

The International Centre for Criminal Law Reform
and Criminal Justice Policy
at The University of British Columbia
Faculty of Law
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Canada

ANNUAL REPORT

1994 - 1995

Affiliated with the United Nations Crime Prevention Programme
and

A joint initiative of Simon Fraser University, the University of British Columbia and the
Society for the Reform of Criminal Law

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**THE ACTIVITIES OF THE INTERNATIONAL
CENTRE
FOR CRIMINAL LAW REFORM
AND CRIMINAL JUSTICE POLICY**

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OVERVIEW

The International Centre for Criminal Law Reform and Criminal Justice Policy was established in 1991 in Vancouver, British Columbia, Canada, as a joint initiative of the Society for the Reform of Criminal Law, Simon Fraser University (SFU), and the University of British Columbia (UBC). The International Centre was incorporated as a non-profit society under the British Columbia Society Act on August 19, 1992.

The International Centre is affiliated with the United Nations Crime Prevention and Criminal Justice Programme. As one of a cooperative network of regional and interregional institutes, it undertakes work from the United Nations Commission on Crime Prevention and Criminal Justice through and with the Programme Secretariat located in Vienna.

OBJECTIVES AND ROLES

The overall objective of the International Centre is to promote democratic principles, the rule of law and respect for human rights in criminal law and the administration of criminal justice, domestically, regionally and globally. The primary role of the Centre is to provide research information, advice and technical assistance to governments and other agencies in support of the United Nations Criminal Justice programme and the academic research and professional activities of the University of British Columbia, Simon Fraser University and the Society for the Reform of the Criminal Law.

FUNDING SOURCES

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 continues to make an annual contribution to the general administration of the Center. In addition, the Centre is a registered charitable institution and seeks support and funding from individual donors.

The Government of Canada continues to second three full-time staff who act as the Director and Senior Associates of the Centre. Other professional staff members are contracted as senior associates or associates 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 Society for the Reform of the Criminal Law also support the Centre through contribution of staff time and facilities and sponsorship of some of the Centre's events. Accommodation and furniture for the Centre is 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. Major initiatives are funded through separate project funding.

ACTIVITY REPORT

MANAGEMENT AND ADMINISTRATION

During the 1994 - 95 reporting period, the Board of Directors was expanded to include Professor Gerry A. Ferguson, representative for the Minister of Justice and Attorney General of Canada, Mr. Norman Inkster, representative for the Solicitor General of Canada, and Mr. Ravi Hira, representative for the Attorney General of British Columbia. Professor Joan Brockman replaced Board member Warren Gill as a representative for Simon Fraser University, and the Hon. Mr. Justice Frank Iacobucci replaced Vincent Del Buono as representative for the Society for the Reform of the Criminal Law. Gerry Ferguson is a professor of law at the University of Victoria, British Columbia; Norman Inkster is a National Director with KPMG Canada, in Toronto, Ontario; Ravi Hira an attorney with Watson, Goepel, Maledy in Vancouver, B.C.; Joan Brockman a professor of criminology at Simon Fraser University, Burnaby, B.C.; and The Honorable Mr. Justice Frank Iacobucci is with the Supreme Court of Canada.

Daniel C. Préfontaine, Q.C., is the Director of the Centre and its Chief Executive Officer. Mr. Préfontaine brings to the International Centre many years of experience in international criminal law matters. He is a former Assistant Deputy Minister in the Canadian Department of Justice who led the Canadian delegations at several United Nations Congresses and other international meetings on crime prevention and criminal justice.

New appointments of staff include Mr. Brian K. Tkachuk, of Correctional Services Canada. Brian joined the Centre in May of 1995 as a Senior Associate on an executive interchange assignment for three years.

On October 5, 1994, the Centre's submission to Revenue Canada was granted qualifying the Centre for tax-exempt status as a registered charity under paragraph 149(1)(f) of the Income Tax Act.

On July 6, 1995 the agreement officially recognizing the International Centre for Criminal Law Reform and Criminal Justice Policy as an affiliate of the United Nations was signed in Vienna between Mr. Peter Walker, the Canadian Ambassador to the United Nations, and Mr. Eduardo Vetere, Chief of the United Nations Crime Prevention and Criminal Justice Branch.

POLICY AND RESEARCH PROGRAMS

PRIORITY THEMES OF THE UNITED NATIONS COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

National and Transnational Crime, Economic Crime, including Money Laundering, Organized Crime

The Centre completed a review of organized crime literature and developed a list of key areas for the Centre's future work on organized crime. Background papers: *Criminal Networks*, *Criminal Enterprises*, *The Proceeds of Crime: Problems of Investigation and Prosecution*, *International Money Laundering: Enforcement Challenges and Opportunities* have been produced by Senior Associate Dr. John Evans of the Centre. In March, 1995 Director Daniel C. Préfontaine presented Dr. Evans paper to the Southwestern University School of Law, Los Angeles, on International Jurisdiction Day. The presentation and paper expanded on the Centre's work in Proceeds of Crime and Money Laundering research.

The International Centre participated in the World Ministerial Conference on Organized Transnational Crime held in Naples, Italy in November 1994. The conference produced a political declaration adopted by the participants, and later endorsed by the United Nations, that urges that greater national and international priority be given to organized crime; that international cooperation be improved; that technical assistance be enhanced and made more effective, and that the highest priority be accorded the implementation of the political declaration and the Global Action Plan which includes a broad range of measures to combat organized crime. Among these measures are improvements to:

- national legislation;
- international cooperation at the investigative, prosecutorial and judicial levels;
- guidelines for international cooperation at the regional and international levels; and
- prevention and control of money-laundering and control of the proceeds of crime.

A Bibliography on the Effects of Organized Crime on Women and Children

During the summer of 1994, the Centre developed a computerized database and bibliography of literature concerning the exploitation of women and children by organized crime. Specific topics included prostitution, "sweatshop" and child labour, narcotic trafficking and trafficking in body parts. The sources contained in the database were compiled through consultations with relevant United Nations agencies (e.g. Crime Prevention and Criminal Justice Branch, International Labour Organization, UNICEF, United Nations Drug Control Programme), non-governmental organizations and scholars from various regions of the world. Further input was received from a meeting on the human rights of juveniles in Vienna, November, 1994. The Bibliography was produced in April, 1995 and is available for distribution.

Corporate Crime Conference

The Centre participated in the 8th International Conference of the Society for the Reform of the Criminal Law held in Hong Kong December 4 to 8, 1994. The theme of the Conference, "The Corporation and the Criminal Law: Victim and Violator" examined all aspects of the interactions of the criminal law and the modern corporation, from the intersection of the corresponding legal theories to the actual application of the criminal law to organizations. The Conference was very timely in terms of the World Ministerial Conference on Organized Crime held in Italy in November, 1994, and for the preparations for the 9th United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in May, 1995, in Cairo, Egypt.

CRIME PREVENTION IN URBAN AREAS: VIOLENT CRIMINALITY

Global Training and Advisory Service on Domestic Violence

The International Centre's initiative concerning domestic violence is generally intended to contribute to the implementation of the 1993 United Nations Criminal Justice Programme priority set out in the publication "Strategies for Confronting Domestic Violence: A Resource Manual".

From 23-27 January, 1995, the Centre's International Advisory Committee on Domestic Violence, comprised of United Nations, federal and provincial government, and foreign experts in the field, met in Vancouver to recommend a program delivery plan for implementing the training program and to guide the development of the core training curriculum. The core curriculum, developed with the assistance of the Justice Institute of British Columbia, was revised on the basis of the Advisory Committee's input. The project was presented for consultation at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Cairo in May, 1995, and the World Conference on Women in Beijing in September, 1995. The "final" curriculum is expected to reflect the practical experience gained as a result of project courses in several regions as well as the insights offered through consultation at the international level. The ultimate aim is to have a field tested and assessed training curriculum available for use in requesting countries to develop and strengthen their own long term capacity to address domestic violence.

Law Society of British Columbia and the British Columbia Branch of the Canadian Bar Association: Annual Media Seminar

On October 29, 1994 the Law Society of B.C. and the B.C. Branch of the Canadian Bar Association held their annual media day seminar. Director Daniel C. Prefontaine contributed a paper and presentation to the events of the day. A copy of the paper: *About the Renewal of Our Youth Justice System*, is available from the Centre.

EFFICIENCY, FAIRNESS AND IMPROVEMENT IN THE MANAGEMENT AND ADMINISTRATION OF CRIMINAL JUSTICE AND RELATED SYSTEMS

Management of Correctional Services

The International Centre for Criminal Law Reform and Criminal Justice Policy has recently completed a review of its activities in the field of sentencing and corrections. This was done in light of the growing need for renewal of criminal justice institutions, and took account of the agenda for action defined during two International Symposia on the Future of Corrections; the outcomes of other international meetings; and the stated priorities of the United Nations Crime Prevention and Criminal Justice Programme. A consultation document entitled "*Opportunities for Renewal in Sentencing and Corrections*" has been prepared to serve as the focal point for the development of a program of work by the International Centre, in cooperation with the Correctional Service of Canada and other national and international partners. This work will seek to promote the practical implementation of universally recognized human values and principles applicable to sentencing and corrections. The consultation document is available in English, French and Spanish as well electronically.

The proposed initiative will set in place a process to build on existing international and regional cooperation in the field of sentencing and corrections and to promote enhanced forms of collaboration between jurisdictions. The initiative 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. The emphasis is on management excellence. The word "excellence" is used here in the sense of best practices, adherence to the rule of law, and a thorough regard for justice, with respect for human rights and democratic values.

The International Centre has embarked on a preliminary process of consultation on the proposed strategy for the initiative and to identify new partners willing to participate in it. This process of consultation commenced at the Ninth United Nations Congress which was held in Cairo in May 1995. It has subsequently been presented at the Commonwealth Senior Law Officers meeting in late May 1995, the European Committee on Crime Problems of the Council of Europe in early June 1995 and, in August 1995, at the International forum of N.G.O.'s on Human Rights and Criminal Justice which was held in Valença, Brazil. This consultation process will continue by utilising existing opportunities for discussion offered by already planned international, interregional and regional meetings.

Throughout the consultation process the International Centre and its current partners invite all jurisdictions, regional and international organizations and other experts interested in participating in the initiative to participate in its' planned development. A meeting for the purpose of finalizing an agenda for action is tentatively planned for the spring of 1996 and will include all those who through the consultation process, have expressed an interest to participate in the initiative.

Aboriginal Justice

In the area of Aboriginal Justice the International Centre fosters exchanges and experiences between countries. The Centre organized a workshop in July 1995 in Vancouver bringing together a multidisciplinary group of experts including native people from six countries. The workshop examined efforts in these jurisdictions to implement common devolution approaches regarding the administration of justice. Financial assistance was provided by Justice Canada and the Attorney General of British Columbia. A final report of the meeting will be available for early October, 1995. The year 1996 will have a number of initiatives that include further exchanges, research, and organizing a session on Aboriginal Justice issues at the 11th Commonwealth Law Conference to be held in Vancouver.

Criminal Justice Information

As part of its efforts to make access to criminal justice information easy and inexpensive, the Centre has developed, with UBC, a facility which allows interested parties to access the Centre's information and to communicate with Centre and UBC staff electronically over the Internet computer network. This means that anyone can receive information from the Centre at little or no cost as long as they have access to a local computer network linked to Internet. To facilitate use of Internet information systems the Centre developed in 1994 a Guide to Internet Resources in Criminal Law and Criminal Justice. A second edition of this guide was produced in April, 1995 and is available both electronically and in print form.

REFORM OF INTERNATIONAL CRIMINAL LAW AND CRIMINAL PROCEDURES

International War Crimes Tribunal

In response to the continuing efforts of the International Law Commission and other international organizations to promote the establishment of a permanent international tribunal with criminal jurisdiction, the International Center hosted a meeting in March, 1993. The final report of the five day meeting was transmitted by the Canadian Department of External Affairs to the United Nations Office of Legal Affairs in New York. The report contributed to the design of the recently established International War Crimes Tribunal for Crimes in the former Yugoslavia located in The Hague.

The International Tribunal for crimes in the former Yugoslavia has a requirement for an electronic data base of legal materials which the International Centre has proposed to assist in building. A project proposal has been developed and submitted to the International Tribunal for its decision. In September, 1994 the Centre entered into discussions with the Legal Advisor to the Office of the Prosecutor at the Tribunal to explore how the Centre might assist in providing an international legal resource database and research library for the use of Tribunal personnel as cases are argued and decided.

TECHNICAL CO-OPERATION AND ASSISTANCE

Criminal Law and Criminal Procedure in China

In November, 1994 Daniel C. Préfontaine, the Director of the Centre presented the paper: *The Reform of Criminal Procedure: from United Nations Policy to Canadian Law* and lectured in Beijing on Canadian Criminal Law and procedure. The event was sponsored by the Canadian International Development Agency and was a continuation of the initiatives and support the Centre has begun with institutes in China.

In April, 1995 The International Centre carried out needs assessment and program development meetings in Shanghai and Beijing. With the financial assistance of the Canadian International Development Agency, Director Daniel C. Préfontaine, Senior Associate Catherine Bragg and Associate Vincent Cheng Yang traveled to China for the needs assessment meetings. "*Opening the Door*" - a report on the meetings was produced and is available from the Centre.

The technical assistance and advisory program the Centre is developing is aimed at assisting China in building the necessary administrative and legal structures in the area of criminal law and criminal justice in accordance with democratic principles and respect for human rights. Specifically, the program will encourage the incorporation of these principles in decision making and legal drafting in China. This will be accomplished through collaboration in the development of policy and legislative options in relation to the drafting of the new Criminal Code and the Code of Criminal Procedure. The program also seeks to similarly influence changes and development in Chinese legal and criminal justice administration practices through exchange visits to Canada, and with Canadian participation in their training courses.

The program plan will form the basis for a Collaboration Agreement with the relevant Chinese officials and institutions to be negotiated in the fall of 1995. The implementation of the first phase of the program will be from October 1, 1995 to December 31, 1996.

THE VIET NAM PROGRAM

Two Vietnamese scholars in criminal law and constitutional law, came from the National Centre for Social Sciences and Humanities and the Institute of State and Law to the International Centre and Centre for Asian Legal Studies (UBC) in March 1995. Their visit enabled the sharing of comparative information which can be used in the reform of the Viet Nameese Penal Code, Code of Criminal Procedure, Environmental Code and other legislation.

Constitutional Rights and the Rule of Law/The Criminal law and the Environment

In June, 1995, senior associates John Evans and Marcia Kran travelled to Viet Nam. The trip began an exchange with Viet Nameese officials on Constitutional Rights and the Rule of Law in Viet Nam, exploring the potential for technical co-operation efforts in the inter-related areas of human rights, justice policy, constitutional law, and legal reform. A similar process was followed with respect to the use of the criminal law in environmental matters. Financial support

for the needs assessment mission was provided by the Canadian International Development Agency.

Human Rights and Peacekeeping Training Programs

The Centre is also collaborating with the United Nations Criminal Justice and Crime Prevention Branch to develop a skills and procedural manual for CIVPOL to assist them in the investigation and reporting practices related to their mission mandate. The project will cover procedures and skills related to subjects such as patrolling, the monitoring of the conduct and performance of local police and judicial authorities, the investigation and reporting of human rights violations and war crimes, negotiation, conflict management and inter-agency co-operation. The project is undertaken in full consultation with the Department of Peacekeeping Operations and the Centre for Human Rights. It is anticipated that the manual, once finalised, will be distributed to CIVPOL personnel at the start of their mission.

Further, senior associate Marcia Kran, on behalf of the Centre, assisted the Branch in the Third United Nations Protection Force CIVPOL Workshop sponsored by the Government of Austria, in Wiener Newstadt, Austria, in November, 1994. In collaboration with the Centre, the RCMP provided the facilitator for the Workshop to lead the discussion and formulate the recommendations emerging from them. A summary of the meeting is available.

PUBLIC INFORMATION

Public Lecture Series

Public lectures are arranged as part of the International Centre's Foreign Affairs and International Trade Canada Lecture Series in collaboration with the Faculty of Law at The University of British Columbia and the School of Criminology at Simon Fraser University.

In April, 1994, Professor Ethan Nadelmann, Assistant Professor of Politics and Public Affairs at the Woodrow Wilson School of Public and International Affairs in the Politics Department at Princeton University, New Jersey, USA, spoke at the Simon Fraser University Harbour Centre campus. His topic was "Rethinking the Global War on Drugs-Past, Present, Future".

Dr. Alfred de Zayas, from the United Nations Centre for Human Rights in Geneva, a lawyer and an historian spoke at the University of British Columbia campus on March 9, 1995. The lecture, "*Right to the Homeland: Ethnic Cleansing and the International Criminal Tribunal*", was well attended. Mr. de Zayas is responsible for servicing the treaty-based complaints procedures administered by the Human Rights Committee, the Committee Against Torture and the Committee on the Elimination of Racial Discrimination.

The lecture series is continuing and plans are underway to invite speakers during the period September, 1995 through April, 1996.

50th Anniversary of the United Nations Celebrations Seminar: States Without Law: The Role of Multilateral Intervention to Restore Local Justice

In December 1994 Sr. Associate Marcia Kran participated in the United Nations Anniversary Celebrations in Ottawa. The International Centre and the Canadian Committee for the 50th Anniversary of the United Nations are presenting a seminar on December 9th, 1995 in Vancouver, British Columbia. The seminar will bring together experts and interested persons on the topic to examine the issues dealing with the failed state syndrome, what should be the response after Rapid Reaction: and beyond peacekeeping: the requirements for restoring civil society and models for rapid deployment of justice, law and order and the capacity of the United Nations to play the role.

State Sovereignty and Human Rights: An Agenda for Humanitarian Action

Director Daniel Préfontaine and senior associate Marcia Kran participated in an experts meeting in Ste-Adèle, Québec, February 28-March 3, 1995. The meeting was organized and sponsored by the International Centre for Human Rights and Democratic Development. The meeting brought together thirty experts from governments, international organizations, non-governmental organizations, the military, academics and politicians to examine the issues relating to state sovereignty and humanitarian intervention in cases of gross breaches of human rights.

The Centre continues to build cooperative and communicative relationship with the International Centre for Human Rights and Democratic Development.

GRADUATE EDUCATION AND CURRICULUM DEVELOPMENT

Graduate Programs

The Centre is involved in the furthering of graduate courses and research in the areas of criminal law and justice policy with an international/ comparative focus. Candidates can apply to the respective graduate programs at the Faculty of Law, U.B.C. (LL.M. and Ph.D.) and the School of Criminology, S.F.U. (M.A. and Ph.D.). Students at either university will have the opportunity to receive credit and participate in courses at the partner institution.

The fields of specialization build on the already established work of the School of Criminology at Simon Fraser University and The Faculty of Law at the University of British Columbia, including the Centre for Asian Legal Studies. This cooperative endeavor also draws on the intellectual resource base of the international Society for the Reform of Criminal Law and its work in criminal law and criminal justice reform with the Commonwealth, the Council of Europe, and the United Nations.

Common International Curriculum

The International Centre, The University of British Columbia and Simon Fraser University, in collaboration with the Max-Planck Institute for Foreign and International Criminal Law of Freiburg, Germany have begun a project to develop a Common Curriculum in Criminal Law and Criminal Justice Policy. The Centre and the Max-Planck-Institute organized the Workshop to Explore the Development of a Common International Curriculum in April, 1994, in Vancouver, that involved experts from around the world. The report on the workshop is available from the

Centre. A central coordinating committee was struck by the International Centre and the Max-Planck Institute in December 1994 to follow up on the proposals during the winter of 1995-96.

Summer Law Program

The International Centre, in partnership with The University of British Columbia, Faculty of Law and Southwestern University School of Law, Los Angeles, California, facilitated an annual Summer Law Program at Green College located on The University of British Columbia campus. Courses in Comparative Criminal Evidence; Comparative Criminal Law and Procedure; and International Criminal Law and Criminal Justice Policy were developed and delivered to a group of students during June and July.

Course Offerings

Professional staff of the Centre contribute to academic programs at the two founding universities, as well as other institutions on an ongoing basis. Senior associates have contributed to regular course offerings by lecturing on relevant international criminal justice topics including international issues regarding women and criminal law and the proceeds of crime

Society for the Reform of the Criminal Law

The Centre continues to support the activities of the Society for the Reform of the Criminal Law. The Centre contributes to preparations for the Society's International Annual conferences, scholarly articles to the Criminal Law Forum and information to the Reformer Newsletter. The Society members are involved on an ongoing basis with the work of the Centre.

PUBLICATIONS OF 1994

About the Renewal of our Youth Justice System: Daniel C. Préfontaine

The Reform of Criminal Procedure: From United Nations Policy to Canadian Law
Daniel C. Préfontaine and Vincent Cheng Yang

The China-Canada Criminal Law and Criminal Justice Program:
Opening the Door - A Report of the April 1995 Mission to China

Criminal Networks, Criminal Enterprises John Evans

International Advisory Committee Meeting Report on Domestic Violence January, 1995

Bibliography of the Effects of Organized Crime on Women and Children April 1995

Guide to Internet Resources in Criminal Law and Criminal Justice 2nd Edition March 1995

International Money Laundering: Enforcement, Challenges and Opportunities John Evans

Opportunities for Renewal in Sentencing and Corrections A Consultation paper

Towards Improved Corrections: A Strategic Framework

Proceeds of Crime: Problems of Investigation and Prosecution John Evans

Renovating Justice: A report of the Vietnam legal needs assessment mission May, 1995

Putting Aboriginal Justice Devolution into Practice: The Canadian and International Experience July 1995

MANAGEMENT

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Kathleen Macdonald
Naomi Seki
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Visiting experts:

The staff of the Centre is complimented by visiting experts and associates in international criminal law and justice matters from various geographic regions who are located at the Centre for a fixed period of time.

ADVISORY COUNCIL

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