

# **International Centre For Criminal Law Reform and Criminal Justice Policy**

## **Annual Report 1996-97 Work Program 1997-98**

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*The International Centre For Criminal Law  
Reform and Criminal Justice Policy*  
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# **FOREWORD**

The *International Centre for Criminal Law Reform and Criminal Justice Policy* is an independent, not for profit organization, dedicated to making a substantial contribution to national and international efforts to reduce crime and improve justice. The *Centre* fulfils this role in a variety of ways including research, information exchange, training, policy development and technical assistance. Since its creation in 1991, the *Centre* has developed into a dynamic, mature and internationally recognized centre of excellence.

During 1996-97 the *Centre* maintained its ongoing support to its founding members and the United Nations Crime Prevention and Criminal Justice Programme, and began to widen the scope of its activities in the area of advisory services and technical assistance. A major achievement during this past year was the approval by the Board of Directors, and the implementation of, the new core management structure. The management team is now in place with the recent appointments of the Director of Policy Development, the Director of Program Development, and a Program Coordinator. In addition, I am very pleased to report that the *Centre* has obtained the necessary financial commitments to support the core management structure to the year 2000. This stability will permit the *Centre* to move forward and expand in the program activity area while maintaining its ongoing support to the founding members.

To fulfil its mandate, the *Centre* cooperates closely with the other members of the United Nations Crime Prevention and Criminal Justice Network of Institutes and in particular with the Crime Prevention and Criminal Justice Division at the United Nations Office at Vienna. The Division is the Secretariat to the intergovernmental Commission on Crime Prevention and Criminal Justice. Another important component of the *Centre's* program is the working relationships it has established with, and the support it receives from, the Canadian departments of Justice, Solicitor General, and Foreign Affairs and International Trade, and the Correctional Service of Canada. In addition, the *Centre* receives the generous support and collaboration of the Department of the Attorney General of British Columbia.

As a priority area of work in 1996-97, the *Centre* was involved in a number of key activities in bilateral cooperation and technical assistance to China in the reform of its criminal law and procedure, and to Thailand in improving its protection of children as victims and witnesses of crime. I wish to especially thank the Ford Foundation and the Canadian International Development Agency for their continuing financial support for the China program. The *Centre* was also pleased to be able to respond to the invitation from the Agency to assist with the Thailand project.

One of the major accomplishments during the year was the *Centre's* participation in the *United Nations International Study on Firearms Regulation*. Another important achievement was the completion of a major analysis of *The Role, Preparation and*

*Performance of Civilian Policing in United Nations Peacekeeping Operations.* This extensive report was prepared in collaboration with the United Nations International Crime and Justice Research Institute, in Rome, the United Nations Crime Prevention and Criminal Justice Division and the generous support of the Canadian Department of Foreign Affairs and International Trade and the Royal Canadian Mounted Police. Following the announcement in October 1996 by Canada's Foreign Affairs Minister, the Honourable Lloyd Axworthy, on the establishment of a new Canadian Peacebuilding Initiative, the *Centre* participated in a related national consultation process. The *Centre* also organized, in cooperation with the Canadian Centre for Foreign Policy Development, a student forum on "Peacebuilding and Criminal Justice Issues" in Abbotsford, British Columbia.

As part of our global interests, the Sentencing and Corrections project produced a number of significant successes this year, especially the conference held in March 1997 in Vancouver on "Achieving Satisfying Justice," jointly organized by the *Centre* and the Canadian Criminal Justice Association. I am very pleased to report that the project has been renewed with the emphasis in the upcoming year on the coordination and provision of technical assistance. I am grateful for the assistance and financial support provided by the Correctional Service of Canada to ensure the continuation of the *Centre*'s work in this area.

Another important area that continues to be a priority for the *Centre*'s work program is the laundering of the proceeds of crime in the context of the global concern with control of organized and transnational crime. A proposal has been developed for a three year work program regarding practical measures to be taken, focusing on the Pacific Rim.

Overall the *Centre* has had a very successful and productive year. One of the most satisfying aspects of my position as Chief Executive Officer of the *Centre* has been the tremendous cooperation and support that the staff and I have received from the Chairman and members of the Board of Directors. It has also been a great pleasure to have the privilege of working alongside my colleagues at the *Centre* and the Faculty members of both the University of British Columbia Law School, and Simon Fraser University School of Criminology. I take this opportunity to recognize the new working relationship and collaboration established this past year with the Department of Criminal Justice at The University College of the Fraser Valley in Abbotsford. I would also like to express my gratitude for the strong support that the *Centre* continues to receive from the members of the International Society for the Reform of Criminal Law. I further note with satisfaction, the excellent collaboration that the *Centre* has received from the members of the Division and the United Nations Crime Prevention and Criminal Justice Programme Network of Institutes. Finally, I express my sincere appreciation to all of our colleagues in the federal and provincial governments and non-governmental organizations who continue to believe in the *Centre* and help us whenever they can. The *Centre* has come of age to meet the challenges of the future.

Daniel C. Préfontaine, Q.C.  
Chief Executive Officer

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# INTRODUCTION INTRODUCTION INTRODUCTION

The *International Centre for Criminal Law Reform and Criminal Justice Policy* is an independent international institute, based in Vancouver, Canada, officially affiliated with the United Nations. It was founded in 1991, as a result of a joint initiative of the University of British Columbia, Simon Fraser University and the Society for the Reform of Criminal Law, with generous contributions from the Government of Canada and the Province of British Columbia. The *Centre* is registered as a charitable, non-profit organization and relies upon financial support from foundations, individuals, government and academic institutions.

The mission of the *Centre* is based on a commitment to promote human rights, democracy and good governance. These principles provide the *Centre* with concrete parameters within which it affirms the fundamental values to which it subscribes. These values include: respect for human dignity, justice, the rule of law, fairness, equity, public participation in decision making and institutional accountability. The *Centre's* mission is one which emphasizes the role of criminal law and the importance of criminal law reform as an essential means to defend these values and give them a concrete expression in the face of the challenges with which national and transnational crimes continue to confront citizens of all countries.

The *Centre* was created to provide a vehicle through which governmental, non-governmental and academic groups and other interested individuals, principally from Canada but also from other countries, can make a significant contribution to the various existing processes of criminal law reform at the international, regional and national levels.

As attempts are being made to address both local issues and international challenges, criminal law reform activities simultaneously take place around the world and at various levels. However, regardless of the level at which it is contemplated, criminal law reform is always a complex political process that evolves over rather long periods of time.

The contribution that the *Centre* makes to these processes is one which reflects its commitment to democratic values and to fundamental human rights. Criminal law reform thus understood is not just a technocratic exercise, but a process which must build upon the effective participation of individuals in decision-making and the exercise of power in society. Effective participation through both the formal process of democracy and the organizations of civil society gives a voice to people's concerns for security as well as their aspirations for freedom, peace and justice. Such reforms must also remain respectful of local traditions, culture and aspirations.

The *Centre* offers interested individuals and groups an opportunity to participate in several criminal law reform processes by organizing and coordinating participation in various

international fora dealing with crime prevention and criminal justice policy issues. The *Centre* also contributes to these processes through research, information dissemination, public information and consultation, and, when requested or invited by individual countries, through the provision of practical assistance in the development and the implementation of new criminal laws and criminal justice policies.

The following document is divided into three main sections. The first one presents the role and mission of the *Centre* in the broader context of international development and international attempts to promote criminal law reform and respect for human rights. This is followed by the *Centre's* annual report for the year 1996-1997, and a summary of its program of work for 1997-1998. Your comments and suggestions, particularly concerning the work program, are very welcome.

# **THE INTERNATIONAL CENTRE, SOCIAL THE INTERNATIONAL CENTRE, SOCIAL THE INTERNATIONAL CENTRE, SOCIAL DEVELOPMENT, HUMAN RIGHTS, AND CRIMINAL LAW REFORM**

The *Centre* just celebrated its first five years of legal existence. During these five years, and starting perhaps with the creation in 1991 of the United Nations new Crime Prevention and Criminal Justice Commission, the international community has come to a new understanding of the importance of criminal law reform and of cooperation between countries in their efforts to implement these changes. Criminal law reform has revealed itself as a crucial part of any national or international initiative to promote social justice and human rights, international peace, and social and economic development.

Our societies are undergoing some of the most radical social, political, cultural, economic and technological changes ever faced in human history. The globalization of the economy as well as of the means of communication has created a new environment in which criminality can far too easily ignore national boundaries and seriously threaten or destabilize essential social and economic institutions. It is also an environment in which criminal law, rooted as it is everywhere in the concept of national sovereignty, is facing some of its greatest challenges ever. In many cases, traditional criminal justice practices and policies are stretched to the limit of their current potential. Finally, in a world where crime and its devastating consequences recognize no national boundaries, the repercussions of a weak or unjust criminal justice system anywhere can often be felt everywhere.

In recent years, the international community has also become more aware of the intricate interdependence that exists between social, political and economic development. With this new awareness of the need to make economic development socially, politically and environmentally sustainable, we better understand that economic criteria cannot be allowed to totally dominate the international development agenda. There is a huge price to be paid for ignoring environmental, cultural, social, political, human rights and other institutional issues. The price exacted by such neglect includes not only severe damage to economic development efforts themselves, but also to social peace nationally, regionally and internationally. The price is insecurity and fear and the evils these two can breed are well known.

**An Emerging Agenda For Social Reform and PeaceAn Emerging  
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Reform and Peace**

It is obvious that meeting the new challenges of our times will require that we learn to do things differently. Social development necessarily involves social reform. Social reform will in turn likely require vast and complex reforms to our political, economic and legal institutions, both nationally and internationally. There is no magic road map to guide us through these changes and no country or group can claim to have all the solutions.

At the global level, we collectively face challenges of an enormous magnitude. No country or region of the world can meet these challenges on its own. The fragility of social peace is revealed to us in ways we can no longer ignore. Peoples and nations of the world must learn to cooperate in ways which they can still hardly conceive and they have, by all accounts, little time left to do so. The international situation in the field of crime prevention and criminal justice is not different from that which prevails in most other areas of human activity on this small and vulnerable planet.

However, to say that the international community must learn new modes of cooperation and mutual assistance and that it has little time left to do so, is not necessarily to say that it is totally in the dark. The nature of the social reforms that are called for is being understood more clearly as part of a broad international consensus on human rights, democracy and governance issues reflected in the Universal Declaration of Human Rights (1948), international human rights treaties, as well as declarations adopted at recent UN conferences concerning children (The Children's Summit, New York, 1990), the environment and development (Rio de Janeiro, 1992), human rights (Vienna, 1993), population and development (Cairo, 1994), and in other international fora (Council of Europe, the Commonwealth, La Francophonie, or the Organization of American States).

The last two years have also seen several other international events which have helped delineate the international agenda for social, political and legal reform: the Fourth World Conference on Women (Beijing, 1995); the social summit (Copenhagen, 1995), the Ninth Congress on the Prevention of Crime and the Treatment of Offenders (Cairo, 1995), and Habitat II, "The City Summit," (Istanbul, 1996). In the field of crime prevention and criminal justice, there were also several important declarations and plans of action which were adopted at the regional or inter-regional levels, including declarations by the Commonwealth Law Ministers and "The Cairo Declaration and Plan of Action for Justice, the Rule of Law, Human Rights and Development, 1996-2000" adopted during the Third Conference of Ministers of Justice of La Francophonie.

In fact, however, and notwithstanding cultural and political differences nor the important differences in legal traditions, there is what can only be described as an amazing level of convergence between the various declarations and policy statements that we have referred to. They all point at the importance of international cooperative efforts to promote social development through the development of democratic, just, fair and effective social, political and legal institutions. This obviously should include assigning a high priority to the democratic development and the implementation, with due respect to human rights and the

inherent dignity of all human beings, of just, fair and effective criminal justice policies, systems and practices.

The administration of justice is one of the key components of governance. And, as was emphasized by former Secretary-General of the UN, Boutros Boutros-Ghali (in "An Agenda for Development," 1995; United Nations Publication E.95.1.16, p. 45), governance may be the single most important development variable within the control of individual states.

In its *Resolutions 49/158* and *50/146*, the General Assembly again recognized the direct relevance of crime prevention and criminal justice in promoting sustainable development, stability, security and improved quality of life. It also recognized the urgent need to increase technical cooperation activities in order to assist countries to translate United Nations' policy guidelines into practice.

In defining its own program priorities and goals, the *Centre* is guided by the objectives of Canada's Foreign Policy, its own charter members, the policies of the UN as well as those of relevant regional and inter-regional policy fora. Furthermore, the UN Commission on Crime Prevention and Criminal Justice meets each year and provides guidance and direction for the whole of the UN Crime Prevention and Criminal Justice Programme.

### **Canada's Foreign Policy**

In 1995, the Government of Canada published a major foreign policy statement, *Canada in the World*, which articulates its objectives in the areas of international assistance and social and economic development. Soon after, the Government released *The Government of Canada Policy for CIDA concerning Human Rights, Democratization and Good Governance* (December 1995).

In *Canada in the World* (1995), the Government of Canada made explicit the principles that guide both its foreign and its international assistance policies. In this statement, the Government of Canada articulates a broad concept of international security as the basis for Canadian action and assistance in the international field. It recognizes that "meeting the challenges that this broader security agenda poses means (...) working for the promotion of democracy and good governance, of human rights and the rule of law, and of prosperity through sustainable development" (p. 25).

To reduce poverty and to contribute to a more secure, equitable and prosperous world, Canada's efforts in the area of international development will focus on several priorities including the meeting of basic human needs, supporting the full participation of women as equal partners in development, developing infra-structure services and supporting private sector developments, protecting the environment, promoting democracy, respect for human rights and good governance. The Government of Canada "regards respect for human rights

not only as a fundamental value, but also as a crucial element in the development of stable, democratic and prosperous societies at peace with each other" (p. 34).

## **The United Nations Crime Prevention and The United Nations Crime Prevention and The United Nations Crime Prevention and Criminal Justice Programme**

The *Centre* is a significant component of the UN Crime Prevention and Criminal Justice Programme. The Programme, as it now exists was created in 1991 by *General Assembly Resolution 46/152*. The new political will which found an expression in that *Resolution* is being translated into action by:

- creating the essential mechanisms for practical collaboration against common problems;
- providing a framework for inter-State cooperation and coordination to respond to the serious new forms and transnational aspects and dimensions of crime;
- establishing information exchanges concerning the implementation and effectiveness of the UN norms and standards in crime prevention and criminal justice;
- providing means of assistance, particularly to developing countries, for more effective crime prevention and more humane justice;

During 1995, as the 50th Anniversary of the creation of the United Nations provided not only a cause for celebration but also for reflection, we heard a chorus of calls for reforms of the UN as an organization. Many of the criticisms were addressed at the perceived heaviness and inefficiencies of the UN system and its bureaucracy. While some pointed at the need to improve the functioning of the UN's decision making bodies, others called for an in-depth review of the UN's economic and social activities. Notwithstanding these valid criticisms, we would argue that, in the case of the UN Crime Prevention and Criminal Justice Programme, there is a particular cause for optimism. Although much remains to be done to fully implement the Programme and to empower it to make its full contribution to the objectives outlined above, it does, in its revised form, escape many of the general criticisms directed at the overall organization. Because it is largely decentralized and includes the contribution of a significant number of organizations acting cooperatively but independently with a shared commitment to the same general objectives, the Programme Network of Institutes provides perhaps a unique model for concerted and effective action while allowing diversity and reflecting regional priorities and concerns.

The UN has identified crime prevention as one of eight priorities of the Organization in its new Medium Term Plan. To reflect the need to preserve an appropriate balance between measures for the protection of human rights and measures for the prevention and control of crime, the Programme continues to emphasize the importance of existing UN instruments, norms, standards and guidelines in the field of crime prevention and criminal justice. Such

instruments exist not only as important guidelines for national criminal justice systems, but also to reaffirm the commitment of the international community to combat human rights violations and to promote the development of stable, just, democratic and prosperous societies at peace with each other. It is clear also that one of the main tasks of the new UN Programme is to raise awareness of the benefits of international cooperation in this field, and to assist countries in implementing international standards and norms. Since, in many cases national legislations do not reflect these standards, support for law reform and law reform implementation initiatives is a priority for action.

In carrying out its work the *Centre* cooperates with the other components of the Programme. These include: the new Commission on Crime Prevention and Criminal Justice, a functional inter-governmental commission of the Economic and Social Council, which met for the first time in 1992 and meets once a year in Vienna; the Crime Prevention and Criminal Justice Division (CPCJD) at the United Nations Office in Vienna, Austria which is the secretariat to the Commission; the United Nations Interregional Crime and Justice Research Institute (UNICRI) in Rome, Italy; the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) in Tokyo, Japan; the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) in San José, Costa Rica; the European Institute for Crime Prevention and Control Affiliated with the United Nations (HEUNI) in Helsinki, Finland; the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) in Kampala, Uganda; the Naif Arab Academy for Security Sciences (NAASS) in Riyadh, Saudi Arabia; the International Scientific and Professional Advisory Council (ISPAC) in Rome, Italy; the Australian Institute of Criminology (AIC) in Canberra, Australia; the International Institute of Higher Studies in Criminal Sciences (ISISC) in Siracusa, Italy; the International Centre for the Prevention of Crime (ICPC) in Montreal, Canada; the National Institute of Justice (NIJ) in Washington, D.C., USA; and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, in Lund, Sweden.

Furthermore, quinquennial congresses continue to be held and to act as advisory bodies to the Programme. The Ninth Congress was held in Cairo in April-May 1995 and its recommendations have since been incorporated into the programme by various resolutions of the Commission and the Economic and Social Council. The Tenth Congress is scheduled to take place in South Africa in 2000.

## **Major Components of the *International Centre's Program* Major Components of the *International Centre's Program* Major Components of the *International Centre's Program***

The major program activities of the *Centre* can be grouped under three major headings: (1) policy development, analysis and research; (2) technical cooperation, assistance and advisory services; (3) public information, consultation and education. In practice, however,

the three components are closely interconnected. In addition to these major elements, and taking into account the complexity of the international processes to which they relate, the *Centre* must also devote a significant portion of its efforts and resources to building and maintaining its various links and partnerships with its many partners and potential partners in the field of criminal law reform. Finally, for any of the above activities to be at all possible, the *Centre* must take care to continue to enjoy a solid structure for executive direction, financial management and program support.

### **Policy Development and Analysis, and Research**

The role of the *Centre* is obviously not limited to promoting existing international standards and norms. Our world is characterized by change and new challenges to which new responses must be found. The link between law reform and social change is a complex one that no one can yet claim to fully understand. Within the complex relationship between law and society, there are, however, several formal and informal processes of research, information sharing, consultation and consensus building of undeniable importance and in which Canadians and all others are challenged to participate.

At the core of the *Centre's* mission is its ambition to make a contribution to the evolution of criminal justice policy and to law reform at the international level. It does so by attempting to provide all interested Canadian organizations and individuals with an occasion to participate in the endeavour.

In a democratic process, law reform is ultimately the responsibility of elected representatives. The contribution of the *Centre* usually takes the form of participating in consultations and discussions, expert groups meetings and other fora created to promote the sharing of experience and concerns between countries, experts, officials and other interested groups or organizations. At the international level, the objective of most of these essentially political processes is to arrive at a consensus on shared policy objectives, based on an understanding of research evidence and the existing scientific and professional expertise in a particular area, and to forge a will for joint or concerted action.

To make its full contribution to such policy development processes, the *Centre* must also conduct its own research and consultations, creating opportunities, through the publication of research findings and issues papers and the organization of conferences, seminars and meetings, for specific issues to get greater consideration. In the majority of these activities, the *Centre* works in close cooperation with other national and international organizations that share the same objectives and interests. In the area of comparative criminological and legal research, cooperation between researchers and academic institutions of various countries is always an essential element to the success of a project. The *Centre*, whenever possible and as was the case for example with the UN International Study on Firearm Regulation, is always eager to participate in such important comparative research endeavours.

## **Technical Cooperation, Assistance and Advisory Services**

As noted earlier, the *Centre* was established at a time when the importance of the role of technical assistance in giving full effect to international standards and norms in the field of criminal justice was being affirmed. That new emphasis in the definition of international priorities for action was sometimes described as a major paradigm shift. It was characterized as a move from a normative approach to a cooperative approach emphasizing cooperation and technical assistance between jurisdictions.

In that new context, technical assistance soon became one of the three pillars of the *Centre's* own program. However, criminal law reform is a political process, hopefully a democratic one, which is deeply entrenched in cultural choices, values and traditions. Assisting that process can hardly be described as a narrow technical or technocratic exercise. The perception that it is, however, is hard to dispel.

The *Centre* is directly involved in several international cooperation projects, working in all cases in association with other Canadian partners as well as local organizations and other institutes of the UN Crime Prevention and Criminal Justice Programme Network. However, in most cases, the *Centre* defines its role more in terms of "cooperation" and "advisory services" than in terms of technical assistance. In fact, the concept of "technical assistance" too often seems to lend itself to assumptions of cultural superiority as an automatic consequence of technological development. In reality, such assumptions are rarely warranted by an examination of the respective experiences of cooperating countries. In truth, technologically developed countries, even those with very sophisticated criminal justice systems, often face crime prevention and control problems which are no less serious than those encountered by developing countries. In that context, cooperation in the field of criminal justice is better understood as a process through which all parties can learn and evolve together and from which all participants can ultimately benefit.

International cooperation and mutual assistance in criminal justice is, relatively speaking, a new field of endeavour. Relatively little is known about what might constitute the best strategies to promote effective cooperation. Improvisation is often the enemy of well thought-out projects, as the need for trust-building, prior needs assessment surveys, transferability evaluations, and long-term initiatives is too often underestimated. Ensuring that collaborative efforts have the desired effect, as opposed to unanticipated disruptive consequences, or that they have a lasting, sustainable impact is always at the heart of the issue in international development efforts. The lack of coordination of international development efforts and the potential for unnecessary duplication of initiatives are problems which the international community and, in particular, the UN Crime Prevention and Criminal Justice Programme are trying to address. The need to strategically deploy the extremely limited resources available for the task poses yet another challenge. Finally, there

are many other impediments to effective international cooperation in the field of criminal justice which must be identified and addressed.

### **Public Information, Consultation and Education**

Given its commitment to a vision of criminal law reform as a participatory and democratic process through which difficult collective choices must be made both nationally and internationally, the *Centre's* public information, consultation and education function forms indeed a crucial part of its mission.

The *Centre* is frequently called upon to provide information, education, and advisory services to serve a number of different audiences. These may include the general public, non-governmental organizations, government officials, criminal justice and law reform experts and professionals, experts from other areas of social and international development, students and other interested individuals. The services provided by the *Centre* to respond to such requests can range from responding to simple requests for a copy of a particular UN declaration or standard, to preparing complex briefs and participating in formal hearings or informal discussion groups, to time consuming efforts to publish original research or proceedings of a consultation meeting or even efforts to expand the existing knowledge base in a particular area and disseminate the results.

However, given its mandate to broadly communicate, promote and explain international standards in the field of criminal justice, the *Centre's* activities in this area are not always reactive. There are many instances where the *Centre* must adopt a proactive approach in disseminating information, publishing research findings, describing successful or promising practices, and generally facilitating communication and information exchanges between people involved in criminal law reform everywhere. In the interest of making relevant information as widely accessible as possible, the *Centre* is particularly interested in joint information dissemination projects with other components of the Crime Prevention and Criminal Justice Programme, academic institutions and groups, professional associations and other non-governmental organizations active in the fields of law reform and international development.

### **Participation and Cooperation with Other National and International Organizations**

The world of international criminal justice policy development is best described as a vast web of communications and exchanges which occur, not only in distant places and in different languages, but also over long periods of time. The *Centre* is, relatively speaking, a newcomer to this area. It is all too easy to underestimate the amount of effort and resources which the *Centre* has had to devote and must continue to invest, to build and maintain its

channels of cooperation and communication with other international organizations as well as to build its own credibility.

When one contemplates the complexity of the task of law reform on an international scale, the concrete difficulties involved in bringing about true international cooperation, or the vast needs of developing countries for assistance in the field of criminal justice, it is easy to become sceptical about the rather modest contribution that a small organization like the *Centre* can make to any proposed solution to these problems. Alternatively, one can also choose to focus on the potentially significant impact which the *Centre* can realistically have, through long-term cooperation with other national and international partners, if it can tap the good will of Canadians and the impressive pool of human, professional and scientific resources which exists in Canada.

The secret to bringing forth our best contribution to address the world challenges created by crime seems to reside, perhaps not surprisingly, in our collective ability to work cooperatively and to build the networks of trust, shared vision and determination which can make a difference. To accomplish this goal the *Centre* must give great care to its network building and other efforts to create a climate of cooperation in which shared objectives for law reform can emerge and be given reality.

# **ANNUAL REPORT - 1996/1997ANNUAL REPORT - 1996/1997ANNUAL REPORT - 1996/1997**

## **Executive Direction, Financial Management and Program SupportExecutive Direction, Financial Management and Program SupportExecutive Direction, Financial Management and Program Support**

### **Board of DirectorsBoard of DirectorsBoard of Directors**

The *Centre* is governed by a Board of Directors. The Board consists of two representatives each from its charter members: 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 Solicitor General of Canada, the Attorney General of British Columbia, the Chief Executive Officer of the *Centre*, and, ex-officio, the Chief of the UN Crime Prevention and Criminal Justice Branch in Vienna. The *Centre* is also assisted by an international Advisory Council.

Daniel C. Préfontaine, Q.C., is the Director of the *Centre* and its Chief Executive Officer.

Mr. Préfontaine brings to the *Centre* many years of experience in international criminal law matters. He held the position of Assistant Deputy Minister in the Canadian Department of Justice for many years, and led the Canadian delegations at several UN Congresses and other international meetings on crime prevention and criminal justice. The Chief Executive Officer is assisted by a core management team consisting of a Director of Policy Development, a Director of Program Development, a Program Coordinator and a part-time Accountant.

<b>Board of Directors</b>	<u>UBC Representative</u> <b>Professor Peter BURNS, Q.C.</b> Board Chair, Professor of Law University of British Columbia Vancouver, B.C.	<u>UNCPCJD Representative</u> <b>Eduardo VETERE (Ex Officio)</b> , Chief, United Nations Crime, Prevention and Criminal Justice Division, Vienna, Austria
<u>SFU Representative</u> <b>Prof. Neil BOYD, LL.M</b> School of Criminology Simon Fraser University Burnaby, B.C.	<u>Dept. of Justice Canada Representative</u> <b>Gerry A. FERGUSON, B.A., LL.B., LL.M.</b> , Professor of Law, Univ. of Victoria, Victoria B.C.	<u>International Society Representative</u> <b>Ronald L. GAINER</b> Gainer, Rient and Hotis Washington, D.C.
<u>Attorney General of BC Representative</u> <b>Mr. Ravi HIRA</b>	<u>International Society Representative</u> <b>Frank IACOBUCCI, Hon. Justice</b>	<u>Solicitor General of Canada Representative</u> <b>Norman INKSTER</b>

Watson Goepel Maledy Barristers and Solicitors Vancouver, B.C.	Supreme Court of Canada Ottawa, Ontario	KPMG Investigation and Security Inc., Toronto, Ontario
SFU Representative <b>Dr. Dany LACOMBE</b> School of Criminology Simon Fraser University Burnaby, B.C.	<u>International Centre Representative</u> <b>Daniel C. PRÉFONTAINE, Q.C.</b> , Chief Executive Officer and Director, Intl. Ctr. for Criminal Law Reform and Criminal Justice Policy	<u>UBC Representative</u> <b>Dean Lynn SMITH, Q.C.</b> Faculty of Law University of British Columbia Vancouver, B.C.

## **Financial Management and Program Support**

The *Centre* receives income from three separate endowment funds established by the British Columbia Law Foundation, the Ontario Law Foundation and the Vancouver Foundation. The government of British Columbia, through the Attorney General's office, makes a contribution to the general administration of the *Centre*. In addition, the *Centre* is a registered charitable institution and seeks support and funding from individual donors and foundations.

The Department of Justice's contribution is to second a senior legal officer who acts as Executive Director at the *Centre*. Other professional staff members are contracted as Directors, associates, program managers and researchers of the *Centre* through separate project funds. The *Centre* also benefits from the volunteer services of a number of professionals and students, and the visits of foreign scholars and practitioners. The University of British Columbia, Simon Fraser University and the International Society for the Reform of Criminal Law also support the *Centre* through the contribution of staff time and facilities and the sponsorship of some of the *Centre*'s events. Accommodation and furniture for the *Centre* are provided by the University of British Columbia through the Faculty of Law.

The general revenue of the *Centre* is designated for the administration of the *Centre* and the presentation of the lecture series. The major programme initiatives are resourced through separate project funding, rather than being funded through the general revenue of the *Centre*.

The Program Plan and budget for the year 1996/97 was approved by the *Centre*'s Board of Directors. The following is the *Centre*'s un-audited Financial Report for that year.

<b>1996/97 Financial Year/97 Financial Year/97 Financial Year</b>	
<b>Core Revenue:</b>	182,000
<b>Project Revenue:</b>	354,800
<b>TOTAL</b>	<b>536,800</b>
<b>Expenses:</b>	
Salaries	70,000
Office expenditures	38,000
Publications/Printing	5,000
Telecommunications	12,000
Fundraising	10,500
Travel	17,000
Conferences	18,000
<b>Projects:</b>	
China	186,000
Sentencing and Corrections	48,000
Peacekeeping	27,000
Firearms Regulations	45,500
Law Conference SRCL	7,800
Thailand Project	27,000
Aboriginal Justice	5,500
Policy Development	19,500
<b>Total</b>	<b>536,800</b>

## **Policy Development and Research**

The *International Centre's* activities in the areas of policy development and research during 1996/97 can be situated in the context of several major international events which took place since 1995 and helped form much of the current international policy development and research agenda in the area of criminal law reform and criminal justice policy.

The year 1995 was marked by the Ninth UN Congress on Crime Prevention and the Treatment of Offenders held in Cairo. During the Congress, Member States, in the resolution concerning recommendations on the four substantive topics of the Congress, took note of the important processes of democratization, strengthening the rule of law and increasing transparency in States and recommended that the international community support such efforts as part of its contribution to sustainable development. The focus on delivery of technical assistance to help countries to use law enforcement and criminal justice resources in a more effective and democratic way was reflected in the new format of the Congress. The difficulties in rebuilding collapsed institutions as well as the need for criminal justice systems to regain the trust of citizens after years of dictatorship and abuse by the political powers also emerged from the statements made by the representatives of those countries which in recent years have been afflicted by war and civil strife.

Furthermore, the year was also marked by the 39th Commission on the Status of Women, in March 1995, and the Fourth World Conference on Women, in Beijing, in September 1995, which addressed several issues and adopted resolutions relating to the human rights of women and, in particular, to the issue of violence against women. The World Summit for Social Development held in Copenhagen, in March 1995, also offered the international community an opportunity to focus its attention on current social problems and to promote social development. Some essential elements of an international strategy for addressing social and institutional development issues were delineated. A vision of social development clearly emerged which emphasized not only that people should have a voice in government, but also that they should enjoy certain basic human rights and live in equitable and just societies, with the freedom to make personal choices in their own lives, and the ability to carry out their daily activities free from fear of persecution or crime. The resolutions adopted during these various events and meetings have already had a significant impact on international criminal justice policies and will continue to be addressed by the Commission on Crime Prevention and Criminal Justice.

In June 1996, during Habitat II, "The City Summit" in Istanbul, it became clear that, in most countries, citizens face the challenge of articulating a new vision for the governance of their public institutions. The economic prosperity of countries will continue to depend heavily on the performance of their cities, and that performance will increasingly depend on the effective devolution of power and responsibilities to local authorities. Locally-based urban crime prevention strategies will continue to be a priority for action.

The following is a summary of the *Centre's* activities in 1996-97 in the areas of policy development and research.

**1. National, Transnational and Organized Crime, Economic Crime, and Crimes Against the Environment.National, Transnational and Organized Crime, Economic Crime, and Crimes Against the Environment.National, Transnational and Organized Crime, Economic Crime, and Crimes Against the Environment**

**1.1. Economic Crime, and the Laundering of the Proceeds of Crime.1. Economic Crime, and the Laundering of the Proceeds of Crime.1. Economic Crime, and the Laundering of the Proceeds of Crime**

Economic and commercial crime has long been a priority for developed countries. With the globalization of trade and the growth of international business, both legitimate and illegitimate, economic crime has achieved new importance. Within the context of combating organized transnational crime, the control of the proceeds of crime legislation has been one of the strategies championed by the UN through the 1988 Vienna Convention on Drugs which has been adopted by an increasing number of members states around the world.

Commonwealth Law Ministers have also addressed the questions of "cross border insolvency" and the "protection of intellectual property rights." They reiterated during their April 1996 meeting, their strong position against money laundering and any act which encourages drug trafficking. Ministers considered the report of the self-evaluation of progress towards national implementation of the forty recommendations of the Financial Action Task Force which have been adopted by the Commonwealth. A Draft Model Money Laundering Bill had been prepared by the Commonwealth Senior Justice Officials, in cooperation with the Secretariat to assist cooperation initiatives to give effect to the Forty Recommendations of the Financial Action Task Force.

As a response to the growth of organized criminal activities in the Pacific Rim, the *Centre*, in collaboration with the Institute of International Relations (at The University of British Columbia) has developed a multi-year project to address the problem of money-laundering in the region, and of the corrupt practices which facilitate this activity.

For Canada, and for British Columbia in particular, the growing links between North America and Asia signal a new era of opportunity — one of seemingly limitless potential. The gradual liberalization of Asian societies, booming regional economies, and new communications technologies have shrunk the Pacific and made it the most vibrant region in the global economy.

Unfortunately, these same "globalizing" developments have provided similar advantages to those operating outside the law. In particular, organized crime has seized the initiative with activities extending far beyond the well-known phenomenon of drug-trafficking to include the large-scale theft and smuggling of automobiles, sex tourism, banking and securities fraud, the illegal trade in armaments, and the smuggling of illegal migrants. The less tangible crime of corruption also continues unabated, greatly restricting the capacity of states to combat these activities.

One common thread which binds these criminal activities is the necessity of re-introducing illegally derived funds into the global economy. Accordingly, the UN, through the "Naples Declaration" and other statements and resolutions on organized transnational crime, has repeatedly stressed the need to augment enforcement and prosecution strategies with measures to hinder the laundering of the proceeds of crime.

The *Centre* has developed a multi-year project addressing the laundering of the proceeds of crime occurring in the Pacific Rim. The emphases of the project are twofold: the production of authoritative materials suggesting practical measures for the implementation of UN standards and norms on the regulation of financial transactions within the region; and concurrently, the assessment of the social and economic impact of this realm of criminal activities and the continuing cost of leaving these activities unattended. By disseminating the results of a series of expert reports, and by organizing a regional workshop to address the central issues surrounding the laundering of the proceeds of crime in the Pacific Rim, the project will deliver a coherent body of practical information and informed policy options, and will serve to heighten awareness of this problem in North America and the region. The *Centre* believes that these products will lay the groundwork for programs of technical assistance and advisory services with requesting states upon completion of the project's initial phases.

In addition, the *Centre* accepted an invitation to participate in a seminar on "Money Laundering: Joining Forces to Prevent It" — hosted by the Mexican Bankers' Association in Mexico City, April 8, 1997 and presented a paper on *International Efforts to Contain Money Laundering*.

**1.2. Corruption** 2. Corruption 2. Corruption

In the past year, the *Centre* has continued its policy development and research work on measures to fight corruption. Corruption is a precursor of much crime and is essential for economic and organized crime. There are strong links between corruption and other forms of crime, particularly organized crime, economic crime, money-laundering and crimes against the environment. In some countries corruption has such a firm hold that democratic political development and good governance are but dreams and the benefits of what economic activity there is accrues to the corrupt public and private sectors. In many countries, corruption skims off significant portions of international development assistance and frustrates efforts to build economic and social justice. Although criminal law and

criminal justice systems can only provide part of the necessary social response to the problem of corruption, they form an essential part of any strategy to address this problem.

Policy development initiatives in this area attempt to address the fact that corruption is a phenomenon that crosses national borders and affects all societies, endangering their stability and security, undermining the values of democracy and morality, and jeopardizing social, economic and political development. International cooperation to prevent and control corruption is essential.

The UN Commission on Crime Prevention and Criminal Justice and the Economic and Social Council (ECOSOC) have both adopted resolutions calling for concerted international actions to combat corruption and noting the need to provide, upon request, to developing countries and countries with economies in transition, technical assistance designed to improve public management systems and enhance accountability and transparency.

The Commission is proposing a draft resolution to the General Assembly, entitled *International Cooperation Against Corruption and Bribery in International Commercial Transactions*, urging Member States to criminalize the bribery of public officials of other States in international commercial transactions. This follows two resolutions adopted last year by the General Assembly: an *International Code of Conduct for Public Officials* (GA res. 51/59) and a *UN Declaration Against Corruption and Bribery in International Commercial Transactions* (GA res. 51/191).

Several other international organizations have also addressed various policy issues related to public corruption. These include the work of the Council of Europe and the European Community, the International Anti-Corruption Conference and the work of the Organization for Economic Cooperation and Development (OECD). Also, the Commonwealth Law Ministers Meeting, held in Kuala Lumpur, Malaysia, expressed its commitment to work on both the domestic and international fronts to combat corruption. Measures were considered which have achieved some success in Commonwealth countries. It emphasized the need for a clear political commitment to eradicate corruption, effective anti-corruption legislations which take into account the increasing role of the private sector in the system of government, the creation through public education of a culture hostile to corruption, and adequate remuneration of public officials.

### **1.3. Migration and Crime.3.      Migration and Crime.3.      Migration and Crime**

In both 1994 (*Resolution 1994/14*) and in 1995 (*Resolution 1995/10*), the ECOSOC condemned the practice of organized smuggling of illegal immigrants and called upon all states to take effective and expeditious measures, such as the enactment or amendment of domestic criminal law and the promotion of effective cooperation between countries, to combat all aspects of organized criminal activities constituting smuggling. However, beyond the question of the need to combat organized smuggling of illegal immigrants

across national borders, there are several complex issues of great significance to the international community and to Canada requiring further attention. International migration is one element of globalization which can affect not only the conduct of foreign policy and the provision of domestic services, but also the construction of national identity itself.

The accommodation of ethnic diversity must be viewed as an ongoing process rather than an end state. The legitimacy of a state and its criminal justice system depends on an acceptance by citizens of their governmental and legal institutions as a framework for cooperation. Criminal justice policies based on a cultural policy which recognizes cultural plurality, language rights and freedom of religious practices may have a greater likelihood of success in promoting compliance, acceptance and cooperation by all cultural groups. Furthermore, formulas for the devolution of power to regional, local governments may provide means to encourage the effective participation on all ethnocultural groups at a communal group level which is significant to them.

In October 1996, representatives of the *Centre* presented a paper at the annual International Scientific and Professional Advisory Council (ISPAC) Conference. The theme of the conference was "Migration and Crime: Global and Regional Problems and Responses." The paper deals with the complex connections between migration and crime. In particular, the paper examines the role of nation states in regulating the movement of people against the background of the globalization of many sectors of society, which has liberalized the flows of capital, people and trade. The paper considers the processes of immigration and integration from a Canadian perspective. For Canada, the evidence suggests that immigrants are much less involved in criminal activity than are those who were born in Canada. The paper acknowledges that with respect to assimilation, as opposed to integration, Canadian policies have been failures. The paper goes on to argue that current policies, as codified in the Canadian Charter of Rights and Freedoms and the Canadian Multiculturalism Act, strive for a politics of inclusion and provide an illustration of positive policies that nation states can follow to facilitate the integration of immigrants into the larger society.

#### **1.4. UN International Study on Firearm Regulation.4.UN International Study on Firearm Regulation.4.UN International Study on Firearm Regulation**

With the passing of the cold-war era and a shift from inter-state military conflicts to insecurity resulting from violent crime, the UN turned its attention to a class of armament that is killing more people than major weapons — namely civilian-owned firearms. Such arms are, as demonstrated again by recent Canadian studies, increasingly associated with crime, accidents and suicides, and form a major source of illicit profits for transnational criminal networks.

The *Centre* was represented on an international team of experts in firearm regulation and crime control called together by the UN. The team launched the first world-wide survey of firearms ownership regulations and related issues. The study aimed to obtain reliable and practical information on arms ownership by civilians, the relationship between firearms and

crime, and the status of regulatory measures in force in about 50 selected countries throughout the world. More specifically, it focused on: (1) criminal cases, accidents and suicides in which firearms are involved; (2) the situation with regard to transnational illicit trafficking in firearms; (3) national legislation and regulations relevant to firearms regulations; (4) relevant initiatives for firearms regulation at the regional and interregional levels.

Financial support for this study was provided by Japan, Canada and Australia. The *Centre* also assisted the project by managing individual research contracts with the fifty or so national consultants involved in the data gathering.

Finally, the *Centre* was able to participate in the UN Expert Group Meeting on Firearm Regulation held in Vienna in February, 1997. The recommendations of the Expert Group are far-reaching and are based on the following observations: (1) import/export controls on firearms are clearly not sufficient by themselves to prevent illicit trafficking in firearms; (2) the manufacture of, and trade in, firearms for civilian use require effective domestic regulation and international cooperation and control; (3) the absence of effective firearm regulation in one country can undermine not only the regulatory efforts, but also the effective governance, of other countries.

## **2. Peace Keeping and Peace-building. Peace Keeping and Peace-building. Peace Keeping and Peace-building**

The role of crime prevention and criminal justice in the maintenance of peace and security was emphasized by the General Assembly in the statement of principles of the UN Crime Prevention and Criminal Justice Programme (*Resolution 46/152*, annex, section I) recognizing that democracy and a better quality of life can flourish only in a context of peace and security for all.

### **2.1 Peacekeeping.1      Peacekeeping.1      Peacekeeping**

The ECOSOC has approved several resolutions recommended by the Commission which stressed the role of the UN Crime Prevention and Criminal Justice Programme as far as peacekeeping operations are concerned. In its *Resolution 1995/15* of 24 July 1995, the Council noted with appreciation the contribution of the UN Crime Prevention and Criminal Justice Programme to UN peacekeeping and special missions, as well as its contribution to the follow-up to those missions through, *inter alia*, advisory services, and encouraged the Secretary-General, as a way of strengthening the rule of law, to recommend the inclusion of the re-establishment and reform of criminal justice systems in peacekeeping operations. Identical appreciation was expressed by the General Assembly in its *Resolution 50/146*.

The *Centre*, UNICRI, the CPCJD, the RCMP and the DFAIT agreed to produce a reference document for civilian police personnel (CIVPOL). The document is entitled, *The Role, Preparation and Performance of Civilian Police in UN Peacekeeping Operations*. It

provides an accessible and readable analysis of the disparate sources of information and ideas concerning the involvement if CIVPOL in UN peacekeeping operations. The analysis answers a need of both Member States and the UN for a single document that canvassed the main issues in civilian policing. More specifically, the document is designed to assist policy managers, trainers involved in preparing CIVPOL personnel, operational staff assigned to peacekeeping duties, senior police managers, governmental advisers and others involved in civilian policy operations. The document will be published in the coming year.

## **2.2 Peace-building.2      Peace-building.2      Peace-building**

In October 1996, the Canadian Minister of Foreign Affairs announced the creation of a new Canadian peace-building initiative. Countries like Canada are increasingly called upon to perform activities aimed at national reconciliation and rebuilding, like drafting constitutions, instituting administrative and financial reforms, strengthening domestic laws, enhancing judicial structures, training human rights officials and helping opposition movements transform themselves into democratically competitive political parties.

After the end of a conflict, the prompt re-establishment of a country's criminal justice system is a fundamental and urgent requirement for a functioning democracy. Efforts to re-establish a country's criminal justice system should also be considered in tandem with the development of other democratic institutions. Almost always in post-conflict situations, success in building democratic institutions and in reviving a country's economy largely depend on the observance of the rule of law and adequate human security. One of the important objectives of peace-building initiatives is thus to ensure that the criminal justice system becomes capable of ensuring the maintenance of law and order, with due consideration to the protection of civil rights and basic freedoms. The provision of a legislative basis for the protection of human rights is clearly a priority for action.

The criminal justice system is among those institutions that suffer most in conflict situations. At first, an attempt is usually made to make it subservient to those exercising political power. When it appears unlikely that it will lend itself to the attainment of unlawful objectives, it often becomes a target for destruction. In other instances, the criminal justice system was party to the injustices which led to the violent confrontation. In any event, the criminal justice system by its very nature is unlikely to function properly in a conflict situation characterized by an emergency situation.

There is an increasing recognition that democracy and a better quality of life can only flourish in a context of peace and security for all. Crime poses a threat to stability and to a safe environment. Crime prevention and criminal justice, with due regard to the observance of human rights, is thus a direct contribution to the maintenance of peace and security. The *Centre* has been focusing on the issue of providing concrete support to the rule of law and, in particular, on the concrete means through which local criminal justice systems can be supported by technical assistance and other initiatives to ensure that they themselves contribute fully to the peace-building process.

The *Centre* participated in two regional and two national consultation meetings on Canada's peace-building initiative, organized by the Canadian Centre for Foreign Policy Development (CCFPD), CIDA and DFAIT. A report on these consultations was produced by CCFPD entitled *1996 National Forum on Canada's International Relations*.

The *Centre*, in cooperation with the Department of Criminal Justice, University College of The Fraser Valley, CCFPD, and DFAIT organized a student consultative forum on criminal justice issues relating to peace-building initiatives. The meeting focused on policy issues relevant to the various international peace-building initiatives in which Canada is or may become involved. The consultation was the first to specifically focus on the criminal justice issues that arise within such initiatives, particularly in post-conflict situations. The meeting was also different from many others in that it was designed specifically to encourage the participation of college and university students. A report is available and will be published by CCFPD.

### **3. Human Rights, Crime Prevention and Criminal Justice.Human Rights, Crime Prevention and Criminal Justice.Human Rights, Crime Prevention and Criminal Justice**

In 1998, the international community will have an opportunity to mark the 50th anniversary of the signing of the *Universal Declaration of Human Rights*.

The Declaration enshrines the values and norms by which subsequent human rights standards and instruments the world over have been defined. Many of these standards concern the criminal justice system, but criminal law itself must play an essential role in the enforcement of these rights.

#### **3.1. Children and Youth as Victims and Perpetrators of Crime.1. Children and Youth as Victims and Perpetrators of Crime.1.Children and Youth as Victims and Perpetrators of Crime**

The situation, around the world, of children in conflict with the law is alarming. The victimization of children, their exploitation and the complexity of the situations in which they come into conflict with the law are matters which demand the urgent attention of the international community. There are a number of international instruments which address the issues of juvenile justice. However, the implementation of these standards and norms in the field of juvenile justice remains complex and problematic.

In 1994, the *Centre* participated in a UN Expert Group Meeting on "Children and Juveniles in Detention: Application of Human Rights Standards." The report of the Expert Meeting was published by the Austrian Federal Ministry for Youth and Family in Vienna under the title "*Children in Trouble — UN Expert Group Meeting*," 1995.

The experts emphasized the need to raise awareness and advocacy and to focus of the identification of means whereby the implementation of existing international instruments may be rendered more feasible. Where the will for change exists, technical assistance and co-operation with a focus on alternatives to detention could be instrumental in effecting positive changes to existing juvenile justice practices.

In the last year the *Centre* participated in an Expert Group Meeting convened by the Austrian Government and the CPCJD to draft a comprehensive Plan of Action on Children in the Criminal Justice System. The Plan of Action had been called for by ECOSOC (*Resolution 1996/13*). The Expert Group Meeting brought together national and international criminal justice and human rights experts as well as members of various international organizations active in that field, such as Defence for Children International (DCI), UNICEF, and Human Rights Watch.

The Draft Plan of Action aims to provide a framework for the implementation — through criminal justice reform at the national level and technical assistance between countries — of the *Convention on the Rights of the Child* (CRC), as well as other relevant UN instruments such as the *UN Standard Minimum Rules for the Administration of Juvenile Justice* (The Beijing Rules), *Guidelines for the Prevention of Juvenile Delinquency* (The Riyadh Guidelines), *Rules for the Protection of Juveniles Denied of their Liberty*, as well as other related instruments such as the *UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.

The proposed plan stresses the importance of promoting coordination between all international organizations working with state parties and states which are signatory to the CRC requiring assistance. To this end, the Expert Group proposes the establishment of an International Coordination Panel on Technical Assistance in Juvenile Justice. The emphasis will be on helping requesting countries develop comprehensive and consistent national approaches in the area of juvenile justice respecting the inter-dependence and indivisibility of all rights of children. The Plan of Action sets out specific targets and proposes various international means through which individual countries can be assisted.

During the last year as well, the *Centre* appeared before the Standing Committee on Justice and Legal Affairs, House of Commons, Canada, which was reviewing the *Young Offenders Act*. The *Centre* made a presentation on international standards and on the experience of other countries in the field of juvenile justice. The report of the Standing Committee was made public in April 1997.

### **3.2. Elimination of Violence Against Women.2.Elimination of Violence Against Women.2. Elimination of Violence Against Women**

#### **3.2.1 Domestic Violence.2.1**

#### **Domestic Violence.2.1 Domestic Violence**

The *Centre's* work in this area focused on domestic violence and was generally intended to contribute to the implementation of the 1993 UN Criminal Justice Programme priority set out in the publication *Strategies for Confronting Domestic Violence: A Resource Manual*. The *Centre's* activities have focused so far on addressing the training requirements of senior justice officials and members of the judiciary in various countries of the world. In January 1995, the *Centre's* International Advisory Committee on Domestic Violence, comprised of UN, federal and provincial government, and foreign experts in the field, met in Vancouver to recommend a program delivery plan for implementing a training program for judges and other senior justice officials. A core training curriculum, developed with the assistance of the Justice Institute of British Columbia and financial assistance of the Department of Justice Canada, was reviewed and finalized by the Advisory Committee. The ultimate aim of this initiative is to have a field tested and assessed training curriculum for judges and senior officials available for use in requesting countries to develop and strengthen their own long term capacity to address domestic violence and violence against women. During 1996, the core curriculum was adapted and translated as required to allow its utilization in pilot training programs organized by other regional institutes.

In January, HEUNI concluded a projected in Vilnius, Lithuania — "The Seminar and the Training Course on Domestic Violence — What Next?" — addressing domestic violence issues from both the international and the Lithuanian perspective. The Seminar was directed at policy-makers, which included officials from the Government, parliament, the Supreme Court and different universities and police departments, and was the starting point for the training course in dealing with domestic violence for Lithuanian police authorities.

On February 7, 1997, ILANUD helped organize a sub-regional meeting in El Salvador to review the experience of that country in implementing a strategy to address the problem of domestic violence. Representatives from other countries of the Isthmus were present to evaluate the relevance of that experience to the situation in their own countries.

### **3.2.2. Plan of Action.2.2. Plan of Action.2.2. Plan of Action**

Since the adoption of the *Convention on the Elimination of All Forms of Discrimination Against Women* (1993) and the *Beijing Declaration and Platform of Action* (1995), there exists a clear agenda for action to eliminate violence against women. This agenda obviously involves a number of crucial steps to be taken in the field of crime prevention and criminal justice. Countries must evaluate their laws and practices to determine if these have a negative impact on women who are victims of violence and, if so, to modify them.

At its fifth session, the UN Commission on Crime Prevention and Criminal Justice considered a draft resolution on the Elimination of Violence Against Women. The draft resolution, proposed by Canada, included an Annex on *Strategies and Practical measures on the Elimination of Violence Against Women in the Field of Crime Prevention and Criminal Justice*.

The *Strategies* document recognized the multifaceted nature of violence against women and offered suggestions on strategies and practical measures covering all components of the criminal justice system, from crime prevention, to law enforcement, to courts, sentencing, and corrections. The document also offered a number of suggestions concerning research, the role of media, education, the raising of public awareness and the creation of outreach programs. The document is designed to help bring about changes to ensure the appropriate "fair treatment" response on the part of criminal justice systems to women victims of all forms of violence. It also provided a concrete framework for various international technical assistance activities which can hopefully be undertaken in the near future.

In the past year, the *Centre*, with the financial support of the Department of Justice Canada, conducted a national consultation on the draft *Strategies* document for the purpose of facilitating its discussion at the sixth session of the Commission.

### **3.3      Justice for Victims of Crime and Abuse of Power.3Justice for Victims of Crime and Abuse of Power.3Justice for Victims of Crime and Abuse of Power**

Ten years ago, the UN General Assembly in its *Resolution 40/34*, adopted the *UN Declaration of Basic Principles for Victims of Crime and Abuse of Power*. The Declaration and the resolution adopting it, called for a number of steps to be taken at the national, regional and international levels to improve the situation of victims and to reduce victimization.

The Commission on Crime Prevention and Criminal Justice, at its fourth session following the 1995 Congress in Cairo, requested the Secretary General to seek the views of member States and relevant organizations in order to prepare a manual on the use and application of the Declaration. A meeting of an ad hoc Group of Experts was thus convened, in which the *Centre* participated, to assist in forming a comprehensive plan of action to prevent victimization and to protect and provide assistance to victims of crime and abuse of power.

The Declaration was obviously meant to offer an impetus for major reforms in criminal justice systems around the world. It called for changes in deep-rooted attitudes and well established, strongly defended practices. We should therefore not be surprised or discouraged by the apparent lack of progress in implementing the new policy principles. However, what seems to be at the heart of the current challenge is the need to articulate a strategy which will best serve the UN goal of promoting the comprehensive reforms that are urgently required. A special effort must be made to think strategically and to identify the course of action most likely to yield significant results. And, obviously, technical cooperation between jurisdictions is likely to be one of the most significant components of any comprehensive strategy in this area.

In the last year, the *Centre* participated in an expert group meeting on Justice for Victims of Crime, held in the Hague. The meeting was held to produce a draft manual and a draft handbook on the implementation of the *UN Declaration of Principles on Justice for Victims*

*of Crime and Abuse of Power.* The expert group also considered the feasibility of establishing a database. The Centre was able to contribute to the development of a draft data gathering instrument to collect information on successful programs and practices to meet the needs and concerns of victims of crime and abuse of power. The work of the *Centre* in this area was made possible by a contribution from the Department of Justice Canada. In addition, a paper was presented at the Canadian Institute for the Administration of Justice Conference, October 1995, Banff, Alberta, on Public Perceptions of the Administration of Justice. The paper is entitled *The Unfinished Triangle: The Criminal Justice System, the Victim and the Offender.*

### **3.4. Aboriginal Peoples and Criminal Justice.4.A Aboriginal Peoples and Criminal Justice.4. Aboriginal Peoples and Criminal Justice**

The presence of ethnically differentiated groups within the bounds of a nation can give rise to major problems of cultural identity, social cohesion and national integration. With conquests and colonization, many indigenous populations have experienced the loss of sovereignty and dispossession of their resources. Dominant groups have pursued various policies of assimilation, apartheid, oppression or discrimination. Loss of cultural identity is widely feared among indigenous minorities. Positive policies are required to promote ethnic harmony and to heal the wounds created by a history of discrimination and oppression. These may include the recognition of constitutional rights and guarantees for indigenous people, devolution of power, affirmative action, cultural pluralism and a range of measures in the economic field.

In the context of the planning of the International Decade of the World's Indigenous People, UN regional and affiliated institutes and organizations are called upon to develop new regional and inter-regional programs to promote the objectives of the Decade. The *Centre* has accepted the challenge and decided to focus its efforts, whenever possible in co-operation with other regional institutes of the Crime Prevention and Criminal Justice Network, on providing opportunities for criminal justice systems around the world to re-examine how they deal with aboriginal populations.

In many parts of the world, Aboriginal people have expressed the wish and have demonstrated an increased capacity to become more actively responsible for justice matters and conflict resolution within their communities. Many aboriginal peoples have emphasized the need for significant change in the delivery of justice services, access to the justice system and the ways in which victims of crime are treated by the existing system.

There is, in Canada and in many other countries, a fast growing body of evidence and cumulative experience which points in the direction of some successful strategies for change. Justice related initiatives, the experience has shown, must be related to effective crime prevention strategies, community development and empowerment, health promotion and education.

In July 1995, the *Centre*, in co-operation with the School of Criminology at Simon Fraser University, organized a small international workshop on "Putting Aboriginal Justice Devolution Into Practice: The Canadian and International Experience" and a workshop report has been published by the Department of Justice Canada.

On Tuesday, August 27, 1996 as part of the 11th Commonwealth of Law Conference, the *Centre* organized a workshop on Indigenous Justice. The workshop's purpose was to update Commonwealth Law Association members on developments in Indigenous justice and promising practices in Commonwealth countries. Among the featured topics were family group conferencing in New Zealand, community justice groups in Palm Island, Australia, developments in sub-Saharan Africa, and sentencing reforms in Canada. A background paper was produced: *Placing Indigenous Justice Developments in Context: Some Dimensions for Analysis of the Experience*. The assistance of the Canadian Bar Association and the Department of Justice Canada is gratefully acknowledged.

Also, with the financial assistance of the Aboriginal Justice Directorate, Department of Justice Canada, the *Centre* was able to develop a plan for holding an international gathering on "Modern Indigenous Justice, Community Healing and Development." The *Centre* was assisted by an Advisory Committee. The *Centre* is still seeking funding to hold the event.

### **3.5 Judicial/Media Interaction**

One of the most important functions of an independent judiciary is to ensure the right to a fair trial. This obligation is enshrined in the 1985 UN *Basic Principles on the Independence of the Judiciary*, at Article 6, which states the judiciary is entitled and required "to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected." When the media reports on the judicial process, freedoms collide. An accused's right to a fair trial and the media's right to freedom of expression are in frequent tension.

The principle agents of these rights, the media and the judiciary are interdependent proponents of constitutional rights, often in conflict as to where the priority and emphases should be placed in the free press v. fair trial dichotomy.

The Centre presented a paper, *Free Press v. Fair Trial, Judicial-Media Interaction* at the Society for the Reform of Criminal Law's Ninth International Conference, December 1995, in Santa Monica, California. This paper explores the basis for these democratic principles as they relate one to the other, provides some background on the conflict, and suggests the tension between the two is an inevitable and perhaps necessary one. It also suggests some methods for the players involved to reduce the intensity of the conflict and improve their dialogue.

### **3.6 Technical Assistance Policy.<sup>6</sup>Technical Assistance Policy.**

### **Technical Assistance Policy**

The field of international technical assistance in the criminal justice area is an important and fast growing one. As can readily be seen, its objectives relate, on the one hand, to those pursued by a specific and better established kind of international cooperation, mostly between governments and government agencies, working together to facilitate the detection and investigation of criminal activities or the apprehension and prosecution of criminals. On the other hand, technical assistance in the field of criminal justice also relates to a set of very complex and sometimes elusive foreign policy and international development objectives, such as the promotion of human and civil rights, democratic values and good governance. Because of the dual nature of the objectives it pursues and because it is, after all, a fairly new area of international activity, the crucial importance of technical assistance in the area of criminal justice (TACJ) is not always fully understood by all concerned.

To address this issue, and initially at the request of its Board of Directors and the Correctional Service of Canada, the *Centre* embarked during the last year on a series of informal consultation activities, both in Canada and abroad. These consultations built on the previous work of the *Centre* and took many forms. They are too numerous to be enumerated here. We should nevertheless mention that they included: (1) a broad international consultation process on technical assistance in the areas of sentencing and corrections, in cooperation with and with the financial support of the CSC, on the basis of a consultation document titled *Opportunities for Renewal in Sentencing and Corrections*, published in English, French and Spanish; (2) a quick survey of Canadian non-governmental organizations active or potentially active in the field of criminal justice; (3) participation in the Legal/Judicial Roundtable meeting organized in April 1996 by CIDA; (4) participation in two regional and two national consultation meetings on Canada's peace-building initiative, organized by DFAIT; (5) the organization, with the support of the CCFPD and the DFAIT of a student consultation forum on criminal justice issues relating to peace-building initiatives; (6) numerous meetings with other Canadian and international organizations active in the area of TACJ; (7) formal and informal meetings and discussions with other members of the UN Crime Prevention and Criminal Justice Programme Network of Institutes; (8) discussions with members of the International Juvenile Justice Network; (9) informal discussions with officials of various federal government departments; (10) consultations with members of the *Centre's* Project Advisory Committee on Sentencing and Corrections; (11) national and international consultations on the role of civilian policing in the context of peacekeeping activities; (12) other consultations on specific topics relating to technical assistance in the juvenile justice area or as it relates to justice for victims of crime or the elimination of violence against women.

Our purpose was to identify other Canadian actors involved in this field, to understand how Canadian activities relate to those undertaken by other countries and international agencies, to relate these activities to Canada's official foreign policy and its commitments at the

international level, and to better understand the nature of the obstacles which may prevent Canada from making a full and effective contribution to international efforts in this field.

The consultations were made possible by contributions from the DOJ, CJC, DFAIT and CCFPD. A publication will be produced in 1997.

## **Technical Cooperation, Assistance and Advisory Services**

### **Technical Cooperation, Assistance and Advisory Services**

### **Technical Cooperation, Assistance and Advisory Services**

Developing countries and countries in transition encounter particular difficulties in responding to the challenge of crime. In many cases, rapid social, economic and political changes have undermined the operation of both the informal social control mechanisms and the formal criminal justice system. Furthermore, in many instances crime itself, particularly in the form of public corruption and transnational organized criminal activities, is a major obstacle to social and economic development, sapping much investment in development and endangering the success of international assistance generally.

A major focus of the technical cooperation provided to developing countries and countries in transition, either on a bilateral or multilateral basis, must be on the improvement of the existing criminal justice system infrastructure, or "capacity-building cooperation." Such cooperation includes the provision of expertise, resources and financial assistance, research, evaluation and needs assessments studies, the exchange of information and training.

The capacity of the UN Crime Prevention and Criminal Justice Programme and other international development organizations to fully respond to countries' requests for assistance is still extremely limited. Nevertheless, there are several important roles which the *Centre* is called upon to play, in concert with other organizations, to make such international cooperation a reality. Much of the *Centre's* work in this area is undertaken within the framework of the UN Crime Prevention and Criminal Justice Programme, in cooperation with other members of the Programme Network of Institutes and in particular with the Programme's Interregional Technical and Advisory Services based in Vienna. Nevertheless, building further partnerships with other individuals and organizations in Canada and abroad who pursue similar objectives obviously remains a priority for the *Centre*.

- 1. China-Canada Criminal Law and Criminal Justice Cooperation Program.**  
**China-Canada Criminal Law and Criminal Justice Cooperation Program.**   **China-Canada Criminal Law and Criminal Justice Cooperation Program**

The Chinese legal system is going through an historic period of transition to the rule of law. The *Centre* is providing assistance to this transition by cooperating to a process of reform of the criminal law and the administration of criminal justice.

In late 1995 the *Centre* launched a China-Canada Criminal Law and Criminal Justice Cooperation Program. The "China Program," the first major program of technical cooperation launched by the *Centre*, is designed to assist China implement UN standards in law reform and promote the principles of human rights, the rule of law, and good governance in criminal justice. The whole program is made financially possible by the Ford Foundation and CIDA. The program also received the support of the Hon. Raymond Chan, Secretary of State (Asia & Pacific), the DOJ, the Ministry of the Attorney General of British Columbia, the RCMP, the Society for the Reform of Criminal Law, the Canadian Bar Association (BC Branch), the Law Society of British Columbia, the UBC Law School, and the SFU School of Criminology.

The Program is having a direct impact on human rights in law and justice. To date, the *Centre* has provided important assistance to the Expert Drafting Group for Amending the Law of Criminal Procedure of China in its preparation of a draft Code. It has sent four delegations to teach at the Central Prosecutor's College of China, the China University of Political Science and Law. Experts from the Centre also gave lectures and presentations at a number of Chinese legal institutions in Beijing, Wuhan and Shanghai. Lectures and workshops addressed some of the major principles behind UN standards, such as judicial independence, the presumption of innocence, the right to counsel and the exclusionary rules of evidence.

Providing effective crime prevention in a manner consistent with the protection of human rights is a challenge for all countries of the world. The *Centre* has been developing a Canada-China cooperative relationship to assist in combating transnational organized crime, corruption and financial fraud. This will also serve to enhance the preservation and integrity of financial and commercial systems.

Between 1994 and January 1997, the *Centre* hosted three survey visits of delegations from its partner institute in China, formerly the Expert Drafting Group for the Revision of the Law of Criminal Procedure and now the Research Centre for Criminal Law. In March 1996, based on a draft prepared by that group, the National People's Congress of China revised its law. In the new Law, the Congress has incorporated, for the first time in the history of the People's Republic, fundamental human rights principles, such as the presumption of innocence and the right to contact a defense lawyer after arrest. Also significantly, the Congress has abolished the previous "shelter and inspection" provisions, i.e. the system which allowed the police to detain a person for up to three months without trial nor contact with a lawyer. The new law became effective on January 1st, 1997.

Following the promulgation of the new Law, the *Centre* made several presentations at a high-profile International Symposium on Criminal Procedure in Beijing in May, 1996. The

event was attended by four Minister-level officials of the Chinese government. Letters were received by the *Centre* from Chinese authorities acknowledging its "distinctive contribution" to the reform of criminal procedure in China.

The new reforms cannot be implemented without the contribution of well-trained professionals. The *Centre* has collaborated with the Central Prosecutors' College, a national institute responsible for the training of all senior prosecutors in China. In September 1996, the *Centre* sent a delegation to a Sino-Canada Training Workshop on Criminal Procedure and Commercial Fraud at the Central Prosecutors' College. This was a significant event in international cooperation for judicial training in China. Two hundred and twenty chief prosecutors, including 110 prosecutors from ethnic minority areas across the country, attended the lectures.

In March 1996, the *Centre*, with the support of the CIDA and the Ford Foundation, hosted a nine-member delegation of senior officials of the Supreme People's Procuratorate and law professors from China. This delegation was the first sent by the Chinese Procuratorate to Canada since 1949. The purpose of the visit was to provide the delegation with first-hand information about the fundamental principles and actual operation of the Canadian criminal justice system, including the prosecution system, procedural safeguards, and victim services. In particular, workshops were held to exchange ideas and experiences on the implementation of UN criminal justice policies and the promotion of human rights.

During the visit, an Agreement of Cooperation was signed between the *Centre* and the Research Centre of Criminal Law (RCCL) at the China University of Political Science and Law. The agreement is to develop cooperation for research and exchange in the area of criminal law and criminal justice. The agreement provides for scholarly exchange visits, as well as for collaboration in academic symposia, the training of practitioners, and research.

The Vice President of China's Supreme People's Court visited the *Centre* in August 1996, leading a high-profile eleven-member delegation to attend the 9th Annual Conference of the Society of the Reform of Criminal Law. This was the highest ranking delegation of the Chinese judiciary to Canada since 1949. The Chinese delegation made presentations on the use of non-custodial measures in sentencing and the control of transnational economic crimes.

The *Centre* is also engaged in a project with RCCL to jointly publish a book on UN standards and their implementation in the reform of Chinese criminal law and procedure. This is likely to be the first book to present a systematic review of the standards and their implementation in China.

In March-April, 1997, the *Centre* hosted a delegation of senior Chinese legal experts to conduct research on Canadian experiences in implementing UN standards, especially in the area of legal aid. The Centre is working with China's National Legal Aid Centre for legislative and policy development in this area.

The *Centre* has prepared a detailed plan for the continuation of the program until the year 2000.

## **2. Sentencing and Corrections. Sentencing and Corrections. Sentencing and Corrections**

### **2.1. Background to the Initiative.1.Background to the Initiative.1. Background to the Initiative**

The world-wide need for action to bring about reform in the administration of justice, particularly in the field of sentencing and corrections, resulted in the development of a co-operative initiative by the *Centre* and the Correctional Service of Canada (CSC). The primary objective of the initiative is to promote, through technical assistance, the use of a strategic approach to 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. It is based on the use of information exchange and other forms of mutual assistance, and is designed so that best practices in sentencing and corrections can be identified, assessed and transferred between jurisdictions, to the reciprocal advantage of all.

During the last year, following the launching of the initiative at the *9th UN Congress on the Prevention of Crime and the Treatment of Offenders* in Cairo (May 1995), the *Centre* has conducted extensive consultations to identify potential partners in the initiative and clarify its priorities for action in this field. A consultation paper entitled *Opportunities for Renewal in Sentencing and Corrections* was used for that purpose. The consultation also sought comments and further suggestions concerning a strategic framework document entitled *Towards Improved Corrections* and the concrete ways in which it can be used to facilitate cooperation between jurisdictions. This document, developed by the *Centre* and the CSC, was the result of the two international symposia on the *Future of Corrections* held respectively in 1991 in Ottawa and 1993 in Popowo, Poland.

The consultation was in part conducted through the *Centre's* participation in numerous meetings and events, both nationally and internationally. Efforts were made to target specific venues to ensure introduction of the initiative to as many regions of the world as possible. Most notable among these events was the *Centre's* participation in the *Pan African Prisons Conference* in Kampala, Uganda in September 1996 and in January 1997, at the "Pacific Rim Regional Conference on the Rehabilitation and Reintegration of Discharged Prisoners" which was held in Hong Kong.

The consultation not only confirmed the presence of a global need for co-operative programs of technical assistance in relation to sentencing and corrections, but it also identified several promising opportunities for immediate collaboration, most notably Latin America (Central America and Brazil), Africa (Uganda) and China.

The findings of the *Centre*'s consultation are certainly consistant with a resolution adopted at the Sixth Session of the *UN Commission on Crime Prevention and Criminal Justice entitled Technical Co-operation, Including Resource Mobilization and Co-ordination of Activities*, which urges international co-operation among member states to contribute to the "improvement of prison conditions" world-wide.

The *Centre* is grateful for the continued contribution made by its Sentencing and Corrections Advisory Committee. This contribution has been made through participation at regularly scheduled meetings as well as through consultation, either individually or collectively, on a variety of issues. We thank the members of the Committee for their valuable advice.

## **2.2. Projects Under Development.2. Projects Under Development**

In Central America, the *Centre* has committed to assisting ILANUD in facilitating the implementation of a strategic plan of action for the years 1995-1998 adopted by all seven Central American countries. As part of the implementation of the overall strategic plan and following a needs assessment study in each of the seven countries, a meeting of Central

American sentencing and corrections officials will take place in the fall of 1997. The primary purpose of the meeting will be to outline a course of action and key activities which must be undertaken in order to ensure that correctional systems and programs reflect the principles and values which have been adopted, and to identify the resources that will be required to do these.

The *Centre* has mobilized key Canadian partners such as the CSC, the National Parole Board of Canada (NPB), the DOJ, and the Office of the Correctional Investigator, who will provide professional advice and support for the activities which have been planned.

In South America, the *Centre* has included a correctional reform component to the project it is developing in Sao Paulo, Brazil, in cooperation with ILANUD.

As part of its strong program of cooperation with the Peoples Republic of China, the *Centre* has hosted several official delegations from China comprised of judges, prosecutors and professors of law. In August 1996, a visit to a federal penitentiary in the Pacific Region was incorporated into the itinerary of one such delegation. As a result of feedback from the delegation, which suggested that this was very informative and a highlight of their visit to Canada, the *Centre* has liaised with CSC officials in the Pacific Region to have such visits included in the itinerary of all foreign delegations which are hosted by the *Centre*. Subsequently, a second delegation of senior Chinese officials visited Kent and Mountain Institutions on March 27, 1997.

In January 1997, and at the invitation of the China Prison Society and the Hong Kong Society for the Rehabilitation of Offenders, the *Centre* attended and participated in the "Pacific Rim Regional Conference on the Rehabilitation and Reintegration of Discharged Prisoners" which was held in Hong Kong. This was the first time that a conference was held in which Chinese, Hong Kong and overseas participants were all involved. While in Hong Kong, the *Centre* met with the President of the China Prison Society, Mr. Jin Jian.

During this meeting Mr. Jian indicated that the China Prison Society would be very interested in collaborating with the *Centre* and the CSC. As a first step to the development of a partnership between China and Canada, Mr. Jin Jian proposed an exchange of information through visiting delegations. Mr. Jin Jian also expressed an interest in pursuing other activities including the development and delivery of seminars or training sessions in relation to Canada's many correctional policies and programs.

In an effort to develop a program of work with China in the area of sentencing and corrections, a "*corrections*" component has been incorporated into the *Centre's* "China-Canada Criminal Law and Criminal Justice Co-operation Program." A funding request was submitted to CIDA.

The *Centre* has received several requests for technical assistance projects from African Organizations since it attended the Kampala *Pan African Prison Conference* in September 1996. Among them is an invitation from UNAFRI to help organize a series of annual training courses related to the treatment of offenders, to be delivered to various correctional officials, policy makers, social workers and researchers over a five year period. More specifically the aims of the proposed training courses would be to:

- Upgrade skill, knowledge and strategies among senior level decision makers and middle level correctional service managers in the African Region;
- Assist in the promotion of innovative approaches to criminal justice reforms in accordance with UN standards and guidelines; and
- Promote the capability, ability and readiness of African offender/corrections organizations and personnel at the regional and sub-regional levels, to cooperate efficiently and effectively in furthering their aims and objectives and in promoting collaboration among governments in formulating common policies and undertaking joint action on matters of mutual concern in the treatment of offenders.

### **2.3.    Needs Assessment Instrument.3.Needs Assessment Instrument.3.Needs Assessment Instrument**

To promote sustained reform, development and capacity building in the field of sentencing and corrections in any country, the search for new solutions should not be so much concerned with the transfer or even the adaptation of existing legal structures from other countries as it should be in finding the right combination of people and incentives as well as

methods and structures that will work and take root in their own specific situation. The preservation of, and building on indigenous local traditions is an important part of that equation.

In this context, it is essential that countries requiring assistance be provided with means to assess their own need for technical and financial assistance in relation to their efforts to fully implement international standards and norms within their country's sentencing and correctional systems. To this end, the *Centre* developed an instrument which is designed to assist a country to:

- Determine the extent to which it has been able to approach compliance with UN Standard Minimum Rules for the Treatment of Prisoners, and other international standards relevant to sentencing and corrections;
- Gauge the extent of local interest in developing sentencing and corrections systems in compliance with international standards and norms relevant to sentencing and corrections, as well as foster that interest;
- Determine whether there are any specific impediments to technical assistance and cooperation which may need to be considered;
- Gather as much information as possible about the specifics of sentencing and corrections for the purpose of planning and priority setting, as well as provide a baseline of information against which future progress can be measured;
- Identify areas in sentencing and corrections which are thought to be likely to benefit from technical assistance and collaboration and set priorities for action within these areas;
- Gather other relevant information about the country, its peoples and customs, to help determine how developments in justice, sentencing and corrections fit in to the overall national agenda for social and economic development, and how these relate to national priorities;
- Collect as much background information as possible, to enable it to apply successfully for technical assistance in the fields of criminal law and the criminal justice system of the country and which will serve as a baseline for future comparisons.

### **3. Thailand Project. Thailand Project. Thailand Project**

In the last year the *Centre* was involved in a number of preliminary activities to define the parameters of its involvement in technical assistance projects in Thailand. A particular focus was the law applicable to children and the services available to them. Thailand has

signed the *Convention on the Rights of the Child* and must consequently amend its legislation. At a minimum, this will require changes to its Criminal Code and Code of Criminal Procedure. The Attorney General's office in Thailand is also interested in Canadian approaches to protecting child witnesses in the criminal process and Canadian expertise in investigating child abuse and neglect. Thailand has also pledged to work toward the recommendations of the 1996 World Congress Against Commercial Sexual Exploitation of Children. More generally, Thailand is interested in developing a system of child protection and is seeking Canadian assistance, beginning with pilot projects to adapt and refine the Canadian practices and structures.

### **3.1. Study Tour for Officials of Thailand.1. Study Tour for Officials of Thailand.1. Study Tour for Officials of Thailand**

In June of 1996, the *Centre*, at the request of CIDA, organized a study tour for officials from the Government of Thailand. The officials were from the Attorney General's Office - Child Rights Protection Bureau. The Thailand officials wished to learn about the Canadian Justice System's approach to child abuse and how children are treated by the Justice System as well as by child protection services.

Thanks to the cooperation and good will of representative of federal, provincial and non-governmental organizations, the Thailand officials gained a solid understanding of how the Canadian criminal justice system operates with respect to children as victims and offenders. They also had an in-depth exposure to child protection services.

### **3.2. Study Tour to Thailand.2. Study Tour to Thailand.2. Study Tour to Thailand**

At the invitation of the Attorney General of Thailand, the *Centre* participated in a study tour to Thailand in February 1997 to consult with the Attorney General's office, Provincial officials, Chief Prosecutors, health and social service professionals, NGOs, and others involved in child rights protection.

The *Centre* met with a wide range of senior government officials and politicians, including the Attorney General, Prof. Dr. Kanit Nanakorn; the Minister of Justice, Mr. Suwit Khunkitti; the President of the Supreme Court, the Honourable Justice Sakda Mokkamakul; Senator Dr. Saisuree Chiukul, the Governor of Chonburi province and a range of other officials to begin a process of information exchange and assistance.

The Study Tour has provided the *Centre* the opportunity to examine Thailand's justice and child welfare system and the problems and challenges that must be met. Of equal importance, the trip allowed the *Centre* to develop further its relationship with the Office of the Attorney General and to forge a cooperative relationship with the newly established Thailand Criminal Law Institute, as well as with nongovernmental organizations active in child welfare.

### **3.3. Development of a Project Proposal**

#### **3.3. Development of a Project Proposal**

Given the problems faced by Thailand and the results of the initial exchanges between Thailand and Canada, the *Centre* has proposed a cooperative program of work with Thailand. The proposal results from a request from the Government of Thailand, the interest of the DFAIT, and the support and encouragement of CIDA. The purpose of the project is to assist Thailand to develop and improve its child protection system. The *Centre* is actively seeking funding for this project.

#### **4. Latin America. Latin America. Latin America**

Latin America's relationship with Canada has grown noticeably in recent years and will likely continue to do so. As new economic and political alliances are being forged in every region of the world, Canada, Latin America and Caribbean countries have a growing interest in developing strong ties and a new agenda for inter-American cooperation. Canada joined the Organization of American States (OAS) in 1990, later entered into a North American Free Trade Agreement (NAFTA) and recently signed a free-trade agreement with Chili. It is in favour of concluding similar agreements, over time, with other countries in Latin America and the Caribbean. However, long-term prosperity and security at the inter-American level will obviously depend on much more than how eagerly each country pursues new opportunities for trade and technological cooperation. The new world economy increases the need for solid and diversified partnerships between countries of a region. Recent experience has also shown some of the many ways in which countries, in any given region, are interdependent in their efforts to fulfil their respective economic and social development potentials. In that context, it is clear that the future prosperity of every country in the region will increasingly depend on the prosperity of the region as a whole.

The fight to eradicate violence and control crime in Latin America and the Caribbean involves the accomplishment of two interrelated tasks: the strengthening of the state and the granting of legitimacy to democratic institutions. There should be no doubt that the prevailing expression of criminal violence constitutes a serious threat to democracy in Latin America. Urgently needed therefore are practical demonstrations that crime and violence can be confronted by the state, without compromising democratic or human rights principles. International cooperation and strategic technical assistance initiatives to promote such demonstrations will be crucial.

ILANUD has more than twenty-five years of experience in developing successful law reform and criminal justice assistance projects in all parts of Latin America. In 1995, the seven countries from the Central American isthmus adopted a regional approach and gave themselves a strategic plan of action to improve their respective criminal justice systems.

The *Centre*'s activities in Latin America are designed mostly to support ILANUD's initiatives and to ensure that Canadian criminal justice institutions and experts make their

full contribution to these initiatives. A comprehensive project was developed in the area of correctional reform for which the *Centre* was unable to obtain funding. Fortunately, ILANUD was able to obtain its own funding for a similar project. The *Centre* has continued to explore with ILANUD ways in which Canadian institutions and experts can make a greater contribution to the ambitious Central American project. The *Centre* has also been cooperating with ILANUD on the development of a major Canada/Brazil Technology Transfer Project in the area of criminal justice. The project which will focus, in Sao Paulo, on issues relating to juvenile justice, correctional reform and measures to fight corruption has not yet been funded. ILANUD has also arranged for the *Centre* to participate in a seminar which will be organized in Peru on the subject of institutional mechanisms for criminal law reform. The *Centre* also supervised a modest field study conducted in Nicaragua by a student from the Department of Criminal Justice, University College of The Fraser Valley. The *Centre* has also made other attempts to strengthen its institutional ties with several other Latin American Organizations active in the human rights or criminal justice fields. It participated in, among other events, a workshop organized by the DFAIT, and CIDA on peace-building in Nicaragua.

In view of the difficulties sometimes experienced in mobilizing Canadian resources for criminal justice cooperation projects in Latin America, the *Centre*, in cooperation with the Canadian Foundation for the Americas (Ottawa) and ILANUD, has prepared a short publication on the need for technical assistance and cooperation between Canada and Latin America in the areas of crime prevention and criminal justice. The paper which has been prepared for wide distribution, in French, English and Spanish, is being co-published with the Canadian Foundation for the Americas, as part of its FOCAL papers series.

## **5. Roster of Experts. Roster of Experts. Roster of Experts**

The *Centre*, as part of a joint UN Crime Prevention and Criminal Justice Programme Network initiative, is working on the development of a roster of experts in the field of technical assistance in criminal law reform and criminal justice. The *Centre*'s roster of Canadian experts will be maintained by the *Centre* and is capable of being incorporated with the information collected by other institutes, using software developed by UNICRI.

## **Public Consultation and Information**

In addition to the many consultation and information activities associated with the projects described above, the *Centre* was also engaged in a number of other activities to fulfil its own public consultation and information mandate.

### **1. International Meetings.**

### **International Meetings.**

### **International**

### **Meetings**

The *Centre* attended the fifth session of the United Nations Commission on Crime Prevention and Criminal Justice (Vienna, May/June 1996), and participated in the Annual Conference of the International Scientific and Professional Advisory Council, in Courmayeur, Italy (October 1996). The focus of the conference this year was on immigration and crime.

**2. Coordination Meetings.      Coordination Meetings.      Coordination Meetings**

The Centre participated in both the informal (Vienna, June 1996) and the Annual Coordination Meetings of the Directors of Institutes of the United Nations Crime Prevention and Criminal Justice Programme.

**3. Organization of the 10th Conference of the Society for the Reform of Criminal Law.      Organization of the 10th Conference of the Society for the Reform of Criminal Law.      Organization of the 10th Conference of the Society for the Reform of Criminal Law**

The *Centre*, on behalf of the Society for the Reform of Criminal Law, organized the 10th International Conference, "Challenges to Criminal Justice in a Changing World," held in Whistler, B.C., from August 20-24, 1996.

**4. Restorative Justice Workshop.      Restorative Justice Workshop.      Restorative Justice Workshop**

On June 18, 1996 the *Centre* organized and hosted a small workshop on restorative justice for the purpose of discussing practical approaches and impediments to restorative justice initiatives. This event was held at the University of British Columbia and was attended by approximately 25 individuals representing academic, government and non-government institutions in the criminal justice field. A summary report of this special seminar on restorative justice was prepared and made available to all participants.

**5. National Symposium on Restorative Justice.      National Symposium on Restorative Justice.      National Symposium on Restorative Justice**

The challenge of helping jurisdictions share existing opportunities for excellence in sentencing and corrections is not limited to the international level. The sharing of such opportunities is equally important at the national level, between various Canadian criminal justice jurisdictions and agencies.

An invitational symposium entitled "Achieving Satisfying Justice" was held in Vancouver, March 20-23, 1997. The symposium was the product of a unique partnership between government and non-government organizations. The hosts, the Canadian Criminal Justice Association and the *Centre*, with the assistance of the Church Council on Justice and

Corrections and Community Justice Initiatives, joined with the DOJ, the Ministry of the Solicitor General Secretariat, CSC, the NPB and the RCMP to launch this national initiative to promote the awareness and use of restorative models within the Canadian criminal justice system. Financial support was also provided by the Justice Departments from the provinces of Alberta, British Columbia and Saskatchewan.

The 215 participants to the symposium included judges, crown prosecutors, defense lawyers, police, corrections officials, and individuals and representatives of non government organizations active in criminal justice from each of the provinces and territories. Victims, senior government officials and political leaders also participated in the symposium. The proceedings were video-taped and a final report will be published later in 1997.

The *Centre* also helped organize and co-chaired a one-day meeting of approximately 30 Canadian researchers, in advance of the symposium, to consider various issues involved in the evaluation of restorative justice programs and initiatives. A report from this group was presented at the Symposium.

#### **6. Annual DFAIT Lecture Series. Annual DFAIT Lecture Series. Annual DFAIT Lecture Series**

As part of "*The Department of Foreign Affairs and International Trade Lecture Series*," the *Centre* organized a lecture given by Justice Richard Goldstone, Past Chief Prosecutor of the UN War Crimes Tribunals for the former Yugoslavia and Rwanda. The lecture was offered in October 1996 both at the University of Ottawa and at the University of British Columbia.

A special dinner lecture was also given at the Law Courts Inn Restaurant in Vancouver.

Justice Richard Goldstone spoke about his term and experience as Chief Prosecutor, on the significance of treating rape as a war crime, and on the obstacles threatening the survival of the UN Tribunals.

#### **7. Canadian Consultations. Canadian Consultations. Canadian Consultations**

The *Centre* attended several national consultations, including the Round Table Meeting on Legal and Judicial Assistance organized by CIDA (Meech Lake, April 1996), the Annual CIDA Meeting with Non-Governmental Organizations (in Ottawa, December 1996), the National Forum on Canada's International Relations (Winnipeg, December 1996), and the Annual Department of Foreign Affairs Consultation with Human Rights Organizations (February, 1997).

#### **8. Visiting Associates Program. Visiting Associates Program. Visiting Associates Program**

As part of its ongoing Visiting Associates Program, the *Centre* welcomed during this year the visit and contribution of Justice William Kelly, Professor Ivo Artsen, and Prof. Duncan Chappell.

**Justice F.B. William Kelly** of the Supreme Court of Nova Scotia completed his year of study leave with the *Centre* in early 1996. During his stay, Justice Kelly contributed to and participated in the many activities of the *Centre* and its founding partners. Justice Kelly produced two papers during his stay: "The Unfinished Triangle: The Criminal Justice System, the Victim, and the Offender," a comparative review of victim treatment in some criminal justice systems, and "Free Press v. Fair Trial: Judicial-Media Interaction."

**Prof. Duncan Chappell** returned to Australia to become Deputy President of the Administrative Appeals Tribunal (AAT). Prof. Chappell was involved with the *Centre's* project on the research and development of a draft reference document on the role, preparation and performance of UN civilian peacekeeping police personnel.

**Prof. Ivo Aertsen**, an experienced researcher from the Katholieke University of Leuven, joined the *Centre* for a four month stay in the summer of 1996. The focus of Prof. Aertsen's doctoral research is on victim-offender mediation, seen in the context of the development of a restorative justice approach.

#### 9. Courses Courses Courses

The *Centre* has also helped organize, for the fifth consecutive year, the International Summer Law Program of Southwestern University School of Law (Los Angeles, CA). The *Centre* continues to teach a graduate level course on the Control of the Proceeds of Crime at the University of British Columbia's Law School.

# **PROGRAM PLAN - 1997/1998**

## **PROGRAM PLAN - 1997/1998**

The following is the *Centre's* program of activities for 1997/1998, as approved by its Board of Directors. Since most of these activities must be undertaken on a cost-recovery basis, there always is a measure of uncertainty at the beginning of each as to whether or not sufficient funds will be available to carry out all of the proposed activities. It should therefore be understood that the full implementation of the approved program or of any of its components remains predicated on the availability of sufficient funding. For ease of presentation, the program plan is subdivided into three major types of activities: (1) Policy Development and Research; (2) Technical Assistance and Advisory Services; (3) Public Consultation and Information. The reader will immediately note, however, that these areas are closely interrelated and that they are designed so as to complement each other.

### **1. Policy Development and Research.**

#### **Policy Development and Research**

The Centre's proposed research and policy development activities mirror many of the priorities identified by the United Nations (UN) Commission on the Prevention of Crime and Criminal Justice. These activities are presented here under four main rubrics: (1) National, Transnational and Organized Crime, Economic Crime and Crimes Against the Environment; (2) Peacekeeping and Peace-building; (3) Human Rights, Crime Prevention and Criminal Justice; (4) Technical Assistance Policies and Strategies.

##### **1.1. National, Transnational and Organized Crime, Economic Crime, and Crimes Against the Environment**

###### **.1.National, Transnational and Organized Crime, Economic Crime, and Crimes Against the Environment**

###### **.1. National, Transnational and Organized Crime, Economic Crime, and Crimes Against the Environment**

###### **1.1.1. Control of the Proceeds of Crime in the Pacific Rim.**

###### **1.1.1. Control of the Proceeds of Crime in the Pacific Rim**

The *Centre* will develop and publish a prospectus to explain the program of work it intends to carry out in this area. Consultations on the proposed program of work, in Vienna, Ottawa, Washington and Costa Rica, will be completed in the first part of the year. Several requests for funding will be developed and, once funding is secured, the *Centre* will proceed immediately with the first phase of this program.

The project has four concrete goals. First, this summer the *Centre* plans to commence the compilation of a *database* of regional anti-laundering legislative measures, successful prac-

tices, existing bilateral and multilateral instruments, and relevant research and data, in cooperation with other regional UN Program Network institutes and other organizations.

Second, the *Centre* proposes to organize a regional *workshop* involving legal, policing, professional, and academic experts, as well as UN and governmental representatives, to be held in 1999. The *Centre* hopes to have the support of other UN Program Network institutes in running sub-regional preparatory meetings, and earlier this month held productive discussions with representatives of a number of them.

Third, from the workshop and from ongoing research, the *Centre* will produce a compendium of *recommendations* and a series of regular background materials concerning practical measures for the implementation of UN standards and norms on money-laundering within the context of the Pacific Rim. These materials will be made broadly available to a national, regional, and international audience.

Fourth, the recommendations, information and expertise developed as a result of these activities will guide the *Centre* in developing bilateral programs of *technical assistance* and advisory services for requesting states. Activities of such a program may include training programs for key officials, information or personnel exchanges, and comparative studies to assist states in formulating joint strategies to prevent and control the transnational flow of the proceeds of crime.

The *Centre* will also participate, at the request and with the financial assistance of ILANUD, in the Tenth Regional Seminar on Effective Measures to Combat Drug Related Crimes and Improve the Administration of Justice, which will be held in San José, Costa Rica, from July 28 to August 8, 1997.

### **1.1.2. Corruption of Public Officials.1.2. Corruption of Public Officials.1.2. Corruption of Public Officials**

All countries are being urged by the international community to consider the problems created by the international aspects of corrupt practices, especially in regards to international economic activities carried out by corporate entities, and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems and transactions carried out by such corporate entities and by public officials. All components of the UN Crime Prevention and Criminal Justice Programme are expected to contribute to the continuing study of the problem of corruption and of measures to prevent and control it. Last year, the UN General Assembly adopted two major resolutions to address this problem: an *International Code of Conduct for Public Officials* (G.A. res. 51/59) and a *UN Declaration Against Corruption and Bribery in International Commercial Transactions* (G.A. res. 51/191). The *Centre* will take several steps to ensure that these two instruments are distributed widely in Canada and that their significance is well understood.

Furthermore, the project mentioned above (1.1.) and the proposed project in Brazil both contain significant components on measures to combat corruption.

### **1.1.3. Financial Fraud Symposium.1.3.Financial Fraud Symposium.1.3. Financial Fraud Symposium**

The *Centre* has been requested by senior Chinese government agencies to jointly help organize the first international symposium on financial fraud in China, to be held in Beijing in April, 1998. The objective of the symposium is to bring together representatives from both the public and private sectors in China and in Canada as well as a limited number from other countries to examine the occurrence of financial fraud in China and in international banking, trade and investment activities. The major focus will be to review preventative and enforcement methods as well as legal and regulatory frameworks used to deal with these problems. A related objective will be to provide extensive opportunities for Chinese and Canadian officials and organizations to develop contacts at the working level which can be used in the future to deal with generic as well as specific problems as they arise.

The past 15 years has seen a massive increase in the incidence of such fraud in many countries, including China, to the point that it poses a serious threat to the integrity of the banking and financial industries. China has one of the largest and fastest growing economies in the world and, with our rapidly increasing economic and commercial ties with that country, there is widespread interest in Canada, the United States and other major trading countries in cooperating with China to address problems of financial fraud more effectively. The symposium will be an excellent opportunity to share information and expertise and to develop practically oriented measures and working level contacts to deal with these matters.

With regard to the subject matter of the symposium, a range of possible issues has been identified. These include fraud in the areas of international investment, credit cards, insurance, banking and securities as well as money laundering and corruption (in both the public and private sectors). The symposium should also be an occasion to provide a forward-looking dialogue identifying trends expected to pose increasing challenges in the 21st century, such as the vulnerability of global financial transactions and transfer of funds, including computer fraud.

### **1.1.4. Migration and Crime.1.4.      Migration and Crime.1.4.      Migration and Crime**

Around the world there are currently 20 civil wars, 39 low-intensity conflicts, and 40 serious disputes involving violence. Added to this are uneven demographic growth and economic development, differences in the acceptance of ethnic and cultural traditions among and within countries and uneven natural resource distribution and depletion. These factors produce millions of refugees and others seeking a better future. There are also repressive regimes and grinding poverty that generate millions more who would migrate if they could. Many of them can easily fall prey to organized criminal elements who engage in the smuggling of illegal immigrants across national borders. The twenty-first century is

likely to witness unprecedented pressure on immigration systems and international relief agencies. National governments will have to devote more time and resources to controlling the flow of people and there will be a dramatic need for international cooperation and agreement, as well as for new international legislative regime.

Building on its previous work and on the work of the ISPAC, the *Centre* has made a preliminary proposal to the Canadian Centre for Foreign Policy Development to jointly organize a national forum on migration, citizenship and criminal justice, which could be held in the Fall of 1997. The proposed event will also offer a special focus on transnational alien smuggling and the trafficking in children.

#### **1.1.5. Firearm Regulation.1.5.                      Firearm Regulation.1.5.                      Firearm Regulation**

The *Centre* will complete the work it undertook last year, on behalf of the UN CPCJD, in relation to the management of research contracts with individual national consultants participating in the UN International Study on Firearm Regulation. The *Centre* is also planning to participate in at least one of the regional workshops on firearm regulation which are being organized by the Division pursuant to an ECOSOC resolution of 1996. The regional workshop most relevant to the work of the *Centre* is likely to be the one hosted by the Government of Brazil which will be held during the fall of 1997. The *Centre* is also proposing to conduct three small studies. The first one, for the Department of Justice Canada, will consist in a review of the literature from 1993-1997, up-dating a previous study, on the impact of the availability of firearms on violent crime, suicide and accidental deaths. The second study will focus on a review of available research findings on the links between firearm thefts and firearm trafficking. Finally, the *Centre* is planning to collect information on the significance of firearm regulation issues, as distinct from disarmament issues, in the context of peace-building initiatives.

#### **1.2. Peacekeeping, Peace-building and Criminal Justice .2.PEACEKEEPING, PEACE-BUILDING AND CRIMINAL JUSTICE .2.PEACEKEEPING, PEACE-BUILDING AND CRIMINAL JUSTICE**

The report on the study conducted last year on civilian policing in the context of peacekeeping operations is expected to be published in the coming year. Other follow-up activities may later be identified.

The *Centre* has also made a proposal to organize a foreign policy forum on criminal justice issues in the context of post-conflict peace-building initiatives". The proposed meeting of Canadian experts, scheduled for the Fall of 1997, would partly build on the results of the student consultation forum held last year on the same subject. Finally, the *Centre* is planning to publish an overview document on "Peace-building and Criminal Justice", based on the research and consultations it has conducted to date.

**1.3. Human Rights, Crime Prevention and Criminal Justice.3. Human Rights, Crime Prevention and Criminal Justice.3.Human Rights, Crime Prevention and Criminal Justice**

**1.3.1. Children and Youth as Victims and Perpetrators of Crime.3.1. Children and Youth as Victims and Perpetrators of Crime.3.1.Children and Youth as Victims and Perpetrators of Crime**

The *Centre* will reprint, distribute and help publicize the draft "Guidelines for Action On Children in the Criminal Justice System". It will continue to participate in the International Juvenile Justice Network and hopes to be invited to participate in the new international coordination panel which is expected to be established soon to facilitate the provision and coordination of technical assistance and advice in the field of juvenile justice. The *Centre* will also provide its input, as requested, into the development of a UN Manual on Juvenile Justice, a CPCJD project.

The *Centre* will also be preparing a background document on "Questioning the Punishment of Young Offenders for a panel on "Punishment of Child and Young Offenders" for the 10th Annual Conference of the International Society for the Reform of Criminal Law, in July 1997, in London. Furthermore, the *Centre* will prepare an annotated bibliography of research on the subject of international trafficking in children. Finally, other research relating to the rights of the child and juvenile justice will likely be required in support of the *Centre*'s proposed technical assistance projects in South-East Asia and in Brazil.

**1.3.2. Elimination of Violence Against Women.3.2.Elimination of Violence Against Women.3.2. Elimination of Violence Against Women**

The Centre will reprint (in four languages), distribute and help publicize the draft *Model Strategies and Practical Measures to Eliminate Violence Against Women in the Field of Crime Prevention and Criminal Justice*. The *Centre* intends to develop, in consultation with other organizations and members of the UN Crime Prevention and Criminal Justice Programme Network of Institutes, a draft handbook on the "Model Strategies and Practical Measures". It also intends to begin work on a compendium of promising practices in the Criminal Justice System to eliminate violence against women. Finally the *Centre* will continue to respond to requests it receives, such as a recent request from the Government of Argentina, for information on successful practices in this area. Other opportunities for joint technical assistance in this area will be explored with members of the Network of Institutes.

**1.3.3. Justice for Victims of Crime and Abuse of Power.3.3.Justice for Victims of Crime and Abuse of Power.3.3.Justice for Victims of Crime and Abuse of Power**

The *Centre* will continue its commitment to assist Canada and the UN in their efforts to implement the *UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power* (G.A. res. 40/35), of 1985. The Declaration was obviously meant to offer

an impetus for major reforms in criminal justice systems around the world. It called for changes in deep-rooted attitudes and well established practices and strongly defended practices. We should therefore not be surprised nor discouraged by the apparent lack of progress in implementing the new policy principles. However, what seems to be at the heart of the current challenge is the need to articulate a strategy that will best serve the promotion of the comprehensive reforms that are required. A special effort must be made to think strategically and to identify the course of action most likely to yield significant results. Obviously, technical cooperation between jurisdictions is likely to be one of the most significant components of any comprehensive strategy in this area.

The *Centre* desires to contribute to the identification of practical measures that can be taken at various levels to mobilize the necessary resources and, particularly, to encourage international development agencies to assign a higher level of priority to projects dealing with the rights and the needs of victims. It is possible that some tools may be developed to assist international agencies in their efforts to assess the merits of specific projects and funding requests they receive in relation to justice for victims of crime and abuse of power.

The *Centre* will continue to participate in the development of a draft manual and a draft handbook on the implementation of the principles found in the Declaration. The *Centre* will also contribute to the related proposed project on the creation of a database on promising practices. The *Centre* plans to attend the expert group meeting scheduled to be held in the Fall of 1997 and hosted by the CPCJD and the United States Government.

#### **1.3.4. Indigenous People and Criminal Justice.3.4.Indigenous People and Criminal Justice.3.4. Indigenous People and Criminal Justice**

The *Centre* will continue to seek funding to hold the international gathering on *Modern Indigenous Justice, Community Development and Healing* which it developed and proposed during the last year. The event could be held in the later part of 1998.

#### **1.3.5. Technical Assistance in Criminal Justice - Policy Framework.3.5. Technical Assistance in Criminal Justice - Policy Framework.3.5. Technical Assistance in Criminal Justice - Policy Framework**

The *Centre* will undertake a number of activities in the coming year to promote the development of a Canadian strategic policy framework for technical assistance in the field of crime prevention and criminal justice (TACJ). Further consultation and research are envisaged, building on the work of this past year, before a publication is released by the *Centre* later this year. The *Centre* will continue to seek opportunities to better explain the purpose and the importance of TACJ activities to the Canadian public, the professional community and government officials. It will finalize its work on the development of a roster of Canadian Experts in the field of TACJ. Finally, the *Centre* will explore the feasibility of developing an international "Criminal Justice and Peace-building Handbook" to bring together ideas and experiences on how TACJ can work for peace and prosperity.

### **1.3.6 Responsible Crime Prevention.3.6 Responsible Crime Prevention.3.6 Responsible Crime Prevention**

The UN Commission on Crime Prevention and Criminal Justice is seeking comments and suggestions on a draft document it received on principles relating to responsible crime prevention practices. There exists a concern that certain forms of crime prevention may constitute violations of human rights. The *Centre* will consult nationally on the proposal received by the Commission and transmit its report to the CPCJD. The *Centre* will also continue to extend its cooperation and support to the British Columbia Coalition for Safer Communities and be represented on the Coalition's Board of Directors.

### **1.3.7. Restorative Justice.3.7.**

### **Restorative Justice.3.7.**

### **Restorative**

### **Justice**

In March 1997, the *Centre* co-hosted with the Canadian Criminal Justice Association a national symposium on restorative justice entitled *Satisfying Justice*. The *Centre's* continued work in this area will follow-up on the results of the symposium. The *Centre* will also collaborate with the Centre for Studies in Religion and Society, University of Victoria, B.C., to organize an international ten-day summer institute on "The Spiritual Roots of Restorative Justice," to be held in British Columbia in August 1998. The *Centre* is also receiving an increasing number of requests for information and invitations to participate in local and international events on restorative justice. The *Centre* will respond to these as best as it can, within its existing resources, and may consider developing a standard information package to respond to some of the requests.

### **1.3.8. Access to Justice: Legal Aid and Public Legal Education.3.8. Access to Justice: Legal Aid and Public Legal Education.3.8. Access to Justice: Legal Aid and Public Legal Education**

The issue of people's access to justice is one which is addressed through a number of the *Centre's* projects. In addition to the activities described elsewhere in this program plan, the *Centre* also intends to conduct two specific studies. The first one will focus on the characteristics of legal assistance programs in various countries around the world. That study will also include a component identifying the various obligations created for all countries, by various international human rights instruments as well as by UN criminal justice rules and standards, to provide legal assistance to various categories of individuals. The second study, of more limited scope than the first one, will examine the same international instruments from the point of view of identifying existing obligations placed on member states to provide access to the law, public legal information and public legal education. Both of these studies will also be relevant to specific technical cooperation projects in which the *Centre* is involved in China and elsewhere.

**1.3.9. 50th Anniversary of the Signing of the *Universal Declaration of Human Rights*.3.9.**

**50th Anniversary of the Signing of the *Universal Declaration of Human Rights*.3.9. 50th Anniversary of the Signing of the *Universal Declaration of Human Rights***

The Centre intends to take advantage of the opportunity created by the celebration of the 50<sup>th</sup> anniversary of the signing of the *Universal Declaration of Human Rights* to remind Canadians and others of the importance and the practical implications of the *Declaration* for their lives. In the coming year, the *Centre* will explore with the United Nations Association of Canada and other organizations, different ways of contributing to the celebration of this important event. The *Centre*'s own contribution will focus particularly on the question of human rights as it relates to the administration of criminal justice.

**2. Technical Assistance and Advisory Services. Technical Assistance and Advisory Services. Technical Assistance and Advisory Services**

All components of the UN Crime Prevention and Criminal Justice Programme have been requested to give a high priority to the provision of advisory and technical assistance to requesting countries. Such assistance is to focus particularly on the elaboration and improvement of legislative and regulatory measures, the establishment or strengthening of national capacities to prevent and control crime, and on the promotion of criminal justice practices that are respectful of the rule of law, human rights and democracy. The technical assistance and advisory services activities of the *Centre* are expected to continue to grow during the coming year, although the Centre will obviously not be in a position to respond to all of the requests it will receive.

Geographically, the Centre's technical assistance and cooperation activities tend to focus primarily on the hemisphere to which it belongs and on countries of the Pacific Rim. As a result, the *Centre* is currently involved in projects in China and South-East Asia, as well as cooperating whenever possible with its sister institute, the United Nations Latin America Institute for the Prevention of Crime and the Treatment of Offender, to projects in Latin America. However, as an inter-regional institute, the *Centre* is also expected at times to undertake projects of a more global nature. This is the case, for instance, of the Centre's program of activities in the area of sentencing and corrections which it undertook in partnership with the Correctional Service of Canada.

**2.1. China.1. China.1. China**

The Centre has been involved since 1995, with the financial support of CIDA and the Ford Foundation, in a very fruitful cooperation program in China. The following activities are planned for the coming year.

### **2.1.1. The China/Canada Criminal Law Reform and Criminal Justice**

#### **1.1. The China/Canada Criminal Law Reform and Criminal Justice**

#### **1.1. The China/Canada Criminal Law Reform and Criminal Justice Cooperation Program**

The Chinese legal system is progressing through an historic period of transition. To be successful, a transition of this magnitude requires strong support and assistance from trusted sources in the international community. The fundamental objective of the *Centre's* work with its Chinese partner, the Research Centre for Criminal Law, is to assist the country's transition to the rule of law in the areas of criminal law, criminal procedure and the administration of justice. In the last few years, the Centre provided the prime source of Canadian expertise in the establishment and strengthening of the new Research Centre for Criminal Law (RCCL). The new Centre's predecessor, the Expert Drafting Group was responsible for the drafting of China's *Law of Criminal Procedure*. Through a series of workshops, seminars and exchange visits, the RCCL helped increase the understanding and awareness of international standards applying to criminal justice proceedings among senior officials, law drafters, senior prosecutors and academics in a broad range of Chinese legal institutions. These institutions included the China University of Political Science and Law, the Central-South China University of Political Science and Law, the Supreme People's Court, the Supreme Procuratorate, and the Central Prosecutors College and Training Centre for Senior Prosecutors. The *Centre* also provided expertise to Chinese non-governmental organizations operating in the legal/judicial field which proved to be critical to their establishment and development. At the request of Chinese officials, the *Centre's* program will focus during the coming year on four major aspects of cooperation to assist China's transition to the rule of law in the area of criminal procedure and the administration of justice. These are:

***Implementation of the Law of Criminal Procedure:*** a symposium will be organized in Beijing approximately one year after the coming into force of the new *Law of Criminal Procedure* to review its application and impact and to propose improvements in its interpretation and administration. The symposium will discuss individual cases, review the statute, and present the judiciary with some outstanding policy issues. This will provide the framework for a more systematic empirical survey scheduled to be conducted in the following year. It will help stimulate the interest of members of the judiciary in participating in the survey, a pre-requisite to the success of the exercise. The published survey findings are likely to provide credible evidence in support of the need for further changes in the law and its practice.

***Judges and Prosecutors Training:*** new programs and materials will be developed and delivered with significant input from the *Centre* to assist in the implementation of the new *Law of Criminal Procedure* and the *Evidence Law*. New modules, curricula and teaching materials will be developed through a joint research project on the reform of the trial

process. Part of the work also involves the translation into Chinese of Canada's *The Criminal Code*.

**Criminal Law Reform:** China is in the process of revising its substantive criminal law. The Centre has been asked to assist its Chinese partners with this important law reform initiative. A research study will be completed on comparative criminal law, with reference to international human rights and other standards. Once published, the results of this study may become an important source of reference in the development and statutory interpretation of the new legislation.

**Correctional Law Reform:** the Centre has received an invitation from the President of the China Prison Society to participate in a collaborative program of information exchange and technical assistance with the Society. These collaborative efforts will seek to promote the practical implementation of UN Standards and Norms as well as well as human rights principles applicable to the custody and treatment of offenders, including a special focus on the treatment women and children offenders. A program of work has been developed which will be further refined and implemented during the next two years. This project is also part of the CSC and the Centre's joint program in the field of sentencing and corrections (see.: 2.4. below).

#### **2.1.2. Assisting the Establishment of China's Legal Aid System.1.2. Assisting the Establishment of China's Legal Aid System.1.2.Assisting the Establishment of China's Legal Aid System**

An important feature of China's reformed *Law of Criminal Procedure* is the requirement to provide legal representation and assistance to those who cannot afford it on their own. The establishment of a national legal aid program structure to provide legal aid is a major undertaking. The newly created National Legal Aid Centre in the Chinese Ministry of Justice and the RCCL have requested the assistance of the Centre in the design and development of the legal aid system. In the first part of the year, the Centre will help design and conduct a needs assessment and feasibility study on the implementation of the proposed system. The study will include a focus on the elements of the required legislative framework for the proposed legal aid scheme, the issues of eligibility, coverage and funding, and the question of methods of service delivery. It will draw on available information on the experience of other countries. Several other Sino-Canadian cooperation activities may also develop from this initial study.

#### **2.1.3. Violence Against Women.1.3.Violence Against Women.1.3. Violence Against Women**

The Centre has been invited to participate in the conduct of a study to identify ways to strengthen China's legal capacity to prosecute crimes against women. As part of a broader

criminal justice strategy to eliminate violence against women, the study will focus on the issue of women as victims of crime and abuse of power, particularly with respect to problems such as domestic violence, sexual abuse, trafficking in women and children, and sexual exploitation. Recommendations for legislative reform, amendments to current practices and legal training programs are expected to flow from the study. Detailed plans for the study will be developed. However, due to a current lack of funding for this project, the study itself may not be initiated during the coming year.

## **2.2. South-East Asia.2. South-East Asia.2. South-East Asia**

### **2.2.1. Child Protection in Thailand.2.1. Child Protection in Thailand.2.1. Child Protection in Thailand**

There is a significant momentum building in Thailand to improve the protection of children. Thailand has signed the *Convention on the Rights of the Child*. It was also a key participant at the 1996 World Congress Against Commercial Sexual Exploitation of Children and has pledged to work toward implementing the declaration of the Congress. Other significant developments include the creation of an Office of Child Rights Protection within the Attorney General's Department. The National Commission on Women's Affairs, Office of the Prime Minister, has also produced a "National Policy and Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children". Thailand is undergoing rapid economic development and urban growth. Labour migration to the cities and a dramatic gap between the rich and the poor have created circumstances leading to the weakening of traditional controls and protections. Thai tradition has been that families, particularly extended families, and communities, have provided for those in need. This traditional system is breaking down and the public welfare system is new, poorly funded and unable to meet the growing demand for child protection services.

Last year, at the invitation of the Government of Thailand and with the financial assistance of the Canadian International Development Agency, the *Centre* developed a major project to improve child protection in Thailand. The three-year project has three distinct components. The first is a demonstration in one Province that will develop, refine and evaluate a Thai version of an independent Children's Aid Society. This new organization will be given an official mandate for the care and, when necessary, the long-term treatment and placement of abused and neglected children. The second component will support the development of significant reforms to the country's *Criminal Code* and the *Code of Criminal Procedure* to improve the treatment of children by the criminal justice system. The third component will evaluate the demonstration and law reform components to ensure that what is learned can be refined and implemented throughout Thailand. The *Centre* will proceed with the implementation of this project as soon as sufficient funding is secured.

## **2.2.2. Protection of Children As Victims and Witnesses in Thailand.2.2.**

### **Protection of Children As Victims and Witnesses in Thailand.2.2.**

#### **Protection of Children As Victims and Witnesses in Thailand**

In Thailand and in other countries in the region, a very small proportion of offenders who abuse and exploit children are prosecuted. The rules of criminal procedure and evidence and the practices of the criminal justice system often mean that children are repeatedly interviewed, the process is lengthy, there are few services provided, and children are generally not well protected from those who may intimidate them and further abuse them. The result is that children seldom testify against their abusers. Little progress can be made on improving the overall situation for child protection until these problems are successfully addressed. Moreover, little progress will be made in terms of prosecuting offenders, including organized criminals and others who traffic in children and young persons, until the courts and the criminal justice system can effectively protect child victims and witnesses throughout the criminal justice process and beyond.

At the request of the Government of Thailand, the *Centre* has developed a field project to work with its Thai partners in developing a detailed strategic and operational plan for the effective protection of children as victims and witnesses in Thailand. This relatively short-term project will concentrate on the implementation of criminal law and criminal procedure reforms.

## **2.2.3. Trafficking in Children - Mekong River Delta Region.2.3.**

### **Trafficking in Children - Mekong River Delta Region.2.3.Trafficking in Children - Mekong River Delta Region**

Trafficking in children for the purpose of sexual and other forms of exploitation is a complex and endemic problem of huge proportions in many parts of the world, and this includes the Region of the Mekong River Delta. The problem is obviously a transnational one which requires an effective and concerted response from all the countries in the region. Some bilateral discussions have been initiated between the Government of Thailand and the governments of neighbouring countries. There are no simple solutions to this complex problem and the regional concerted initiative that must take place requires the support of other members of the international community who are in a position to offer financial and technical assistance as well as advisory services. The Centre has been invited by the Government of Thailand to help develop and support this major initiative. UNICRI was also in the process of developing a technical assistance project to address the issue of sex tourism and child prostitution in the region, with particular reference to the children of Myanmar. The *Centre* and UNICRI have agreed to join forces in the development of this initiative. It is hoped that a small task international force of independent experts can be assembled soon for an initial field-mission in the region.

#### **2.2.4. Visiting Delegations.2.4.**

#### **Visiting Delegations.2.4. Delegations**

#### **Visiting**

The *Centre* will facilitate a visit to Canada by a delegation of the office of the Attorney General of Thailand during the month of September. The focus of the visit will be on the gathering of information on Canadian Criminal Justice practices, prosecution policy, and measures for the protection of children.

### **2.3. Latin America.3. Latin America.3. Latin America**

The southern half of our hemisphere is currently engaged in what can only be described as a vast peace-building project. The other half simply cannot wait on the "side-lines" and attempt to position itself to eventually collect the peace dividends. The success of the project is still precarious and Canada, which has the means and expertise to contribute to it, should do so convincingly. The United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders has more than twenty-five years of experience in developing successful law reform and criminal justice assistance projects in all parts of Latin America. The *Centre*'s activities in Latin America are designed mostly to support ILANUD's initiatives and to ensure that Canadian criminal justice institutions and experts make their full contribution to these initiatives.

#### **2.3.1. Justice in Progress in Central America.3.1.Justice in Progress in Central America.3.1. Justice in Progress in Central America**

Central American countries have given themselves a strategic plan of action, based on a careful assessment of existing problems and the current capacity of criminal justice institutions to face them. Priorities for action both at the national and the sub-regional level were carefully identified and related to broader issues of social and economic development.

These priorities are also in line with those identified for the UN Crime Prevention and Criminal Justice Programme. *Justice in Progress - A Strategic Plan of Action 1995-98* focuses on five priority areas: (1) improving citizen security through the strengthening of law enforcement agencies and the development of police-community coordination; (2) protecting the environment through legislation and the effective enforcement of environmental laws; (3) fighting against corruption and support for public actions against corruption; (4) fighting against new forms or organized and trans-national crime; (5) improving management systems in the administration of justice by means of various reforms to the judicial and the correctional system. In the coming year, the *Centre* will continue to try to mobilize the support of various Canadian experts and institutions for this important Central American initiative. In August of 1997, the *Centre* will help organize Canadian participation to an important regional meeting on correctional reform. Other parallel meetings will also be organized. The Centre has also been invited to participate, during the summer, in an important regional seminar on "International Cooperation in the

Investigation and Prosecution of Money Laundering Cases and the Difficulties of Proof",  
hosted by ILANUD in Costa Rica."

### **2.3.2. The Brazil Project.3.2.**

### **The Brazil Project.3.2.**

### **The Brazil Project**

ILANUD has entered into a cooperation agreement with the Government of Brazil and the Government of the State of Sao Paulo. It has also opened an office in that country. The *Centre* will continue to work with ILANUD on the development of a major Canada/Brazil technical assistance project in the State Sao Paulo. At the request of local officials, the project will focus on the following areas: juvenile justice reforms; measures to combat corruption and prison reform. Preliminary discussions have been held and will be pursued with the ICPC to add a fourth component to the project to deal with urban crime prevention strategies.

### **2.3.3. Other Requests From Individual Countries.3.3. Other Requests From Individual Countries.3.3. Other Requests From Individual Countries**

The *Centre* is receiving a growing number of cooperation or information requests from various Latin American countries, organizations and institutions. The *Centre* will continue to respond to these requests and to strengthen its institutional ties with Latin American organizations active in the field of human rights and criminal law reform. In the coming year, the *Centre* is already committed to participating in a national seminar organized by the Sociedad Cubana de Ciencias Penales (Cuba). A preliminary request has also been received from the Ministry of Justice of Argentina with respect to possible cooperation on the implementation of measures to eliminate violence against women.

### **2.4. Sentencing and Corrections Project.4. Sentencing and Corrections Project.4. Sentencing and Corrections Project**

In spite of the forty years of existence of the *UN Standard Minimum Rules for the Treatment of Prisoners*, the situation of prisoners worldwide seems to have deteriorated rather than improved. The area of sentencing and correctional reform is one which requires a great deal of attention, but receives comparatively little. Since its creation, the *Centre* has been involved in a joint project with the Correctional Service of Canada to promote a renewal of sentencing and correctional practices at the international level. A primary focus of the program is on facilitating the provision of technical and financial assistance to requesting countries wishing to move forward in the areas of sentencing and correctional reform (see: Annual Report section above). This urgent matter will again be on the agenda this year at the UN Commission on Crime Prevention and Criminal Justice.

The *Centre* has received the continued financial support and commitment of the CSC. Together with its other national and international partners in this initiative, and under the guidance of its Project Advisory Committee, the *Centre* will proceed with the implementation phase of its program of work. In the coming year, the program will focus on three main aspects of cooperation: (1) development of concrete national or regional technical assistance projects; (2) the development of tools to facilitate the provision of technical assistance; and, (3) other collaborative efforts.

#### **2.4.1. Technical Assistance Projects.4.1. Technical Assistance Projects.4.1. Technical Assistance Projects**

Based on the consultations it conducted last year and the expression of interest it received, the *Centre's* projects in the sentencing and corrections area will likely include two projects in Latin America, two projects in Africa and one project in China.

***Central America:*** the *Centre* will continue to collaborate with ILANUD in the implementation of the regional strategic plan for action. The *Centre* will participate, with a Canadian delegation, in the regional event on correctional reform scheduled for the summer of 1997. The meeting will provide an opportunity to identify concrete bi-lateral or regional initiatives to which the *Centre* and its Canadian partners could specifically contribute in the coming year.

***Brazil:*** As mentioned above in the section on Latin America, the Centre, together with ILANUD, is developing a correctional reform project as part of a broader Canada/Brazil technical assistance initiative in the criminal justice area.

***Uganda:*** The Centre will help organize, in cooperation with the Government of Uganda and UNAFRI, a unique coordination and strategic action planning meeting for the country's sentencing and corrections officials.

***Africa:*** Some of the training needs of African correctional officials can only be met through a pooling of existing resources and the development of a regional approach to professional development and training. UNAFRI has prepared an initial proposal for the development of a Regional African Training Institute for Correctional Officials. Such an institute would greatly help implement the principles and plan of action contained in the Kampala Declaration of 1996. The *Centre* has been invited to join forces with UNAFRI and to help mobilize Canadian and other international resources for this important project. The *Centre* has also received a request from the African Penitentiary Association to assist them in realizing various aspects of their 1997/98 program of work, namely in the areas of research documentation and training.

***China:*** As mentioned earlier, the *Centre* has developed a substantial cooperation project with the China Prison Society. It will participate in a collaborative program of information

exchange and technical assistance. This collaborative effort will promote the practical implementation of UN Standards and Norms as well as human rights principles applicable to the custody and treatment of offenders, including a special focus on the treatment women and children offenders. This two-year program of work is scheduled to commence in the fall of this year.

**2.4.2. Development of tools to facilitate technical assistance.4.2.Development of tools to facilitate technical assistance.4.2.Development of tools to facilitate technical assistance**

The *Centre* will continue to perfect the self-administered needs assessment instrument it developed during the last year to assist developing countries identify the priorities for technical assistance in the field of corrections. The *Strategic Framework for Corrections* developed in previous years will continue to be used as required. Finally, the *Centre*, in cooperation with the UN Crime Prevention and Criminal Justice Division, and in particular one of its Interregional Advisors, will be developing a draft model instrument on basic prison regulations and regulatory practices.

**2.4.3. Other Collaborative Efforts.4.3.Other Collaborative Efforts.4.3. Other Collaborative Efforts**

The Centre will participate during the Summer in the International Training Workshop on Probation organized in Malta by UNICRI. It also intends to participate in the Canadian Criminal Justice Association Congress, in Ottawa in September 1997. Finally, the *Centre* will continue its efforts to facilitate the international exchange of information within the informal network of organizations and experts involved in technical assistance initiatives in the field of sentencing and corrections.

**2.4.4. Participation in the UNOJUST Network.4.4.Participation in the UNOJUST Network.4.4. Participation in the UNOJUST Network**

The Centre as part of the UN Network of Institutes in Crime Prevention and Criminal Justice has joined the UNOJUST network. This will expand upon our ability to provide for global information exchange via electronic networks.

**2.5. Technical Assistance Initiatives to Help Control the Laundering of Proceeds of Crime in the Pacific Rim .5.Techical Assistance Initiatives to Help Control the Laundering of Proceeds of Crime in the Pacific Rim .5.Techical Assistance Initiatives to Help Control the Laundering of Proceeds of Crime in the Pacific Rim**

As mentioned previously (see: 1.1.1. above), the *Centre* will develop a program of work to help control the laundering of the proceeds of crime in the Pacific Rim. Although the program will eventually include a technical assistance component, no such activities are being planned for the coming year.

### **3. Public Consultation and Information. Public Consultation and Information. Public Consultation and Information**

The *Centre* will multiply its efforts to better explain to the Canadian public and others concerned, the importance of technical assistance activities and international cooperation in the fields of crime prevention and criminal justice. A systematic communication plan will be developed.

In addition to the many public information and consultation activities undertaken in the context of specific projects and already described above, the *Centre* will again this year be involved in number of other special activities. This will include.

***Attendance at International Meetings:*** The *Centre* will attend the sixth session of the United Nations Commission on Crime Prevention and Criminal Justice, in Vienna (April/May 1997). It will also attend the 46th Plenary Session of the European committee on Crime Problems, from June 2 - June 6 in Strasbourg. The *Centre* will also participate in the 10th Annual Meeting of the International Society for the Reform of Criminal Law, in London, at the end of July 1997. This year, the theme of the Conference is "*Law and Justice, Where Now?*" The *Centre* will participate in the International Association of Prosecutors Conference in Ottawa, Canada, from September 2-6, 1997.

***Coordination with Other Members of the UN Crime Prevention and Criminal Justice Programme Network of Institutes:*** The *Centre* will continue to work closely with other members of the Programme Network of Institutes. In the coming year, the Centre will participate in the informal coordination meeting of the Directors of Institutes (Vienna, May 1997) and in the Annual Coordination Meeting (Courmayeur, Italy, October 1997). The Centre will also attend the Annual Meeting of The International Scientific and Professional Advisory Council of the UN Crime Prevention and Criminal Justice Programme (ISPAC), in Courmayeur, October 1997.

The *Centre* will also participate in two upcoming conferences hosted by the International Institute of Higher Studies in Criminal Sciences (ISISC), in Siracusa, Italy. The first, on *Reigning in Impunity for International Crimes and Serious Violations of Fundamental Human Rights* will be held from September 17-21, 1997, and the second, on *Comparative Criminal Justice Systems: Diversity and Rapprochement*, will be held from December 16-20, 1997.

***Preparation for the Tenth UN Congress on the Prevention of Crime and the Treatment of Offenders (Year 2000):*** The Centre will cooperate with other members of the Crime Prevention and Criminal Justice Programme Network to prepare for the Tenth Congress. The agenda topics for the Congress are: (1) promoting the rule of law and strengthening the criminal justice system; (2) international cooperation in combating transnational crime, new challenges in the twenty-first century; (3) effective crime prevention: keeping pace with new developments; (4) offenders and victims: accountability and fairness in the justice process. The Secretary-General has also been asked to prepare an overview of the state of crime and criminal justice worldwide for presentation at the opening of the Congress.

***Participation in Relevant Canadian Events:*** The Centre will most certainly continue to receive many more invitations to participate in national and local events than it will be able to accept. At a minimum, the Centre will participate in the Canadian Criminal Justice Congress, the Annual Meeting of National Non-Governmental Organizations organized by the Canadian International Development Agency, and the Annual Consultation Meeting of Department of Foreign Affairs and International Trade with non-governmental human rights organizations. The Centre will also participate in the 25th Anniversary of the Canadian Council in International Law in October 1997. The Centre is a member of the Canadian Network for an International Criminal Court and continues to support its efforts.

***Organization of the 10<sup>th</sup> Anniversary Conference of the International Society for the Reform of Criminal Law:*** The Centre will continue to cooperate closely with the International Society for the Reform of Criminal Law (SRCL). The Centre is discussing with the SRCL Management Committee the organization of the 11th Conference which will be held in Barbados in August 1998.

***Canada's Year of the Asia Pacific:*** The Centre will host a seminar on "Financial Crime and Law in China" in Vancouver during September 1997 as one of the events celebrating Canada's Year of the Asia Pacific. The seminar will feature a delegation of senior judges from Shanghai.

***Foreign Affairs International Lecture Series:*** As in the past, the Centre will be organizing, in cooperation respectively with the School of Criminology, SFU, and UBC Law School, two international lectures on topics that have yet to be determined.

***Courses:*** The Centre will continue to help with the organization of an annual Summer Law Program with Southwestern University School of Law, Los Angeles. This very successful program is entering its sixth year. In addition, a representative from the Centre will continue to teach a graduate level course on the Control of the Proceeds of Crime at the Law School, University of British Columbia.

***Development of an Internship Program:*** The *Centre* will develop an internship program which will involve up to five young Canadian professionals in field projects relating to international cooperation in the area of criminal justice.

***Development of a Common Curriculum:*** The *Centre* and the Max-Plank Institute, in Freiburg, Germany, hope to finalize their plans and obtain funding by the end of 1997, for the development of a common international curriculum on comparative criminal justice studies.

***Visiting Associates Program:*** The *Centre* will continue its Visiting Associates Program.

## **REPORTS AND PUBLICATIONS**

Canada-Criminal Justice Systems in Europe and North America

Canada's System of Justice, 1996

China's Criminal Law: Adopting International Values," 1997

Controlling the Laundering of the Proceeds of Crime: Practical Measures in the Pacific Rim, June 1997

Draft Guidelines for Action on Children in the Criminal Justice System

Excellence in Sentencing and Corrections 1996 / 1997 Final Progress Report, March 28, 1997

Far More than a Wishing Well: Canadian/Latin American Cooperation in the Field of Criminal Law Reform and Criminal Justice

Implementing United Nations Standards in the Chinese Context, 1996

International Efforts to Contain

Money laundering, April 8, 1997

Migration and Crime: A Canadian Perspective, October 1996

Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice

Organized Crime in China, 1996

Patterns of Crime in China, 1996

Peacebuilding and Criminal Justice - Assisting Transitions from Power to Authority, March 1997

Peacebuilding and Criminal Justice Issues - Student Consultative Forum, March 31, 1997

Placing Indigenous Justice Developments in Context: Some Dimensions for Analysis of the Experience, August 1996

The Proposed International Criminal Court: An Assessment of the International Law  
Commission Draft Statute, January 24, 1996

Protecting Society through Assistance and Control-An Overview of the Reintegration and  
Rehabilitation of Federal Offenders in Canada, January 14-17, 1997

Questioning the Punishment of Young Offenders, May 1997

Recent Changes in China's Criminal Law: Political Culture and Legal Theory, May 1997

Reform of Criminal Procedure and the Situation of Human Rights in China, 1996

Summary Report of the Special Seminar on Restorative Justice and Sentencing, June 18,  
1996

United Nations Criminal Justice Policy and Comparative Criminal Law, 1996

## **LIST OF ACRONYMS**

AIC	Australian Institute of Criminology
CIDA	The Canadian International Development Agency
CIVPOL	Civilian Police Personnel
CCFPD	Canadian Centre for Foreign Policy Development
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
HEUNI	European Institute for Crime Prevention and Control, affiliated with the United Nations
ICPC	International Centre for the Prevention of Crime
IIR	Institute of International Relations, University of British Columbia
ILANUD	United Nations Latin American Institute for Crime Prevention and the Treatment of Offenders
ISCLR	International Society for Criminal Law Reform
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
	ECOSOC	United Nations Economic and Social Council
	OECD	Organization for Economic Cooperation and Development
	RCCL	Research Centre of Criminal Law, The China University of Political Science and Law
	SFU	Simon Fraser University
	TACJ	Technical Assistance in the Field of Criminal Justice
	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
	UNAFRI	United Nations African Institute for the Prevention of Crime and the Treatment of Offenders
	UNICRI	United Nations Interregional Crime and Justice Research Institute

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