

**Forum:** General Assembly 6 (Legal)

**Issue:** Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity

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## Introduction

According to the United Nations Office on Drugs and Crime (UNODC), there were almost half a million recorded acts of sexual violence including sexual assaults upon children. During the same period the UNODC also recorded a quarter of a million victims of homicides. These statistics provide an insight into the world of crime and also highlights and emphasizes the importance of crime prevention and effective criminal prosecution worldwide.

The United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ) is a subsidiary body of the Economic and Social Council (ECOSOC) and a commission of the UNODC. Established in 1992, it was preceded by the Committee on Crime Prevention and Control (CCPC) in order to intensify the efforts of crime prevention and criminal prosecution through international cooperation and more effective cooperation between the existing bodies. It is the main body within the United Nations (UN) which addresses the issues regarding crime prevention and criminal justice, making it a major party in the efforts of creating the conditions for sustainable development and peace and security. The Commission's main goal is the coordination of international efforts to combat both national and transnational criminal offenses as well as the employing of criminal law to state these acts as a threat to the development of the world. Moreover, the commission is also mandated to promote efficiency and impartiality within the criminal justice systems and programmes of member states.

Through the work of the CCPCJ, more effective measures are being taken to prevent illicit activities in both national and transnational level while simultaneously aiding the efforts to promote sustainable development.

## Definition of Key Terms

### Technical Cooperation

There are two types of technical cooperation. The first one being free-standing technical cooperation (FTC), which is the provision of resources aimed at the transfer of technical and managerial skills or of technology for the purpose of building up general national capacity without reference to the implementation of any specific investment projects. The second one is investment-related technical cooperation (IRTC), which denotes the provision of technical services required for the implementation of specific investment projects.

### Commission on Crime Prevention and Criminal Justice (CCPCJ)

The CCPCJ is a subsidiary body of the ECOSOC which is responsible for overlooking all of the UN's efforts into crime prevention and criminal justice, and also provides information and resources to aid these initiatives.

### Criminal Justice

In the context of the CCPCJ, criminal justice relates to the idea of how criminals receive an impartial trial and are punished accordingly. In addition to this, it also looks into the wellbeing of the criminals in a penal institution and if they are subjected to any methods of degradation.

### Crime Prevention

Crime prevention in the context of the CCPCJ, regards the ideas of traditional crime prevention such as the attempt to reduce transitional drugs trades, prostitution rings and other criminal acts.

## Background Information

### History

The international committee has been addressing the issue of crime prevention and criminal justice from a very early age, a good example being the International Penal and Penitentiary Commission (IPPC) from 1885. Since then the UN had assumed its role and had subsequently established the CCPC in 1971 as a subsidiary organ of the ECOSOC. The CCPC acted as ad hoc committee of experts who advised the ECOSOC on issues of crime prevention and the treatment of criminals and offenders.

### *Replacement*

The CCPC mainly focused on promoting the exchange of information and intelligence between experts and states regarding the issue of crime prevention. This included specific

theoretical strategies that could be implemented to combat crime, which were drawn up by experts. Moreover, information about other already functional solutions were often shared among member states, expressing their views about its success and also its failures, always trying to amend the solution to make it more feasible and effective in other states. However, despite the good intent to combat crime, their efforts were not effective enough to have a profound impact. In fact, in 1992 the UN stated that the rate of criminality was increasing by around five percent. This shed light on the need for a more effective body which specialized in crime prevention and criminal prosecution. A body which not only shared intelligence but aided member states through international cooperation between multiple bodies. Responding to this, a resolution was passed to replace the CCPC with the CCPCJ. The newly founded CCPCJ expressed the importance of thorough cooperation to combat transnational crime, the connection between crime and sustainable development and the importance of effective and fair protection systems.

## Mandate

The CCPCJ has a specific mandate to follow which was drawn up by the ECOSOC. There are several aspects to the mandate of the CCPCJ that it is built upon. It is responsible for approaching national and transnational crime, economic crime and money laundering; to promote criminal law and all forms of crime prevention; and to assist in the management and improvement of criminal justice and related systems, focusing especially on strengthening national capacities in developing and implementing policies. These goals of the CCPCJ provide guidelines to prevent crime in nations to improve the conditions and also create an environment for sustainable development. In addition to these mandates, the CCPCJ was also given the responsibility of preparing the UN Congress on Crime Prevention and Criminal Justice (UNCCPCJ) which is held every five years. More recently, in 2006, the CCPCJ's mandate was further extended to manage and approve the general budget of the UN Crime Prevention and Criminal Justice Fund.

## Working Methods

The CCPCJ has a certain methodology in carrying out its tasks. The Commission holds a general session in the first half of the year where member states, experts, and other officials gather and discuss an issue that has been assigned as the theme of the year. The CCPCJ, in fact, actually addresses one issue making it the theme of that year and prioritizes all its efforts on this issue. In this thematic discussion, which is a week long, they discuss strategies, review draft resolutions, and if possible adopt these resolutions. Aside from this main session, the CCPCJ also holds a small discussion at the end of the year regarding budgetary concerns and more technical aspects. In between these sessions, the CCPCJ also hold inter-sessional meeting where aspects like finalizing agenda, addressing issues and substantive matters take place.

Moreover the CCPCJ consists of 40 member states who are elected by the ECOSOC and each serve a three year term. They are specifically picked according to their geographical allocation; these are

composed of twelve African nations, nine Asian-Pacific nations, four Eastern European nations, eight Latin American and Caribbean nations, and seven Western European and other nations.

## Key Issues

### Lack of cooperation

One of the CCPCJ's main methods of effective action to combat an issue is by establishing a line of communication to a member state. For example, in China, there is a large illicit trade of organ trafficking where by the organs of people, specifically the organs of prisoners on the death row, are removed and are sold on the black market for huge sums of money. This trade has grown in size and has posed a major threat in China. To effectively address this illicit activity, the CCPCJ has drawn up multiple plans to combat and eradicate this issue, often cooperating with field experts, the nation itself, and also other bodies such as non-governmental organizations (NGO's) who have been dedicated to eradicate the organ trade. However, despite the several actions that the CCPCJ has taken, the issue still seems to be very much evident in China, and this is due to the widespread infiltration of the trade's influence. The organ trade has even influenced the government, making certain officials corrupt. This widespread corruption is part of the reason why the strategies that the CCPCJ have failed. Despite the strategies that the CCPCJ has provided to the nation, the government of the China, sometimes, has chosen to amend the strategy slightly so that the trade can still go on. Many of the officials find that the personal benefits of the trade that they receive are far more important than addressing the illegal activity.

### Budget

Like many organizations and commissions of the UN, the CCPCJ also faces large problems with the collection of financial resources and how they are distributed. Like the UNODC, the CCPCJ receives money from member nations which is up to their own discretion on how much they want to provide. And despite their fixed annual budget for normative work almost 85% of the CCPCJ's budget is made up of extra-budgetary resources, which is money provided by member nations and other organizations. This large sum of money is what is usually used to initiate researching strategies and carry out actions. However, the budget cannot be allocated to these initiatives if it isn't welcomed by member nations. If done so, the CCPCJ risks losing a substantial amount of its financial resources. This results in no action taking place and weakens the CCPCJ and also its credibility. It is not able to address issues effectively and efficiently as well.

### Authority and jurisdiction

Although the CCPCJ is charged with managing the budget for the UNODC, the authority of the CCPCJ doesn't extend or influence a wide range. Despite being able to develop strategies and share ideas, there is no incentive for member nations to follow the orders given by the CCPCJ. This hinders

the goal of CCPCJ a great deal because the hard work put into developing strategies and collecting information is gone to waste if the nation doesn't choose to follow it. The CCPCJ has no jurisdiction over a nation and cannot legally control what a nation does. However, this is the case with many other bodies as well. Despite the work, it eventually comes down to the nation to whether or not actually carry out the actions effectively. This, as a result, weakens the CCPCJ due to the lack of strong authority or power. This also hinders the efforts for a stronger growth in technical cooperation because when a nation has decided not to carry out these actions, it has basically refused to cooperate with the CCPCJ. So despite the good intentions, the power of the commission is considerably low making it weak.

## Internal Efficiency

With the creation of the CCPCJ in 1992, it also resulted in the creation of a Secretariat within the CCPCJ which is in charge of carrying out all 'behind the scenes' actions such as documentation, venues, and so forth. However, this group has often struggled with its activities resulting in criticisms from member states on its working methods. Before the annual sessions, 'pre'-session documentation is often sent to the member nations to address the issue, provide information, and generally prepare. However, in recent years, this documentation has been handed out at a time where there is inadequate time for preparation. Moreover, the documentation was often not translated in other languages resulting more problems for other nations. With an emphasis on multilingualism in the UN, the CCPCJ's actions seem sometimes unacceptable for nations. Also many draft resolution sent to the commission for discussion are often tabled as there is an immense amount of draft resolution that they receive but have little time to discuss. So this inefficiency is something that many nations try to address and provide advice on

## Major Parties Involved and Their Views

### The United Nations

The CCPCJ is viewed as one of the more important commissions of the UN because of how it is responsible for not only evaluating crime prevention and criminal justice in member nations, but also assists any strategy that is regarded to the topic of crime prevention and criminal justice. In fact, it is also one of the more successful commissions with successes in this field. This is partially due to the way the commission works, with a special emphasis on cooperation. In addition to this, the commission also implements field experts who work with member nations creating a much more successful commission as more in depth discussions take place resulting in the UN extending the CCPCJ's mandate to control the budget of the UN Crime Prevention and Criminal Justice Fund. However, like many things, the CCPCJ has also received criticism in its efficiency of handing out documentation. This is important as the means that many nations would not have adequate time to discuss and draw up draft resolution before the conference, resulting in ineffective discussions.

## NGOs

Many NGOs that collaborate with the CCPCJ in carrying out strategies or assisting in its research have also expressed their view as the CCPCJ being a providential commission and the general idea behind the whole initiative is great. However, these NGOs have expressed many criticisms as well regarding the way the CCPCJ works and how it enforces legislation are not as effective as they seem. Some NGOs have argued that the CCPCJ has had minimal discussion about problems regarding women in the aspect of crime prevention and criminal justice. Moreover, the NGO's have also expressed that the effectivity of CCPCJ's actions are not always that successful. For example even when there is a legislation which prevents criminal violence, many victims are subject to secondary criminal violence, which relates back to the idea of how there is a lack of effective enforcement of legislation.

## Member Nations

As mentioned before, many member states such as Canada and Pakistan have expressed their views in aspect of the internal efficiency of the CCPCJ and how this internal efficiencies have become a slight issue. Many have complained that the distribution of documents in a timely manner and in multiple languages has become a problem as the 'pre'-session documents for example have been handed out at a very late date giving little time for preparation and draft resolutions. Moreover, the nations have also expressed how the CCPCJ is incapable of handling large number of draft resolutions submitted by nations resulting in tabling many of the resolutions and not being discussed. This could mean that some innovative and smart strategies may not even been considered.

## Timeline of Relevant Resolutions, Treaties and Events

Date	Description of event
February 7, 1992	<p data-bbox="454 1503 1520 1543"><b>Establishment of the Commission on Crime Prevention and Criminal Justice</b></p> <p data-bbox="454 1563 1520 1653">The ECOSOC established the CCPCJ upon request of GA resolution 46/152 as one of its functional commissions</p>
July 30, 1992	<p data-bbox="454 1715 1520 1756"><b>Establishment of the CCPCJ's mandate and function</b></p> <p data-bbox="454 1776 1520 1912">This resolution of by the ECOSOC establishes the mandate of the CCPCJ and also its primary function as the essential body in the UN for crime prevention and criminal justice</p>

### **Strengthening the United Nations crime prevention and criminal justice program**

July 27, 1993 This resolution by adopted by the GA addressed the whole crime prevention and criminal justice field in general, but also states that the CCPCJ is the principle policy making body

### **Technical cooperation in the field of crime prevention and criminal justice**

July 24, 1994 This resolution drawn up by the ECOSOC looks into improving the technical cooperation of the whole crime prevention and criminal justice programme, whilst also including the CCPCJ

### **The CCPCJ mandate extends**

March 12, 2007 The mandate of the CCPCJ is further extended in GA resolution 61/252 whereby the CCPCJ is also given the responsibility to control UN Crime Prevention and Criminal Justice Fund

## **Relevant UN Treaties and Events**

- Establishment of the Commission on Crime Prevention and Criminal Justice, 7 February 1992 **(E/RES/1992/1)**
- Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice, 30 July 1992 **(E/RES/1992/22)**
- Questions relating to programme budget for the biennium 2006-2007, 12 March 2007 **(A/RES/61/252)**
- Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity, 23 March 2011 **(A/RES/65/232)**

## **Evaluation of Previous Attempts to Resolve the Issue**

There have been numerous attempts to strengthen the CCPCJ considerably to make it more effective and in general have a greater influence and impact on the work that it does. One of these solutions was giving the CCPCJ responsibility to approve the general budget of the UN Crime Prevention and Criminal Justice Fund in 2007, making it the governing body of the UNODC and an even stronger body in the UN efforts to combat crime and promote criminal justice. Since the CCPCJ could divide the budget accordingly to separate strategies, it can prioritize issues that needed the financial resources the most and

they would be directed. Unlike before, where the CCPCJ was restricted to a certain budget to specific strategies now they could direct more or less financial resources proportionally to its level of priority. However, despite the new found power, the CCPCJ still struggles with the general budgetary issues that plagues many of the UN's bodies including the UNODC. Due to the large amount of its budget coming in from donations of member states, the CCPCJ is not able to take effective actions if it isn't welcomed by member nations. This continues to be a major criticism for not only CCPCJ but also other UN bodies as they simply hinder the efforts of the bodies like CCPCJ from taking effective actions to solve an issue at hand thus making it weaker.

Also, ever since the start of the new and more technically focused CCPCJ in 1992, the CCPCJ's working methods have had a different procedure than other UN bodies when in session. What the CCPCJ actually does is it has thematic discussions during its session every year. It doesn't completely focus on a very broad range of problems and issues but rather prioritizes one issues which become the theme or the issue at hand during that year's thematic discussion, and during its weeklong conference, that issue is discussed reviewing draft resolution, adopting them, and drawing up strategies. This method of working is extremely efficient because of the way on how it is completely focused on one issue and how to combat it. This allows for all or most of the CCPCJ to direct its resources to this one issue providing immense amount of resources and assistance. Due to this, the CCPCJ usually succeeds in ameliorating the issue by a substantial margin. However, despite such an effective working method, this procedural matter also has its draw backs. Since the CCPCJ only has an allocated 10 days for it to meet and discuss annually, other issues are not covered. For sure, the CCPCJ prioritizes the theme that poses the most threat, but however, other issues which aren't addressed tend to grow into a larger problem as not much of their efforts aren't directed at them. This method of neglecting causes other threats to grow until substantial work is needed to improve the issue. This then is not efficient as more resources are needed to combat it than if it was a much smaller issue.

## Possible Solutions

As mentioned before in the key issues, The CCPCJ's extensive efforts are sometimes ineffective due to the lack of cooperation from member nations. External factors like corruption have hindered much of CCPCJ's efforts, which is illustrated in the organ trade problem in general. To combat such factors, the commission could possibly try combat corruption more extensively. Although there are other bodies of the UN which are combating corruption, including the UNODC with its Convention Against Corruption, the CCPCJ should further extend its efforts to eradicate corruption and encourage transparency. This could be done through methods such as establishing a sub-commission which works in conjunction with the CCPCJ to eradicate corruption parallel to its priorities. Moreover, like other priorities that the CCPCJ takes on annually, they could have the problem of corruption as one of these priorities which would then increase their efforts in combatting corruption as a crime. Finally, cooperation with NGO's such as Transparency



International is essential in cracking down corruption. Indeed, the UN has worked with several NGOs on this issue, but with the CCPCJ playing a role as well, efforts would become more extensive and effective. By reducing and hopefully eradicating corruption, it would enhance more cooperation between nations and strengthen the CCPCJ as there would be no discrepancies when initiating strategies. It would result in increased effectivity with and within the CCPCJ.

Also funding poses a great issue for the Commission, because like the UNODC, the CCPCJ is dependent on funding by member states, which is often at the states own discretion. Also despite having a regular budget for its normative work, a large percentage of the budget is made up of extra-budgetary resources, such as special funding from member states. This causes a huge problem as effective research and actions can't be taken if funds aren't allocated to such effective programs as they are not welcomed by some member nations. So despite its large budget, there still is an issue of effectivity as some of the funds can't be allocated constructively. So to combat this issue, the CCPCJ could try and assert that donated funds will be used at the CCPCJ's discretion. This would mean that even if a project is unwelcome by member states, the funds are still allocated to that project for further enhancement. However, this would also result reduced donations from member states which makes up a great deal of the commission's budget. On the other hand, the CCPCJ could initiate a plan to extend its funding resources through to the general public, organizations (specifically NGOs) and other such examples to increase its budget. This could result in increased effectivity and greater technical cooperation as funds can be effectively allocated to carry out actions.

Moreover, the internal efficiency of the CCPCJ also poses a small issue as documentation and draft resolutions are sometimes not presented in a timely manner or other such issues. Many nations have expressed its view on the poor preparation of the CCPCJ with regards to the distribution of 'pre'-session documentation in a timely manner, and also the lack of translations. This, although seems like a small issue, is actually more important than it seems as adequate preparation from delegation is required for effective discussions. However, with documentation not being handed out in advance, and if done so, not in multiple languages, this hinders the effectivity of the organization as delegation would not be fully informed of the issue or have unclear doubts. Measures have been placed to increase efficiency, such as taking feedback from nations and building upon them. But there needs to be further emphasis on the improvement from criticism. Also, part of the issue boils down the budgetary concerns of documentation. So possibly more financial resources can be directed towards these aspects, or review ways in which these methods can become more efficient.

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