

INTERNATIONAL CENTRE FOR CRIMINAL LAW REFORM AND CRIMINAL JUSTICE POLICY

ANNUAL REPORT 2009 – 2010

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

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INTRODUCTION

The International Centre for Criminal Law Reform and Criminal Justice Policy (“ICCLR” or the “Centre”) is an independent, international institute based in Vancouver, Canada. Founded in 1991, ICCLR is a joint initiative of the Government of Canada, University of British Columbia, Simon Fraser University, the International Society for the Reform of Criminal Law, and the Province of British Columbia. It is officially affiliated with the United Nations (“UN”) pursuant to a formal agreement in 1995 between the Government of Canada and the UN. Through its activities, the Centre contributes to the priorities of Canada and the United Nations in the field of criminal law and criminal justice.

The Centre is incorporated under the *B.C. Societies Act* and is registered as a charitable, non-profit institution in both Canada and the United States. It relies upon financial support from foundations, individuals, government and academic institutions.

MANDATE

The mandate of the Centre is to promote the rule of law, democracy, human rights, and good governance in criminal law and the administration of criminal justice, domestically, regionally and globally. The Programme assists with the current Canadian priorities including efforts to combat transnational organized crime and corruption; to ensure safe and secure communities for Canadians; to emphasize the rights of victims; to actively promote protection of children and women; to enhance effective and fair justice systems, and to promote international cooperation in the fight against serious crimes. The underlying premise of ICCLR’s efforts is that a fair, responsible, ethical and efficient criminal justice system forms the foundation for economic development, social progression and human security.

ANNUAL REPORT OF 2009 - 2010

The International Centre for Criminal Law Reform and Criminal Justice Policy completed a successful programme year with particular attention focused on programmes addressing efficiencies in the criminal justice system, economic fraud and identity related crime, organized crime and corruption, corrections reform, human rights, mental health and the criminal justice system, trafficking in persons and violence against women. As in the past, we have collaborated closely with our stakeholders and partners; embarked on new initiatives, and continued to make a positive impact upon national and international efforts to reduce crime and improve justice, while respecting the fundamental principles of human rights.

I. PROMOTING EFFECTIVE COOPERATION IN TACKLING TRANSNATIONAL ORGANIZED CRIME AND CORRUPTION

Transnational organized crime and corruption are complex crimes that are increasingly difficult to detect. Criminal groups operate across sovereign borders, involving multiple jurisdictions and different judicial systems. No one single jurisdiction can act and effectively defend itself on its own. There is thus an urgent need for Canada to cooperate with other states to combat organized crime and corruption via the exchange of crime information, evidence collection, the restraint and confiscation of crime proceeds, and the return of fugitives. Such initiatives respond to the Canadian government's priority of cracking down on crime, in particular the trafficking of guns, drugs and humans.

ICCLR and UNODC, with the financial support of Canada, continued their work to develop an omnibus survey to facilitate reporting by States Parties to the **United Nations Convention against Transnational Organized Crime** and the **United Nations Convention against Corruption**. This year ICCLR focused on further supporting efforts to promote the use of the self-assessment application (software) to assist the Conference of States Parties in gathering information on the implementation of the Convention, implementation shortcomings, and technical assistance requirements, particularly with regards to the **Americas (Central America and Caribbean)**. A cross-regional Workshop to Promote the Ratification and Reporting on Implementation of the United Nations Convention against Corruption was held in Toronto, Canada from 29 September to 1 October 2009.

ICCLR assisted UNODC with the production of the *Handbook on Criminal Justice Responses to Terrorism (2009)*. The *Handbook* provides law enforcement and criminal justice officials with an accessible guide to key issues in responding to terrorism and

related crimes. The *Handbook* is also useful for policymakers and political leaders in the shaping of new or enhanced counter-terrorism laws, policies and practices.¹

In addition, ICCLR facilitated several requests for Canadian experts from UNODC's Latin America and Caribbean Region Terrorism Prevention Branch in the Division for Treaty Affairs regarding the Canadian government supported project: **Strengthening the Legal Regime Against Terrorism** in Latin America and the Caribbean. The presentations by the Canadian expert(s) focused on the Canadian experience in the investigation and prosecution of terrorist acts under the Anti-Terrorism Act, including the experience of the Integrated National Security Enforcement teams.

Responding to Canada's priority of focusing on **victims of crime**, ICCLR conducted research and developed a paper on "**Identity-Related Crime Victim Issues**" that focused on the range and typology of identity-related crime victims; relevant legal rights, and provided an inventory of best practices for victim remediation. The paper was presented to the UNODC Core Group of Experts on Identity Related Crime and circulated as a Conference Room Paper at the UN Crime Commission meeting in April 2009.

In 2009, the Government of Canada tabled a draft resolution at the UN Crime Commission on "**International cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime**" (E/CN.15/2009/L2). To assist Canada in developing support from other Member States to ensure this resolution is passed, ICCLR organized an ancillary meeting on "Prevention of Economic Fraud and Identity-related Crime" at this 18th Session of the Crime Commission. The event was organized by ICCLR in cooperation with UNODC's Corruption and Economic Crime Section, and co-sponsored by the National Institute of Justice of the United States.

II. PROTECTING VICTIMS OF CRIME, IN PARTICULAR CHILDREN

Canadian government priorities include providing safe and secure communities and emphasizing the rights of victims, including the protection of children and women. Victims are entitled to access the mechanisms of justice and to prompt redress for the harm that they have suffered. Victims should also be treated with compassion and respect for their dignity. Child victims and witnesses of crime have the right to have their best interests given primary consideration, while safeguarding the rights of an accused or convicted offender. ICCLR's proposed programmes dovetail with Canada's

¹ Handbook available at:

http://www.unodc.org/documents/terrorism/Handbook_on_Criminal_Justice_Responses_to_Terrorism_en.pdf.)

current focus on protecting victims of crime, especially those who are most vulnerable: women, children and Aboriginal people.

During this last year, the Centre helped Canada and the UNODC update the **Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice**. The updated document was reviewed by an intergovernmental expert group meeting in March 2009 in Thailand and was considered by the UN Commission on Crime Prevention and Criminal Justice at its nineteenth session in 2010.

ICCLR is assisting the Federal-Provincial-Territorial Forum of Senior Officials responsible for the Status of Women to explore **best practices to help combat human trafficking in Canada**. The project, which began in January 2010, provided recommendations to help Canada prevent vulnerable populations from being victimized by human traffickers and help protect known victims.

III. HELPING DEVELOP MORE EFFECTIVE AND FAIR JUSTICE SYSTEMS IN CANADA AND ABROAD

A fair justice system is one of the pillars of democratic society the world over. When application of the rule of law is weak, corruption flourishes. Bribery, kickbacks, bid rigging, and policy favors for family and cronies are well known in many countries with weak justice systems. Likewise, a fair and transparent justice system can prevent such abuses from occurring and hold accountable those who violate the law. Through capacity-building projects in the justice sector, ICCLR promotes the Canadian government's priority of enhancing Canadian security by promoting human rights, the rule of law and democratic reforms both within Canada and abroad. Enhancing the criminal justice systems in fragile and failed states helps to limit the opportunity and the impact of organized crime and corruption on Canadian communities.

The current government has identified Sudan as a priority country for Canadian aid. The Centre and UNODC, supported by the Government of Canada, continue to deliver a programme with the United Nations Mission in Sudan (UNMIS) and the Government of Southern Sudan to **enhance the capacity of the Southern Sudan Prisons Service (SSPS)**. This ICCLR programme aims to build the capacity of SSPS prison management to lead a process of prison reform including enhancing its capacity to respond more effectively to the needs and circumstances of children, women and other groups in prison with special needs.

ICCLR assisted UNODC to produce one of their latest products in the Criminal Justice Handbook Series: **The Handbook For Prison Leaders**. This Handbook is a basic training tool and curriculum for prison managers based on international standards and

norms. It focuses on an overview of key issues of concern to prison managers and reforms to promote as prison leaders. The Handbook supports a five-day basic training workshop for prison officials responsible for leading and managing prisons in developing or post-conflict countries.

The Centre assisted UNAIDS with the development of an options paper to examine the possible scope and methodologies, risks and benefits, challenges and opportunities with regard to the impact of **the application of criminal law in the context of HIV**. The project began during the 2009 - 2010 fiscal year and will be completed in the spring of 2010.

ICCLR organised a series of multi-agency roundtable discussions on mental health and the criminal justice system, and published **Mental Health and Substance Use Services In Correctional Settings: A Review of Minimum Standards and Best Practices**. Published in March 2009 with the support of the International Corrections Programme, this report includes a review of best-practice literature in relation to minimum standards for the provision of mental health and substance use services in correctional settings - both within Canada and internationally, particularly Australia, New Zealand, the United States, and members of the European Union. The review also includes standards for assessment and treatment services in relation to mental disorders, problem substance use, and neuro-cognitive impairments. As a helpful lead for the Canadian efforts to establish potential minimum standards, the product benefitted federal and provincial corrections. The Centre proposes to continue to work in this emerging priority area.

ICCLR prepared the report **Addressing Inefficiencies in the Criminal Justice System (2009)** for the British Columbia Criminal Justice Reform Secretariat. It examines key issues, promising practices, and possible initiatives for improving the efficiency of British Columbia's criminal justice system. The report was also used as a resource document for an FPT meeting and an annual conference of the Canadian Association of the Chiefs of Police. Addressing inefficiencies in the criminal justice system is an ongoing priority for ICCLR.

ICCLR continued to assist the **Ethiopian Ministry of Justice** in developing a draft **Criminal Justice Administration Policy** and to prepare a comprehensive review of the country's criminal procedure law.

At the end of June 2009, ICCLR members participated in UNODC's **Prisons Assessment Mission to Uganda**. The report, titled "Persisting Challenges and Emerging Strengths", made recommendations to improve the country's prison system and to address several issues relating to prison overcrowding.

IV. HELPING CANADIANS UNDERSTAND THE IMPORTANCE OF INTERNATIONAL COOPERATION AND MUTUAL ASSISTANCE IN THE FIGHT AGAINST SERIOUS CRIMES

Individual countries cannot fight many serious crimes on their own as current criminal activity is increasingly transnational. This need for cooperation is not only true for many developing countries that lack the expertise, resources, capacity and legal framework to effectively tackle serious crime, it is also true in Canada. Mutual legal assistance between countries, including via mutual legal assistance treaties, can address some of these challenges. At the same time, mutual legal assistance mechanisms can suffer difficulties such as procedural delays, lack of training and difficulties understanding differences between legal systems. Challenges to international cooperation may, however, be more systemic and require a focus on rule of law more broadly. ICCLR's work in this area seeks to overcome these challenges in accordance with the Canadian government's goal to use international cooperation to promote a safe and secure Canada and world.

ICCLR participated in the United Nations Rule of Law Indicators Experts Workshop in New York on July 7, 2009. **The United Nations Rule of Law Indicators Project** was launched in June 2008 as a joint initiative between the World Bank and nine different UN groups: the Department of Peacekeeping Operations (DPKO); the Office of the High Commissioner for Human Rights (OHCHR); the Department of Political Affairs (DPA); the Office of Legal Affairs (OLA); the Children's Fund (UNICEF), the Development Program (UNDP), the Development Fund for Women (UNIFEM), the High Commissioner for Refugees (UNHCR), the Office on Drugs and Crime (UNODC). The objective of the project is to develop indicators that can be used to identify the strengths and challenges of the rule of law sector in a given country in order to assist national authorities in their rule of law reform efforts.

UN COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

ICCLR and other members of the United Nations Crime Prevention and Criminal Justice Program Network of Institutes (PNI) organize an annual workshop for the UN Crime Commission meetings. The workshop delivers practical information related to the annual substantive theme addressed by the Commission. In 2009 ICCLR assisted with the workshop on "Strategies and best practices against overcrowding in correctional facilities" for the 18th Session of the UN Crime Commission. ICCLR presented a paper on **Prison Overcrowding and Prison Reform in Post-Conflict Societies**.

During 2009, ICCLR also assisted with the preparations for the 12th United Nations **Crime Congress**. This preparation included writing a background paper for the **workshop entitled “Strategies and Best Practices Against Overcrowding in Correctional Facilities”**; assisting with preparations for three of five Congress Workshops; contributing to preparation of the Discussion Guide on **Children, Youth and Crime**, and organizing an ancillary meeting entitled Addressing Violence Against Women: Criminal Justice and Crime Prevention Strategies.

ANNUAL SUMMER LAW PROGRAMME

The four-week Southwestern Summer Law Programme, was held in Vancouver, British Columbia in June 2009, a collaboration between the University of British Columbia (UBC) Faculty of Law, Southwestern Law School (Los Angeles, California) and ICCLR. The instruction is provided by prominent U.S. and Canadian scholars and in 2009 involved 25 Canadian and U.S. law students.

BACKGROUND

To fulfill its mandate, the Centre cooperates closely with a network of local, national and international experts including representatives from Federal and Provincial governments, the legal and academic communities, as well as other members of the United Nations Crime Prevention and Criminal Justice Network of Institutes. The Centre conducts research and policy analysis, undertakes the development and delivery of technical assistance programmes and provides public information, consultation and education relating to the fields of criminal law, criminal justice policy, human safety, human rights, restorative justice and crime prevention issues. Further, the Centre facilitates the exchange of information and expertise to support the government of British Columbia and the government of Canada in meeting their objectives in the areas of criminal justice, crime prevention, and human rights. Since 1991, the Centre has successfully delivered numerous programmes including ones addressing:

Economic Fraud and Identity Related Crime	Southern Sudan Prison Reform
Efficiency and Fairness in the Criminal Justice System	Law Enforcement and Prosecutorial Cooperation
Rule of Law and Human Rights	Human Trafficking
Anti-Corruption	Child Protection
Elimination of Violence against Women	Legal Research
Counter Terrorism	Justice and Public Security
International Criminal Court	Drugs in BC
Restorative Justice	Financial Fraud
Transnational Organized Crime	Law in a Fearful Society
Firearms Protocol	Technical Assistance
Corrections Reform	Public Outreach
International Standards and Norms in Criminal Justice	Visiting Scholars
Victims	International Lecture Series
Young Offenders	International Cooperation
Civilian Police - Peacekeeping	Marijuana Grow-Op Study
	Money Laundering

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ICCLR & CJP FREQUENTLY USED ACRONYMS

AGBC	Attorney General Department of British Columbia
AIC	Australian Institute of Criminology
APAI	Association of Paroling Authorities International
APPA	American Probation and parole Association
BC CJA	British Columbia Criminal Justice Association
CBA	Canadian Bar Association
CACP	Canadian Association of Chiefs of Police
CCIC	Canadian Council for International Cooperation
CCIL	Canadian Council International Law
CCJA	Canadian Criminal Justice Association
CESCA	Corrections Conference of Eastern, Southern and Central Africa
CIAJ	Canadian Institute for the Administration of Justice
CICC	Coalition for an International Criminal Court - NY
CICP	United Nations Centre for International Crime Prevention – Vienna
CIDA	Canadian International Development Agency
CIVPOL	Civilian Police Personnel
CCFPD	Canadian Centre for Foreign Policy Development
CNICC	Canadian Network for an International Criminal Court
CPCJD	Crime Prevention and Criminal Justice Division, United Nations at Vienna
CSC	Correctional Service of Canada
DFAIT	Department of Foreign Affairs and International Trade Canada
DOJ	Department of Justice Canada
ECOWAS	Economic Community of West African States
EU	European Union
FOCAL	Canadian Foundation for the Americas
GoSS	Government of Southern Sudan
HEUNI	European Institute for Crime Prevention and Control, affiliated with the United Nations
IAP	International Association of Prosecutors
IBCR	International Bureau Children’s Rights
ICHRDD	International Centre for Human Rights and Democratic Development (now R&D)
ICC	International Criminal Court
ICPA	International Corrections and Prisons Association
ICPC	International Centre for the Prevention of Crime - Montreal
ICRC	International Committee of the Red Cross
IIR	Institute of International Relations, University of British Columbia
ILANUD	United Nations Latin American Institute for Crime Prevention and the Treatment of Offenders
IOM	International Organization for Migration

ISRCL	International Society for the Reform of Criminal Law
ISISC	International Institute of Higher Studies in Criminal Sciences
ISPAC	International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Program
NAASS	Naif Arab Academy for Security Studies
NIJ	National Institute of Justice, USA
NJC	National Joint Committee of Senior Criminal Justice Officials, Canada
NJI	National Judicial Institute, Canada
NPB	National Parole Board of Canada
NPWJ	No Peace Without Justice
OAS	Organization of American States
OECD	Organization for Economic Cooperation and Development
OSCE	Organization for Security and Co-operation in Europe
PNI	United Nations Program Network of Institutes
PSEP	Public Safety and Emergency Preparedness Department, Canada
PGA	Parliamentarians for Global Action
PRI	Penal Reform International
RCMP	Royal Canadian Mounted Police
R & D	Rights and Democracy Institute (also known as ICHRDD) - Montreal
SFU	Simon Fraser University
SPP	Supreme People's Procuratorate - China
SSPS	South Sudan Prison Service
TACJ	Technical Assistance in the Field of Criminal Justice
TOC	Transnational Organized Crime
UBC	University of British Columbia
UFV	University of the Fraser Valley
UNAFEI	United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Japan
UNAFRI	United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, Kampala, Uganda
UNCAC	United Nations Convention against Corruption
UNDP	United Nations Development Program
UNICRI	United Nations Interregional Crime and Justice Research Institute - Turin, Italy
UNMIS	United Nations Mission in Sudan
UNODC	United Nations Office on Drugs and Crime, Vienna
UNTOC	United Nations Convention Against Transnational Organized Crime
VAW	Violence Against Women
WFM	World Federalist Movement

ACKNOWLEDGEMENTS

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DONATIONS

ICCLR is registered in both Canada and the United States as a not-for-profit organisation. It relies upon financial support from foundations, academic institutions, governments and individual donations. The Centre issues official receipts for all tax-deductible donations.

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