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INTERNATIONAL CENTRE FOR CRIMINAL LAW REFORM AND CRIMINAL JUSTICE POLICY

ANNUAL REPORT 2010 – 2011

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

1822 East Mall, Vancouver, B.C. / C.-B.
V6T 1Z1 CANADA

Tel / Tél: + 1 (604)-822-9875 Fax / Téléc: + 1 (604)-822-9317
Email / Courriel: icclr@law.ubc.ca <http://www.icclr.law.ubc.ca>



INTRODUCTION

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

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

MANDATE

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

ANNUAL REPORT OF 2010-2011

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

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

Transnational organized crime and corruption are complex crimes that are increasingly difficult to detect. Criminal groups operate across sovereign borders, involving multiple jurisdictions and different judicial systems, and are increasingly using new technologies to commit crimes and evade detection. No one single jurisdiction can act and effectively defend itself on its own. There is thus an urgent need for Canada to cooperate with other states to combat organized crime and corruption via the exchange of crime information, the collection of evidence, the restraint and confiscation of crime proceeds, and the improvement of international cooperation to address organised crime, security and terrorism. Such initiatives respond to the Canadian government's priority of ensuring public safety and combating crime.

The Canadian government, appreciating that victims of identity-related crime are fast becoming numerous in Canada, recently enacted tougher laws targeting identity theft. They provide police and justice officials with important new tools in the fight against **economic and identity-related crime**. To assist in responding to this new form of crime, the Centre developed "*A Manual on the Protection of Victims of Identity Related Crime for Law Enforcement Agents and Prosecutors*". This Manual supports and strengthens the understanding of Canadian law enforcement officers and prosecutors about victims of identity related crime. The development of the Manual was supported by a peer review that included Canadian experts as well as the UNODC Core Group of Experts on Identity Related Crime. At the Fifth meeting of the UN Core Group of Experts on Identity-Related Crime in Vienna in December 2010, the Centre presented the draft outline for the manual and received input from the Core Group's international experts. The plan is to build on the Canadian version of the manual and develop an international manual for law enforcement officers and prosecutors from other jurisdictions. The Manual is available on the ICCLR www site and was distributed at the UN Crime Commission meeting in April 2011.

The Centre continues to support and advance Canada's priorities in its work to **combat human trafficking in Canada**. The Centre undertook several activities addressing the issue of human trafficking in Canada. The Centre presented its recent report, "*An Exploration of Promising Practices in Response to Human Trafficking in Canada*" in June 2010 to the Federal-Provincial-Territorial (FPT) Forum of Senior Officials responsible for the Status of Women. The report investigated potential best practices for the prevention of human trafficking and support of victims. These practices include the implementation of a national anti-trafficking structure, laws that promote women's equality, enhancing labour monitoring, supporting NGOs that offer victim services, training officials and community service providers on victim recognition and focusing on prevention programs in Aboriginal communities.

The Centre organized and ran two separate Expert Group Meetings on the **prevention of human trafficking**: one international and one national. The overall purpose of the project, which was successfully achieved, was to identify crime prevention methods and principles relevant to the evolving knowledge of human trafficking in Canada and explore how these methods and principles might be successfully applied to the prevention of human trafficking for the purpose of commercial sexual exploitation as well as forced labour. More generally the expert meetings served to advance the Government of Canada's knowledge on the prevention of human trafficking, which can now be taken to various multilateral fora including the United Nations, the G-8, G-20 and the Organization of American States (OAS). ICCLR, in partnership with the International Centre for the Prevention of Crime, drafted a Discussion Document entitled *Towards Human Trafficking Prevention* to help prepare experts for the meetings. The paper identified important issues to consider when constructing a human trafficking prevention framework in the Canadian context.

In March 2011, ICCLR participated in and presented to two provincial meetings on human trafficking prevention. The first, held in British Columbia, was an expert consultation involving local, national and international representatives. ICCLR presented an international perspective on human trafficking prevention and helped summarize key findings from the meeting. The second, held in Manitoba, was a roundtable bringing together key stakeholders in the province on human trafficking issues. ICCLR presented on human trafficking information in Canada to date and promising international practices for human trafficking prevention.

In November 2010, ICCLR provided an expert to participate in a University of British Columbia Alumni event "Can We Stop Human Trafficking?" in Ottawa. The panelists discussed various strategies to prevent human trafficking in Canada. The Centre also presented on the intersection between human trafficking and corruption at the 14th Annual International Anti-Corruption Conference in Bangkok, Thailand in November 2010.

The Centre continued to address the issue of **corruption**. The Centre participated in the International Bar Association's October 2010 conference, presenting on the panel "Seeking Justice Worldwide" and discussed recommendations on how nations can prevent judicial corruption. It also organised a meeting in September 2010 with the Korean Institute of Criminology and prosecutors from the Ministry of Attorney General of British Columbia to discuss the prosecution of corruption.

II. PROTECTING VICTIMS OF CRIME, IN PARTICULAR CHILDREN

Canadian government priorities include providing safe and secure communities and emphasizing the rights of victims, including the protection of children and women. Victims are entitled to access the mechanisms of justice and to prompt redress for the harm that they have suffered. Victims should also be treated with compassion and respect for their dignity. Child victims and witnesses of crime have the right to have their best interests given primary consideration, while safeguarding the rights of an accused or convicted offender. ICCLR's programmes focus on protecting victims of crime, especially those who are most vulnerable: women, children and Aboriginal people, as well as those victims considered "invisible", such as victims of environmental crime.

The Centre undertook a number of activities to support the intensification of efforts to combat violence against women and the development of practical tools to assist States in ensuring effective and innovative approaches to responding to this violence.

(1) Firstly, the Centre presented the Updated Model Strategies during an ancillary meeting at the 12th UN Crime Congress.

(2) Secondly, the Centre continued to work with UNODC's Viet Nam office on its project "Strengthening capacity of law enforcement and justice sectors to prevent and response to domestic violence in Viet Nam".

(3) Thirdly, the Centre assisted the UNIFEM review of the Legislation Module of its Virtual Knowledge Centre to End Violence Against Women and Girls.

The UN General Assembly adopts the Updated Model Strategies

As one of the principal researchers of the revised UN Model Strategies, the Centre is pleased to report that on the UN Commission on Crime Prevention and Criminal Justice's recommendation, the General Assembly adopted the *Updated Model Strategies and Practical Measures on the Elimination of Violence Against Women in the Field of Crime Prevention and Criminal Justice* in December 2010. (See A/RES/65/228). By endorsing this resolution, the Council urges States to develop comprehensive approaches to combat violence against women and to promote equality between men and women within their criminal justice systems.

(4) Fourthly, it helped UNODC review its Criminal Justice Assessment Toolkit on gender in the criminal justice system.

(5) Lastly, in November 2010, the Centre delivered a talk on the development of gender crimes in the international criminal system at University of British Columbia Law School.

The Centre undertook research on the emerging forms of crime that have a significant impact on the environment. The focus of the research was on the particular challenges for victims. Often perceived as “victimless”, environmental crimes do not always produce an immediate consequence, the harm may be diffused or go undetected for a lengthy period of time. The victims are not always aware of the fact that they have been victimized or know who has victimized them. Added to this is the fact that many environmental disruptions are legal and take place with the consent of society. Consequently, little attention has been paid to this type of victimization. In addressing this research gap, the Centre produced a research paper that mapped out the issues relating to **victims of environmental crime** and also identified topics requiring further study.

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

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

Sudan has been designated a priority country for Canadian aid. The Centre continues to assist UNODC to deliver a programme with the United Nations Mission in Sudan (UNMIS) and the Government of Southern Sudan to enhance the capacity of the **Southern Sudan Prisons Service (SSPS)**.

The Centre provides support to programme activities by serving as an implementing partner alongside UNODC and UNMIS. The overall objective is to assist the process of prison reform in Southern Sudan by building leadership capacity within the SSPS and addressing the circumstances of

The first three years of the project were the object of a formal evaluation in which the Centre was highlighted as having made a very positive contribution to the project. Furthermore, the project was described as having contributed to a model approach to prison reform.

prisoners with special needs. This current phase of the project focuses on: development of guidelines and standing orders in accordance with applicable international standards; the development of the SSPS leadership and management capacity; the implementation and expansion of the Prisons Service's management information system; the implementation of a court liaison function; the development of conditions of imprisonment (in particular a probation and aftercare function); and, measurable improvements to the condition of detention and the well being of vulnerable groups of prisoners, such as child prisoners, women, and mentally ill prisoners.

ICCLR was involved in organizing and facilitating a senior officers' prison officers leadership course for the Nigerian Prison Service, funded by the UNODC. The 5 day course took place from 1-5 November 2010 in Keffi, not far from the capital city of Abuja. The leadership course was part of a UNODC initiative to improve the Nigeria Prison Service adherence to international standards in the treatment of prisoners through human resource development. A key element of the project is training for senior staff.

ICCLR continued to assist the **Ethiopian Ministry of Justice** in developing a draft **Criminal Justice Administration Policy** and to prepare a comprehensive review of the country's criminal procedure law. In March 2011, two of the Centre's associates participated in criminal justice assessment mission in Ethiopia. The assessment conducted by the UNODC was conducted at the request of the Ministry of Justice of Ethiopia.

The Centre participated in April 2011, in an expert group meeting on **juvenile justice**. This was part of a United Nations Office on Drugs and Crime (UNODC) project to develop a Model Juvenile Justice Law. The project seeks to apply relevant international child rights and criminal justice standards to the drafting of a model law to address the principles and processes involved in administering juvenile justice.

The Centre participated in March 2011, in an expert group meeting on improving access to **legal aid** in criminal justice systems. This meeting, organised by UNODC, discussed the draft United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems.

Building upon the Centre's past report on **Addressing Inefficiencies in the Criminal Justice System (2009)** for the British Columbia Criminal Justice Reform Secretariat, the Centre participated at the Third National Criminal Justice Symposium in January 2011. This meeting provided eighty-five influential members of the criminal justice system an opportunity to candidly share, off the record, perspectives on and solutions to the challenges faced by criminal justice stakeholders.

At the invitation of UNAFEI, the Centre also accepted an invitation to participate and make a presentation on community involvement in offender treatment as part of their ongoing Training and Dialogue Programs (Senior Seminar) on Crime Prevention, in January 2011.

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

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

ICCLR continues to participate in the development of the **United Nations Rule of Law Indicators**. Over the past year, the Centre provided an expert to assist in reviewing and revising draft indicators to identify the strengths of and challenges to the rule of law sector in a given country. These indicators would then assist national authorities in their rule of law reform efforts. It is anticipated that the Secretary General of the UN will official launch the UN Rule of Law Indicators on May 26, 2011 in New York.

To further promote the importance of international cooperation, the Centre conducted various public information and awareness events, lectures and presentations. One such event was a panel discussion with three members of the IBA's Human Rights Institute, co-hosted by the Centre and UBC Law School. Before an audience of 40 professors, students and practitioners, the panelists discussed their work in the Democratic

Republic of Congo and Sri Lanka and Afghanistan, in particular, their help in establishing the Afghan Bar Association.

UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

The Twelfth United Nations Congress: "Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and their Development in a Changing World" was held in Salvador, Brazil - 12 to 19 April, 2010. ICCLR's participation focused on public policy issues of strategic importance in the areas of corrections, violence against women, and emerging forms of serious crime. ICCLR's work served to enhance consistency in the communication of the Canadian position and to contribute to international efforts against these forms of crime, with some links to domestic public safety priorities and criminal law legislation under development.

ICCLR participated in three Workshops (Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system, Links between Drug Trafficking and Other Forms of Organized Crime: International Coordinated Response, and Strategies and Best Practices against Overcrowding in Correctional Facilities) and one ancillary meeting (Addressing Violence Against Women: Criminal Justice and Crime Prevention Strategies); contributed to the preparation of the Discussion Guide, and prepared the Background paper for "Workshop #5 Strategies and best practices against overcrowding in correctional facilities." The Centre also supported the Canadian and international efforts to bring action and attention to systematic efforts to strengthen regional and international cooperation in enhancing criminal justice reform, and to help develop more effective and fair justice systems in Canada and abroad.

UN COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

ICCLR assisted with the organization of the annual United Nations Crime Prevention and Criminal Justice Program Network of Institutes (PNI) workshop for the UN Crime Commission meeting. The workshop was on "Concrete Examples of Law Enforcement Cooperation in Child Pornography Cases".

During the 20th Commission on Crime Prevention and Criminal Justice (Vienna, April 2011), the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), the Permanent Mission of Finland and UNODC organized a side event to present a new HEUNI three country study. The side event on "Trafficking for forced labour and labour exploitation: examples and practical measures" was chaired by UNODC, was composed of representatives from HEUNI, the Council of the

Baltic Sea States Task Force against Trafficking in Human Beings (CBSS-TF-THB) and the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR). The Centre's presentation focused on the Prevention of Human Trafficking.

ANNUAL SUMMER LAW PROGRAMME

ICCLR continued its participation in the four-week Southwestern Summer Law Programme, held in Vancouver, British Columbia, a collaboration between the University of British Columbia (UBC) Law School, Southwestern University School of Law (Los Angeles, California) and ICCLR. The 2010 programme involved prominent U.S. and Canadian scholars and in 2010 involved 30 Canadian and U.S. law students.

GLOBALIZATION OF CRIME - CRIMINAL JUSTICE RESPONSES CONFERENCE

ICCLR and the International Society for the Reform of Criminal Law have begun preparations for a forward-looking conference focusing on emerging crimes and new approaches to combat crime. Domestic criminal justice systems are facing the globalization of crime. Transnational organized criminal groups are trafficking increasing quantities of drugs, firearms, counterfeit products, stolen natural resources and people, as well as smuggling more migrants across borders and engaging in maritime piracy and cybercrime. The response in many nations has been to expand the extraterritorial application and enforcement of domestic criminal laws and to increase mechanisms of international cooperation in the areas of extradition, mutual legal assistance and information-sharing. At the multi-lateral level, a permanent international criminal court has been established and there are renewed calls for various internationalized tribunals to address piracy. Countries continue to seek guidance on when and how domestic courts should exercise universal jurisdiction.

The conference, scheduled for August 2011 in Ottawa will gather together judges, legal practitioners, senior law enforcement personnel, corrections officials and academics from across Canada and the world to discuss and help formulate criminal law and policy responses to the challenges posed by the globalization of crime.

BACKGROUND

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

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

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PEOPLE AT THE CENTRE

Full time Employees and Associates:

Kathleen Macdonald, Executive Director
Eileen Skinnider, Director, Human Rights and Research
Nicole Barrett, Director, International Criminal Law
Yuli Yang, Project Coordinator

Part time project officers, advisors and associates

Daniel C. Préfontaine Q.C., President
Janet Bayda, Director, Finance
Vivienne Chin, Associate
Yvon Dandurand, Senior Associate

ICCLR & CJP FREQUENTLY USED ACRONYMS

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

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

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1822 East Mall, Vancouver, B.C. / C.-B.
V6T 1Z1 CANADA
Tel / Tél: + 1 (604)-822-9875 Fax / Téléc: + 1 (604)-822-9317
Email / Courriel: icclr@law.ubc.ca <http://www.icclr.law.ubc.ca>

