

1997/31. Victims of crime and abuse of power

The Economic and Social Council,

Bearing in mind General Assembly resolution 40/34 of 29 November 1985, by which the Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

Considering that the adoption of the Declaration is an important landmark in international efforts to improve the treatment of victims,

Recalling that the General Assembly, in its resolution 40/34, called upon Member States to take the necessary steps to give effect to the provisions contained in the Declaration and urged United Nations entities, other intergovernmental organizations and non-governmental organizations to cooperate in the implementation of those provisions,

Mindful of the serious consequences of various forms of crimes, including those committed in cases of armed conflict or military occupation, for the victims,

Bearing in mind all relevant Security Council resolutions, in particular resolutions 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 827 (1993) of 25 May 1993 and 955 (1994) of 8 November 1994,

Taking into account section IV, paragraph 2, of its resolution 1995/27, of 24 July 1995 and its resolution 1996/14 of 23 July 1996, in which it noted the usefulness of the manuals published and disseminated by the Secretariat under the United Nations Crime Prevention and Criminal Justice Programme,

Taking into account also the recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995,¹⁷⁵

1. *Takes note* of the progress made in the work on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, as reflected in the note by the Secretary-General;¹⁷⁶

2. *Welcomes* the establishment of a victim and witness unit as reported in the 1995 yearbook of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law

Committed in the Territory of the Former Yugoslavia since 1991;

3. *Recommends* that, during armed conflicts, the rights of victims as contained in relevant international law, in particular in international humanitarian law, should be rigorously enforced, that universal adherence to the corresponding treaties and protocols should be promoted and that proper consideration should be given to those issues by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and by the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994;

4. *Welcomes* the positive developments related to the work of the Preparatory Committee on the Establishment of an International Criminal Court, and recommends that, in the statute and rules of procedure of the court, appropriate attention should be given to the principles contained in the Declaration;

5. *Also welcomes* the fact that the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions has relied on the Declaration in accomplishing his task;

6. *Urges* Governments to make effective use of the provisions contained in the Declaration and, to that end, to provide for legislation and other mechanisms for their effective use and application, including access to justice and fair treatment, reparation, restitution and compensation, as well as physical, medical and social assistance;

7. *Expresses its appreciation* to the Governments of the Netherlands and the United States of America for having acted as host to two expert group meetings on victims of crime and abuse of power in the international setting, one organized by the United States Department of Justice at Tulsa, United States of America, from 10 to 12 August 1996 and the other organized by the Ministry of Justice of the Netherlands at The Hague on 6 and 7 March 1997;¹⁷⁷

8. *Takes note* of the results of those two expert group meetings, which proposed the elaboration of a manual as a strategic guide for policy makers and of a handbook as a resource tool for practitioners and other relevant parties;

9. *Welcomes* the invitation of the Government of the United States of America to act as host to a fourth expert group meeting, in 1997, in order to complete the work on the proposed handbook;

10. *Requests* the Secretary-General to seek the views of Member States on the proposed manual and the proposed handbook and, drawing on the observations received, to finalize their texts for submission to the Commission on Crime Prevention and Criminal Justice at its seventh session;

¹⁷⁵ E/CN.15/1996/16/Add.5.

¹⁷⁶ E/CN.15/1997/16 and Add.1.

¹⁷⁷ E/CN.15/1997/CRP.8.

11. *Invites* Governments to provide the Secretary-General with information on promising practices and legislation concerning victim-related issues with a view to establishing a database and a clearing house for the provision of a continuing service for governmental agencies and non-governmental organizations, as proposed by the above-mentioned expert group meetings;

12. *Also invites* Governments to make proposals regarding the elaboration of a plan of action with emphasis on the activities of the United Nations, such as technical cooperation activities, so as to promote the effective use and application of the Declaration, as well as the use of the proposed manual and handbook, including new modalities for funding involving also the private sector and non-governmental organizations, such as the establishment of a foundation;

13. *Requests* the relevant United Nations bodies, programmes and specialized agencies, the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental and non-governmental organizations and other entities to provide their substantive and technical contributions to such proposals, drawing also on work already done in that field, with a view to ensuring the integration and coordination of activities among the various parties involved;

14. *Requests* the Secretary-General to consult with the above-mentioned entities as well as funding agencies and potential donor countries on the desirability of establishing mechanisms to facilitate the coordination of technical cooperation initiatives to prevent victimization and to assist victims of crime and abuse of power;

15. *Reiterates* the importance of technical cooperation in providing assistance to those Governments requesting it, as noted in the report of the Secretary-General on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,¹⁷⁸ in particular in the form of advisory services, training and assistance in the review or promulgation of national legislation, and requests the Secretary-General to continue to provide such assistance, drawing on extrabudgetary resources, in close collaboration with the Programme network;

16. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice on the implementation of the present resolution.

*36th plenary meeting
21 July 1997*