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**INTERNATIONAL CENTRE FOR  
CRIMINAL LAW REFORM AND  
CRIMINAL JUSTICE POLICY**

**Annual Report  
2003 - 2004**



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# INTERNATIONAL CENTRE FOR CRIMINAL LAW REFORM AND CRIMINAL JUSTICE POLICY

## OBJECTIVES

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

## PROGRAMME FOCUS

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- I. International Criminal Law
- II. Protection of Human Rights through Criminal Law in National Systems
- III. Criminal Law Responses to Emerging Threats to Human Security
- IV. Institutional Responsibilities

## BACKGROUND

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The International Centre for Criminal Law Reform and Criminal Justice Policy was established in Vancouver, British Columbia, Canada in 1991 at the initiative of the Canadian government. Its founding partners are the University of British Columbia, Simon Fraser University and the International Society for the Reform of Criminal Law. Affiliated with the United Nations it is one of two interregional institutes in the United Nations Crime Prevention and Criminal Justice Programme. The *Centre's* mission is to promote the rule of law, human rights, democracy and good governance. It fulfils its purpose by contributing to local, national and international efforts to support law reform initiatives and to improve the administration of criminal justice. The *Centre*, as outlined in the Canada - United Nations Agreement, supports and contributes to the

policies, and activities of the United Nations Crime Prevention and Criminal Justice Programme, and assists with the achievement of Canadian Foreign Policy objectives.

The *International Centre* conducts research and policy analysis, undertakes the development and delivery of technical assistance programs and provides public information, consultation and education relating to the international field of criminal law, criminal justice policy and crime prevention issues. Further, the *Centre* facilitates the exchange of information and expertise to support the government of Canada in both its national and foreign policy objectives in the areas of crime prevention, criminal justice and human rights.

## **GOVERNANCE AND FINANCIAL SUPPORT**

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A Board of Directors consisting of two representatives of the University of British Columbia, Simon Fraser University and the International Society for the Reform of Criminal Law, and one representative each from the Department of Justice Canada, the Department of Public Safety and Emergency Preparedness, the Ministry of the Attorney General of British Columbia, Foreign Affairs Canada, the Chief Executive Officer of the Centre, and ex-officio the Officer in Charge, United Nations Centre for International Crime Prevention, governs the *Centre*. The *Centre* is managed by the Chief Executive Officer.

The *Centre* is supported in part from the endowment funds established by the British Columbia Law Foundation, the Ontario Law Foundation and the Vancouver Foundation. In addition, the Government of Canada through the Departments of Justice and Public Safety and Emergency Preparedness, the Government of British Columbia through the Ministry of the Attorney General, the University of British Columbia and the International Society for the Reform of Criminal Law provide financial assistance.

The *International Centre's* Programme of Work was presented and approved by the Board of Directors for fiscal year period of April 1, 2003 to March 31, 2004. This narrative report outlines the activities, achievement and accomplishments of the *International Centre* as planned in the Program of Work for 2003-2004. The *Centre* makes arrangements annually for an external audit to ensure that the *Centre* has fulfilled its reporting and audit responsibilities in accordance with the Guidelines of the Treasury Board of Canada and the British Columbia Societies Act.

## MAIN ACTIVITIES 2003-2004

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### I INTERNATIONAL CRIMINAL LAW

- **Supporting the Creation of an International Criminal Court**

The *International Centre* continues to support the efforts of the International Criminal Court. As part of Canada's *International Criminal Court Campaign* of the Human Security Program of Foreign Affairs Canada, which provides funding to promote the ratification and implementation of the Rome Statute of the International Criminal Court, the Centre delivered a project of country-specific assistance. The International Criminal Court is a permanent court with jurisdiction to try individuals for the most horrific of crimes: genocide, crimes against humanity and war crimes. The Project brought together national, regional and international ICC activists and experts with government officials to promote the ratification and implementation of the Rome Statute in Gabon and Jamaica. Although current funding support is for work during 2003 - 2004 the *Centre* plans to continue to be active and supportive of the Court on an on-going basis.

In addition, the *Centre*, in collaboration with the Global Justice Program of the Liu Centre for the Study of Global Issues collaborated on a project to provide direct assistance to the ICC to develop an operational guide for the Victims and Witnesses Unit of the Court. This current project receives financial support from the MacArthur Foundation and will be completed by the end of the 2004.

- **Links Between Terrorism and Organised Crime**

The *International Centre* produced a review of available information on the link between terrorist activities, and organised crime, money laundering, and trafficking in firearms, drugs and other illicit commodities. The *Centre* conducted the study and produced the analysis for consideration by the UN Commission during its 13th session in May 2004. The examination of linkages between terrorism and criminal activities is critical to the fight against terrorism. This examination was designed to enhance the ability of people and communities to be provided with good governance and freedom from fear. The absence of public safety in any part of the world can undermine the human security of its neighbours. At the 12th session (Vienna, May 2003) the United Nations Commission on Crime Prevention and Criminal Justice considered the need to strengthen international cooperation and technical assistance in preventing and combating terrorism through the examination of these linkages.

- **Compendium of Legal Instruments and Technical Assistance Tools to Prevent Terrorism and Other Forms of Crime**

In collaboration with the United Nations Office on Drugs and Crime, the *Centre* participated in the new Global Programme against Terrorism. The Centre compiled a compendium of the legal instruments and technical assistance tools to prevent and combat terrorism and other forms of crime. The compendium was presented at the 13<sup>th</sup> UN Commission in May 2004 and is posted on the Centre's website: [www.icclr.law.ubc.ca](http://www.icclr.law.ubc.ca)

## **II PROTECTION OF HUMAN RIGHTS THROUGH CRIMINAL LAW IN NATIONAL SYSTEMS**

### **CRIMINAL JUSTICE POLICY DEVELOPMENT**

- **Restorative Justice**

In support of the UN resolution entitled "Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice" recommended for adoption of the General Assembly by the Commission on Crime Prevention and Criminal Justice at its Twelfth session (May 2003) the *Centre* with the support of the Government of Canada will assist with the preparation of the Eleventh United Nations Congress Workshop entitled "Enhancing Criminal Justice Reform, Including Restorative Justice" to be implemented in April 2005 in Bangkok, Thailand.

- **Alternatives to Incarceration**

Overcrowding in prisons, is one of the most severe and critical challenges faced by correctional jurisdictions world-wide, particularly in developing countries. Through the provision of information, organisation of meetings and seminars, and various projects, the *Centre* continued to promote the use alternative measures and influence policy development aimed at encouraging rational sentencing policies and reducing unnecessary prison populations.

## TECHNICAL ASSISTANCE

- **Corrections**

Through its ongoing program of work in the area of corrections, developed in partnership with the Correctional Service of Canada, the *Centre* promotes 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. Activities included the provision of technical assistance to policy development, information exchange and training. Resource mobilization to carry out these activities remains fundamental to the program.

Activities were focussed, although not exclusively, in China, Africa and the Caribbean. In Africa, seminars and training activities were carried out in conjunction with the Central Eastern and Southern Africa Association of Correctional Administrators (CESCA), thus expanding the network of organisations benefiting from these programs. Activities were also implemented in conjunction with the Program Network of Institutes (PNI), University of South Africa (UNISA) and the International Corrections and Prisons Association. The *Centre's* recently published manual, "*International Prison Policy Development Instrument*" remains central to the provision of technical assistance in the area of policy development.

## CHINA

- **Canada-China Procuratorate Reform and Co-operation Project**

The *International Centre*, in collaboration with Geospatial International Inc. (Salasan Operating Division) began a four-year program in China with support from the Canadian International Development Agency. The Project's goal is to increase China's capacity to improve human rights, good governance and democratic development processes. The purpose of the project is to support the Supreme People's Procuratorate reform program by enhancing:

- the procuratorate's ability to more effectively understand and exercise its constitutional role in protecting citizen's rights;
- implementing and enforcing due process in the criminal prosecution system;
- the development and implementation of new laws and policies; and,
- the capacities of prosecutors' legal and professional responsibilities.

The overarching intent of the Project is to support China's efforts to gain knowledge of, and to adopt, international legal standards and practices, thereby promoting good governance and the reform of the legal system in China.

- **Implementing International Standards in Criminal Justice in China**

The *International Centre* has begun a comprehensive five-year programme, working with three Chinese partners in their efforts to implement international standards in criminal law and criminal justice reform in China. The goal of the programme is to facilitate the sharing of Canadian and international expertise in order to promote and strengthen the rule of law, human rights and good governance in China. This will be accomplished through the reform of criminal procedures, substantive criminal law, the administration of criminal justice, including corrections, in accordance with well-established international standards. The programme will operate from February 2003 to December 2007.

#### **MONITORING AND ASSISTING THE IMPLEMENTATION OF INTERNATIONAL CONVENTIONS AND HUMAN RIGHTS INSTRUMENTS**

As an inter-regional UN institute, the *Centre* continued to respond, where possible, to the on-going requests for technical assistance as they meet the priorities of Canada and the UN Crime Prevention and Criminal Justice Programme. In particular the *Centre* contributed to the programmes of work supporting the "Plans of Action for the Implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-First Century" and efforts to support the early ratification and implementation of the Convention against Transnational Organised Crime and Protocols thereto.

The *Centre* is working with Canada and the UN to promote the prompt ratification and implementation of the Convention against Transnational Organised Crime. Part of the program of work involved the development of a Guide to the Legislative Reforms required to bring national legislation into compliance with the requirements of the *United Nations Convention against Transnational Organised Crime*. All of the guides were incorporated into one instrument, completed in September 2003. The resulting comprehensive legislative guide will then be translated into the official languages of the UN, published and distributed. The *Centre* plans to continue to support Canada and collaborate with the UN Centre for International Crime Prevention to provide technical assistance on the implementation of the Convention.



### **III CRIMINAL LAW RESPONSES TO EMERGING THREATS TO HUMAN SECURITY**

- **Policy and Program Development Initiative in the Caribbean**

The *Centre* began a study of recent plans, strategies, development and technical assistance activities in the justice and public security sectors in eight countries in the Caribbean for the Canadian International Development Agency (CIDA). The study includes a review of initiatives taken at the national, sub-regional and regional levels by governments and organisations and recommends areas for future CIDA involvement. This report will be completed in the fall of 2004.

### **IV INSTITUTIONAL RESPONSIBILITIES**

- **Foreign Affairs Canada Annual Lecture Series**

The *International Centre*, with endowment funds from the Department of Foreign Affairs and the Vancouver Foundation invited two lecturers of international stature to present their recent work to students, the legal community and the general public in Vancouver. Dr. David W. Garland, Arthur T. Vanderbilt Professor of Law and Professor of Sociology, at New York University presented two lectures "The Culture of Control: American Penalty in a Sociological Perspective" and "The Transformation of Criminal Justice". Dr. Timothy McCormack, Foundation Australian Red Cross Professor at the University of Melbourne gave a lecture on "International Law and the Slobodan Milosovic Trial".

- **Thirteenth UN Commission on Crime and Crime Prevention 2004**

The *Centre* was asked by the Program Network of Institutes and the UN Office on Drugs and Crime to organise a workshop entitled "The Rule of Law and Development" as part of the UN Commission in May 2004 involving presentations by international experts representing all of the UN regions. Presentations will be made by representatives of donor agencies, recipient countries, non-governmental organisations and academic institutions.

- **Eleventh UN Congress on Crime Prevention and Criminal Justice 2005**

The Eleventh United Nations Congress on the Prevention of Crime is to be held in Bangkok from 18 to 25 April 2005. The Commission recommended that the Congress discussions include five main subjects: effective measures to combat transnational organised crime; international co-operation against terrorism and

other criminal activities; corruption; economic and financial crimes; and making standards work in crime prevention and criminal justice. Other topics to be addressed at Congress workshops include law enforcement co-operation; enhancing criminal justice reform, including restorative justice; strategies and best practices for crime prevention, in particular in relation to urban crime and youth at risk; and measures to combat computer-related crime.

Member States, intergovernmental and non-governmental organisations and other relevant entities were, in the draft resolution, invited to provide financial, organisational and technical support to the CICP and to the institutes of the United Nations Crime Prevention and Criminal Justice Programme network for the preparations for the workshops, including the preparation of a discussion guide and circulation of relevant background material. The *Centre* plans to support and attend the Congress in 2005 and in particular to play a leading role in relation to the organisation of the workshop entitled "Enhancing Criminal Justice Reform, Including Restorative Justice." The *Centre* participated in the Asia Regional Preparatory Meeting for the 11<sup>th</sup> UN Congress in March-April 2004.

## **PUBLIC AND PROFESSIONAL EDUCATION AND INFORMATION**

### **Southwestern University School of Law Summer Law Program**

In collaboration with Southwestern University School of Law and the University of British Columbia Faculty of Law the *Centre* co-ordinates an annual Summer Law Program in Vancouver. The program draws upon the collegial relationships between the *Centre*, the University of British Columbia Faculty of Law and Southwestern School of Law, offering a variety of academic and social experiences through:

- Courses on U.S., Canadian and international criminal law and trade law
- Instruction provided by U.S. and Canadian faculty with extensive international experience
- Guest lectures by leading members of the Canadian bench and bar
- Field excursions to courts and other legal facilities and agencies.

### **Public and Professional Education and Information Activities**

The *Centre* continues to bring an international perspective to its local, regional and national partners on matters and priorities related to crime prevention, criminal justice and human rights. The *Centre* organised and participated in seminars and expert meetings related to the identified priorities of the United Nations Crime Prevention and Criminal Justice Programme and national and

foreign policy objectives of the government of Canada in the areas of crime prevention, criminal justice and human rights.

The *Centre* provided consistent, professional communications through research activities, the production and distribution of publications, reports, newsletters, and informational packages on projects and programs, work plans and reports. The *Centre* continues to use its website to assist and contribute to the global exchange of information on criminal justice and human rights. In addition, the *Centre* makes an effort to collect, distribute and disseminate information at national and international fora.

The on-going responsibilities, events and activities of the *Centre* function independently of its programs and projects. As an interregional institute of the United Nations Crime Prevention and Criminal Justice Programme, the *Centre* acts as a link to the UN Crime Prevention and Criminal Justice Programme, the network of institutes as well as a number of other international bodies. The *Centre* makes every effort to serve Canada as a conduit for information about the country's obligations under international instruments and the impact of international developments on the administration of justice both at the federal and provincial levels.

The *Centre* carries out a number of activities and commitments on an annual basis, including:

- Assisting and responding to requests for technical assistance
- Conducting research
- Supporting and contributing to the annual meetings of the United Nations Commission on Crime Prevention and Criminal Justice
- Participating in the meetings of the institutes comprising the UN Crime Prevention and Criminal Justice Programme as well as the Ad Hoc Committees of the Commission
- Supporting and contributing to local and national working meetings on criminal justice policy and the administration of justice
- Maintaining an on-going visiting scholars and researchers program
- Project/program development and proposal writing
- Program/project management, including assisting with project implementation and on-going activities
- Supporting and contributing to the annual conferences of the International Society for the Reform of Criminal Law and the International Association of Prosecutors.

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## DONATIONS

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



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