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INTERNATIONAL CENTRE FOR CRIMINAL LAW REFORM AND CRIMINAL JUSTICE POLICY

Annual Report 2007 - 2008 & Programme of Work 2008 – 2009

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

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ABOUT ICCLR

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 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 human rights, the rule of law, human security, democracy and good governance in criminal law and the administration of criminal law, domestically, regionally and globally. Respect for human dignity, justice fairness, equity, and institutional accountability are principles that guide ICCLR’s work. In emphasizing the role of criminal law and the importance of criminal justice reform as essential means of promulgating these principles, ICCLR strives to give these values practical expression in the face of challenges confronted by people of all countries due to national and transnational crime. The underlying premise of ICCLR’s efforts is that fair, responsible, ethical and efficient criminal justice forms the foundation for economic development, social progression and human security.

The Centre participates in criminal law reform and criminal justice policy processes in a variety of ways. The primary role of ICCLR is to provide advice, information, research and proposals for policy development and legislation. Public engagement and expert consultation are key components of the process and as such, ICCLR organizes and coordinates fora for all stakeholders to explore pertinent issues. The Centre is also actively involved in education and training initiatives. Furthermore, when requested, ICCLR provides technical assistance to governments and non-governmental actors. In order to fulfill its mandate, the Centre cooperates closely with other members of the United Nations Crime Prevention and Criminal Justice Network of Institutes, as well as federal and provincial governments.

ICCLR PROGRAMMES

In supporting international objectives and Canada's foreign policy as they relate to the promotion of good governance, rule of law, human rights, democracy, peace and security, the Centre's progressive programmes reflect respect for the rule of law and international standards and norms. ICCLR initiatives mirror many of the priorities identified within UNODC's recently announced medium-term strategy (2008-2011) that is designed to enhance the international community's response to the rising challenges of drugs, crime and terrorism. With the aim of achieving security and justice for all people, the UN strategy sets out tangible goals within three main themes: rule of law; policy and trend analysis; and human security. ICCLR programmes are developed from an assessed need by Canada and the international community, or as requested from particular countries or organizations. The work implements clear objectives through a prescribed course of action, often in partnership with government or non-governmental bodies. Some projects are short-term, discrete undertakings, while other programmes span several years.

The Centre's activities throughout 2007-2008 were concentrated in several main areas of criminal law and criminal justice reform, and are represented accordingly in this Report:

1) Human Rights and the Rule of Law; 2) Justice and Prison Reform; 3) Transnational Crime; 4) Criminal Law and Criminal Justice in the People's Republic of China; and 5) Restorative Justice.

PROGRAMME HIGHLIGHTS 2007 - 2008

I. HUMAN RIGHTS AND THE RULE OF LAW

Although there are many different conceptions of the rule of law, it undoubtedly embodies access to justice, democratic principles and international human rights norms. Human rights and the rule of law are inextricably linked. The rule of law does not exist without respect for human rights. Human rights protection requires the rule of law. It is up to each of us to live according to the core values underlying the rule of law and human rights as expressed in the 1948 Universal Declaration for Human Rights: inherent human dignity, non-discrimination, equality, fairness and universality.

THE INTERNATIONAL CRIMINAL COURT

The International Centre for Criminal Law Reform and Criminal Justice Policy with support from the Department of Foreign Affairs Canada continues its activities in support of the ICC. The 2007 – 2008 programme was designed around two main activities.

(1) In cooperation with the Centre, with the Research College of Criminal Jurisprudence of the Beijing Normal University (RCCJ) organize an intensive 2 day results based seminar in, China, which would focus on responding to the particular concerns identified by the Government of China on the issue of ratification and implementation of the Rome Statute.

On March 28 and 29, 2008, lectures were held in Beijing and Tianjin, China, where extensive presentations by Canadian and Chinese experts facilitated progressive dialogue and debate on the accession to the Rome Statute in China. The presentations assisted the efforts to inform and clarify ICC procedures and emphasize the importance of the ICC in international matters.

(2) The Centre simultaneously engaged in the research and an update of the *International Criminal Court - Manual for the Ratification and Implementation of the Rome Statute. Second Edition*. The overall objective of this manual is to sustain and expand upon the emerging awareness and support for the ICC. The 3rd edition of the manual is now available in hard and “e” copies.

The programme was successfully delivered between October 2007 and 31 March 2008.

With the tenth anniversary of the adoption of the Rome Statute establishing the ICC approaching on July 17, 2008, this notable milestone provides an opportunity to look back upon some extraordinary achievements of the ICC throughout its first ten years and contemplate its way forward. As of October 17, 2007, 105 countries were States Parties to the Rome Statute. Currently, the Court’s Prosecutor is investigating four situations where mass atrocities and abuses have taken place: the Democratic Republic of the Congo, Northern Uganda, the Central African Republic and Darfur, Sudan. Numerous arrest warrants have resulted from these investigations – some of which have been enforced and some of which are still outstanding. The Court has been operational for over five years and the first trial was scheduled to begin March 31, 2008.

At a G8 Foreign Ministers Meeting in Potsdam, May 2007, the attendees reaffirmed that the rule of law is among the core principles on which they build their partnership and their efforts to promote lasting peace, security, democracy and human rights as well as sustainable development worldwide. Given the global deficit in respect of rule of law and the vast influence and resources available for mobilization by the G8 States, these wealthy nations bear responsibility to strengthen the rule of law throughout the world. In an effort to determine common ground, identify gaps and ascertain a more united approach to

supporting the rule of law both domestically and internationally, the G8 States convened a technical experts meeting November 2007 in Berlin. The meeting included non-state actors and representatives of the UN, development banks, regional organizations as well as non-G8 countries interested in cooperating with the G8 on the promotion of the rule of law. A representative of ICCLR, with support from Foreign Affairs Canada, participated in the productive sessions on topics such as: rule of law – the prerequisite for peace, economic development and stability; the rule of law and the economy – the prerequisite for sustainable economic development and international cooperation; rule of law requirements in the civil society of the 21st century; rule of law requirements vis-à-vis the legislative process as well as the administration and oversight of the executive; and, the role of the rule of law in conflict prevention and post-conflict societies, including transitional justice.

II. JUSTICE AND PRISON REFORM

Ensuring the protection of human rights through fair and effective criminal justice systems creates the foundation for combating crime and building societies based on the rule of law. UN Secretary General Kofi Annan wrote in his 2004 report to the Security Council that “a common language of justice...[c]oncepts such as justice, the rule of law, and transitional justice are essential to understanding the international community’s efforts to enhance human rights, protect persons from fear and want, address property disputes, encourage economic development, promote accountable governance and peacefully resolve conflict...To work together in this field, a common understanding of key concepts is essential.” Although there is consensus support for principles such as good governance, right to fair and expeditious justice, transparency, accountability and democratic input, there is no unitary approach to furthering these objectives. Thus, collaboration and information exchange among states is an invaluable tool in the progressive evolution of international criminal justice.

CRIMINAL JUSTICE EDUCATION

Members of the United Nations Crime Prevention and Criminal Justice Programme Network of Institutes, including ICCLR, partnered to contribute an anthology to the development of a comprehensive and common language of international criminal justice. The book consists of 21 contributions from 26 authors. Published in February 2008 by the Korean Institute of Criminology and the European Institute for Crime Prevention and Control (HEUNI), the work is entitled “For the Rule of Law: Criminal Justice and Training Across the World”. ICCLR was pleased to provide a chapter on “Training and Effective Support of Comprehensive Justice and Security Reforms: Outcomes to Date and Lessons Learned” to this laudable endeavour. The book will be officially launched in New York at the offices of the United Nations University.

UNODC PRISON MANUAL

The manner in which societies treat those who have been deprived of their liberty serves as a litmus test of commitment to human rights, good governance and the rule of law. The development of a sound operation prison administration structure is an essential first step to improving prison conditions in a particular country. There are numerous international treaties and standards providing guidance to prison services across the world. ICCLR, in partnership with UNODC, utilized these internationally accepted criminal justice and human rights standards as a foundation in preparing a draft manual on prison management. The manual is expected to be published by UNODC later this year.

INTERNATIONAL CORRECTIONS PROGRAMME

The worldwide need for action to bring about reform in the administration of justice, particularly in the field of corrections, is recognized more and more, and particularly on the agenda of UN Crime Prevention and Criminal Justice Programme. Since its establishment, ICCLR has been involved in a collaborative programme of work with the Correctional Service of Canada (“CSC”) to promote correctional reform at the international level. Regular contributions are also made by the Government of Canada National Parole Board. Through this program the Centre and its partners promote 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. The emphasis is on the provision of technical assistance to countries who request it.

The Centre’s current programme of work in the area of sentencing and corrections reflects the priorities identified through a series of national and international consultations. Priorities for technical assistance were shown to include staff development and training, management training, policy development, bail and/or pre-trial detention reform, conditions of youth in detention, community corrections and the promotion interagency cooperation. The most significant issue is that of overcrowded prisons, especially in developing countries where conditions are often such that the most basic human needs of prisoners cannot be met. In this regard, ICCLR has provided sustained, expertise and assistance to several countries in order to assist them in facing these challenges. The 2007 – 2008 the programme included activities and programmes in/with China, Southern Sudan, Kenya, Zambia and Uganda. In addition, with support from the Department of Public Safety Canada the Centre undertook an International Review of Suspension, Recall and Revocation

Corrections in the People’s Republic of China

The China Corrections Programme was an integral part of the Implementing International Standards in Criminal Justice in China Programme, a four year cooperative programme

funded by the Canadian International Development Agency. ICCLR and the China Prison Society (CPS) continued to work together on the basis of a good working partnership built during Phase II of the Canada-China Criminal Law and Criminal Justice Cooperation Program (1998-2002). The Phase II project introduced the general concepts and the basic legal and policy framework of Canada's correctional services into China, including basic information on the federal and provincial institutional services and on the operation of community corrections. Since the launch of the IISCJP in 2003, based on a request of the CPS board of directors, the work of priority in Project C has been focused on issues in the operation of community corrections and the introduction of offender risk assessment tools. Although some delays were caused because of an internal transition of the CPS board in 2006, the organization has been active in giving its support to the Ministry of Justice's priority initiative of expanding the community corrections program into 18 provinces. One of the key challenges to the continuing expansion is the lack of reliable tools to assess and manage the risks of offenders, especially those of the relatively high risk offenders who are apparently excluded from the pilot projects in China.

In the meantime, pilot projects have been launched to improve prison administration throughout the country, with sites in both most-developed Shanghai and least-developed Jiangxi. The subject matters touched upon by the CPS over the past four-and-half years were also expanding and now include work on the introduction of a more transparent, fair and humane administration and correctional programming in the form of open days for public visitations, the participation of the public and inmates in prison management, the development of new regulations regarding prison guards, increased inmate access to telephones, legal aid for prisoners, inmate access to lawyers, better correctional programs, the implementation of new complaint systems and counseling services, and the preparation of amendments to the Prison Law and related regulations. In this respect, it would be interesting to see what international assistance can be given in the near future, since most international donors have chosen to stay away or maintain a distance from this part of the Chinese justice reforms.

African Community Corrections

In partnership with UNODC and the UN African Institute for the Prevention of Crime and the Treatment of Offenders ("UNAFRI"), ICCLR and CSC provided technical assistance workshops on probation and parole to correctional personnel in Uganda, Kenya and Zambia. This training initiative was developed in response to requests from these African nations for support in training prison officials and penal policy makers. Prison visits, along with the three multi-day workshops, emphasized an interactive, value-based, human rights approach to non-custodial measures. The sessions encouraged the participants to work together to identify challenges within their penal system, compare their respective approaches and strategies, discuss the relevance of international standards and generate improved system wide criminal justice planning. [The following issues were addressed: 1) An overview of UN Standard Minimum Rules, Regional Instruments and the Criminal

Justice System; 2) “Front End” Alternatives to Imprisonment; 3) International Overview of Probation Practices and Services; 4) Role of the Prison in the Return of the Offender to the Community; 5) Offender Conditional Release Models and Parole Board Decision Making; 6) International Overview of Parole Practices, Services and Inter-agency Cooperation; 7) Role of Programming and Treatment in Custodial and Community Settings; and 8) Role of the Community, Volunteers and Ex Offenders in the Resettlement and Reintegration of Offenders – the Canadian and International Experience.] A training manual on various aspects of probation, parole and community corrections was prepared for each country workshop. Participants were given opportunities to provide feedback on the manual which will be incorporated into a unitary final version to be produced by UNAFRI, with assistance from CSC and ICCLR. Feedback from the project has been extremely positive. The workshops garnered prominent media attention in the respective countries and participants expressed gratitude for the informative technical assistance.

International Review of Suspension, Recall and Revocation

The main objective of the study is to produce an empirically-based description of the parole supervision process in selected jurisdictions, with a focus on the enforcement of parole (conditional release) conditions and the decisions made leading to parole suspension, revocation or recall. A secondary objective of the study is to produce an inventory of measures adopted in these same jurisdictions to improve the quality of parole supervision. During 2007-2008, ICCLR undertook a study on parole supervision processes and practices in selected jurisdictions with relatively similar correctional systems and paroling authorities to that which currently exists in Canada. 14 agencies from seven countries on four continents have agreed to take part in the project. The study focuses on the enforcement of parole (conditional release) conditions and the decisions made in leading to parole suspension, revocation or recall. A review of relevant literature has been conducted and distributed to the participating jurisdictions along with a questionnaire designed to elicit detailed information on their respective conditional release systems. Once compiled, the results will be presented in a comparative report expected April 2008. Discussions on the study’s progress will take place at an expert group meeting held in Vancouver, May 1-2, 2008. Findings from the meeting will then be incorporated into a final report comprised of the literature review, the analytical comparative report and group meeting inputs, along with an inventory of measures adopted in the various jurisdictions to improve the quality of parole supervision.

SUDAN PRISON REFORM PROJECT

A specific need has been identified by the Government of Southern Sudan (GoSS) for assistance in building the capacity of prison management to lead the process of prison reform; including enhancing the capacity of the Southern Sudan Prisons Service (SSPS) to

respond more effectively to the needs and circumstances of children, women and other groups in prison with special needs. The Southern Sudan Prison Reform Project is building the capacity of the Prisons Service as a whole to respond more effectively to the needs and circumstances of those groups within the prison population with special needs.

In January 2005, after over two decades of civil war, the region of Southern Sudan was granted autonomy by the Government of Sudan through the Comprehensive Peace Agreement. Because of this lengthy struggle, the Prison Service has all but been destroyed by war. Very few prison facilities have survived the impact of the war and the service itself is largely newly constituted. Prison personnel consist largely of demobilized soldiers and officers who require training and support. The legal framework is under review and prison policies and regulations require a complete revision based on the objectives of the SSPS and relevant international human rights and criminal justice standards.

Beginning in December 2007, the ICCLR, in close collaboration with its partners, the United Nations Office on Drugs and Crime (UNODC), the United Nations Mission in Sudan (UNMIS), and the Government of Southern Sudan (GoSS); and with the support of the Department of Foreign Affairs and International Trade Canada; embarked on an ambitious correctional capacity development program in Southern Sudan. The project is designed around a three-pronged approach to support the prison reform process and help meet three of the major prerequisites of sustainable change:

- I. **Building leadership capacity within the prison service:** The project builds on the initial management and human rights training offered to prison managers in February 2007. This includes a number of elements such as training on information management and planning for selected prison staff at the Service's headquarters. Further training for prison managers is also a key requirement to ensure that a new generation of leadership is exposed to international prison standards and professional corrections management practices, particularly with respect to the management of prisoners with special needs.
- II. **Developing information management capacity:** The Prison Service currently functions without reliable information on the prison population it manages. Prison registries and filing systems are inadequate and stand in the way of implementing better management practices. The project will focus on conducting a census of the current prison population and developing a snapshot, or profile of the prison population, its characteristics, and the needs of offenders. The results of this census will help identify the groups in prison who have special needs, develop strategies to address those needs, as well as serve as a basis for strategic planning and management training.
- III. **A strong locally-owned and comprehensive legislative and policy framework:** The GoSS is in the process of finalizing new legislation on the Prison Service. That legislation will provide a framework for the development and implementation of a new set of prison policies and regulations inspired by human rights standards. The project will focus on helping the SSPS develop

internal operational policies, regulations and standing orders for the full implementation of the new legislation and applicable international human rights and criminal justice standards.

A unique feature of this project is the fact that there is a project coordinator based in Juba, working closely with UNMIS and other international agencies on the ground. Having someone on the ground to help coordinate the efforts of the SSPS, UNMIS, UNODC and ICCLR has been critical to the success of the project so far.

Over the course of the next several months, the ICCLR and its partner agencies are working hard to help the SSPS provide its leaders, managers and staff with the tools and the know-how to operate a more effective and humane prisons service. The success of this project will be based on the continuing role of inter-agency cooperation and, most importantly, the value of strong, local ownership in the programme. The project is funded by the Global Peace and Security Fund of the Government of Canada

FOREIGN AFFAIRS AND INTERNATIONAL TRADE LECTURE SERIES

Annually since 1993, ICCLR, with endowment funds from Foreign Affairs and International Trade Canada and the Vancouver Foundation, invites lecturers of international stature to present their recent work to students, the legal community and the general public. On 23 October 2007 ICCLR hosted a lecture by Virginia Aldigé Hiday, a Professor of Sociology at North Carolina State University. Held at the Simon Fraser University Harbour Centre, the lecture was entitled "Mentally Disordered Offenders: Are Specialty Criminal Courts the Answer". Professor Hiday is a world-renowned researcher in the areas of mental health and criminal justice. She has published several trail-blazing articles examining the relationship between mental disorder and violence and has also earned an international recognition for her research into the effectiveness of mental health courts.

ANNUAL SUMMER LAW PROGRAMME

The Centre continues to assist with the organization of the annual Southwestern Summer Law Programme. This Southwestern Summer Law programme is delivered, in collaboration with the University of British Columbia (UBC) Law Faculty and the International Centre for Criminal Law Reform and Criminal Justice Policy. It is an annual four-week Summer Law Program held in Vancouver, British Columbia, Canada. The programme provides comparative and international law courses with a focus on environmental law. The instruction is provided by U.S. and Canadian scholars with extensive international experience. In addition to coursework, students are given the opportunity to interact with distinguished members of the Canadian legal community and take part in a variety of field excursions and social events. The instruction is provided by

U.S. and Canadian scholars with extensive international experience. 2007 – 2008 was the 15th successful year for this programme.

III. TRANSNATIONAL ORGANIZED CRIME

Transnational crime threatens human security and impedes the social, economic, political and cultural development of societies worldwide. Drug trafficking, trafficking in human beings, trafficking in firearms, smuggling of migrants and money laundering are only some of the many manifestations of this complex problem. The international community must develop a more integrated approach in order to address the growing challenges arising from the evolution and expansion of transnational organized crime, due in part to globalization.

The *UN Convention against Transnational Organized Crime*, which entered into force in September 2003, is the main international instrument countering transnational crime. The Convention promulgates a range of measures, including the creation of domestic criminal offences to counter the problem, the adoption of new frameworks for mutual legal assistance, effective and cooperative extradition, increased law enforcement cooperation, as well as relevant technical assistance and training.

FACILITATING REPORTING FOR STATES PARTIES TO THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE UN CONVENTION AGAINST CORRUPTION

Developing an efficient and reliable reporting mechanism for the *United Nations Convention against Transnational Organized Crime* (UNTOC) and the *United Nations Convention against Corruption* (UNCAC) is essential to success of the international cooperation initiatives that these two conventions are designed to support. States parties to the Conventions have been exploring different methods to facilitate the task of reporting on the implementation of the two conventions.

The Centre and the United Nations Office on Drugs and Crime, with support from Canada, have been working together to develop reporting procedures and tools that will greatly facilitate the reporting process. The aim is to simplify and enhance the process of collection and analysis of information in order to build knowledge, which could be constantly updated, on the implementation of the Conventions. The questionnaire-based approach used so far under UNTOC has not yielded the expected results and lessons learned from the ongoing work under UNCAC are providing avenues for cross-fertilization with UNTOC. Given the numerous common areas of the two instruments, identical information-gathering tools would ensure a comprehensive and integrated approach at the national level that will strengthen the Conventions' ultimate tasks.

To this end, ICCLR has been cooperating with UNODC to assist with the development of an omnibus survey software. Once developed, it will allow for the broadest overview of requirements established by the treaties, the assessment of measures of compliance already in place, the identification of implementation gaps and related technical assistance requirements. The software will facilitate the formulation of sound and reliable analysis to be complemented by mapping and other visual features. Furthermore, this approach will enable the Conferences of the Parties to address once and for all the issue of “how to collect” information on the implementation of the Conventions devoting their attention to “how to analyze and act upon” such information.

The current project builds upon various past initiatives to develop guidelines and reporting tools for the Conventions. It follows discussions held at the Conferences of Parties to the two Conventions and is consistent with the advice received at a meeting of experts held in Vancouver in March 2008. The project is divided into three phases: (1) the initial development of the substantive content of the omnibus survey and review of the content by an expert group; and, (2) consultation on the proposed omnibus survey, incorporation of comments formulated by experts and States Parties (with substantive advice and support by the Expert Group), and inception of designing of software packages to incorporate the information gathering tools and reporting guidelines; and, (3) translation of survey tool in all official languages of the United Nations, finalization of the required software, and testing of finalized product in selected countries before implementation of the omnibus survey with all States parties.

HUMAN TRAFFICKING

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as part of the *UN Convention against Transnational Organized Crime*, was adopted by UN General Assembly resolution 55/25 on November 15, 2000. The protocol entered into force December 25, 2003. It was the first globally legally binding instrument with an agreed upon definition of “trafficking in persons” and sought to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in persons. Although to date more than 118 states are parties to the Protocol, implementing it remains a challenge.

In March 2007, UNODC launched a Global Initiative to Fight Human Trafficking (“UN GIFT”). Its objectives are:

- to raise awareness and foster commitment to adopt and implement policies to counter trafficking in persons;
- to increase the knowledge base about human trafficking;

- to build and strengthen greater commitment to existing partnerships with governments, the international community, NGO's, the private sector, civil society organizations and the media;
- to mobilize resources to support action; and
- to implement projects to fight human trafficking on a local, regional and international level.

In an effort to bring together the international community engaged in combating human trafficking, UN GIFT organized a forum, February 13-15, 2008 in Vienna, Austria. ICCLR representatives attended the event and distributed a document entitled the *Multi-Agency Synopsis of Mandates and Research Activities Related to Combating Human Trafficking*.

“Trafficking in persons” means “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

- Article 3, *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *UN Convention against Transnational Organized Crime*

III. TERRORISM

HANDBOOK ON THE CRIMINAL JUSTICE RESPONSE TO TERRORISM

International terrorism has been a priority of the Canadian government and UNODC for many years. Recent events continue to demonstrate the need for greater cooperation and increased resources from the international community in respect of counter-terrorism efforts around the world. To this end, the UN is undertaking numerous initiatives to combat terrorism, including the UN General Assembly significantly expanding UNODC's Terrorism Prevention Branch in 2002 and adopting the UN Global Counter-Terrorism Strategy in 2006. In 2007-2008, ICCLR worked with UNODC's Rule of Law Section and Terrorism Prevention Branch to draft a *Handbook on Criminal Justice Response to Terrorism*.

The Handbook aims to provide policy-makers and criminal justice officials with a concise and accessible discussion of some of the key issues they face in their efforts to prevent and control terrorism. It reviews the many challenges encountered within each of the many components of a criminal justice system as it plays its own role in the prevention, investigation, prosecution and detention of alleged or convicted perpetrators of terrorist

crimes. It offers guidance based on international standards and generally accepted best practices. As a practical tool, the Handbook can be used to facilitate the implementation of the universal legal instruments against terrorism (simply meaning multilateral treaties and supplemental agreements) and to strengthen the rule of law in a given country, particularly in the context of the fight against terrorism. It can be used to support a review of the capacity of a justice system to fight terrorism, to guide policy development, or to support training initiatives. An Expert Group meeting was held in October 2007 in Vienna to review the first draft of the handbook. The final draft of the handbook has since been delivered to UNODC for publishing.

WITNESS PROTECTION INITIATIVES

In October 2007, a Senior Associate of ICCLR testified before the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182. A report on “Protecting Witnesses and Collaborators of Justice in Terrorism Cases” was submitted with the testimony and will be published along with the final report of the Commission.

In January 2008, a representative from ICCLR appeared before the Canadian House of Commons Standing Committee on Public Safety and International Security, at its request, to offer some recommendations on the use of agents, informants and witness protection programmes.

IV. CRIMINAL LAW AND CRIMINAL JUSTICE REFORMS IN THE PEOPLE’S REPUBLIC OF CHINA

The People’s Republic of China is a country of strategic importance to Canada and the world. While its far reaching reforms of recent years have helped make China an emerging economic power and a key participant in the international political arena, much remains to be done by the Chinese government, legal professionals and public to reform criminal justice according to universal principles and international standards relating to the rule of law, human rights and good governance.

Throughout the past decade there has been significant progress in the reform of the Chinese criminal justice system. The Constitution was amended in 2004 to include the concept of “human rights”, major ministries and agencies developed 3-5 year judicial reform plans, positive steps have been taken to prepare for the ratification of the International Covenant on Civil and Political Rights as well as other international instruments. Although overall developments in the field of human rights and criminal justice in China have exhibited a complicated mix of conflicting results, there are clear

indications of significant efforts to promote the rule of law, human rights and to improve governance.

Within its Country Development Programme Framework and within the Canada-China Cooperation Agreement, CIDA is currently implementing a number of bilateral projects in the area of legal and judicial reform. These projects focus on human rights, democratic development and good governance with key members of the Chinese criminal justice community; namely, the Ministry of Justice related to expanding the coverage of the legal aid system, the Supreme People's Procuratorate related to improving the prosecution system, the Supreme People's Court related to the development of judicial management and trial procedures and the National People's Congress related to achieving higher standards for legislative drafting, analysis, public consultation and implementation. The dialogue amongst government agencies is augmented by legal institutions, academic entities and professional associations actively engaging in the exchange of ideas and expertise, as well as applied research that explores, analyzes, advocates and supports significant legislative and policy changes.

Since 1995, ICCLR has been working with some of the most influential Chinese organizations committed to and leading the reform process in Chinese criminal justice. With support from CIDA, ICCLR implemented the Canada-China Criminal Law and Criminal Justice Cooperation Programme (1995-2002), the Canada-China Cooperation Project for the Ratification and Implementation of Human Rights Covenants (2000-2002) and the Canada-China Legal Aid Legislative Development Project (1998-2000). These projects became the platform for the larger on-going programmes administered by ICCLR today.

IMPLEMENTING INTERNATIONAL STANDARDS IN CRIMINAL JUSTICE IN CHINA PROGRAMME

The Implementing International Standards in Criminal Justice in China Project (IISCJCP) launched in 2002 and completed phase I in 2007. Phase II is proposed to run from 2008 - 2011. The project is delivered in partnership with three Chinese organizations: the Centre for Criminal Law and Justice ("CCLJ") at the China University of Political Science and Law, the Research College of Criminal Jurisprudence ("RCCJ") at Beijing Normal University and the China Prison Society ("CPS"), a quasi independent association of correctional officials. As with previous Chinese projects at ICCLR, the main theme of IISCJCP is strengthening the rule of law, human rights and good governance. The programme works with scholars and others preeminent jurists to undertake research, comparative analysis and policy development resulting in recommendations for consideration by the Chinese government so as to encourage compliance and implementation of their obligations under international conventions and treaties.

The Programme purposes are:

- to contribute to the continuing reform of Chinese criminal procedural law and substantive criminal law, as well as the relevant regulations and practices of the criminal justice agencies in China;
- to strengthen and broaden the constructive dialogue between the Canadian and Chinese criminal justice professionals and institutions; and
- to support the development of international cooperation for the sharing of expertise and best practices in implementing international instruments in criminal justice in China and Canada.

One of the major drivers behind the judicial reform process in China is the role played by the legal research communities in the country's key academic institutes, many of which have close ties with the policy makers in both the Supreme People's Procuratorate and the Supreme People's Court. This is where the IISCJCP has fitted in. Through linkages between ICCLR in Canada and the Centre for Criminal Law and Justice (CCLJ), the Research College of Criminal Jurisprudence (RCCJ) and the China Prison Society (CPS) in China, the project created a platform for research and dialogue between the judicial reform communities within and between the two countries. The project was able to contribute to enhancing the capacity of Chinese legal scholars and justice officials to expose, analyze and publicize key reform issues related to China's criminal justice system.

The IISCJCP focused on legal rights in criminal justice related to the ICCPR, international cooperation related to UNTOC and UNCAC standards, and community corrections related to the UN's standards and in particular community corrections. The project and its predecessor projects together:

- Prepared 15 sets of legislative and policy reform recommendations;
- Sponsored 150 seminars, lectures, workshops, conferences, study tours and consultations;
- Involved over 10,000 Chinese justice officials, judges, prosecutors, police officers, corrections officers, legal aid lawyers, law professors and university students; and
- Distributed over 50,000 copies of project-financed books to national and local agencies, law schools and research institutes.

While the attribution of impact to a single donor project like the IISCJCP contradicts the multiple contributions and conditions necessary for reforming a legal/judicial system as large as China's, nonetheless, the IISCJCP was able to support its Chinese partner organizations to:

- Publish 2 major books of comparative and investigative research findings on fair trial standards;
- Develop recommendations on amending the Law on Criminal Procedures;
- Formulate a set of recommendations on the requirements for implementing the UNTOC and UNCAC;
- Influence the SPP's decision to change death sentence appeal and approval procedures and develop options for preventing wrongful executions;
- Develop options for reforming the country's labour re-education system;

- Introduce and develop models for community corrections and expand the system of community corrections to 16 Chinese provinces; and
- Publish two books on the concept of offender risk assessment and the early release of prison inmates.

CANADA CHINA PROCURATORATE REFORM COOPERATION PROGRAMME

There is no equivalent in the Canadian Justice System to the Supreme People's Procuratorate (SPP) of China. It is both the highest prosecutorial institution in China and the State's judicial supervisory institution. This means that it is responsible not only for leading local procuratorates in providing prosecution services but for handling corruption cases, exercising legal compliance oversight over the judicial proceedings of the courts, activities in prisons, arrest and investigation procedures of the police and ministry of justice programming, as well as for mutual legal assistance arrangements with other countries. It reports directly to the National People's Congress and is a member of the Leading Group on Judicial Reform

The Canada China Procuratorate Reform Cooperation Project is one of the central players in China's judicial reform process and the objectives set for it were daunting. They were to help the SPP to achieve: (i) an enhanced supervisory capacity to enforce national prosecutorial standards; (ii) revisions to the Organic Law and the Criminal Procedures Law; (iii) an increased SPP capacity to prosecute corruption; (iv) improved standards of legal enforcement; (v) improved pre-trial procedures and better supervision of criminal investigation practices; (vi) improved operational systems for procuratorates; (vii) more favourable operating environment for procuratorial independence; (viii) a renewed professionalism amongst prosecutors; and (ix) improved gender mainstreaming and the handling of transnational crimes involving women. In order to facilitate these reform processes, the CCPRCP supported joint research, study tours, technical assistance, curriculum development and joint training, workshops and seminars and information dissemination.

Implementation of the CCPRCP began in April 2004. It is scheduled to end in September 2008. In order to assess the results achieved by the project during its four year life, the SPP and ICCLR undertook a joint project assessment that included an opinion survey of project participants and a joint end-of-project stocktaking meeting. The following is a summary of the findings of that exercise:

- During the past three years, the SPP has implemented 34 reform measures, for example, it has successfully testing a system of citizen's accountability for the conduct of local procuratorates and has established a standard format for filing cases for investigation.
- The SPP now has the capacity to prosecute over 20,000 cases involving embezzlement and bribery every year.
- Over the past five years the SPP put in place a new job classification system, implemented a unified exam system for recruiting new prosecutors, implemented a

performance-based staff management system and significantly increased the percentage of SPP staff with law degrees.

- In 2007 the SPP played a lead role in the establishment of the International Association of Anti-corruption Authorities.
- The CCRCP delivered 37 project activities.
- Ten articles on the Canadian criminal justice system written by two Chinese journalists were published in the Prosecutorial Daily which has a readership of 220,000 prosecutors.
- 88 SPP officials came to Canada on 10 different study tours and prepared lessons learned reports on such topics as prosecution systems management, the investigation and prosecution of organized crime, the supervision of financial institutions and the prosecution of financial crimes, the oversight and supervision of police activities and promoting the fair prosecution of vulnerable groups.
- 12 SPP researchers were mentored by the University of Victoria law faculty to prepare research papers on such issues as *the Supervision over Investigation Methods: A comparative Study on Canadian and Chinese Law Practices* and *A review of Plea Bargaining in Canada and Some Suggestions to Establish this Mechanism in the Criminal Justice System* that were reviewed by the SPP's Department of Legal Policy Research.
- Canadian legal experts lectured in 5 different provinces to over 2,000 prosecutors helping them to buy into the reform process.
- According to the end-of-project survey, of persons who had participated in project activities, the topic covered were relevant to the Chinese reform process and contributed to professional capacity development.
- The IISCJCP and the CCPRCP projects have provided over 200 Canadian government officials and academics with an opportunity to be involved in a rule of law/human rights dialogue with their Chinese counterparts.

V. RESTORATIVE JUSTICE

As countries such as Iraq, Afghanistan, Sierra Leone and Uganda emerge from violent conflict or repressive rule, the establishment of the rule of law and good governance are critical components in creating long term social, political and economic stability. Bolstering the capacity of indigenous criminal justice institutions means developing an impartial and accountable legal system – in particular, effective and trustworthy law enforcement, a transparent and accessible judicial system, fair laws, appropriate penalties, a humane corrections system, mechanisms for resolving grievances, and reconciliation of ex-combatants, victims, perpetrators and witnesses. ICCLR continues to support on-going initiatives to assist local and international practitioners develop innovative strategies to enhance the administration of justice in post-conflict societies. In this context, ICCLR works to identify gaps in restorative justice processes and implementation, address shortcomings in the international community's ability to act effectively, train field personnel, as well as assist in planning and coordinating reconstruction efforts.

POST-CONFLICT RECONSTRUCTION OF JUSTICE INSTITUTIONS

In November, a Senior Associate of the Centre attended an expert group meeting on the development of a handbook on post-conflict reconstruction of justice institutions in Washington, D.C. The meeting was organized by the US Institute for Peace and the United Nations Office on Drugs and Crime.

A representative of ICCLR also offered a one-day course on criminal justice reform in post-conflict situations at the Ecole nationale d'administration in Paris, in September of 2007.

JUVENILE JUSTICE SYSTEM REFORM

The international community is responding to increased awareness and challenges associated with youth as both victims and perpetrators of crime. As a result of their age and immaturity, children warrant distinct treatment from that of adults in criminal processes. Children are particularly vulnerable members of societies. They have limited capacity to appreciate the consequences of their actions as they are still in formative stages of development. Criminal justice systems should be responsive to individual circumstances, specialized youth care and developmental needs, while keeping the best interests of the child in mind with a view to reintegrating them back into their communities as valuable citizens. Along with numerous generally applicable international instruments, such as the Tokyo Rules on non-custodial measures, there are various child-specific instruments which address the issue of juvenile justice. These include: the UN Convention on the Rights of the Child (1989), the UN Standard Minimum Rules for the Administration of Juvenile Justice (1985), the UN Standard Minimum Rules for the Protection of Juveniles Deprived of their Liberty (1990), the UN Guidelines for the Prevention of Juvenile Delinquency (1990) and the UN Guidelines for Action on Children in the Criminal Justice System (1997). The International Labour Organization Convention 182 covering the Elimination and Immediate Prohibition on the Worst Forms of Child Labour (1999) also has relevant provisions. In 2006, the UN published the Juvenile Justice - Criminal Justice Assessment Toolkit as well as UNICEF and UNODC's Manual for the Measurement of Juvenile Justice Indicators. All of these instruments form part of a framework, supported by the UN Commission on Crime Prevention and Criminal Justice and ICCLR among others, to provide leadership to countries reforming their criminal justice system to respond better to the needs of children. Criminal justice systems must evolve in responding to the victimization of children, their exploitation and the complexity of the situations in which they come into conflict with the law.

In August of 2007, ICCLR participated in a National Workshop on Juvenile Justice System Reform in Myanmar. They presented on basic concepts of restorative justice [and have since been discussing with the Supreme Court and UNICEF the possibility of a project to implement restorative justice practices for juvenile offenders.

The four principles underlying the UN Convention on the Rights of the Child:

- the best interests of the child should be the primary consideration in all matters affecting the child;
- the principle of non-discrimination, irrespective of a child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;
- the child's right to survival and development; and,
- the right of the child to participate in decisions affecting him or her, and in particular to be provided the opportunity to be heard in any judicial or administrative proceedings affecting the child.

VI. ELIMINATION OF VIOLENCE AGAINST WOMEN

ELIMINATION OF VIOLENCE AGAINST WOMEN

During the 17th session of the United Nations Commission on Crime Prevention and Criminal Justice (Vienna, Austria, 14 -18 April 2008) the ICCLR participated in the UN Programme Network Institutes annual workshop titled **Eliminating Violence Against Women: Forms, Strategies and Tools**. The ICCLR prepared a paper and delivered a presentation addressing *Indicators on the Criminal Justice Response to Violence Against Women*.

PROPOSED PROGRAMME OF WORK FOR 2008 - 2009

Along with on-going programmes currently underway, ICCLR is developing and pursuing a number of new projects for 2008-2009. Each initiative relates to the priorities of the Government of Canada and the UN Crime Prevention and Criminal Justice Programme. In drawing upon the support of our partners at the Department of Justice Canada, Foreign Affairs Canada and International Trade Canada, Public Safety Canada, the Department of the Attorney General of British Columbia and our UN colleagues, ICCLR is uniquely positioned to make a genuine and positive impact on the progression of criminal law and criminal justice policy nationally and throughout the world. Although ICCLR expects to realize the majority of the proposed initiatives, the stability and predictability of funding challenges may inhibit the Centre from pursuing and capturing all of these opportunities. The following is the Proposed Programme of Work for 2008–2009.

I. HUMAN RIGHTS AND THE RULE OF LAW

THE INTERNATIONAL CRIMINAL COURT

ICCLR proposes to continue to undertake, on behalf of the Government of Canada, a programme of work promoting the ratification and implementation of the Rome Statute of the International Criminal Court. 2008 marks the tenth anniversary of the Rome Statute and as such provides an opportunity to increase support and awareness for this central aspect of the international criminal justice system. ICCLR's contributions to the important overall plan of action in respect of achieving universality and full implementation of the Rome Statute will be expanded to identify gaps in current technical assistance coverage by other organizations and develop effective ways of addressing those gaps. Technical assistance is proposed to be delivered using the enhanced 3rd edition of the ICC Manual as a resource tool.

Proposed activities include participating in a symposium in Beijing in October 2008 organized by the Research Center for International Criminal Law and International Humanitarian Law marking the 10th anniversary of the adoption of the ICC Rome Statute. The symposium proposes to promote better local and regional understanding of the ICC.

Building on a successful and productive history of furthering the ICC in China, the Centre will also focus its capacity on research and promotion of the ICC in other countries reluctant to embrace the ICC to date, such as Indonesia, Moldova and various African nations.

ELIMINATION OF VIOLENCE AGAINST WOMEN PROGRAMME

The pervasiveness of violence against women in all countries has become an issue of global concern. Eliminating this violence remains a high priority for the United Nations and the

international community. In the coming year, ICCLR plans to expand its programme to include activities to support addressing the issue of violence against women. The recent 17th UN Crime Commission adopted a decision to review and update the UN Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice. The Decision also requests UNODC to convene an Expert Group Meeting (EGM), in cooperation with the Programme Network Institutes to review the revised Model Strategies. The Government of Thailand has offered to host the EGM, the dates for which have been proposed as 3 to 6 November 2008 in Bangkok. ICCLR proposes to cooperate with UNODC and PNI members to assist with the response to the Decision on updating Model Strategies for presentation at the Expert Group Meeting. If possible the Centre will also consider the possibility of also developing an implementation guide which would be based on the already existing "Resource Manual" and "Compendium" which were developed by ICCLR in 1999.

In addition, the Centre is in the process of developing a Violence Against Women Programme that would respond to local and national priorities while also bringing the international aspect to bear. The programme could include building upon the research resulting from the paper on the use of indicators, a revised 2nd edition of the Model Strategies and 2nd edition of the Compendium and Manual for the Elimination of Violence Against Women for use in technical assistance exercises.

PROMOTING HUMAN RIGHTS AND THE RULE OF LAW

ICCLR proposes to strengthen its capacity to promote and support human rights, the rule of law, democracy and good governance in developing countries and countries in transition. ICCLR is requesting funding for institutional support from CIDA's Office for Democratic Governance to strengthen the capacity of the Centre to promote and support human rights, the rule of law, democracy and good governance in developing countries and countries in transition. With funding support, the Centre can increase its scope of work, enhance the quality of its programming and contribute more effectively to public awareness and access to information, as well as to policy formulation, advocacy and implementation in the areas of human rights and rule of law. In particular, CIDA funding will allow the Centre to build and maintain its human resource capacity in both its areas of legal/judicial expertise and institutional strengthening/capacity development for developing country partners. This will improve both the Centre's and CIDA's research and information dissemination capacity, its ability to develop and maintain institutional linkages, and its service delivery in building the capacity of criminal justice professionals in developing countries, and in strengthening legal and judicial institutions.

JUVENILE JUSTICE AND INTERNATIONAL HUMAN RIGHTS STANDARDS

In 2008, ICCLR is partnering with the International Society for Criminal Law Reform to assist with production on a special issue of their journal, *Criminal Law Forum*. The issue will focus on juvenile justice and international standards to celebrate the 20th Anniversary

of the Adoption of the *Convention on the Rights of the Child* on November 1989. *Criminal Law Forum* is a peer reviewed journal dedicated to the advancement of criminal law theory, practice and reform throughout the world.

II. JUSTICE AND PRISON REFORM

SUDAN PRISON REFORM PROJECT

ICCLR and UNODC are cooperating to develop a second phase to the Southern Sudan Prison Reform Project. Discussions have been launched with representative in Juba, the UN Department of Peace Keeping Operations (DPKO - New York), the US State Department (both in Juba and Washington, D.C.), the UNDP Rule of Law representative in Juba, UN Mission in Sudan Correctional Advisers in Juba and the Southern Sudan Prisons Service.

The objective of Phase II is to assist the process of prison reform in Southern Sudan by building leadership capacity within the prison service and addressing the circumstances of prisoners with specific needs. This is to be achieved through developing information management capacity; ensuring a qualified human resources and leadership element; preventing unlawful detention and reduction of imprisoned remand prisoners; developing a comprehensive legislative and policy framework; and addressing the special needs of vulnerable prisoners. Phase II harmonizes the objectives of Phase I in developing strategic priorities that seek to ensure sustainable and enduring reform of the criminal justice system. The strategy adopted, which builds upon the successes of Phase I, aims to address all stages of imprisonment adopting a multi-pronged, yet interrelated structure of reform.

Prison reform efforts are also being extended to northern Sudan. At the request of DPKO, ICCLR has begun the process of preparations for two five-day workshops on prison management for prison directors to be held in Khartoum and Darfur in 2008. The Director General of Prisons for Northern Sudan is supporting the initiatives and also proposes to participate in planning with the relevant stakeholders over the coming months.

HIV/AIDS IN SOUTHERN AFRICAN PRISONS

Throughout the world, prison is a high risk setting for HIV and AIDS; particularly prisons in southern Africa. This may result from activities engaged in before entering or while in prison and from the unique characteristics of the prison environment. Despite the higher prevalence of HIV/AIDS in prisons than amongst the general population, the delivery of programmes addressing this issue remains minimal. ICCLR has developed a proposal for a cooperative programme with UNODC and the University of South Africa for a programme on leadership development, capacity building and the prevention, treatment and care strategy for prisons in southern Africa. The goals are a decrease in the incidence of HIV amongst prisoners, a decline in the number of AIDS-related deaths in prisons and a

lower probability of infecting others when prisoners are released into the community. Its purpose is to provide access to evidence-based HIV prevention, care, treatment and support in prison settings through capacity development of administration, management and selected staff of the prison services. The project proposal incorporates guidelines and recommendations from a report on “HIV and Prisons in Sub-Saharan Africa” prepared by UNODC, UNAIDS and the World Bank. The report indicates that single and stand-alone interventions do not significantly impact the problem, thus, it is essential that any intervention be comprehensive, evidence-informed and large-scale. In response to this finding, ICCLR’s strategy for southern African prisons proposes a regional intervention to address a singular gap in HIV/AIDS prevention, treatment and care in southern African prisons: enhancing the capacity of prison officials and management to deal with the problem.

INTERNATIONAL CORRECTION PROGRAMME 2008-2011

As part of its on-going collaborative work with the Correctional Service of Canada to promote international corrections reform, ICCLR has developed an updated programme for 2008 – 2011. In advocating respect for the rule of law and international human rights standards and norms in the development and delivery of progressive correctional practice, the emphasis will be on the provision of technical assistance to countries that are a priority for Canada and that have approached ICCLR for assistance. Priorities for technical assistance identified both through consultations and by requests for assistance to date, include: leadership training, staff development and training, management training, policy development, bail and pretrial detention reform, conditions of youth in detention, community corrections, the promotion of public awareness and participation, as well as the most critical challenge of prison overcrowding. The programme goals include:

- Facilitating international communication, cooperation, coordination and technical assistance with non-governmental and other governmental organizations;
- Facilitating information exchange between the CSC, Canada and the world;
- Identifying opportunities for collaborative resource mobilization with the CSC;
- Assisting the CSC in the identification of expert personnel for project initiatives;
- Disseminating research and programme information;
- Contributing, as part of the United Nations Programme Network of Institutes, to corrections related activities of the United Nations Office on Drugs and Crime; and
- Assisting in maintaining Canada's links with international partners.

The programme will also assist Canada and the UNODC to support the mandate set out in the UNODC Strategy for 2008-2011 as adopted by both the UN Commission on Crime Prevention and Criminal Justice and the UN Commission on Narcotic Drugs. By assisting Member States in applying the UN standards and norms on crime prevention and criminal justice, in particular, the Standard Minimum Rules for the Treatment of Prisoners and the Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), ICCLR’s

International Corrections Programme will work with CSC and UNODC to develop tools and training materials to improve corrections systems throughout the world.

The United Nations Standard Minimum Rules for the Treatment of Prisoners adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders (1955), approved by the Economic and Social Council by its resolution 663C of July 31, 1957 and 2076 of May 13, 1977, sets out generally accepted principles and practice in the treatment of prisoners and the management of institutions. It is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to “security measures” or corrective measures ordered by a judge. The rules are to be applied impartially without discrimination.

The United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) adopted by GA Resolution 45/110 on December 14, 1990 encourages Member States to develop non-custodial measures within their legal systems to provide other correctional system options, thus reducing the use of imprisonment. The Tokyo Rules also urge Member States to rationalize criminal justice policies taking into account the observance of human rights, the requirements of social justice and the rehabilitation needs of the offender.

In July 2006, the UN Economic and Social Council (ECOSOC) adopted resolutions 2006/22 and 2006/25. Resolution 2006/22 entitled “Providing technical assistance for prison reform in Africa and the development of viable alternatives to imprisonment” recognizes the serious problems posed by prison overcrowding and the potential threat to the rights of prisoners in many Member States, in particular in many African States.

PEACE KEEPING OPERATIONS’ - TOOLS FOR CORRECTIONAL ADVISERS

The UN Department of Peace Keeping Operations and ICCLR are exploring a possible partnership to develop three tools for correctional advisers deployed as part of peace-keeping operations: (1) A Handbook on Mentoring Correctional Officials around Prison reform issues in post conflict countries; (2) A manual on prison management for prison officials; and (3) A manual on prison standards to advise on the training of prison recruits.

VIETNAM

Discussions are underway with the Ministry of Justice of Vietnam concerning the possibility of establishing an ongoing collaboration initiative with ICCLR and other Canadian partners on criminal justice reform research. The Vietnamese Ministry of Justice has expressed interest in creating a “justice reform institute” which would work directly with ICCLR.

CRIMINAL JUSTICE EFFICIENCIES PROJECT

Inefficiencies impede all justice systems throughout the world to varying degrees. The cumulative effect of inefficiencies can have a significant impact on access to justice within a society. In an effort to assist the Government of British Columbia with its commitment to address inefficiencies in the legal system, ICCLR has begun a programme on its broad review of the efficiency challenges in respect of criminal justice. Other Canadian jurisdictions, federally, provincially and territorially, are also exploring ways of improving the efficiencies in the justice system throughout the country. There is consensus that encounters with the Canadian criminal justice system are too lengthy, too costly and too complex, and that these factors are inter-related.

The British Columbia Justice Efficiencies Project will develop plans of action to be taken provincially, as well as at the national or federal level to accomplish better efficiencies. Consideration of these problems will take into account the full range of justice processes, including police investigations, early case consideration, court processes and correctional procedures. The intent, however, is not to do a comprehensive review of each of these aspects of the criminal justice process, but to determine whether there are key points in the system that pose serious barriers to efficiency.

DOMESTIC IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS

The Centre is currently developing a programme to assist with the domestic implementation of international instruments, including the Convention Against Transnational Organized Crime and the Protocols thereto (the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Air and Sea; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition) and the United Nations Conventions against Torture, Corruption, Terrorism and the Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The programme would initiate at the local level to assist judges, police, corrections officials and prosecutors in British Columbia with the implementation of these instruments. A major component of the work will focus on enhancing the capacity of the justice system to engage successfully in international cooperation as this is fundamental to achieving the objectives of any international justice instrument.

INTERNATIONAL LAW ENFORCEMENT PROGRAMME

Over the past several years, the Centre, the RCMP and the Department of Public Safety have collaborated on matters regarding international cooperation, transnational organized crime, financial fraud, legal reform in China, trafficking in persons and numerous other activities. For the upcoming year, ICCLR is proposing a closer and more formal

arrangement that would include the secondment of an RCMP officer with a small operating budget, in order to strengthen the effectiveness of existing and emerging measures for international cooperation. The project aims to enhance and assist the Canadian law enforcement community; to strengthen the effectiveness of existing and emerging measures for international cooperation and, in turn, contribute to the effectiveness of RCMP strategies to “support Canada’s foreign policy goals and promote national and international safety and security by maintaining strong global connections and international policing capacity.”

III. TRANSNATIONAL ORGANIZED CRIME

STATE REPORTING UNDER THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE UN CONVENTION AGAINST CORRUPTION

During 2007 – 2008 ICCLR with support from Canada assisted the UNODC on the project to develop the substantive content of a computer-based application (software) to assist States Parties and signatories to the United Nations Convention against Corruption (UNCAC) and the United Nations Convention against Transnational Organized Crime (UNTOC) and Protocols thereto. The project is divided into three phases: (1) the initial development of the substantive content of the omnibus survey and review of the content by an expert group; and, (2) consultation on the proposed omnibus survey, incorporation of comments formulated by experts and States Parties (with substantive advice and support by the Expert Group), and inception of designing of software packages to incorporate the information gathering tools and reporting guidelines; and, (3) translation of survey tool in all official languages of the United Nations, finalization of the required software, and testing of finalized product in selected countries before implementation of the omnibus survey with all States parties. The Centre proposes to continue to play a role to assist the UNODC to successfully complete this programme.

IV. ANTI-CORRUPTION STRATEGIES

ICCLR proposes to continue to support Canada's efforts in respect of the *UN Convention Against Corruption* and to contribute to the UN Global Programme to Combat Corruption in the areas of commercial and financial fraud, honest justice systems, good governance, reporting processes and requirements, and the development of an international strategy against corruption.

V. ANTI-TERRORISM

In the context of combating terrorism, ICCLR is positioned to play a valuable role, both internationally and at home. In the international arena, ICCLR collaborates extensively with UNODC in regard to their mandate, which includes terrorism prevention. In Canada, where significant movement toward the harmonization of Customs and Immigration and Border Security practices with the United States has gained momentum, the Centre offers

substantial experience to assist Canada with gaining an understanding of whether and how these initiatives benefit Canadians, in terms of public safety, human rights and international law.

The Centre also intends to expand its efforts relating to counter-terrorism efforts in developing countries. In cooperation with Canada and UNODC, ICCLR has institutional capacity to deliver technical assistance, legal expertise and field training. Proposals are in development for programmes concerning technical assistance activities in Latin America to be undertaken jointly in full cooperation with UNODC, and ILANUD, which is ICCLR's counter-part in the region and; and to revise and to re-issue the CD ROM Compendium of Legal Instruments and Useful Technical Assistance Tools to Prevent Terrorism and Other Related Forms of Crime and present it during the annual session of the UN Crime Commission and the upcoming UN Crime Congress.

VI. CRIMINAL LAW AND CRIMINAL JUSTICE IN THE PEOPLE'S REPUBLIC OF CHINA

PHASE II - IMPLEMENTING INTERNATIONAL STANDARDS IN CRIMINAL JUSTICE IN CHINA PROGRAMME

Although it seeks to address the same overarching governance-related goals as CIDA's Canada-China CDPF, the intention is that this second phase of IISCJCP will build upon the results of the earlier projects, be more systematic in exploring and addressing the key issues of criminal justice reforms, deliver a more dialogue-based methodology and be more inclusive in engaging the key Chinese and Canadian institutions in the cooperation initiatives. The goal of the programme is to support the continuing implementation of international standards in the reform of the criminal justice system in China and contribute to Canada-China cooperation in criminal justice and dialogue on governance. The programme will focus on achieving three development results: enhanced knowledge of Chinese legal experts and officials to improve China's criminal justice system, in accordance with international standards; strengthened technical and methodological capacity of Chinese partner organizations to promote the reform of the country's criminal law and procedure and its administration of criminal justice; and improved Chinese access to information on international standards and networks.

The programme will operate on the basis of seven principles: adoption of a systems approach; development of policy-driven and utility-based research and analysis; sequencing of programme activities in a structured way; creation of opportunities for multi-institutional dialogue; integration of cross-cutting themes into every programme initiative; management of the project for both 'product' and 'process' results; and a dialogue approach to programme delivery. Chinese partners will include the Centre for Criminal Law and Justice (CCLJ), the Research College for Criminal Jurisprudence (RCCJ) and the Chinese Prison Society (CPS), as well as participants from the academic

community, law enforcement, professional associations and nongovernmental organizations.

The programme results will be achieved through application of methodologies that focus on comparative learning and analysis so that participant institutes can undertake studies, make recommendations and contribute to reform through policy formulation and advocacy in three major areas: Implementing International Conventions, Youth Criminal Justice Reform, and Administration of Criminal Justice. The programme is intended to reach senior Chinese decision-makers, legal scholars and law students directly, as well as beneficiaries in legal and judicial circles through publications and website postings. The programme will also involve members of civil society, as new nongovernmental partners are brought in, as well as stakeholders in Canada and internationally through networking and dissemination of information.

CANADA CHINA PROCURATORATE REFORM COOPERATION PROGRAMME

The *goal* of Phase II Canada China Procuratorate Reform Cooperation Programme (CCPRCP), as in Phase One, is “to increase China’s capacity to improve governance, respect for human rights and democratic development processes”. The project *purpose* is to continue to strengthen the capacity of the SPP and the prosecution profession to:

- Improve safety and security within the criminal justice system, including the adoption of measures to prevent crime, as well as responding effectively when it happens.
- Provide equitable access to justice.
- Promote research and policies to promote the fair administration of justice.

Phase Two proposes to work directly with the SPP, including eleven of its departments that are central to the procuratorate reform process. While Phase One focused on strengthening the internal management capacity of the SPP and improving the effectiveness of the prosecution service, Phase Two will focus on reforms to the legal and judicial systems, including law enforcement, pre-trial procedures, and the integrity of the judicial system. There is still a need for more and better data on what is happening in the criminal justice arena in China. This lack of data impedes meaningful legal and judicial reform efforts. Thus, another activity put forward in this proposal is to provide support to research undertaken by SPP on institutional reform issues that will lead to amendments to the laws affecting criminal law and criminal justice issues for the National People’s Congress to legislate.

While the contribution of CCPRCP Phase II to the overall SPP reform process may be modest, the indirect reach of the project has great potential because the reach of the SPP is so large. CCPRCP Phase II will have four levels of reach, each with its own target population. They are: the Supreme People’s Procuratorate and its own internal organizational structure; the provincial autonomous regional, municipal and

city/provincial procuratorates; the other judicial institutions; and victims, including women, ethnic minorities, and the general public. Ultimately, the intended beneficiaries of the SPP reform process are the millions of Chinese people who, in one way or another, interact with the justice system.

VII. INTERNATIONAL JUSTICE ASSISTANCE

ICCLR proposes to continue to assist to respond to the priorities and decisions of the UN Crime Programme. The Commission on Crime Prevention and Criminal Justice currently recommends to the Economic and Social Council the approval of Resolution **E/2008/30 E/CN.15/2008/22 on Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice**. The resolution refers to decision to hold the Twelfth Congress in Salvador, Brazil, from 12 to 19 April 2010, with pre-Congress consultations to be held on 11 April 2010;

The resolution recommends the main theme of the Twelfth Congress shall be **“Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world”**. The resolution further recommends the following provisional agenda for the Twelfth Congress, finalized by the Commission on Crime Prevention and Criminal Justice at its seventeenth session:

1. Opening of the Congress.
2. Organizational matters.
3. Children, youth and crime.
4. Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism.
5. Making the United Nations guidelines on crime prevention work.
6. Criminal justice responses to the smuggling of migrants and trafficking in persons: links to transnational organized crime.
7. International cooperation to address money-laundering based on existing and relevant United Nations and other instruments.
8. Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime.
9. Strengthening international cooperation in fighting crime-related problems: practical approaches.
10. Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families.
11. Adoption of the report of the Congress;

Proposed workshops within the framework of the Twelfth Congress:

- (a) International criminal justice education for the rule of law;

- (b) Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system;
- (c) Practical approaches to preventing urban crime;
- (d) Links between drug trafficking and other forms of organized crime: international coordinated response;
- (e) Strategies and best practices against overcrowding in correctional facilities;

The Resolution also requests the Secretary-General, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to prepare a discussion guide for the regional preparatory meetings for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice in a timely manner in order to enable the regional preparatory meetings to commence early in 2009, and invites Member States to be actively involved in that process;

ETHIOPIA

The Centre is proposing to cooperate with The Institute of Public Administration of Canada to respond to a request for assistance from the Ministry of Justice of Ethiopia. The objective of this initiative is to assist the Ministry of Justice in the review of its policies/draft laws in Criminal Justice Administration, Alternative Dispute Resolution and adequate institutional set-up for improved functioning of justice institutions. The assistance being sought also includes advice on how to improve working relationships between the Prosecution, Police and Penitentiaries/Prisons and identify common areas of reforms for those three functions. The Centre would provide expertise to both lead and manage the initiative.

DEMOCRATIC REPUBLIC OF THE CONGO

ICCLR, in cooperation with UNODC and in response to requests for cooperation and assistance from MONUC, is exploring the possibilities of developing a programme of assistance focusing on Prison reform and support in the DRC. The potential project could involve other UN agencies, in particular UNDPKO.

MYANMAR

The Centre proposes, when possible, to return to Myanmar to continue to work on Child protection issues (particularly children in conflict with the law, and children victims of crime).

GOVERNANCE AND FINANCIAL SUPPORT

A Board of Directors consisting of representatives of the University of British Columbia, Simon Fraser University, the International Society for the Reform of Criminal Law, the Department of Justice Canada, the Department of Public Safety Canada, the Ministry of the Attorney General of British Columbia, Foreign Affairs and International Trade Canada, and ex-officio the Officer in Charge, Division for Treaty Affairs, United Nations Office on Drugs and Crime, governs the Centre. The Centre is managed under the direction and supervision of a President and an Executive Director.

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 Centre's Programme of Work is presented for approval annually to Board of Directors for the fiscal year period of April 1, to March 31. This report outlines the activities, achievements and accomplishments of the Centre as planned in the Program of Work for 2007-2008.

The Centre makes arrangements annually for an external independent audit to ensure that it has fulfilled its programme delivery, reporting and audit responsibilities in accordance with the Guidelines of the Treasury Board of Canada and the *British Columbia Societies Act*.

FINANCIAL SUMMARY 2007 - 2008

REVENUE

Core Revenue	■441,333
Project Revenue	■633,821
TOTAL	\$ 1,075,154

EXPENSES

Salaries & Consulting fees	■ 295,411
Office expenditures	■ 22,626
Publication & Printing	■ 7,794
Telecommunications	■ 6,563
Travel	■ 44,124
Conference	■ 15,269

PROJECTS

Canada-China Procuratorate Reform Co-op	■ 55,330
China - International Standards	■ 178,039
International Corrections Programme	■ 55,000
International Criminal Court - China	■ 72,913
International Study Revocation & Recall	■ 26,700
Sudan – Corrections	■ 136,799
UN CAC and UN TOC Experts Meeting	■ 141,746
Southwestern Summer Law School	■ 7,000
DFAIT/Vanc. Fdn. Int'l Lecture Series	■ 9,840

TOTAL \$ 1,075,154

***Estimated summary only – an audited financial statement is available upon request.

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ICCLR also hosts visiting experts and associates to work on international criminal law and justice projects.

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	The 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	The 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
IMPACS	The Institute for Media, Policy and Civil Society
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 Programme
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
ODCCP	Office for Drug Control and Crime Prevention - United Nations Vienna office
OSCE	Organization for Security and Co-operation in Europe
PNI	United Nations Programme Network of Institutes
PSEP	Public Safety and Emergency Preparedness Department, Canada
PGA	Parliamentarians for Global Action
PRI	Penal Reform International
RCCL	Research Centre of Criminal Law, Beijing Normal University
RCMP	Royal Canadian Mounted Police
R.& D.	Rights and Democracy Institute (also known as ICHRDD) - Montreal
SFU	Simon Fraser University
SOL GEN	Department of Solicitor General of Canada
SPP	Supreme People's Procuratorate - China
TACJ	Technical Assistance in the Field of Criminal Justice
TOC	Transnational Organized Crime
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, Japan
UNAFRI	United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, Kampala, Uganda
UN CAC	United Nations Convention against Corruption
UNDP	United Nations Development Programme
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
UN TOC	United Nations Convention Against Transnational Organized Crime
VAW	Violence Against Women
WFM	World Federalist Movement

ACKNOWLEDGEMENTS

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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.

**International Centre for Criminal Law Reform
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**Le Centre international pour la réforme du droit criminel
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