated in advance of the Congress, and was the focus of very lengthy negotiations at the Congress itself, at times until the early morning. It consisted of nine pages, 55 paragraphs.

¹⁵⁴ General Assembly resolution A/RES/55/2.



Three days after the Twelfth UN Crime Congress began, eruptions of the Eyjafjallajökull volcano in Iceland led to the closing of European airspace, which remained closed until after the end of the Congress. This caused many of the participants to leave the Congress earlier than intended, in order to use alternative, and often rather cumbersome, travel arrangements.

The last days of the Eleventh UN Crime Congress contained their own drama, with intensive and protracted debate over in particular the issue of whether or not a UN convention should be negotiated on cybercrime, and over how the views of the opposing sides should be reflected in the report.¹⁵⁵

¹⁵⁵ See, for example, para. 45 of the report on the Twelfth UN Crime Congress. The result of this long debate was an invitation to the UN Crime Commission to set up an expert group to consider the proper response to cybercrime. Operative paragraph 42 of the Salvador Declaration was carefully formulated as follows:

"42. We invite the Commission on Crime Prevention and Criminal Justice to consider convening an open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime."

Thirteenth United Nations Crime Congress, Doha, 12 – 19 April 2015



The Thirteenth UN Crime Congress, held in Doha, was convened at the time when the General Assembly was finalizing the work on the post-2015 development agenda, the Sustainable Development Goals. One of the key issues being debated by the General Assembly in New York was whether or not crime and justice issues (such as security and the rule of law) would be included among the Goals. The theme of the Congress quite clearly reflects the interest in influencing this process: “Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation.”¹⁵⁶

¹⁵⁶ The national delegation of the host country, Qatar, consisted of 555 members.



The two previous UN Crime Congresses had been attended by about 3,000 participants. The Thirteenth UN Crime Congress marked a new record, with 142 national delegations, 31 specialized agencies, 23 intergovernmental agencies, 47 non-governmental organizations and 475 individual experts. Altogether, the Congress was attended by about 4,000 participants.

The agenda items reflect a more balanced range of “traditional” and modern crime and justice issues, maintaining at the same time a link to sustainable development:



- successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development;
- international cooperation, including at the regional level, to combat transnational organized crime;
- comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime; and
- national approaches to public participation in strengthening crime prevention and criminal justice.

The respective Workshops, in turn, dealt with the following issues:

- role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders;



- trafficking in persons and smuggling of migrants: successes and challenges in criminalization, in mutual legal assistance and in effective protection of witnesses and trafficking victims;
- strengthening crime prevention and criminal justice responses to evolving forms of crime such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation;

- and public contribution to crime prevention. In accordance with suggestions made at the intergovernmental expert group organized after the Eleventh UN Crime Congress (2005) to consider the structure and operation of the Congresses, a more methodical approach was taken to the structuring of the agenda. The four agenda items were selected to cover different types of broad policy issues on crime prevention and criminal justice:



fundamental policy issues, international cooperation, forms of crime, and crime prevention. In an innovation, the four workshops, in turn, were formulated so that each one was closely tied (“interlocked”) with one of the four agenda items, and were designed to be more focused and more technical.



Furthermore, each workshop was held in advance of the corresponding agenda item, so that the discussion on the agenda item could benefit from the input from the workshop.

A second, major adjustment was that the high-level segment was switched from the end of the Congress (where it had been held in connection with the three preceding Congresses) to the beginning of the Congress. This allowed adoption of the Congress Declaration, which had been negotiated in advance of the Congress, already on the first day of the Congress. This, in turn, meant that many key participants no longer needed to engage in hours of negotiation on the Declaration at the Congress itself (negotiations which, at preceding Congresses, had at times extended far into the night), but were able to take active part in the discussions on the agenda items, in the workshops and in the ancillary meetings.



The high-level segment itself included, for the first time at any UN Crime Congress, the Secretary-General of the United Nations, the President of the General Assembly, and the President of ECOSOC. A total of 96 high-level speakers gave statements.

The Doha Declaration, at twelve pages, was considerably longer than any of the preceding three consolidated Congress Declarations.¹⁵⁷ In view of the ongoing work at the General Assembly on Agenda 2030, it forcefully argued for the interconnected nature of crime prevention and criminal justice, and sustainable development. Paragraph 2, for example, reaffirms “the cross-cutting nature of crime prevention and criminal justice issues and the consequent need to integrate those issues into the wider agenda of the United Nations in order to enhance system-wide coordination”, and paragraph 3 recognizes “the importance of effective, fair, humane and accountable crime prevention and criminal justice systems and the institutions comprising them as a central component of the rule of law.”

¹⁵⁷ The Doha Declaration is available at: http://www.unodc.org/documents/congress//Documentation/ACONF222_L6_e_V1502120.pdf

Paragraph 4 states as follows:

“We acknowledge that sustainable development and the rule of law are strongly interrelated and mutually reinforcing. We therefore welcome the inclusive and transparent intergovernmental process for the post-2015 development agenda, which is aimed at developing global sustainable development goals to be agreed by the General Assembly, and acknowledge the proposals of the Open Working Group of the General Assembly on Sustainable Development Goals as the main basis for integrating sustainable development goals into the post-2015 development agenda, while recognizing that other inputs will also be considered. In this context, we reiterate the importance of promoting peaceful corruption-free and inclusive societies for sustainable development, with a focus on a people-centred approach that provides access to justice for all and builds effective, accountable and inclusive institutions at all levels.”

Due to close cooperation between the UNODC Secretariat and the host Government, the Thirteenth UN Crime Congress benefitted from smooth technology and organization. Information was readily available on different upcoming events, and correspondingly summaries of many events (including the ancillary meetings) were also made available on-site in a timely manner.





The politicization of discussion at UN Crime Congresses became apparent in one respect at the Thirteenth UN Crime Congress. Although previous Congresses had included conclusions and recommendations as part of the outcome of the discussion in the Workshops, there was an extended debate at the Thirteenth UN Crime Congress on the status of these conclusions and recommendations. (With only one and a half days allotted to each Workshop, there was in practice very little time for negotiation of each set of conclusions and recommendations.) The outcome of this debate was that what would at earlier Congresses have been separate “conclusions and recommendations”, was in the report on the Thirteenth UN Crime preceded with the words “The Chair, in summarizing the discussion, invited the participants to consider the following.” The actual impact of this wording is unclear, since the Workshops are designed to be a forum for an exchange of views and experiences, and not to set UN policy.

The Thirteenth UN Crime Congress was preceded by a “Youth Forum” at which young participants discussed selected items on the Congress agenda. The report of the Youth Forum was submitted to the Congress during the high-level segment.

Outcome of the UN crime Congresses : From Resolutions to Declarations

The first Congresses, from 1955 to 1990, had adopted a large amount of soft law: nonbinding resolutions, guidelines, action plans and a heterogeneous set of standards and norms. These latter soft law instruments, collectively referred to as 'UN standards and norms in crime prevention and criminal justice', cover a broad range of crime prevention and criminal justice issues, from the prevention of juvenile delinquency, the position of victims in the criminal justice process, and the use of force and firearms by the law enforcement officials, to the independence of the judiciary and capital punishment.

As noted, the Eighth UN Crime Congress (1990) adopted not only 13 new standards and norms, but also 33 other resolutions and one decision, for a grand total of 47 different resolutions and decisions. This flow of instruments was one factor leading member states to decide on a restructuring of the UN crime programme in 1991. At the subsequent Ninth UN Crime Congress, in Cairo in 1995, fewer resolutions were tabled, and one resolution became an 'omnibus' resolution, dealing with a considerable variety of issues discussed under the different agenda items. This omnibus resolution paved the way for an innovation introduced at the next Congress, in Vienna in 2000: instead of individual resolutions, each Congress would adopt a single document called a Congress Declaration "containing recommendations derived from the deliberations of the high-level segment, the round tables and the workshops, to be submitted to the Commission for its consideration".

The introduction of Congress Declarations as the main output of UN Crime Congresses resulted in a perceptible change in the nature of these global events. The first UN Crime Congresses had been large gatherings where the participants "talked shop" with other criminal justice experts or stakeholders involved in crime prevention and criminal justice. These Congresses brought together representatives of governments, intergovernmental organisations

and non-governmental organisations, as well as a large number of persons attending in their personal capacity (generally, criminal justice practitioners and representatives of research and academia). Resolutions were adopted, but they either marked the culmination of a longer process (adoption of a standard or norm), or they related to a specific issue, which was generally (but not always) being dealt with at that particular Congress.

Once the concept of Congress Declarations was introduced, these focused the attention in particular of the governmental representatives on the written outcome of the Congress. Less attention was being paid by them to what was said at the Congress itself, and more to what was said in the Congress Declaration. Although the UN Crime Congress has no formal policy-making role, many participants began to take the view that a global Congress representing almost all countries in the world, with a broad spectrum of stakeholders, and with a few scattered heads of state and several governmental ministers in attendance, should take precedence over annual sessions of the UN Commission on Crime Prevention and Criminal Justice. Accordingly, they came to view the Congress Declarations as establishing the framework for the UN work programme in crime prevention and criminal justice for the next five years.¹⁵⁸

Four general comments should be made about the Congress Declarations.

First, the Congress Declarations, despite their name, do not actually reflect the discussions at each respective UN Crime Congress. It is true that General Assembly resolution 56/119 specifies that the consolidated Congress Declarations should contain “recommendations derived from the deliberations of the high-level segment, the round tables and the workshops, to be submitted

¹⁵⁸ Not that there was less ‘talking shop’ at the Congresses; the growing number of ancillary meetings, on a broad range of topics (although not on the formal Congress agenda), attracted a constantly growing number of practitioners, non-governmental representatives and researchers to the Congresses, thus indirectly fulfilling the main purpose: the exchange of information and experiences.

to the Commission for its consideration”,¹⁵⁹ but this is setting an impossible task for the participants at the Congress. It is, quite simply, not possible to develop a mechanism that would distil the deliberations taking place in the high-level segment, other plenary sessions, and the deliberations in the two Committees sitting in parallel, and draft a Congress Declaration that could be adopted by consensus by that same Congress.

It is also true that, since the Declarations at the Tenth (2000) through the Twelfth (2010) UN Crime Congresses were adopted at the high-level segment held at the end of each Congress, it would have in theory been possible to insert language in the emerging draft that would have reflected the proceedings.¹⁶⁰ However, in practice they had been extensively negotiated in advance of the Congresses, and once the negotiators arrived at the Congress, they tended to shut themselves away from what happens in the plenary and the two Committees, to continue their negotiations.¹⁶¹

Second, the four Congress Declarations that have been adopted so far, since the Tenth UN Crime Congress in 2000, go beyond the individual agenda items and Workshop topics at the respective Congresses. They deal with the wide panoply of issues that member states regard as priorities, regardless of whether or not these were to be discussed separately at the Congress. An increasing number of governments view them as setting the over-all policy of the UN Crime Programme (even though action through the UN Crime

¹⁵⁹ This has been reiterated in GA resolutions dealing specifically with the preparations for individual Congresses. See, for example, A/RES/67/184 (2013), para. 6.

¹⁶⁰ Having what was said at the Congress reflected in the Congress Declaration was obviously not possible at the Thirteenth UN Crime Congress in 2015, since the Doha Declaration was adopted already at the opening of the Congress.

¹⁶¹ The negotiating process for the Congress Declarations does begin with the recommendations from the regional preparatory meetings for the Congress, and in this sense there is an important link between the negotiations, and the preparations for the Congress. However, as noted in the text, once the negotiations begin, they tend to follow a separate track from the Congress itself.

Programme still requires the formulation of separate draft resolutions of the UN Crime Commission).

Third, the consecutive Congresses Declarations have been expanding considerably in length. Following the Twelfth UN Crime Congress (2010), at which the Congress Declaration (at nine pages, and 55 paragraphs) was regarded by many as rather lengthy, the General Assembly specified that the consolidated Congress Declaration should be “short and concise”, and should reflect the theme of the Congress.”¹⁶² Repeated calls by individual negotiators on the subsequent Doha Declaration that this should indeed be “short and concise” were in vain. The Doha Declaration almost equalled in length the combined Declarations from the two previous Congresses, the Eleventh and the Twelfth.¹⁶³

Fourth, the focus on the Congress Declarations overlooks the fact that these documents are not the only outcome of each Congress. In addition to the official report of the Congress, each Congress produces a considerable amount of documentation, such as the official background documents prepared by the Secretariat (which have been of very high quality), the reports of the regional preparatory meetings, a number of conference room documents, a large number of documents submitted by various participants in the different categories, as well as the unofficial report of the ancillary meetings. At the more recent UN Crime Congresses, the respective UN Programme Network Institute that had the lead role in organizing each Workshop has usually produced a report containing the various panel presentations and related material. In respect of the Thirteenth UN Crime Congress, thanks to cooperation between the UNODC and the host government, much of this material has been made

¹⁶² A/RES/69/191 (2015), para. 7.

¹⁶³ The English version of the Bangkok Declaration contained somewhat over 2,700 words, and the Salvador Declaration somewhat over 3,900 words. The Doha Declaration contained some 5,750 words. It may be added that the odd structure of the Doha Declaration – a jumble of paragraphs and a multitude of subparagraphs, without clarity of structure or the use of subheadings – makes it difficult to navigate and comprehend.

available through the Congress website,¹⁶⁴ thus providing a wealth of information even for those practitioners, policy-makers and researchers around the world who had not participated, and in this way increases the impact of the Congresses.

Finally, it may be noted that over the past two decades, both the UN Secretariat and the UN Crime Commission have devoted increasing attention to ensuring that the UN Crime Congresses are not “one-off” events, which are forgotten as soon as preparations begin on the next five-year cycle. Following the Thirteenth UN Crime Congress in Doha (2015), the Secretariat has even established an operational programme to take forward the Doha Declaration. A standing item on the agenda of the UN Crime Commission is the UN Crime Congresses, during which implementation of action points raised by the previous Congress is reviewed and discussed, at the same time as the preparations for the next Congress are advanced. This ensures continuity in the process.

¹⁶⁴ <http://www.unodc.org/congress/en/previous/previous-13.html>

Conclusions

At the outset of the Doha Declaration, adopted at the most recent, Thirteenth UN Crime Congress in 2015, the member states participating at the Congress declared that:

“1. We acknowledge the 60-year legacy and continuing significant role of the United Nations congresses on crime prevention and criminal justice as one of the largest and most diverse international forums for the exchange of views and experiences in research, law and policy and programme development between States, intergovernmental organizations and individual experts representing various professions and disciplines in order to identify emerging trends and issues in the field of crime prevention and criminal justice. We recognize the unique and important contributions of the congresses to law and policy development ...”¹⁶⁵

As major international events in the calendar of the global crime prevention and criminal justice community, the United Nations Congresses on Crime Prevention and Criminal Justice provide a touchstone for examining how our understanding of crime and criminal justice has changed over the years.

During the early years of the UN Crime Congresses (the first three Congresses in 1955, 1960 and 1965), the largely Western participants appeared optimistic that, with sufficient research and debate, the “cause of crime” (whether in the individual or in society) could be identified and remedied. The UN Crime Congresses held in 1970 and 1975, which benefitted from more global participation, were not as sanguine, but the participants were nonetheless able to reach consensus on how to respond to a growing range of issues, including organized crime and terrorism. The Congresses in 1980, 1985 and 1990 reflected a (partial) rejection of a solely Western perspective on crime and

¹⁶⁵ The Doha Declaration is available at: http://www.unodc.org/documents/congress//Documentation/ACONF222_L6_e_V1502120.pdf

criminal justice, and there were political overtones to discussions on society and development, in particular economic development, and their impact on crime.

Following the restructuring of the UN Crime Programme in 1991, the formal sessions at the UN Crime Congresses from 1995 on have tended to an increasing extent to address crime as a threat to security, and less to address crime as an interplay between society and the individual. There has been considerably more focus on serious forms of (transnational) organized crime and terrorism, and repeated calls for improved efficiency in international law enforcement and judicial cooperation. There continue to be individual agenda items and Workshop topics that deal with “ordinary” crime and the day-to-day operation of the criminal justice system on the domestic and local level, but less so than at earlier UN Crime Congresses.

Over a sixty-year span, therefore, the UN Crime Congresses have reflected shifts in how crime has been viewed at least by national governments, and shifts in their understanding of what the response of the international community should be.

The shift from a focus on “ordinary” crime on the domestic and local level, to a focus on (transnational) organized crime and international cooperation, has to a large extent been inevitable. The UN Crime Congresses are held only every five years, and the duration of each Congress has been compressed to eight days. Clearly, prioritization is required when deciding what issues can be addressed during those few days. Since the UN Crime Congresses are by definition international, there is also a strong tendency to address issues of international cooperation (including technical cooperation).

This shift in focus has to a large extent been offset by another expanding component of the UN Crime Congresses, the ancillary meetings. While there were only 35 and 42 ancillary meetings at the Tenth and Eleventh UN Crime Congresses (2000 and 2005) respectively, the number doubled to 82 at the Twelfth UN Crime Congress (2010) and doubled again to 195 at the most recent Congress in 2015. Many of the ancillary meetings dealt with issues that are closer to the everyday concerns of practitioners in law enforcement, prosecution, the management of courts, reintegration of offenders, and assistance to victims.

At the same time as they provide snapshots of the approach that had been taken at different times to crime prevention and criminal justice, the UN Crime Congresses have, throughout their history, changed our understanding of what the key issues are. By providing a forum for the exchange of ideas and experiences in how local, national and international responses to crime can be improved, they have at the same time promoted the global spread of the latest academic thinking in criminology, victimology and criminal justice studies. The first four UN Crime Congresses gradually brought in an expanding global audience; in particular selecting Kyoto, Japan, as the venue for the Fourth UN Crime Congress (1970) contributed to disseminating this latest thinking among practitioners and policymakers in the Asian and Pacific region. The Sixth and Eighth UN Crime Congresses (1980 and 1990), held in Caracas and Havana respectively, fulfilled the same function for the Latin American and Caribbean region.

The Third UN Crime Congress (1965) served to direct attention to crime prevention strategies, the role of informal social control, and the impact of social change on crime. The Fourth UN Crime Congress (1970) raised awareness of the national and international dimensions of organized crime and terrorism,

a process continued at the Fifth UN Crime Congress (1975), which introduced the concept of “transnational crime” to the world.

The Fifth UN Crime Congress was also significant in bringing the issue of human rights into the criminal justice framework, as well as in providing criminologists and criminal justice policymakers with better conceptual tools to understand and analyse the economic impact of crime.

The Sixth UN Crime Congress (1980), the first to be held in a developing country, changed the tone of the discussion by examining issues of crime and development in depth. It also introduced to many the concept of “abuse of power”, with its implications for criminological research and for the identification of “offences and offenders beyond the reach of the law”. The Sixth UN Crime Congress further brought attention to the problems associated with prison overcrowding. The Seventh UN Crime Congress, in turn, was significant in spreading awareness of and interest in the new approach to victims (victimology and victim policy), and to drawing attention to the “hidden crime” of domestic violence.

The Eighth UN Crime Congress (1990) was a watershed event, in producing a wealth of soft-law instruments that have had an impact on practice and policy in a wide range of issues, from the application of non-custodial measures to the prevention of juvenile delinquency, and from the use of force and firearms by law enforcement officials, to the work of both prosecutors and lawyers. At the same time, it laid the groundwork for the restructuring of the UN Crime Programme, with the attendant emphasis on effectiveness and efficiency.

The Ninth UN Crime Congress (1995) was marked by a focus on transnational organized crime. It also brought to global attention the potential harm caused by environmental crime. The more recent UN Crime Congresses continued to devote considerable attention to different aspects of transnational crime, with for example corruption and cybercrime prominently on the agenda of the Tenth UN Crime Congress (2000), terrorism, corruption and economic crime at the Eleventh UN Crime Congress (2005), terrorism, the smuggling of migrants, trafficking in persons, money laundering and cybercrime at the Twelfth UN Crime Congress (2010), and trafficking in persons, the smuggling of migrants, cybercrime and trafficking in cultural property at the Thirteenth UN Crime Congress (2015). At all of these Congresses, global attention was focused on new forms of these crimes, and experiences were exchanged on how to respond to them. At the same time, also other issues were brought into the debate, perhaps most notably the concept of the rule of law at the Tenth UN Crime Congress (2000).

In examining the UN Crime Congresses from a structural and organizational point of view, there has been considerable evolution. The first Congresses were not very different from many other typical professional and academic conferences at the time, with lectures and learned debates (and a ladies' programme for accompanying spouses), resulting in soft-law instruments adopted by consensus. With the addition of Workshops, the expansion of the number of ancillary meetings, and the shortening of the Congresses from two weeks to eight days, their schedule has become fuller and tighter. However, many of the innovations adopted in particular at the Thirteenth UN Crime Congress (such as interlocking each Workshop with a related agenda item) served to clarify the structure and maximize the potential for the technically oriented Workshops to inform the discussions on the respective agenda item. Placing the high-level segment at the beginning of the Congress, and having the Congress Declaration adopted at that time, has also been of organizational benefit.

Continuous refinements are needed, and the Congresses will undoubtedly continue to evolve. The negotiation of the Congress Declaration has proven to be an onerous task, and these Declarations have shown a tendency to become lengthier and more cumbersome; they are not the “short and concise” Declarations called for by the UN General Assembly. Perhaps some means can be found to build on earlier Congress Declarations; after all, to a large extent, each new Declaration has repeated points made in earlier ones. Another approach would be to give the Congress Declarations a clearer structure, for example by having sections broadly based on the agenda items at the Congress itself – expanded, of course, to deal with other priority issues that the negotiators deem to be sufficiently important to be included.

By 2020, the UN Crime Congresses will have reached the ripe age of 65. They have reached a stage where we can pause to reflect on their past achievements, while noting that they still have the vigour needed to try to identify and come to grips with what needs to be done. These past achievements include the adoption of an extensive body of soft law, which has contributed to the development of national and local practice. The Fourth and Eighth UN Crime Congresses in 1970 and 1990 have had as a direct or indirect contribution the development of the UN structure for policy-making on crime prevention and criminal justice. The Ninth UN Crime Congress in 1995 contributed directly to the launching of the negotiation of the UN Convention on Transnational Organized Crime (with its three protocols) and, in time, the UN Convention against Corruption. The Thirteenth UN Crime Congress in 2015 contributed in part to the incorporation, in the 2030 Agenda, of references to rule of law, security, and crime prevention and criminal justice, as part of Goal 16.

The Fourteenth UN Crime Congress, to be organized in Kyoto, Japan in March 2021 will continue this important work.

References

Alvazzi del Frate, Anna (undated; 1995?), Project Development. Environmental Protection at National and International Levels: Potentials and Limits of Criminal Justice, UNICRI, Rome, available at https://www.mpicc.de/files/pdf2/3_project.pdf

Bassiouni, M. Cherif (1995), The Contributions of Specialized Institutes and Non-Governmental Organizations to the United Nations Criminal Justice Programme. In honour of Adolfo Beria di Argentine, the Hague

Clark, Roger S. (1990), The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Havana, Cuba. August 27 – September 7, 1990, in Criminal Law Forum, vol. 1, no. 3, pp. 513-523

Clark, Roger S. (1994), The United Nations Crime Prevention and Criminal Justice Program. Formulation of Standards and Efforts at their Implementation. University of Pennsylvania Press, Philadelphia

Clifford, William (1979), Echoes and Hopes. The United Nations Committee on Crime Prevention and Control, Australian Institute of Criminology, Canberra, available at <https://aic.gov.au/sites/default/files/publications/archive/downloads/echoes-and-hopes.pdf>

Joutsen, Matti (2016), International Standards and Norms as Guidance in the Criminal Justice System, UNAFEI Resource Material Series no. 98, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Fuchu, Tokyo, 2016, pp. 54-67

Joutsen, Matti (2017), The Rule of Law as a Concept in Discussions at the United Nations, Thailand Institute of Justice, Bangkok (available from the author)

Joutsen, Matti (2018), What is the Role of the Public in Crime Prevention and Criminal Justice? The Debate in the United Nations, presentation at UNAFEI, January 2018 (available from the author)

Linke, Robert (1985), The Cooperation Between Non-Governmental Organizations and the United Nations in the Field of Crime Policy, in Course on United Nations Criminal Policy. Report of the European Course Held in Helsinki, Finland, 25-29 March 1985, HEUNI publication no. 6, Helsinki, pp. 90-95

Lopez-Rey, Manuel (1985), United Nations Congresses on the Prevention of Crime and the Treatment of Offenders, in Course on United Nations Criminal Policy. Report of the European Course Held in Helsinki, Finland, 25-29 March 1985, HEUNI publication no. 6, Helsinki, pp. 113-121

Mueller, Gerhard (2001), Transnational Crime: Definitions and Concepts, in Phil Williams and Dimitri Vlassis (eds.), Combating Transnational Crime: Concepts, Activities and Responses, London

Redo, Jolanta (2012b), Non-Governmental Organizations in the United Nations Crime Prevention and Criminal Justice Programme, in Redo (2012a), pp. 125-126

Redo, Slawomir (2012a), Blue Criminology. The Power of United Nations Ideas to Counter Crime Globally - A Monographic Study, HEUNI publication no. 72, Helsinki, available at <https://www.heuni.fi/en/index/publications/heunireports/reportseriesno.72.bluecriminologythepowerofunitednationsideastocounter-crimeglobally-amonographicstudy.html>

Rostad, Helge (1985), The History of International Collaboration in Crime Prevention and Treatment of Offenders – With Special Emphasis on the Activities of the International Penal and Penitentiary Foundation, in Course on United Nations Criminal Policy. Report of the European Course Held in Helsinki,

Finland, 25-29 March 1985, HEUNI publication no. 6, Helsinki, pp. 79-89

Willems, Peter (2000), From “Consultative arrangements” to “Partnership”: The Changing Status of NGOs in Diplomacy at the UN, *Global Governance*, 6/2000, pp. 191-212

United Nations documents

3452(XXX) (1975), Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, available at <http://www.un-documents.net/a30r3452.htm>

A/49/748 (1994), Report of the World Ministerial Conference on Organized Transnational Crime, available at https://digitallibrary.un.org/record/169422/files/A_49_748-EN.pdf

A/CONF.87/4 (1980), Crime Trends and Crime Prevention Strategies. Working paper prepared by the Secretariat, available at http://www.unodc.org/documents/congress//Previous_Congresses/6th_Congress_1980/005_ACONF.87.4_Crime_Trends_and_Crime_Prevention_Strategies.pdf

A/CONF.187/5 (2000), The state of crime and criminal justice worldwide. Report of the Secretary-General, available at http://www.unodc.org/documents/congress//Previous_Congresses/10th_Congress_2000/012_ACONF.187.5_The_State_of_Crime_and_Criminal_Justice_Worldwide.pdf

A/CONF.203/15 (2005), Fifty years of United Nations congresses on crime prevention and criminal justice: past accomplishments and future prospects. Report of the Secretary-General of the Congress, available at <https://undocs.org/A/CONF.203/15>

A/CONF.234/RPM.1/CRP.1 (2019), Promoting the rule of law by fostering a culture of lawfulness. Conference room paper submitted by the Institutes belonging to the United Nations Crime Prevention and Criminal Justice Programme Network, available at http://www.unodc.org/documents/congress//Documentation_14th_Congress/RPM1Asia/A_CONF234_RPM1_CRP1.pdf

A/RES/40/34 (1985), Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, available at http://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/1980-1989/1985/A-RES-40-34.pdf

A/RES/40/36 (1985), Domestic Violence, available at <http://www.un.org/documents/ga/res/40/a40r036.htm>

A/RES/55/59 (2000), Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, available at http://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/2000-2009/2000/General_Assembly/A-RES-55-59.pdf

A/RES/55/60 (2000), Follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, available at http://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/2000-2009/2000/General_Assembly/A-RES-55-60.pdf

A/RES/56/119 (2001), Role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/56/119

A/RES/56/261 (2001), Plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, available at http://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/2000-2009/2001/General_Assembly/A-RES-56-261.pdf

A/RES/57/170 (2002), Follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, available at http://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/2000-2009/2002/General_Assembly-/A-RES-57-170.pdf

A/RES/67/184 (2013), Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, available at <https://undocs.org/A/Res/67/184>

A/RES/69/191 (2015), Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, available at https://digitallibrary.un.org/record/787343/files/A_RES_69_191-EN.pdf

A/RES/72/192 (2017), Follow-up to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/72/192

E/CN.15/2005/20 (2005), United Nations Commission on Crime Prevention and Criminal Justice. Report on the fourteenth session, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/V05/852/65/PDF/V0585265.pdf?OpenElement>

E/CN.15/2007/6 (2007), Report of the meeting of the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice, held in Bangkok from 15 to 18 August 2006, available at <https://undocs.org/E/CN.15/2007/6>

E/CN.15/2007/CRP.1 (2007), Implementation of the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice. Reporting checklist developed by the Government of Thailand, available at http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_16/E-CN15-2007-CRP1/E-CN15-2007-CRP1_E.pdf

E/CONF.88/7 (1994), Report on the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: A Global Approach, available at https://digitallibrary.un.org/record/169422/files/A_49_748-EN.pdf

ECOSOC resolution 663 C (XXIV) (1957), The World Social Situation, available at [https://undocs.org/en/E/RES/663\(XXIV\)](https://undocs.org/en/E/RES/663(XXIV))

ECOSOC resolution 1992/24 (1992), Preparations for the Ninth United Nations Congress on the prevention of crime and the treatment of offenders, available at https://www.unodc.org/unodc/en/commissions/CCPCJ/Resolutions_Decisions/Resolutions_1990-1999.html

Report of the [xx] UN Crime Congress: the reports of, as well as other background documents relating to, the different UN Crime Congresses are available at <http://www.unodc.org/congress/en/previous-congresses.html>

UNCAC (2010), Travaux Préparatoires of the negotiations for the elaboration of the United Nations Convention against Corruption, United Nations, New York 2010, Sales No. E.10.V.13., available at http://www.unodc.org/documents/treaties/UNCAC/Publications/Travaux/Travaux_Preparatoires_-_UNCAC_E.pdf

UNTOC (2006), Travaux Préparatoires of the negotiations for the elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, United Nations, New York 2006, Sales No. E.06.V.5., available at http://www.unodc.org/pdf/ctocopp_2006/04-60074_ebook-e.pdf

Annex 1

Themes, substantive agenda items and workshop topics of the UN Crime Congresses, 1955 – 2020

(note: the acronyms after the Workshop topics refer to the UN Crime Programme Network institutes that had responsibility for organizing the respective Workshop)

First UN Crime Congress (Geneva; 22 August - 3 September 1955)

Substantive agenda items:

- Standard Minimum Rules for the Treatment of Prisoners
- Selection and training of personnel for penal and correctional institutions
- Open penal and correctional institutions
- Prison labour
- Prevention of juvenile delinquency

Second UN Crime Congress (London; 8 – 19 August 1960)

Substantive agenda items:

- New forms of juvenile delinquency: their origin, prevention and treatment
- Special police services for the prevention of juvenile delinquency
- Prevention of types of criminality resulting from social changes and accompanying economic development in less developed countries

- Short-term imprisonment
- The integration of prison labour with the national economy, including the remuneration of prisoners
- Pre-release treatment and after-care, as well as assistance to dependants of prisoners

Third UN Crime Congress (Stockholm; 9 – 18 August 1965)

“Prevention of Criminality”

Substantive agenda items:

- Social change and criminality
- Social forces and the prevention of criminality
- Community preventive action
- Measures to combat recidivism
- Probation and other non-institutional measures
- Special preventive and treatment measures for young adults

Fourth UN Crime Congress (Kyoto; 17 – 26 August 1970)

“Crime and development”

Substantive agenda items:

- Social defence policies in relation to development planning
- Participation of the public in the prevention and control of crime and delinquency

- The Standard Minimum Rules for the Treatment of Prisoners in the light of recent developments in the correctional field
- Organization of research for policy developments in social defence

Fifth UN Crime Congress (Geneva; 1 – 12 September 1975)

“Crime prevention and control: The challenge of the last quarter of the century”

Substantive agenda items:

- Changes in forms and dimensions of criminality – transnational and national
- Criminal legislation, judicial procedures and other forms of social control in the prevention of crime
- The emerging roles of the police and other law enforcement agencies, with special reference to changing expectations and minimum standards of performance
- The treatment of offenders, in custody or in the community, with special reference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations
- Economic and social consequences of crime: new challenges for research and planning

Workshop

- workshop on evaluative research (UNICRI)

Sixth UN Crime Congress (Caracas; 25 August – 5 September 1980)

“Crime prevention and the quality of life”

Substantive agenda items:

- Crime trends and crime prevention strategies
- Juvenile justice: before and after the onset of delinquency
- Crime and the abuse of power: Offences and offenders beyond the reach of the law
- Deinstitutionalization of corrections and its implications for the residual prisoner
- United Nations norms and guidelines in criminal justice: From standard -setting to implementation, and capital punishment
- New perspectives in crime prevention and criminal justice and development: the role of international cooperation

Seventh UN Crime Congress (Milan; 26 August – 6 September 1985)

“Crime prevention for freedom, justice, peace and development”

Substantive agenda items:

- New dimensions of criminality and crime prevention in the context of development: challenges for the future

- Criminal justice processes and perspectives in a changing world
- Victims of crime
- Youth, crime and justice
- Formulation and application of United Nations standards and norms in criminal justice

Workshop

- research workshop on “Perspectives in action-oriented research: Youth, crime and juvenile justice” (UNICRI and HEUNI)

Eighth UN Crime Congress (Havana; 27 August – 7 September 1990)

**“International co-operation in crime prevention and criminal justice
for the 21st century”**

Substantive agenda items:

- Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation
- Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures
- Effective national and international action against: a) organized crime; b) terrorist criminal activities
- Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directives
- United Nations norms and guidelines in crime prevention and criminal justice; implementation and priorities for further standard-setting

Workshops

- research workshop on “Alternatives to imprisonment” (UNICRI and HEUNI)
- demonstration workshop on “Computerization of criminal justice administration” (HEUNI)

Ninth UN Crime Congress (Cairo; 28 April – 5 May 1995)

“Less crime, more justice: Security for all”

Substantive agenda items:

- International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme
- Action against national and transnational economic and organized crime, and the role of criminal law in the protection of the environment: national experiences and international cooperation
- Criminal justice and police systems: management and improvement of police and other law-enforcement agencies, prosecution, courts and corrections; and the role of lawyers
- Crime prevention strategies, in particular as related to crimes in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives

Workshops

- Extradition and international cooperation: exchange of national experience and implementation of relevant principles in national legislation (CPCJB)

- Mass media and crime prevention (AIC, NAUSS, ICCLR&CJP, ICPC)
- Urban policy and crime prevention (ICPC, NAUSS)
- Prevention of violent crime (ICPC, AIC, ICCLR&CJP)
- Environmental protection at the national and international levels: potentials and limits of criminal justice (UNICRI, HEUNI, ILANUD, UNAFEI, AIC and ICCLR&CJP)
- International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operation and the development, analysis and policy use of criminal justice information (CPCJB, HEUNI, UNICRI and UNAFEI)

Tenth UN Crime Congress (Vienna; 10 – 17 April 2000):

“Crime and Justice: Meeting the Challenges of the 21st Century”

Substantive agenda items:

- The state of crime and criminal justice worldwide
- International cooperation in combating transnational crime: new challenges in the twenty-first century
- Promoting the rule of law and strengthening the criminal justice system
- Effective crime prevention: keeping pace with new developments
- Offenders and victims: accountability and fairness in the justice process

Workshops

- Combating corruption (UNICRI)
- Women in the criminal justice system (HEUNI)
- Community involvement in crime prevention (ICPC)
- Crimes related to the computer network (UNAFEI)

Eleventh UN Crime Congress (Bangkok; 18 – 25 April 2005)

“Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice”

Substantive agenda items:

- Effective measures to combat transnational organized crime
- International cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of the United Nations Office on Drugs and Crime
- Corruption: threats and trends in the twenty-first century
- Economic and financial crimes: challenges to sustainable development
- Making standards work: fifty years of standard-setting in crime prevention and criminal justice

Workshops

- Enhancing international law enforcement cooperation, including extradition measures (HEUNI)
- Enhancing criminal justice reform, including restorative justice (ICCLR&CJP)
- Strategies and best practices for crime prevention, in particular in relation to urban crime and youth at risk (ICPC)
- Measures to combat terrorism, with reference to the relevant international conventions and protocols (ISISC)
- Measures to combat economic crime, including money-laundering (UNAFEI)
- Measures to combat computer-related crime (KIC)

Twelfth UN Crime Congress (Salvador; 12 – 19 April 2010)

**“Comprehensive strategies for global challenges: crime prevention
and criminal justice systems and their development
in a changing world”**

Substantive agenda items:

- Children, youth and crime; and Making the United Nations guidelines on crime prevention work
- Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism
- Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime; and Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families
- International cooperation to address money-laundering based on existing and relevant United Nations and other instruments; and Practical approaches to strengthening international cooperation in fighting crime-related problems
- Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime

Workshops

- International criminal justice education for the rule of law (UNODC, KIC, RWI, HEUNI, ISISC)
- Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system (UNODC, HEUNI, ILANUD, ICCLR&CJP)
- Practical approaches to preventing urban crime (UNODC, ICPC)

- Links between drug trafficking and other forms of organized crime: international coordinated response (UNODC, UNICRI, NIJ)
- Strategies and best practices against overcrowding in correctional facilities (UNODC, UNAFEI, ICCLR&CJP)

Thirteenth UN Crime Congress (Doha; 12 – 19 April 2015)

“Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation”

Substantive agenda items:

- Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development
- International cooperation, including at the regional level, to combat transnational organized crime
- Comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime
- National approaches to public participation in strengthening crime prevention and criminal justice

Workshops

- Role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders (UNODC, RWI, UNAFEI, HEUNI, ILANUD, ICCLR, CCLS, TIJ)
- Trafficking in persons and smuggling of migrants: successes and challenges in criminalization, in mutual legal assistance and in effective protection of witnesses and trafficking victims (HEUNI)
- Strengthening crime prevention and criminal justice responses to evolving forms of crime such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation (UNODC, NIJ, KIC, ISPAC)
- Public contribution to crime prevention (UNODC, AIC)

Fourteenth UN Crime Congress (Kyoto; 7 – 12 March 2021)

**“Advancing crime prevention, criminal justice and the rule of law:
towards the achievement of the 2030 Agenda”**

Substantive agenda items:

- Comprehensive strategies for crime prevention towards social and economic development
- Integrated approaches to challenges facing the criminal justice system
- Multidimensional approaches by Governments to promoting the rule of law by, inter alia, providing access to justice for all; building effective, accountable, impartial and inclusive institutions; and considering social, educational and

other relevant measures, including fostering a culture of lawfulness while respecting cultural identities, in line with the Doha Declaration

- International cooperation and technical assistance to prevent and address all forms of crime: (a) Terrorism in all its forms and manifestations; (b) New and emerging forms of crime

Workshops

- Evidence-based crime prevention: statistics, indicators and evaluation in support of successful practices
- Reducing reoffending: identifying risks and developing solutions
- Education and youth engagement as key to making societies resilient to crime
- Current crime trends, recent developments and emerging solutions, in particular new technologies as means for and tools against crime

Annex 2

Timeline of the evolution of the UN Crime Congresses, 1955 – 2015

UN Crime Congress	changes in the approach to crime, as reflected in the Congresses	changes in the Congresses	notable UN developments
First Geneva, 1955	social defence theory; gradual shift from individual-oriented to society-oriented theories of crime	50 national delegations, 500 participants first UN standard and norm adopted	
Second London, 1960	expansion of criminology beyond Western countries	number of participants reaches 1,000 Russian added as official language	1962: UNAFEI (first PNI) established
Third Stockholm, 1965	attention to prevention and informal social control attention to the impact of social change on crime	growing participation by developed countries first Workshop technical assistance becomes recurring agenda item	
Fourth Kyoto, 1970	first references to terrorism first references to organized crime	first Congress held outside Europe regional preparatory meetings organized for the first time	1972: ad hoc UN Crime Committee becomes permanent
Fifth Geneva, 1975	concept of transnational (organized) crime introduced attention to economic costs of crime human rights issues raised	number of national delegations exceeds 100 outcome routed to different addressees (e.g. GA, ECOSOC)	
Sixth Caracas, 1980	crime and development considered abuse of power considered prison overcrowding considered	first Congress in a developing country Arabic and Chinese added as official languages interregional expert meetings organized first pre-Congress consultations first UN crime survey given to Congress votes on several resolutions	
Seventh Milan, 1985	victim issues considered domestic violence considered	32 different documents adopted	
Eighth Havana, 1990		47 different documents adopted	1991: UN Crime Committee replaced by UN Crime Commission

Ninth Cairo, 1995	growing attention to transnational (organized) crime environmental crime considered	Congress shortened to 8 days number of participants nears 2,000 "omnibus" resolution	
Tenth Vienna, 2000	rule of law considered	first high-level segment first consolidated Congress Declaration; no separate resolutions institutionalized Congress follow-up	2000: MDGs adopted 2002: GA res 56/119 on the Congresses 2003: UNTOC enters into force
Eleventh Bangkok, 2005	crime increasingly seen as threat to national security	number of participants reaches 3,000	2005: UNCAC enters into force 2006: expert group meeting on Congresses
Twelfth Salvador, 2010	cybercrime considered education for justice considered		
Thirteenth Doha, 2015		Workshops interlocked with topics high-level segment begins Congress number of national delegations exceeds 140 number of participants nears 4,000	2015: SDGs adopted

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