

INTERNATIONAL CENTRE FOR CRIMINAL LAW REFORM AND CRIMINAL JUSTICE POLICY

2005 Annual Report Programme of Work 2005 - 2006

**International Centre for Criminal Law Reform
and Criminal Justice Policy
Le Centre international pour la réforme du droit criminel
et la politique en matière de justice pénale**

1822 East Mall, Vancouver, B.C.,
Canada V6T 1Z1
Tel: + 1 604 822 9875
Fax: + 1 604 822 9317
Email: icclr@law.ubc.ca
<http://www.icclr.law.ubc.ca>



MISSION

The *Centre's* mission is to promote the rule of law, human rights, human safety, democratic principles and good governance. We fulfill this 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, contributes to the policies and activities of the United Nations Crime Prevention and Criminal Justice Programme, and supports Canadian Foreign Policy priorities.

FOCUS

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 fields of criminal law, criminal justice policy, human safety, human rights, restorative justice 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.

GUIDING PRINCIPLES

The *Centre* is a collaborative organization dedicated to the advancement of the principles of International Criminal Law as it applies to Human Rights and the Rule of Law; we believe that the capacity and desire for progress is shared among governments, nations and citizens; these principles guide our national and international work to:

- create the essential mechanisms for collaboration against common problems;
- provide a framework for inter-State cooperation and coordination to respond to the new forms and trans-national aspects and dimensions of crime & terror, including restorative justice, and the protection of women and children victims;
- build information exchanges regarding the implementation and effectiveness of the UN norms and standards in crime prevention and criminal justice;
- provide means of assistance, particularly to developing countries, for more effective crime prevention, and more humane justice and corrections;
- assess and support both National/Domestic and Foreign Policy priorities of Canada.

FY 2004 – 2005 was a year marked by numerous important accomplishments at the *Centre*. Chief among our published Objectives for 2004 - 2005 were:

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

The *Centre* accomplished these objectives, and in fact, exceeded our goals in several areas, despite our continued challenge to secure consistent, longer-term funding commitments. The following 2004-2005 highlights will provide a snapshot of our key Projects & Deliverables from the past year, and will establish a platform for our 2005-2006 Proposed Programme of Work.

2004 – 2005 HIGHLIGHTS

Key Highlights:

- **Counter Terrorism**

ICCLR and the UNODC Terrorism Protection Branch completed the much anticipated **Compendium of Useful Technical Assistance Tools and Legal Instruments to Prevent Terrorism and Other Related Forms of Crime**. This updated version of the Compendium was distributed on CDrom at both the 11th UN Crime Congress and the 14th UN Crime Commission.

- **Human Trafficking**

Among the *Centre's* greatest priorities is our continued collaboration with the UNODC, Global Programme Against Human Trafficking. In 2004/05, this working partnership was responsible for the completion of an **Anti-Trafficking Toolkit**, as well as production of an **Anti-Trafficking Law Enforcement Guide**.

- **International Criminal Court:**

Implementation of the Rome Statute of the International Criminal Court continued as a focus for the *Centre*, as we successfully delivered technical assistance to the nations of Gabon, Jamaica and Samoa. Discussions and consultative meetings were held with the Attorneys General of each Country, supported by several International subject matter experts. Implementation issues were addressed through collaborative, productive workshops with all stakeholders, to assist and advance the smooth passage of draft bills through their respective parliaments.

- **Justice Reform**

With the support of CIDA, The *Centre* conducted a capacity and development review of the Justice and Security sectors in eight Caribbean common law countries.

- **Corrections Programme**

The Correctional Service of Canada has generously supported our efforts, particularly in Africa, China and the Caribbean, to work cooperatively with local Corrections and Law Enforcement agencies. This work has resulted in the development and adoption of a **Human Rights Training Manual for Prison Staff**; an interagency, comprehensive strategy to curb HIV/AIDS in Prison; and a critical workshop entitled “**Enhancing Criminal Justice Reform – Including Restorative Justice**”, which was held at the 11th United Nations Congress on the Prevention of Crime and Criminal Justice, April 2005, in Bangkok, Thailand. We are also proud to report that on March 21, 2005, Corrections Canada agreed to sustain our cooperative programme for 4 additional years. This has been a partnership we truly appreciate, and are thrilled to continue.

- **China Programmes**

Both the Supreme People’s Procuratorate (SPP) initiative and the *Implementing International Standards in Criminal Justice (IISCJ)* projects have seen tremendous progress in 2004 - 2005. Several Chinese study tour delegations have been hosted, and numerous workshops and dialogues successfully facilitated by the *Centre*, with our expert colleagues from the Department of Justice, the RCMP, the BC Attorney General’s office and Corrections Canada. Of note, the *Centre* facilitated a Beijing Delegation attending the 18th Annual International Society for The Reform of Law Conference in August, 2004. This collaborative relationship continues to strengthen, and the mutual trust and respect that has developed amongst our teams has fostered a truly meaningful dialogue, and a free exchange of knowledge and ideas reflecting the unique experiences of both China and Canada.

- **Law in a Fearful Society Symposium**

Bringing the fruits of our International experience and expertise closer to home, the *Centre*, in collaboration with several of our founders and partners, hosted an engaging and successful symposium September 29 - October 1, 2004. Experts from the Department of Justice, The Office of the Attorney General of BC, numerous Judges and Law Enforcement Executives, Media and Cultural Commentators participated in an important and lively discussion on The Fear of Crime and Contemporary Crime Control Strategies. This discussion was aired on the CBC’s “Ideas” programme, and was very well attended. The *Centre* received significant interest from participants as well as audience members in continuing to develop and host such events, where the public, the pundit and the politician can all interact on matters of social importance.

PROGRAMME OF WORK 2005-2006

The following Proposed Programme of Work for 2005 – 2006 is broken into two separate sections. First will be the Confirmed Programme of Work, which is work we have committed to. The second section is entitled Proposed Programme of Work, and refers to opportunities we believe the *Centre* should pursue.

I. PROTECTION OF HUMAN RIGHTS THROUGH CRIMINAL LAW IN NATIONAL SYSTEMS

CORRECTIONS PROGRAMME

2005 – 2006 will begin a new and inspiring phase of this programme, as Corrections Canada has generously agreed to provide its support for a four year program of work.

Activities in support of the UN Commission on Crime Prevention and Criminal Justice and country/regional specific activities, particularly in Africa, China and the Caribbean remain central to the Programme, however, 2004/05 has seen some developments that both expand and enhance our ability to drive progress on these and other issues.

At the 11th UN Congress in Bangkok, Thailand, in April, 2005, the *Centre's* Brian Tkachuk lead an ancillary meeting on strategies to curb and control HIV/AIDS in Prison. The issue of HIV/AIDS in prison is a worldwide pandemic, and it is clear that efforts to control the spread of the disease have to date failed. In many countries today, the rates of HIV infection among prison populations exceed those of the general population, due to the confluence of drug use and unprotected sexual contact. For this reason, the *Centre* collaborated with UNODC and Penal Reform International to hold an ancillary meeting at the 11th UN Congress to specifically address this issue.

The meeting will also report on the results of the *Consultative Meeting on HIV/AIDS Prevention, Care and Support in Prison Settings*, organized by UNODC and held in Vienna on February 17-18, 2005. It will look at the Draft Framework for National Responses to HIV/AIDS Prevention, Care and Support in Prison Settings as well as Draft Guidelines for implementing the framework at a national level.

It is our sincere hope that these ancillary meetings and workshops helped to focus the Congress' attention on the severity of the HIV/AIDS in Prison issue, and begin the process of developing a rapid and effective solution to this rising pandemic.

CANADA CHINA PROCURATORATE REFORM COOPERATION PROJECT

The continuing objective of the Canada-China Procuratorate Reform Cooperation Project is to provide Canadian expertise to support the Supreme Peoples Procuratorate (SPP) in implementing their reform agenda, which will take place over four years (2003 -2007). As part of CIDA's China Judicial/Legal Reform Program, ICCLR and its partner Salasan Inc. have been awarded the contract to act as the Canadian Executing Agency (CEA) to work with The Supreme People's Procuratorate, the Chinese Executing Agency (CHEA) in accordance the Program Implementation Plan (PIP).

The overarching intent of the Project is to support China's efforts to gain knowledge of, and to adopt, international legal standards and practices, and to promote good governance and the reform of its legal system. A sustaining goal of the project is "to increase China's capacity to improve governance, respect for human rights and democratic development processes". An additional purpose of the project is to support the SPP's reform program by enhancing the prosecution profession's ability to more effectively:

- Understand and exercise its constitutional and professional role in protecting citizen's rights;
- Implement and enforce due process in the criminal prosecution system as well as to develop/implement new law and policies; and
- Carry out prosecutor legal and professional responsibilities

IMPLEMENTING INTERNATIONAL STANDARDS IN CRIMINAL JUSTICE IN CHINA PROGRAMME

As mentioned in the 2005 Highlights, significant progress continues to be made on this programme, as our collaborative relationship continues to strengthen. The objectives for 2005-2006 are to deliver on the remaining mandates as defined in our jointly created Annual Workplans. The *Centre* continues to work with the three Chinese partner organizations, namely the Centre for Criminal Law and Justice (CCLJ) at China University of Political Science and Law, the Research Centre of Criminal Jurisprudence (RCCJ) at Renmin University, and the China Prison Society (CPS).

In March 2004, immediately after China's National People's Congress announced its new legal reform plans, the *Centre's* Director of the China Program, Vincent C. Yang, visited China to help develop Year II Work Plans with all three Chinese working partner organizations, which defined the expected results and activities of the Program according to the developed context in China. A consolidated Work Plan was developed by the *Centre's* project team and was later approved by CIDA.

As in the past, the *Centre's* team for the China Program and its Chinese counterparts continued to apply six methodologies during Year II:

- Joint research for law/justice reforms,
- Field/investigative studies in China,
- Study tours and/or exchange visits,
- Conferences or workshops,
- Development of training materials and
- Information dissemination through lectures/seminars and publications.

II. INSTITUTIONAL RESPONSIBILITIES

UNITED NATIONS 11TH CONGRESS ON CRIME PREVENTION AND CRIMINAL JUSTICE

United Nations Congresses on Crime Prevention and Criminal Justice¹ are held every five years and for the past 50 years have served as an important vehicle for advancing international policy in criminal justice. In accordance with General Assembly resolution 56/119² these Congresses are organized for the participation of high level officials, convening workshops and dealing with the most relevant topics in crime prevention and criminal justice.

At its Twelfth Session³ the UN Commission on Crime Prevention and Criminal Justice decided the theme of the 11th UN Congress would be "Synergies and responses: strategic alliances in crime prevention and criminal justice"⁴. The Congress was held in Bangkok Thailand from 18 to 25 April 2005. A provisional agenda for the Congress was approved which includes a high level segment to enable heads of state or government ministers to focus on the identified substantive items:

- Effective measures to combat organized crime;
- International co-operation 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;

¹ Formerly known as the United Nations Congress on Crime Prevention and the Treatment of Offenders

² General Assembly resolution 56/119 entitled "Role, function, periodicity and duration of the United Nations Congresses on the prevention of crime and the treatment of offenders" adopted at its Fifty Sixth Session 23 January 2002, Agenda Item 110

³ United Nations Commission on Crime Prevention and Criminal Justice Twelfth Session - Vienna, 13-22 May 2003

⁴ ECOSOC resolution 57/171 of 18 December 2002.

- Economic and financial crimes: challenges to sustainable development; and
- Making standards work: fifty years of standard setting in crime prevention and criminal justice.

The Commission further decided that the following issues would be considered by workshops within the framework of the Eleventh Congress:

- Enhancing international law enforcement co-operation, including extradition matters;
- Enhancing criminal justice reform, including restorative justice;
- Strategies and best practices for crime prevention, in particular in relations to urban crime and youth at risk;
- Measures to combat terrorism, with reference to relevant international conventions and protocols;
- Measures to combat economic crime, including money-laundering; and
- Measures to combat computer-related crime.

At the Twelfth Session of the Commission, Canada, in its statement regarding the discussion of preparations for the Eleventh Congress, informed the Commission that the International Centre for Criminal Law Reform and Criminal Justice Policy would be ready to play a role in relation to the second aforementioned workshop entitled "Enhancing criminal justice reform, including restorative justice". This workshop addressed criminal justice reform, particularly protection of victims/witnesses, especially women and children, and restorative justice. This statement was made in support of the leadership role that Canada has played in promoting the use of restorative practices, including the development of Basic Principles for the Use of Restorative Justice in Criminal Matters (approved in draft ECOSOC resolution E/CN.15/2002/L.2/Rev.1). ICCLR was contracted by the Department of Justice Canada to prepare this Workshop.

The *International Centre* engaged two senior Canadian experts to prepare the required background discussion paper for the workshop. Key issues were identified through the UN regional preparatory meetings, consultations with the UNODC in Vienna and the Department of Justice Canada.

The broad scope of the topic of the workshop and the lack of clear consensus on the substantive focus from the regional preparatory meetings and an Ad Hoc Meeting of experts held at the 13th Commission, necessitated the convening of an experts meeting well in advance of the UN Congress. This meeting of international and Canadian experts supported by the Department of Justice Canada was held in Ottawa in October 2004. Experts representing appropriate geographical and regional perspectives assisted in defining, prioritizing and elaborating the more specific topics to be discussed, the scope and objectives of the workshop and possible relevant ancillary meetings to be convened in the margins of the Congress.

PROPOSED PROGRAMME OF WORK 2005-2006

The *Centre* is developing and pursuing a number of additional projects, each of which have significant meaning for our partners at the Department of Justice, our UN colleagues, and indeed our role as subject matter experts. The following brief descriptions will provide an insight into some of the areas where the *Centre* is uniquely positioned to make a genuine, positive impact in Canadian Foreign Policy, Restorative Justice, Human Safety and Security, and Transitional Justice in Post-conflict societies.

I. CANADIAN FOREIGN POLICY IN A NEW GLOBAL CONTEXT

With the recent release of new UN Foreign Policy documents, and the issuance of a new Canadian International Policy Statement, it is both timely and appropriate for the *Centre*, in accordance with the treaty commitment between Canada and the UN, to review and respond to these documents. The *Centre* foresees a number of opportunities to contribute to the discussion of these Policy positions, from Workshops to Symposia, to bring greater consensus and understanding within our communities of interest.

II. PROTECTION OF CHILDREN AS VICTIMS AND WITNESSES OF CRIME

The *Centre* proposes to work with the UNODC, the IBCR and other international and UN PNI institutes to provide training in relation to the recently adopted UN Guidelines on **Justice in Matters Involving Child Victims and Witnesses of Crime**, and to disseminate information on successful models at the national level. These activities would be focussed, initially, in the regions of SE Asia, Central America, Mexico and the Caribbean.

III. HUMAN TRAFFICKING

The *Centre* proposes to support the efforts of the UNODC Anti-Trafficking Unit to respond to the enhanced mandate given as a result of the decisions of the 14th UN Crime Commission. Building on our work with the UNODC to finalize the Anti-Trafficking Toolkit and the Anti-Trafficking Guide for Law Enforcement, the *Centre* is positioned to support Canada's domestic implementation of the UN Trafficking Protocol through developing instruments, delivering training and raising awareness among local, national and international professionals working in the Justice System.

IV. UNIFIED IMPACT PROGRAM

The *Centre* has for some time seen enormous value in combining into a single, multi-faceted workshop, our expertise in the ICC legislative preparation, our ICC-Victims & Witnesses Unit assistance, and the Justice Rapid Response Training Programs. The combined impact of these related, mutually supportive programs targeted at post-conflict societies would be substantial, and provide extremely valuable collaborative support to groups most impacted by genocide, lawlessness and war.

IV. ANTI-TERRORISM

In the context of combating terrorism, the prevalence of fear and an increase in terrorist acts are combining to create a disproportionate focus on crime control strategies both nationally and internationally. The *Centre* can play a valuable role in supporting the work of the UNODC in regard to their mandate – a mandate that has been reinforced in the directives given to the UN Terrorism Prevention Branch at the 14th UN Commission in May, 2005 in Vienna. The *Centre*, given its experience and expertise on issues regarding Terrorism and the linkages to organized crime, as well as the protection of Human Rights, can deliver an important supporting role on this issue. In addition, the Centre is in a position to assist with Canada's active role in supporting the ongoing efforts against terrorism.

CONCLUSION & NEXT STEPS

The *International Centre* takes pride in our accomplishments from 2004 – 2005; a year in which we delivered critical assistance, knowledge and support to institutes and individuals in Canada and around the globe, and in multiple and varied subject areas.

We have deepened our relationships with our partners, colleagues and host countries; enabling greater collaboration and results across the board. We have secured new and expanded project funding, and will continue to pursue additional funding support. The growth of our delivery capacity, and our capacity for excellence, requires more consistent, reliable and stable funding in order to professionally manage our expert partners and consultants.

2005 – 2006 is a year in which we will expand several of our flagship programs into new areas, and in which, as we have outlined in this document, we seek to deliver new and critical services in areas of the world that cry out for Canada's continued leadership and support.

And it is with the *support* of our partners; the Department of Justice Canada, Corrections Canada, UBC, The International Society for the Reform of Criminal Law, Foreign Affairs Canada, The Office of The Attorney General of BC, Simon Fraser University and CIDA, that we dedicate ourselves to once again meeting and exceeding our goals for the next Fiscal Year.

BACKGROUND

The International Centre for Criminal Law Reform and Criminal Justice Policy 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.

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 Public Safety and Emergency Preparedness, the Ministry of the Attorney General of British Columbia, Foreign Affairs Canada, 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 under the direction and supervision of a 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 Public Safety and Emergency Preparedness, 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 was presented and approved by the Board of Directors for fiscal year period of April 1, 2003 to March 31, 2004. This narrative report outlines the activities, achievement and accomplishments of the *International Centre* as planned in the Program of Work for 2005-2006. The *Centre* makes arrangements annually for an external audit 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

Peter Burns QC	Dean Emeritus University of British Columbia
Neil Boyd	Professor of Criminology Simon Fraser University
Chantal Bernier	Assistant Deputy Minister Public Safety and Emergency Preparedness
Elizabeth Edinger	Professor of Law University of British Columbia
Ronald Gainer	Attorney at Law, Gainer & Rient
Kathleen Macdonald	A/Executive Director International Centre for Criminal Law Reform and Criminal Justice Policy
Hon. Justice Richard Mosley	Federal Court of Canada
Donald Piragoff	Senior General Counsel Justice Canada, Criminal Law Policy Section
Colleen Swords	Legal Advisor Foreign Affairs Canada
Simon Verdun-Jones	Professor of Criminology Simon Fraser University
Eduardo Vetere	(Ex Officio) Officer in Charge Division for Treaty Affairs, United Nations Office on Drugs and Crime
Josiah Wood QC	Barrister & Solicitor Blake, Cassels & Graydon, LL.P

PEOPLE AT THE CENTRE

Kathleen Macdonald
A/Executive Director

Janet M. Bayda
Vivienne Chin
Nafisa Chatur
Yvon Dandurand
Dillon Johnston

Daniel Préfontaine
Eileen Skinnider
Brian Tkachuk
Vincent Cheng Yang
Yuli Yang

ACKNOWLEDGEMENTS

The *International Centre for Criminal Law Reform and Criminal Justice Policy* gratefully acknowledges the continuing support of: the International Society for the Reform of Criminal Law, Simon Fraser University, University of British Columbia, Department of Justice Canada, Department of Public Safety and Emergency Preparedness Canada, Ministry of the Attorney General of British Columbia, British Columbia Law Foundation, Foreign Affairs Canada, Law Foundation of Ontario, Vancouver Foundation, Correctional Service of Canada, MacArthur Foundation and the Canadian International Development Agency.

DONATIONS

The *International Centre* is registered in both Canada and the United States as a not-for-profit organisation. The *Centre* issues official receipts for all tax-deductible donations.

**International Centre for Criminal Law Reform
and Criminal Justice Policy**
**Le Centre international pour la réforme du droit criminel
et la politique en matière de justice pénale**

1822 East Mall, Vancouver, B.C.,
Canada V6T 1Z1
Tel: + 1 604 822 9875
Fax: + 1 604 822 9317
Email: icclr@law.ubc.ca

