

## DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF CRIME AND ABUSE OF POWER

The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power resulted from international cooperation in the development of international crime policies facilitated by the United Nations. In accordance with General Assembly resolution 415 (V) of 1 December 1950, the functions of the International Penal and Penitentiary Commission (“IPPC”), an international body created to promote exchanges of views amongst experts on policies for the prevention of crime and the treatment of offenders, were transferred to the United Nations. Following this transfer, the United Nations continued the IPPC’s practice of holding international congresses. The United Nations Congresses on the Prevention of Crime and the Treatment of Offenders have been held every five years since 1955, bringing together experts from invited States, United Nations agencies, inter-governmental and non-governmental organizations and other qualified individuals from around the world to discuss and shape international policies on crime prevention and control.

Resolution 415 (V) approved a plan, prepared by the Secretary-General in consultation with the IPPC, which provided not only for the convening of quinquennial congresses, but also for the creation of an international *Ad Hoc* Advisory Committee of Experts to advise on the formulation of international programmes for study and policies for international action on crime prevention and the treatment of offenders. The *Ad Hoc* Advisory Committee of Experts was later renamed the Committee on Crime Prevention and Control (“CCPC”) (Economic and Social Council resolution 1584 (L) of 21 May 1971). At the fourth session of the CCPC, held from 21 June to 2 July 1976, several members stressed the importance of focusing on the abuses of economic and political power that victimized large numbers of people. The CCPC provisionally approved the inclusion of the proposed item “‘Gilded criminality’: offences and offenders beyond the reach of the law” on the agenda of the Sixth Congress on the Prevention of Crime and the Treatment of Offenders, reserving the right to review the exact title of the topic (CCPC Fourth Session Report, E/CN.5/536). At its fifth session, held from 5 to 16 June 1978, the CCPC approved the inclusion of the item “Crime and the Abuse of Power: Offences and Offenders Beyond the Reach of the Law?” on the provisional agenda of the Sixth Congress (CCPC Fifth Session Report, E/CN.5/558). The inclusion of this item on the provisional agenda was subsequently confirmed by the Economic and Social Council in its decision 1980/106 of 6 February 1980.

The Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders was held in Caracas, from 25 August to 5 September 1980. A resolution recommending actions to prevent, prosecute and control abuses of economic and political power, including that the United Nations should continue its present work on the development of guidelines and standards in this area, was adopted by the Sixth Congress (Report of the Sixth Congress, Resolution 7, A/CONF.87/14/Rev.1).

At its sixth session, held from 8 to 12 September 1980, the CCPC suggested that the agenda items for the Seventh Congress on the Prevention of Crime and Treatment of Offenders should relate to the resolutions and recommendations of the Sixth Congress and that areas that had not yet received sufficient attention should be dealt with, such as the compensation of victims, especially victims of the abuse of power (CCPC Sixth Session Report, E/1980/112).

The CCPC discussed possible agenda items for the Seventh Congress at its seventh session, held from 15 to 24 March 1982 (CCPC Seventh Session Report, E/CN.5/1983/2). A note prepared by the United Nations Secretariat, and submitted to the CCPC for consideration at its seventh session, proposed the inclusion of the agenda item “Victims and victimizers: abuse of power, justice and redress” (E/AC.57/1982/3 and Corr.1). The CCPC decided that the Seventh Congress should concentrate on ways

of providing effective redress to victims of illegal abuses of power, as well as of traditional crimes. The CCPC adopted a draft resolution, as orally amended, in which it recommended to the Economic and Social Council, through the Commission for Social Development, that the item “Victims of crime” be included on the provisional agenda of the Seventh Congress. The Economic and Social Council subsequently approved the inclusion of this item in its resolution 1982/29 of 4 May 1982.

Five regional preparatory meetings to discuss and develop the items on the provisional agenda were held in the lead up to the Seventh Congress. These regional preparatory meetings were held in: Sofia, from 6 to 10 June 1983; Bangkok, from 4 to 8 July 1983; San José, from 10 to 14 October 1983; Addis Ababa, from 28 November to 2 December 1983; and Baghdad, from 12 to 16 December 1983 (Reports of the Regional Preparatory Meetings, A/CONF./121/RPM/1 and Corr.1, A/CONF./121/RPM/2 and Corr.1 and A/CONF./121/RPM/3-5).

The Secretary-General prepared three reports relating to abuses of power for consideration by the CCPC at its eighth session, held from 21 to 30 March 1984, in accordance with the resolution of the Sixth Congress on the abuse of power: “Legislative provisions against abuses of power and measures used for their prevention and control” (E/AC.57/1984/12); “Patterns, trends, dynamics and impact of criminal acts involving abuses of power, and the typology of offenders and victims” (E/AC.57/1984/13); and “Guidelines for measures on behalf of victims of crime and abuses of power” which included as an annex a “Draft Declaration on the Rights of Victims of Crimes or Other Illegal Acts involving the Abuse of Power” (E/AC.57/1984/14). This draft declaration was prepared by an informal working group of experts and took into account the outcomes of each of the regional preparatory meetings, as well as meetings of non-governmental organizations, submissions of Governments, comments of the CCPC, United Nations consultants and other experts. In addition to regional preparatory meetings, an interregional meeting of experts was to be held to consider each item on the provisional agenda in advance of the Seventh Congress. The CCPC recommended that the relevant interregional meeting of experts build on the reports of the Secretary-General and prepare a final text of a draft declaration on victims of crime and of abuses of power for submission to the Seventh Congress (CCPC Eighth Session Report, resolution 8/1, E/1984/16).

The Interregional Preparatory Meeting of Experts that was charged with considering the provisional agenda item “Victims of crime” was held in Ottawa, from 9 to 13 July 1984. The Meeting of Experts was attended by a number of experts from around the world, as well as various observer delegations. A drafting group was established by the Meeting of Experts to prepare a declaration on victims of crime and abuses of power, using the draft declaration annexed to the report of the Secretary-General (E/AC.57/1984/14) and other relevant texts as a basis for their drafting, in accordance with the recommendations of the CCPC (Report of the Meeting of Experts, A/CONF.121/IPM/4 and Corr. 1). At its final plenary session on 13 July 1984, the Meeting of Experts provisionally adopted a draft “Resolution on Justice and Assistance for Victims” and a draft “Declaration on Justice and Assistance for Victims” (A/CONF.121/IPM/4, Annex I). In accordance with the mandate given to it by the Meeting of Experts (A/CONF.121/IPM/4, paragraph 77), the provisional draft resolution and draft declaration were consolidated and revised by the United Nations Secretariat (A/CONF.121/IPM.4/Add.1).

The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders was held in Milan, Italy, from 26 August to 6 September 1985. The Seventh Congress was attended by 125 participating States, as well as a number of observer delegations from United Nations organs, intergovernmental organizations and non-governmental organizations. Committee II, a sub-committee of the Seventh Congress, was charged with considering the agenda topic “Victims of crime” in accordance with Economic and Social Council resolution 1984/45. Committee II considered a number of reports submitted to the Seventh Congress by the Secretariat under this agenda item. Two of these reports included draft texts of a declaration. The

first text was the consolidated and revised draft “Declaration on Justice and Assistance for Victims of Crimes or Other Acts Involving the Abuse of Power” contained in the addendum to the Report of the Ottawa Meeting of Experts (A/CONF.121/IPM.4/Add.1). The second text was annexed to a working paper on victims of crime prepared by the Secretariat entitled “Main Principles of Justice and Assistance for Victims of Crime” (A/CONF.121/6 and Corr.1). A draft resolution introducing the text of a draft declaration was submitted to Committee II by 19 sponsoring States. This draft resolution incorporated and consolidated a number of proposals and draft resolutions submitted during the deliberations of Committee II. On 5 September 1985, Committee II adopted this draft resolution, as orally amended, which was entitled “Draft Declaration of Basic Principles of Justice: A. Relating to victims of crime, and B. Relating to victims of abuse of power”, and recommended it to the Seventh Congress for adoption. The Seventh Congress, at its plenary meeting on 6 September 1985, decided to recommend that the General Assembly should adopt the draft resolution and draft declaration (Report of the Seventh Congress, A/CONF.121/22/Rev.1).

At its fortieth session, in 1985, the General Assembly decided to allocate consideration of the Report of the Seventh Congress, including the draft resolutions recommended by the Seventh Congress, to its Third Committee. The draft resolution entitled “Declaration of Basic Principles of Justice: (a) relating to victims of crime, and (b) relating to victims of abuse of power” (A/C.3/40/L.21) was adopted by the Third Committee without a vote on 11 November 1985. The Third Committee recommended the draft resolution, with the revised title “Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power”, for adoption by the General Assembly (Report of the Third Committee, A/40/881). The General Assembly adopted resolution 40/34, without a vote, on 29 November 1985.