

**INTERNATIONAL CENTRE FOR
CRIMINAL LAW REFORM AND
CRIMINAL JUSTICE POLICY**

**Annual Report
2002 - 2003**



**International Centre for Criminal Law Reform
and Criminal Justice Policy**

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ACKNOWLEDGEMENTS

The *International Centre for Criminal Law Reform and Criminal Justice Policy* gratefully acknowledges the continuing support of:

Our Charter Members:

International Society for the Reform of Criminal Law
Simon Fraser University
University of British Columbia

Our Corporate Members:

Department of Justice Canada
Department of the Solicitor General of Canada
Ministry of the Attorney General of British Columbia

The Endowment Support Provided By:

British Columbia Law Foundation
Department of Foreign Affairs and International Trade Canada
Law Foundation of Ontario
Vancouver Foundation

As Well As The Generous Support Of:

Correctional Service of Canada
Canadian International Development Agency
The MacArthur Foundation
Royal Canadian Mounted Police
University College of The Fraser Valley

OBJECTIVE

- I. To contribute to international criminal justice policy development through analysis, research and consultation.
- II. To provide technical assistance to implement international policy and standards.

PROGRAMME FOCUS

- I. International Criminal Law
- II. Protection of Human Rights through Criminal Law in National Systems
- III. Criminal Law Responses to Emerging Threats to Human Security

BACKGROUND

The International Centre was established in Vancouver, British Columbia, Canada in 1991 at the initiative of the Canadian government. Its founding partners are the University of British Columbia, Simon Fraser University and the International Society for the Reform of Criminal Law. Affiliated with the United Nations it is one of two interregional institutes in the United Nations Crime Prevention and Criminal Justice Programme. The *Centre's* mission is to promote the rule of law, human rights, democracy and good governance. It fulfills its purpose by contributing to local, national and international efforts to support law reform initiatives and to improve the administration of criminal justice. The *Centre*, as outlined in the Canada - United Nations Agreement, supports and contributes to the policies, and activities of the United Nations Crime Prevention and Criminal Justice Programme, and assists with the achievement of Canadian Foreign Policy objectives.

The International Centre conducts research and policy analysis, undertakes the development and delivery of technical assistance programs and provides public information, consultation and education relating to the international field of criminal law, criminal justice policy and crime prevention issues. Further, the *Centre* facilitates the exchange of information and expertise to support the government of Canada in both

its national and foreign policy objectives in the areas of crime prevention, criminal justice and human rights.

GOVERNANCE AND FINANCIAL SUPPORT

A Board of Directors consisting of two representatives of the University of British Columbia, Simon Fraser University and the International Society for the Reform of Criminal Law, and one representative each from the Department of Justice Canada, the Department of the Solicitor General Canada, the Ministry of the Attorney General of British Columbia, the Chief Executive Officer of the Centre, and ex-officio the Officer in Charge, United Nations Centre for International Crime Prevention governs the *Centre*. The *Centre* is managed by the Chief Executive Officer.

The *Centre* is supported in part from the endowment funds established by the British Columbia Law Foundation, the Ontario Law Foundation and the Vancouver Foundation. In addition, the Government of Canada through the Departments of Justice and Solicitor General, the Government of British Columbia through the Ministry of the Attorney General, the University of British Columbia and the International Society for the Reform of Criminal Law provide financial assistance.

The International Centre's Programme of Work is approved annually by the Board of Directors and covers the fiscal year period of April 1 to March 31. This proposed programme of work contains projects in progress, projects under consideration/review, and programs/projects in the proposal stage. As most of the activities must be undertaken on a cost-recovery basis, there is some uncertainty as to whether or not sufficient funds will be available to carry out each of the proposed activities/ projects. Full implementation of the approved programme and all or any of its components is conditional upon the receipt of sufficient funding.

The *Centre* will make arrangements annually for an external audit of the *Centre* core and Programme activities to ensure that the *Centre* has fulfilled its reporting and audit responsibilities in accordance with the Guidelines of the Treasury Board of Canada and the British Columbia Societies Act.

BOARD OF DIRECTORS 2002 - 2003

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Representatives to the International Centre's Board of Directors are designated annually by its Corporate and Charter members. The Board of Directors plays an integral role by establishing and implementing the purpose of the organization through policy governance; setting the rate of the progress through programme governance and financial and personnel management; confirming the organization's identity through ambassadorial functions, and providing continuity.

The International Centre has benefited greatly from the dedication and leadership of its Board of Directors. As such, the International Centre would like to recognize and thanks its Board members for their on-going contributions.

FINANCIAL SUMMARY 2002 – 2003

Revenue			
	Core Revenue	153,042	
	Project Revenue	583,508	
			736,550
Expenses			
	Salaries & Consulting Fees	101,914	
	Office Expenditures	23,169	
	Publication & Printing	8,532	
	Telecommunications	6,069	
	Travel	12,666	
	Confernces	692	
Projects			
	Bcag Justice Reform	5,117	
	Bcag Grow Operations Review	7,373	
	Cida China Int'l Stds Of Crim Just.	90,791	
	Csc Corrections	55,000	
	Doj/Dfait Toc	155,000	
	Macarthur Fdn Icc Vwu	199,000	
	Southwestern Summer Law	5500	
	Dfait / Vanc. Fdn Lecture Series	11,259	
			\$ 736,550

*Estimated Summary Only – For Full Details Please See The Annual Financial Statement.

MAIN ACTIVITIES

I INTERNATIONAL CRIMINAL LAW

Supporting the Creation of an International Criminal Court

Since 1992 the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) has been supporting the efforts for the creation of a permanent International Criminal Court (ICC). In March of 1993, ICCLR organised *The International Meeting of Experts on the Establishment of an International Criminal Court*, where more than seventy leading criminal and international law experts from thirty countries convened in Vancouver for this five-day meeting. The final report was transmitted to the United Nations Legal Office in New York and was used extensively in the design of the *ad hoc* International Criminal Tribunal for the Former Yugoslavia, as noted in the May 1993 Secretary General's Report.

Since 1993 ICCLR has produced several substantive ICC-related papers in addition to participating in many negotiating conferences, including several United Nations *ad hoc* Committee meetings for the establishment of the ICC in 1995 and Preparatory Committee meetings from 1996 to 1998, including the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of the ICC. This landmark conference ultimately led to the adoption of a convention on the establishment of an international criminal court (the Rome Statute).

In 2000, ICCLR developed a *Manual for the Ratification and Implementation of the Rome Statute* – in partnership with “Rights & Democracy” and with the financial assistance of the Department of Foreign Affairs & International Trade and the Department of Justice, Canada. This widely used manual, updated in 2003, details the obligations of States Parties to the Rome Statute and provides guidance to States on meeting each obligation within their national legal system. The manual is now available in English, French, Portuguese, Spanish, Russian, Arabic, Georgian and Chinese. In addition, the Centre has produced papers and guides on a number of issues including the Rules of Procedure and Evidence, States Obligations under the Rome Treaty, and the Agreement on Privileges and Immunities.

Between 2001 and 2003, the Centre's International Criminal Court Technical Assistance Program (ICCTAP), delivered five regional workshops to assist countries to ratify and implement the Rome Statute. ICCTAP, a joint partnership between ICCLR, Rights & Democracy, the Canadian Network for the International Criminal Court (hosted by the World Federalists of Canada), and the Institute for Media, Policy and Civil Society has been supported by the Canadian International Development Agency (CIDA), the Department of Foreign Affairs and International Trade, and the Department of Justice Canada. The five regional workshops were conducted in the Pacific Islands (Cook Islands/New Zealand, October 2000), Central Africa (Cameroon, February 2001), Caribbean (Jamaica, May 2001), Southern African Development Community (Namibia, May 2001), and in Cote d'Ivoire in January 2002. The ICCTAP programme provided assistance to over 400 delegates from government, civil society and media from 80 countries. With funding from the Department of Foreign Affairs, ICCLR has also provided country

specific ICC technical assistance DURING 2002-2003 to the Philippines, Cambodia, Laos, Thailand, Tanzania, Lesotho, and Gabon. In 2003-2004, the Centre has been funded to respond to requests for assistance from Gabon, Jamaica and Samoa.

Since 2002, ICCLR and the Liu Institute for Global Studies have collaborated on a project to provide direct assistance to the ICC in the form of an operational guide for the new victims and witnesses units.

II PROTECTION OF HUMAN RIGHTS THROUGH CRIMINAL LAW IN NATIONAL SYSTEMS

Criminal Justice Policy Development

Restorative Justice

The Centre collaborated with the Canadian Criminal Justice Association (CCJA), Simon Fraser University Centre for Restorative Justice and others to organize a National Restorative Justice Conference to be held in Hull, Quebec in October 2002. This event was a follow-up to the very successful "*Achieving Satisfying Justice Symposium*" jointly organized by the Centre and the CCJA in Vancouver in March 1997. That conference proved to be a landmark event for restorative justice in Canada and the 2002 conference reviewed progress in this field over the past five years.

Marijuana Growing and trafficking offences

The Centre conducted a research project on the Strategic Approaches to the Control and Prosecution of Marijuana Growing and Trafficking Offences. The project was funded by the British Columbia Department of the Attorney General and resulted in producing a policy paper on the strategic approaches to the control and prosecution of marijuana growing and trafficking offences.

TECHNICAL ASSISTANCE

Corrections

Through its ongoing program of work in the area of corrections, developed in partnership with the Correctional Service of Canada, the Centre promotes the implementation of human rights standards and principles, as well as other UN standards and norms in crime prevention and criminal justice, as they relate to corrections and the treatment of offenders. Activities include the provision of technical assistance to policy development, information exchange and training. Resource mobilization to carry out these activities remains fundamental to the program. Activities will continue to be focussed, although not exclusively, in China, Africa and

Central America. In Africa, seminars and training activities were carried out in conjunction with the Central Eastern and Southern Africa Association of Correctional Administrators (CESCA) thus expanding the network of organizations benefiting from these programs. Activities will also be carried out in conjunction with the Program Network of Institutes (PNI), Tecknikon SA and the International Corrections and Prisons Association. The Centre's recently published manual, "*International Prison Policy Development Instrument*" will be central to the provision of technical assistance in the area of policy development.

China

The International Centre, with the financial assistance of the Canadian International Development Agency in February 2003 began a comprehensive five year programme, working with it's Chinese partners in their efforts to implement international standards in criminal law/justice reform and improvement in China. The overarching goal of the programme is to facilitate the sharing of Canadian and international expertise in order to promote and strengthen the rule of law, human rights and good governance in China. This will be accomplished through the reform and/or improvement of criminal procedure, substantive criminal law and the administration of criminal justice in accordance with well-established international standards. The programme will operate from February 2003 to December 2007. .

Protection of Children – Model Guidelines

The Centre continues to promote the use of the Model Guidelines for the effective Prosecution of Crimes against Children. In addition to continuing to promote implementation of the Model Guidelines, the Centre continued its work promoting the protection of children's human rights in the criminal justice system. This included supporting the initiative of the International Bureau for Children's Rights (IBCR) Montreal, Canada to draft Guidelines for Implementation for Child Victims and Witnesses of Crimes. In December the Centre participated in a working meeting to finalize the draft IBCR Guidelines and plans to collaborate on their use and dissemination.

MONITORING AND ASSISTING THE IMPLEMENTATION OF INTERNATIONAL CONVENTIONS AND HUMAN RIGHTS INSTRUMENTS

The Centre will continue to respond, where possible, to the on-going requests for technical assistance as they meet the priorities of Canada and the UN Crime Prevention and Criminal Justice Programme.

Development of Legislative Reform Guidelines to Assist States Parties Implement the United Nations Convention Against Transnational Organized Crime

The legislative guide on the implementation of the Convention against Transnational Organized Crime was the product of a joint project between the ICCLR and the UN Centre for International Crime Prevention, UNODCCP. The ICCLR was responsible for the overall management of the project. The project was funded by three departments of the Government of Canada: Department of Justice Canada, Solicitor General Canada, and the Department of Foreign Affairs and International Trade. It was completed in March 2003.

The Convention is expected to come into force in September 2003. The draft resolution that the Commission recommended for adoption by ECOSOC on international cooperation in the fight against international organized crime commends the CICIP for its work in promoting the ratification of the Convention and its Protocols, including, in particular the preparation of legislative guides designed to facilitate the ratification and implementation of those instruments, and invites the CICIP to finalize and disseminate them as widely as possible.

The TOC Guide was distributed in English and French to all delegations attending the 12th session of the Commission (in hard copy and/or in CD rom). Member States were invited to send their comments on the Guide back to the CICIP in order for it to finalize the document by September and integrate it with the other legislative guides developed by the CICIP to promote the implementation of the three protocols to the Convention. The TOC guide was well received by delegations that saw it as a useful tool for countries wishing to implement the Convention.

The Centre also participated in and contributed to the **Report On The Delphi Panel On Operational Definitions For The Data Collection On Organized Crime**. This project was developed by the Department of the Solicitor General Canada in support of the **National Agenda to Combat Organized Crime**. The final Report was prepared by Beals, Lalonde & Associates (Ottawa), October 1, 2002. The document is available on the Solicitor General Canada's web site.

III PUBLIC AND PROFESSIONAL EDUCATION AND INFORMATION

The Centre continued to bring an international perspective to its local, regional and national partners on matters and priorities related to crime prevention, criminal justice and human rights. In particular the Centre continued to deliver an International Lecture Series promoting the exchange of information on criminal law reform and criminal justice policy. The Centre also continued to organize and participate in annual UN Commission meetings, and experts meetings and seminars as related to the identified priorities of the United Nations Crime Prevention and Criminal Justice Program and the Canadian Governments national and foreign policy objectives in the areas of crime prevention, criminal justice and human rights.

IV INSTITUTIONAL RESPONSIBILITIES

Representatives of the International Centre attended the 11th session of the United Nations Commission of Crime Prevention and Criminal Justice, in Vienna, April 16 - 25, 2002, as well as a number of other meetings held in the margins of that session. The session focussed on the reform of the criminal justice system, the fight against terrorism, and current international efforts to combat transnational organized crime and corruption among other issues. The Commission decided to accept the offer by the Government of Thailand to hold the Eleventh UN Congress on Crime Prevention and Criminal Justice in Thailand. The proposed theme of the Crime Congress to be held in 2005 will be "Synergies and responses: strategic alliances in crime prevention and criminal justice". The topics to be covered in the eight-day meeting will be finalized by the Commission at its twelfth session in 2003.

The Centre's work programme is partly shaped by the priorities set each year by the Commission. These meetings provide the Centre with an opportunity to meet members of national delegations with which it is involved and explore possibilities for cooperation with other institutes of the UN Crime Prevention and Criminal Justice Programme Network of Institutes on projects of mutual interest.

DEPARTMENT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE LECTURE SERIES

The Centre arranged for Prof. Roger Hood, Professor of Criminology, Director of the Centre for Criminological Research and a Fellow of All Souls College at the University of Oxford to come to Vancouver in September 2002 as part of the annual Foreign Affairs and International Trade Lecture Series. Prof. Hood delivered a series of lectures entitled "Desert, Trust, Risk and Rights: the Ever-present Dilemmas of Parole". The week involved lectures at Simon Fraser University campuses, downtown and at Green College. The lectures were successful and achieved high attendance from the communities. A special thank you was noted to Prof. Richard Erickson of Green College for collaborating with the Centre and with the hosting of the visit of Prof. Hood.

SOUTHWESTERN UNIVERSITY SCHOOL OF LAW, ANNUAL SUMMER LAW PROGRAM

The Centre continues to coordinate the annual summer law school program for California's Southwestern University School of Law. The program is offered in cooperation with the University of British Columbia's Faculty of Law. Law students from the United States and Canada participate in the annual program that offers a

variety of academic and cultural experiences. The curriculum focuses on international criminal law and trade law, as well as comparative aspects of the Canadian and American justice systems.

The on-going responsibilities, events and activities of the Centre function independently of its programs and projects. As an interregional institute of the United Nations Crime Prevention and Criminal Justice Programme, the Centre acts as a link to the UN Crime Prevention and Criminal Justice Programme, the network of institutes as well as a number of other international bodies. The Centre continued to carry out a number of activities and commitments on an annual basis, including:

- Assisting and responding to requests for technical assistance
- Conducting research
- Supporting and contributing to the annual meetings of the United Nations Commission on Crime Prevention and Criminal Justice
- Participating in the meetings of the institutes comprising the UN Crime Prevention and Criminal Justice Programme as well as the Ad Hoc Committees of the Commission.
- Coordinating annually the Southwestern University School of Law Summer Law Program
- Developing a Visiting Fellows Program
- Maintaining an on-going visiting scholars and researchers program
- Project/program development and proposal writing
- Program/project management, including assisting with project implementation and on-going activities
- Supporting and contributing to the annual conferences of the International Society for the Reform of Criminal Law and the International Association of Prosecutors

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ICCLR & CJP - LIST OF FREQUENTLY USED ACRONYMS

AIC	Australian Institute of Criminology
BC CJA	British Columbia Criminal Justice Association
CBA	Canadian Bar Association
CCIC	Canadian Council for International Cooperation
CCIL	Canadian Council International Law
CCJA	Canadian Criminal Justice Association
CIAJ	Canadian Institute for the Administration of Justice
CICC	Coalition for an International Criminal Court - NY
CICP	United Nations Centre for International Crime Prevention – Vienna
CIDA	The Canadian International Development Agency
CIVPOL	Civilian Police Personnel
CCFPD	Canadian Centre for Foreign Policy Development
CNICC	Canadian Network for an International Criminal Court
CPCJD	Crime Prevention and Criminal Justice Division, United Nations at Vienna
CSC	The Correctional Service of Canada
DFAIT	Department of Foreign Affairs and International Trade, Canada
DOJ	Department of Justice Canada
ECOWAS	Economic Community of West African States
EU	European Union
FOCAL	Canadian Foundation for the Americas
HEUNI	The European Institute for Crime Prevention and Control, affiliated with the United Nations
IAP	International Association of Prosecutors
IBCR	International Bureau Children’s Rights
ICHRDD	International Centre for Human Rights and Democratic Development (now R&D)
ICC	International Criminal Court
ICPA	International Corrections and Prisons Association
ICPC	International Centre for the Prevention of Crime - Montreal
ICRC	International Committee of the Red Cross
IIR	Institute of International Relations, University of British Columbia
ILANUD	United Nations Latin American Institute for Crime Prevention and the Treatment of Offenders
IMPACS	The Institute for Media, Policy and Civil Society
ISRCL	International Society for the Reform of Criminal Law
ISISC	International Institute of Higher Studies in Criminal Sciences
ISPAC	International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme
MSG	The Ministry of the Solicitor General of Canada
NAASS	Naif Arab Academy for Security Studies
NIJ	National Institute of Justice, USA
NPB	National Parole Board of Canada
NPWJ	No Peace Without Justice

OAS	Organization of American States
OECD	Organization for Economic Cooperation and Development
ODCCP	Office for Drug Control and Crime Prevention - United Nations Vienna office
PGA	Parliamentarians for Global Action
PRI	Penal Reform International
RCCL	Research Centre of Criminal Law, at The China University of Political Science and Law
R. & D.	Rights and Democracy Institute (also known as ICHRDD) - Montreal
SFU	Simon Fraser University
SOL GEN	Department of Solicitor General of Canada
SPP	Supreme People's Procuratorate - China
TACJ	Technical Assistance in the Field of Criminal Justice
TOC	Transnational Organized Crime
UBC	University of British Columbia
UCFV	University College of the Fraser Valley
UNAFEI	United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Japan
UNAFRI	United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, Kampala, Uganda
UNODCCP	United Nations Office for Drug Control and Crime Prevention
UNODC	United Nations Office on Drugs and Crime
UNDCP	United Nations International Drug Control Programme
UNICRI	United Nations Interregional Crime and Justice Research Institute - Turin, Italy
WFM	World Federalist Movement