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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

UNITED NATIONS & CRIME PREVENTION

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ABSTRACT

The United Nations (UN) has played a pivotal role in shaping international standards for crime prevention and criminal justice. Since its formation in 1945, the UN has established a global framework for cooperation among nations to address transnational crimes, human rights violations, and social injustices. Through its Crime Prevention and Criminal Justice Congresses, held every five years, and the work of the United Nations Office on Drugs and Crime (UNODC), the organization has developed various treaties, conventions, and model laws that guide member states in strengthening their legal systems. India, as an active UN member, has ratified several key international instruments such as UNTOC and UNCAC. These conventions have significantly influenced Indian legislation concerning women's safety, corruption control, and organized crime. This report focuses on analyzing the Role of UN in prevention of crime in the society through the implementation of various model laws and studies the laws that has been ratified by India through various landmark cases.

KEYWORDS: United Nations, Crime, Conventions, UNTOC, UNCAC, UNODC

1. INTRODUCTION

Crime prevention, particularly concerning vulnerable populations, is a core focus of international human rights efforts. The United Nations is a pivotal organ of world government, and the most important of all international institutions which helps in crime prevention.¹ The true name of the organization is the 'United Nations', although it is often referred to as the 'United Nations Organization' or 'UNO' or 'UN'. The United Nations maybe defined in a simplistic way as an organization of independent states which have accepted the obligations contained in the United Nations charter signed at San on 26 June 1945. The body or main stem of the United Nations is represented by the organs expressly named in the charter, but from

¹ See advisory Opinion on the admissibility of hearings of petitioners by the committee on south West Africa ICJ 1966,23.

this initial basis there have evolved ramifications on a scale unprecedented for any other international institutions; these are not mere offshoots, The United Nations, since its inception, has been at the forefront of developing treaties, conventions, and frameworks that member states, including India, have used as blueprints for national legislation. India has ratified and implemented various international instruments that aim to curb crimes, especially those related to gender-based violence.

One of the most important platforms for this work has been the **United Nations Congresses on Crime Prevention and Criminal Justice**. Held every five years since the first meeting in Geneva in 1955, these congresses gather governments, experts, and civil society from across the globe. Their recommendations have shaped many international standards, such as the **Standard Minimum Rules for the Treatment of Prisoners** (now known as the Nelson Mandela Rules), guidelines on juvenile justice, and declarations on protecting victims of crime. By bringing diverse voices together, these congresses help ensure that crime prevention strategies keep pace with social and economic change.

It is the world's largest global gatherings on crime and justice. They are also the oldest periodic conferences organized by the United Nations on a specific subject area. The Congresses bring together senior policy makers, practitioners, UN agencies, intergovernmental and non-governmental organizations as well as individual experts in crime prevention, law enforcement, prosecution, the courts, corrections and related fields.²

India, as a founding member of the UN, has actively engaged with these developments. Over the years, it has ratified key conventions such as the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, the **United Nations Convention against Corruption (UNCAC)**, and the **United Nations Convention against Transnational Organized Crime (UNTOC)**. These commitments have not remained on paper. Indian courts have often turned to international conventions to fill gaps in domestic law. For example, in *Vishaka v. State of Rajasthan* (1997)³, the Supreme Court relied on CEDAW to establish guidelines against workplace sexual harassment—guidelines that later formed the basis of the

² 1Up to the Tenth UN Crime Congress held in Vienna in 2000, the official name was the United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The name change came with General Assembly resolution 56/119, para. 1.

³ *Vishaka and Ors. vs. State of Rajasthan and Ors.*, is (1997) 6 SCC 241 and AIR 1997 SC 3011.

2013 POSH Act⁴.

2. FORMATION OF THE UNITED NATIONS AND ITS PURPOSE

2.1 Origins

The principles stated in the charter were derived from the conceptions and plans of the wartime Allies, which first found expression in:

- a) The Atlantic Charter subscribed to by the president of the United States and the Prime Minister of Great Britain in August 1941.⁵
- b) The United Nations Declaration signed by 26 nations on New Year's Day 1942 after Japan had opened hostilities in the Pacific.
- c) The Moscow Declaration of October 1943, issued by the governments of the United States, Great Britain, the Soviet Union and China, recognizing the need for establishing a general international organization based in the principle of the sovereign equality of all peace-loving states and open to membership of all states large or small, in order to maintain international peace and security.

2.2 Purpose and Principle

The 'Purposes' of the United Nations are stated in article 1 of the Charter from which it appears that the United Nations is primarily an organization for maintaining peace and security, with the additional functions of developing friendly relations among nations, of achieving international co-operation in economic, social, cultural, and humanitarian matters, of developing respect for human rights and fundamental freedoms, and of providing a means for harmonizing international action to attain these aims. It is questionable whether these general objectives, constituting the *raison d'être* of the Organization, can be regarded as embodying rules of law, authorizing its organs and member states to take action not specifically provided for in the operative articles of the Charter. Article 2 of the Charter also sets out certain 'Principles'. Two of these Principles are laid down for organic observance by the United Nations itself, namely, that the basis of the United Nations shall be the sovereign equality of all its members and that it shall not intervene (except where 'enforcement action' is called for) in matters 'essentially within the domestic jurisdiction of any state (paragraph 7 of article 2 of the Charter)⁶. Four other 'Principles' are set down for observance by member states, namely,

⁴ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

⁵ For discussion of the Atlantic Charter, see Stone, *The Atlantic Charter* (1943).

⁶ For comment see Bowett, *op cit*, pp 24-25.

that they should fulfil their obligations under the Charter, settle their disputes by peaceful means, not threaten or use force against the territorial integrity or political independence of any state, and give assistance to the United Nations while denying such assistance to any state against which preventive or enforcement action is being taken.

2.3 Key UN Organs

The United Nations differs from the League of Nations in its decentralized character, the powers and functions under the Charter being distributed among 'principal organs:

- 1) The General Assembly.
- 2) The Security Council.
- 3) The Economic and Social Council.
- 4) The Trusteeship Council.
- 5) The International Court of Justice.
- 6) The Secretariat.

Each organ has sharply defined the General Assembly, the latter's powers are mainly supervisory and recommendatory, so that possibly some particular field of international action may be outside the operational competence of the United Nations. As distinct from the principal organs, there are the subsidiary organs of the United Nations, as to which there is a considerable degree of flexibility, since paragraph 2 of article 7 of the Charter provides that 'such subsidiary organs as may be found necessary may be established in accordance with the present Charter', and articles 22 and 29 empower the General Assembly and the Security Council respectively to establish subsidiary organs deemed necessary for the performance of their functions. Instances of the exercise of these powers are referred to below.

➤ **The General Assembly**

The General Assembly⁷ is the only principal organ of the United Nations consisting of all members, each member having only one vote, though allowed five representatives. It meets regularly once a year, but can meet in special session if summoned by the Secretary-General at the request of the Security Council or of a majority of the members of the United Nations, or at the request of one member concurred in by a majority of the members.

⁷ As to the General Assembly, its structure and powers, see Bowett, *op.cit.*, pp 42-58, and Finlen *The Structure of the United Nations General Assembly* (1977).

It is essentially a deliberative body, with powers of discussion, investigation, review, supervision and criticism in relation to the work of the United Nations as a whole (see article 10 of the Charter), and of the various other organs of world government provided for in the Charter including the specialized agencies. Generally speaking, its powers are limited to making recommendations and not binding decisions, although it is empowered to take certain final decisions, for example, as to the budget or as to the admission, suspension or expulsion of members. However, its recommendations, while not creating legal obligations, may operate with permissive force to authorize action by member states⁸.

The General Assembly's powers and functions consist of the following:

- i. Powers of discussion and recommendation in relation to the maintenance of international peace and security,
- ii. The direction and supervision of international economic and social cooperation;
- iii. The supervision of the international trusteeship system,
- iv. The consideration of information as to non-self-governing territories;
- v. Budgetary and financial powers whereby it has exclusive control over the finances of the United Nations;
- vi. Powers of admitting, suspending and expelling states members (see above); powers in relation to the adoption of amendments to the Charter (see articles 108-109),
- vii. The election of members of other organs;

➤ **The Security Council**

The Security Council⁹ is a continuously functioning body, consisting of fifteen member states; five are permanent and are named in the Charter, being China, France, the Russian Federation¹⁰, Great Britain and the United States. Ten¹¹ non-permanent members are elected by the General Assembly for a term of two years, and in their election due regard is to be specially paid in the first instance to the contribution of member states to the maintenance of

⁸ As to the General Assembly, its structure and powers, see Bowett, op.cit, pp 26-42, and Finlen The Structure of the United Nations General Assembly (1977).

⁹ On the Security Council, see Bowett, op cit, pp 26-42: S. D. Bailey The Procedure of the United Nations Security Council (1975); and Kerley 'The Powers of Investigation of the United Nations Security Council' 55 AJIL (1961) 892).

¹⁰ The Russian Federation replaced the Soviet Union in its UN seat, including permanent membership of the Security Council, in 1991. It did so with the general acquiescence of UN members and with the express concurrence of the other successor states to the Soviet Union.

¹¹ Formerly, the number was six, but this was increased to ten under amendments to the Charter which came into force in 1965.

peace and security, to the other purposes of the United Nations, and to equitable geographical distribution article 23). There are provisions for participation in the Security Council's discussions by states other than permanent and non-permanent members:

- a. any member state of the United Nations may participate without vote in a discussion of any question brought before the Security Council if the Council considers the interests of that member state are specially affected (article 31);
- b. any such member state or any non-member state, if it is a party to a dispute being considered by the Security Council, is to be invited to participate without vote in the discussions concerning the dispute (article 32).

There have been proposals since 1985 to enlarge the membership of the Security Council on the pound of ensuring a claimed more equitable geographical distribution of seats on the Council. This might also involve increasing the number of permanent members¹².

The principal powers and functions of the Security Council relate to the following matters:

- i. the pacific settlement of international disputes;
- ii. preventive or enforcement action to maintain peace and security;
- iii. regional agencies and regional agreements;
- iv. the control and supervision of trust territories classified as 'strategic areas' (see Chapter 5 above);
- v. the admission, suspension, and expulsion of members (see above);
- vi. amendments to the Charter (see articles 108-9);
- vii. the election in conjunction with the General Assembly, of the fifteen judges of the International Court of Justice

➤ **The Secretariat**

The UNO Secretary-General is the head of the Secretariat one of the principal divisions of the UN. He is appointed by the General Assembly on the recommendation of the Security Council. He is entrusted with the following duties:

- a) Ordinary administrative functions in relation to the principal organs of the UNO, except the ICJ.
- b) To present the annual report to the General Assembly on the working of the UN.
- c) To bring to the attention of the Security Council any matter which in his opinion, may

¹² See also below p 586, as to the Security Council and the Congo situation.

threaten the maintenance of international peace and security.

- d) To act in cases in which the Charter expressly or implicitly refers functions to the UNO without specifying the organ called upon to fulfil it.

The Secretary-General is entitled to bring an action on behalf of the Staff of the Secretariat, before the International Court, in respect of elaborate provisions for securing the independence of the staff of injuries suffered by them in the services of UNO¹³. The Charter contains the Secretariat Though they are recruited from various States, they belong to the international service and are bound to maintain the detailed rules on the terms of the appointment of the Secretary-impairality of the organization. The first General Assembly adopted General and the organization of the Secretariat.

The Secretariat is the civil service that administratively supports the United Nations. The Secretary-General is the head of the Secretariat and the chief administrative officer of the United Nations. Since its inception there have been seven Secretaries-General of the UN.¹⁴

- Trygve Lie, Norway, 2 February 1946
- Dag Hammarskjold, Sweden, 10 April 1953
- U Thant, Burma, 3 November 1961
- Kurt Waldheim, Austria, 22 December 1971
- Javier Perez de Cuellar, Peru, 15 December 1981
- Boutros Boutros-Ghali, Egypt, 1 January 1992
- Kofi Annan, Ghana, 1 January 1997

While the Secretary-General is the chief administrative officer of the UN, he also plays a significant diplomatic role. He speaks on behalf of the international community in support of the aims and values of the Charter for the preservation of peace and security. He has considerable power to bring disputes that threaten peace and security to the attention of the Security Council. He travels widely and consults with world leaders, and in this way, becomes a force for mediation

➤ **Economic and Social Council (ECOSOC)**

The Economic and Social Council is both a forum for discussion and a coordinating agency

¹³ See Reparation for Injuries Suffered in the Services of the United Nations, (1949) ICJ Reports, p 174.

¹⁴ United Nations. 'Who works at the UN?', posted June 1999. www.un.org/geninfo/ir/ch2/ch2.htm, visited 22 May 2001.

for work on the economic and social issues that affect states. Like all organs of the UN, it represents governments and it reports to the General Assembly. It was hoped that cooperation in these 'non-political' fields would engender greater cooperation in the political arena.¹⁵ ECOSOC covers a wide range of activities: economic progress, employment, health and education, scientific development, environmental protection, cultural cooperation, control of international crime and drug trafficking, civil aviation and the protection and promotion of human rights.

Sessions

ECOSOC holds one substantive session per year, between May and July, alternately in New York or Geneva.

Membership

It is one of the largest and most significant organs within the United Nations. It has 54 members selected on the basis of the geographic regions: African states (14), Asian states (11), Eastern European states (6), Latin American and Caribbean states (10), and Western European and other states (13). Members serve for three-year terms. Each member has one vote and resolutions are passed by a simple majority.

There are also five regional commissions:

- Africa;
- Asia and the Pacific;
- Europe;
- Latin America and the Caribbean;
- and Western Asia.

These commissions examine economic and social development in the regions and coordinate UN responses on a regional basis. The focus of any of the commissions, whether trade, transport, agriculture, health, education, environment etc, is determined by the circumstances

¹⁵ Interestingly, the Australian delegate to the League of Nations, Stanley Bruce, had suggested this in a report from the Bruce Commission in late 1939. It recommended the expansion of the existing economic and social activities of the [League] and the establishment of a high-powered council within the League to organise this work. The recommendation lapsed with the demise of the League during World War II. But the Council was revived when discussion on the establishment of the United Nations was discussed after the war. Quoted from Luard, Evan. *The United Nations: How it Works and What it Does*. 1994. St. Martin's Press, New York, p. 62.

of the region. ECOSOC receives specialist reports from all of these committees and commissions within the UN. Drafts of resolutions decided in the subsidiary bodies are considered in the plenary sessions of ECOSOC and reported to the General Assembly. There are also four standing committees, largely procedural, and a number of expert bodies. At the request of the General Assembly, ECOSOC is conducting a review of its functions and structures.

➤ **Trusteeship Council**

The Trusteeship Council played an important role in the process of decolonisation after the Second World War. It considered reports from administering authorities of trust territories, inspected the territories periodically and examined disputes or complaints. When the last trust territory, Palau, became an independent member of the UN in 1994, the work of the Trusteeship Council was completed. As part of the reform of the UN, a new role for the Council is being considered.¹⁶

➤ **International Court of Justice**

The International Court of Justice was established as one of the primary organs of the UN, its purpose and structure defined in the Charter. It is both the arbiter of and the source of advice on international law for the United Nations. Its arbitration function is to settle disputes between states, and only states- individuals may not bring cases to the Court. However, acceptance of the jurisdiction of the court in any dispute is voluntary for the states concerned. Under Article 94, the Security Council can decide on 'measures to be taken to give effect to the judgement' of the Court. It has never done so. It also gives advisory opinions on international law. However, the law that it interprets is not confined to the Charter or particularly to UN conventions. International law predates the establishment of the UN and the Court can, and does, give opinions on international customary law and on conventions and treaties outside of the UN system; on the general principles of law recognised by nations.

To a large extent and by comparison with domestic jurisdictions, international law is embryonic. It has been described as incomplete (for example, there are few rules relating to economic relations between states), disputed (for example, the criteria for recognising a new

¹⁶ For a comprehensive list see Appendix F. More detailed information on the structure and function of these organisations can be obtained from the UN web site.

state or intervening in civil wars are not agreed) and uncertain (questions such as hot pursuit or anticipatory self-defence, while agreed, are vaguely defined). However, progressive codification of international law has been attempted since the League of Nations set up the Permanent International Court. This codification continues under the International Law Commission (ILC).

The challenge for the United Nations in the new millennium is to overcome the deficiencies as outlined in this paragraph. The International Court of Justice was established by Chapter XIV articles 92-96 of the Charter of the United Nations. Its operation is governed by its own Statute, which is an annex to the Charter. It is based in The Hague. It consists of 15 judges, elected by the General Assembly and the Security Council, voting independently. Judges are chosen on the basis of their qualifications, not their nationality. No two judges can be from the same country. The spread of judges is not based on regions but on the need to represent the major judicial systems of the world. Judges serve a nine-year term and may be re-elected. Five judges retire every three years. They may not engage in any other occupation during their term of office.¹⁷

3. UNITED NATIONS CONGRESSES ON CRIME PREVENTION AND CRIMINAL JUSTICE 1955–2015

The United Nations Crime Congress is the world's largest and most diverse gathering of governments, civil society, academia and experts in crime prevention and criminal justice. For 60 years, the congresses have had an impact on criminal justice policies and strengthened international cooperation against the global threat of transnational organized crime. The practice of holding international conferences on crime control matters at five-year intervals dates back to 1872 when conferences were held under the auspices of the International Prison Commission, which later became the International Penal and Penitentiary Commission (IPPC). The First United Nations Crime Congress was held in Geneva in 1955. Sixty years later, this tradition continues with the Government of Qatar hosting the Thirteenth United Nations Crime Congress in Doha. The Doha Congress in 2015, which marks the 60th anniversary of the Crime Congress, will consider how best to integrate crime prevention and criminal justice into the wider United Nations agenda.

¹⁷ United Nations Handbook 1999, developed by the New Zealand Ministry For Foreign Affairs and Trade.

The theme of the Thirteenth Congress is “Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation”.

Over the course of sixty-five years, the composition and the nature of the Congresses have evolved, largely reflecting shifts in the general approach to crime, as well as changes in the UN crime prevention and criminal justice programme (referred to below as the UN Crime Programme). What began as genteel gatherings of largely Western experts engaging in scholarly debates about the causes of juvenile Delinquency and the proper correctional treatment of offenders, later became increasingly politicised and heated exchanges of views between government representatives regarding priorities, who has the responsibility to act, and who should bear the financial burden.¹⁸

I. FIRST UNITED NATIONS CONGRESS

The First Congress adopted the Standard Minimum Rules for the Treatment of Prisoners¹⁹
First United Nations congress on the Prevention of Crime and the Treatment of Offenders
Geneva, Switzerland 22 August- 3 September 1955.

Over 50 governments and 500 participants took part in the first UN Crime Prevention Congress. The main focus of the event was the treatment of juvenile delinquents and prisoners, the numbers of which had risen dramatically in post-war Europe. Congress topics:

- “Open” penal and correctional institutions
- The selection and training of prison personnel
- The proper use of prison labour
- The impact of the mass media on juvenile deviancy.

The Congress made recommendations:

For the prevention of juvenile delinquency through the community, the family, schools and social services, as well as the selection and training of prison personnel.

¹⁸ Up to the Tenth UN Crime Congress held in Vienna in 2000, the official name was the United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The name change came with General Assembly resolution 56/119, para. 1

¹⁹ <https://unis.unvienna.org> (United Nation Information Service, Vienna)

Standard Minimum Rules for the Treatment of Prisoners:

The First Congress concluded with the adoption of the Standard Minimum Rules for the Treatment of Prisoners which cover the general management of institutions, and are applicable to all categories of prisoners, criminal or civil, in pre-trial detention or following conviction and sentencing, including prisoners subject to “security measures” or corrective measures ordered by a judge. Since their development and adoption the Standard Minimum Rules for the Treatment of Prisoners have had immeasurable impact on the treatment of prisoners worldwide. Today they remain the standards against which many concerned human rights, intergovernmental and non-governmental organizations determine the treatment of prisoners.

II. SECOND UNITED NATIONS CONGRESS

The Second Congress recommended special police services for juvenile justice²⁰

Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders
London, England 8-19 August 1960.

Over one thousand participants converged on London for the 1960 Congress which focused on crime, including juvenile delinquency, that resulted from social changes accompanying rapid economic development. Following the adoption in 1959 of the Declaration on the Rights of the Child, the Congress concentrated on new forms of juvenile delinquency, their origin, prevention and treatment.

The Congress made recommendations on:

- Short-term imprisonment
- The integration of prison labour with the national economy
- The remuneration of prisoners
- Pre-release treatment and assistance to dependents of prisoners
- Parole and released prisoners' transition to community life
- After-care, including vocational guidance, training and placement
- The role of national planning in preventing crime.

Special police services for the prevention of juvenile delinquency

The Second Congress made recommendations on special police services for the prevention of juvenile delinquency, with special emphasis to the development of the greatest possible

²⁰ Report of the Second UN Crime Congress, para. 39

cooperation between the police, various national specialized agencies and the general public regarding measures to prevent juvenile delinquency.

Establishment of Regional Networks

To involve developing regions more closely with the United Nations Crime Programme the Second Congress set in motion the creation of regional crime institutes.

III. THIRD UNITED NATIONS CONGRESS

The Third Congress analysed the relationship between criminality and social change²¹

Third United Nations Congress on the Prevention of Crime and the Treatment of Offenders
Stockholm, Sweden 9-18 August 1965.

“Prevention of Criminality” was the main theme of the Stockholm Congress, which started to devote attention to technical assistance in the field of crime prevention and criminal justice, stressing the need of criminological research for crime prevention.

The Congress topics focused on:

- Social change and criminality
- Social forces and the prevention of criminality
- Community action for preventing crime
- Special preventive and treatment measures for juveniles and young adults
- Measures to reduce recidivism

The United Nations Interregional Crime and Justice Research Institute

“Prevention of Criminality” was the main theme of the Stockholm Congress, which started to devote attention to technical assistance in the field of crime prevention and criminal justice, stressing the need of criminological research for crime prevention. The Congress recognized the importance of research and training in the field of crime, including the launching of regional and inter regional initiatives. As a follow-up to the actions of the Third Congress, the United Nations Social Defence Research Institute was established in 1968 in Rome. In 1989, the Economic and Social Council formally recognised the expansion of UNSDRI into the United Nations Interregional Crime and Justice Research Institute (UNICRI).

²¹ Report of the Third UN Crime Congress, para. 46

IV. FOURTH UNITED NATIONS CONGRESS

The Fourth Congress called for improved crime prevention planning for economic and social development²²

Fourth United Nations Congress on the prevention of Crime and the Treatment of Offenders
Kyoto, Japan 17- 26 August 1970.

Under the theme “Crime and Development” the Kyoto Congress was the first to be preceded by regional preparatory meetings, which were held in Africa, Asia, Europe, Latin America and the Middle East. Previously, there had been little opportunity for experts of all regions to formulate a common policy approach to the items on the agenda.

Congress topics:

- Social defence policies in relation to development planning
- Public participation in crime prevention and control of crime and delinquency
- The organization of research for policy development in social defence
- Developments in the correctional field

Improved crime prevention planning for economic and social development

The Kyoto Congress was the first to adopt a declaration, calling on governments to take effective steps to coordinate and intensify their crime prevention efforts in the context of economic and social development. It further recognized that crime in all its forms sapped the energies of nations, undermining efforts to achieve a more wholesome environment and a better life for their people. In addition, the Congress discussed for the first time the problem of terrorism and airplane hijacking.

V. FIFTH UNITED NATIONS CONGRESS

The Fifth Congress approved the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment²³

²² Report of the Fourth UN Crime Congress, para 20. However, it may be noted that already the First UN Crime Congress was preceded by “regional consultative group” meetings that had examined some of the items on the agenda. Report of the First UN Crime Congress, para. 13.

²³ The addressees of the various conclusions and recommendations included the Commission for Social Development, the Commission on Narcotic Drugs and the International Narcotics Control Board, the Statistical Commission, the Commission on Human Rights, the Commission on Transnational Corporations, the Commission

FIFTH UNITED NATIONS CONGRESS on the Prevention of Crime and the Treatment of Offenders Geneva, Switzerland 1-12 September 1975.

The Congress returned to Geneva in 1975. For the first time, discussions focused on the new forms and dimensions of criminality, including organized crime as a business, and the costs of crime.

The Congress made recommendations on:

- Offences involving works of art and other cultural property
- Criminality associated with alcoholism and drug abuse
- Interpersonal violence
- Criminality associated with migration and flight from natural disasters and hostilities
- Female criminality
- Terrorism

The Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Fifth Congress adopted a resolution in which it recommended to the General Assembly the adoption of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subsequently developed into a convention by the Commission on Human Rights. The Congress also recommended the formulation of an international code of conduct for law enforcement officials.

VI. SIXTH UNITED NATIONS CONGRESS

On the Prevention of Crime and the Treatment of Offenders Caracas, Venezuela 25 August- 5 September 1980

Under the theme “Crime prevention and the quality of life”, the Sixth Congress recognized that crime prevention must be based on the social, cultural, political and economic circumstances of countries²⁴

on the Status of Women, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations Disaster Relief Co-ordinator, the United Nations regional commissions and institutes, UNDP, ICAO, ILO, UNESCO and WHO. Report of the Fifth UN Crime Congress, paras. 27-40

²⁴ Report of the Sixth UN Crime Congress, paras. 130 and 132, and pp. 61-62.

The Sixth Congress called for broad support and participation in crime prevention and the development of alternatives to imprisonment, as well as measures to address crime and abuse of power.

The Congress adopted resolutions on:

- Crime trends and crime prevention strategies
- Improvement of crime statistics
- Development of minimum standards of juvenile justice
- Measures to put an end to torture and extra-legal executions
- De-institutionalization of corrections and community measures
- Specific needs of women prisoners

The “Caracas Declaration”

Through the “Caracas Declaration”, Member States underlined the vital role played by the United Nations in encouraging international cooperation and the development of norms and guidelines in the field of criminal policy. Member States were also called to ensure that those responsible for the functioning of the criminal justice system should be properly qualified for their tasks and should perform them in a manner, which is independent of personal or group interest. The Congress also recommended the establishment of a regional institute in Africa.

VII. SEVENTH UNITED NATIONS CONGRESS

On the Prevention of Crime and the Treatment of Offenders Milan, Italy 26 August- 6 September 1985

The Seventh Congress adopted the Milan Plan of Action and several new United Nations standards and norms under the theme “Crime prevention for freedom, justice, peace and development”²⁵

The Milan Congress was preceded by regional and interregional preparatory meetings which proved valuable for their access to new information and ongoing research. The meetings were also strategically important for evaluating progress in the implementation of recommendations from previous congresses.

²⁵ The “Vienna Action Plans”; GA resolution 56/261

The Congress approved:

- The United Nations Standard Minimum Rules for the Administration of Juvenile Justice
- The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
- The Basic Principles on the Independence of the Judiciary
- The Model Agreement on the Transfer of Foreign Prisoners.

The Milan Plan of Action:

The Milan Plan of Action called the attention of the international community to the problem of crime as an issue of global concern, hampering the political, economic, social and cultural development of people. It reiterated that crime threatened human rights, fundamental freedoms, and peace, stability and security. It also recommended that the United Nations, as a universal forum, has an important role to play in multilateral cooperation, particularly in taking concerted action against terrorism, illicit drug trafficking and organized crime.

VIII. EIGHTH UNITED NATIONS CONGRESS

On the Prevention of Crime and the Treatment of Offenders Havana, Cuba 27 August- 7 September 1990.

The Eighth Congress recommended action against organized crime and terrorism under the theme “International crime prevention and criminal justice in the twenty- first century”²⁶

The Congress approved standards on:

- The Basic Principles for the Treatment of Prisoners
- The United Nations Guidelines for the Prevention of Juvenile Delinquency
- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty
- The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- The United Nations Guidelines on the Role of Prosecutors
- The Basic Principles on the Role of Lawyers
- Standard Minimum Rules for Non-Custodial Measures

²⁶ One of the major participants in the UN Crime Programme, the United States, did not send a national delegation to the Eighth UN Crime Congress (1990). The official list of participants at the Ninth UN Crime Congress did not include individual experts. Their number was calculated on the basis of the total number of participants reported by the UN (1,127), minus members of national delegations (694) and members of other delegations (187).

The Congress also approved:

- The Model Treaty on Extradition
- The Model Treaty on Mutual Legal Assistance
- The Model Treaty on Transfer of Proceedings in Criminal Matters
- The Model Treaty on Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released.

Prevention and control of organized crime and measures against terrorism

The Congress recommended research into the structure of organized crime and evaluation of the existing counter-measures, as well as strengthened international cooperation against terrorism. The Congress also recommended that a summit be held in Paris in 1991, leading to the establishment of an intergovernmental commission on crime prevention and criminal justice as the principal policy-making body of the United Nations.

IX. NINTH UNITED NATIONS CONGRESS

On the Prevention of Crime and the Treatment of Offenders Cairo, Egypt 28 April- 5 May 1995.

The Ninth Congress focused on international cooperation and practical technical assistance for strengthening the rule of law under the theme “**Seeking security and justice for all**”²⁷

The Egyptian capital was the venue for the 1995 Congress, the first to incorporate technical workshops as an integral part of its proceedings. The workshops discussed strategies to prevent violent crime, computerization of criminal justice, the role of mass media in crime prevention and extradition.

Congress topics:

- Action against transnational and organized crime
- The role of criminal law in the protection of the environment
- Criminal justice and police systems • Crime prevention strategies in urban areas
- Youth crime

²⁷ Report of the Ninth UN Crime Congress, paras. 245-261.

International cooperation and practical technical assistance for strengthening the rule of law

The Congress placed a high priority on the technical cooperation and advisory services offered by the United Nations to assist Member States in achieving the goals of preventing crime within and among States and improving the response to crime. The recommendations for assistance included training programmes, field studies and action-oriented research at the regional, sub-regional, national and local levels.

Programme Network of Institutes (PNI)

In 1995 the PNI welcomed the U.S. Justice Department's National Institute of Justice and the International Centre for Criminal Law Reform and Criminal Justice Policy, Vancouver, Canada. The PNI members conduct research, disseminate information and provide training and technical assistance.

X. TENTH UNITED NATIONS CONGRESS

On the Prevention of Crime and the Treatment of Offenders Vienna, Austria 10- 17 April 2000. The Tenth Congress adopted the Vienna Declaration committing Member States to take international action against corruption. Almost two thousand participants met in the Austrian capital of Vienna in 2000 for the first Crime Congress of the new Millennium. "Crime and justice, meeting the challenges of the 21st century" was the theme of this Congress.²⁸

Congress topics and workshops:

- How to promote the rule of law and strengthen the criminal justice system
- International cooperation in combating transnational organized crime
- Effective crime prevention: keeping pace with new developments
- Combating corruption
- Crimes related to the computer network
- Community involvement in crime prevention
- Women in the criminal justice system.

²⁸ GA resolution 55/60. Both GA resolutions had been drafted at the session of the UN Crime Commission that immediately followed the conclusion of the Tenth UN Crime Congress.

The Vienna Declaration on Crime and Justice

The Tenth Congress adopted by acclamation the Vienna Declaration on Crime and Justice in which Member States pledged to take resolute and speedy measures to combat terrorism, trafficking in human beings, illicit trade in firearms, smuggling of migrants and money laundering. The Declaration further committed States to take enhanced international action against corruption, stressing the need for a new international legal instrument in addition to the United Nations Convention against Transnational Organized Crime.

Programme Network of Institutes (PNI)

UNICRI, together with the regional and associated institutes (PNI), helped to organize the workshops thus continuing to assist the international community in strengthening co-operation in the area of crime prevention and criminal justice.

XI. ELEVENTH UNITED NATIONS CONGRESS

The Eleventh Congress Synergies and responses, strategic alliances in crime prevention and criminal justice, Bangkok, Thailand 18-25 April 2005.

The Eleventh Congress adopted the Bangkok Declaration, a crucial political document laying the foundation for and showing the direction towards strengthening international coordination and cooperation efforts, in order to prevent and combat crime.²⁹

Congress topics

- Effective measures to combat transnational organized crime
- Economic and financial crime: challenges to sustainable development
- Corruption: threats and trends in the twenty-first century
- International cooperation against terrorism and links between terrorism and other criminal activities
- Making standards work: 50 years of standard-setting in crime prevention and criminal justice

Workshops

- International criminal justice education for the rule of law
- Economic and financial crime: challenges to sustainable development

²⁹ <https://unis.unvienna.org> (United Nation Information Service, Vienna)

- Corruption: threats and trends in the twenty-first century
- International cooperation against terrorism and links between terrorism and other criminal activities
- Making standards work: 50 years of standard-setting in crime prevention and criminal justice
- Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system
- Practical approaches to preventing urban crime
- Links between drug trafficking and other forms of organized crime
- Workshop on strategies and best practices against overcrowding in correctional facilities.

XII. TWELFTH UNITED NATIONS CONGRESS

The Twelfth Congress comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in the changing world Salvador, Brazil 12-19 April 2010.

The Twelfth Congress adopted the Salvador Declaration, which among other things, opened the door to discussions on new national and international responses to cybercrime.³⁰

Congress topics

- Children, youth and crime
- Terrorism
- Crime prevention
- Smuggling of migrants and trafficking in persons
- Money-laundering
- Cybercrime
- International cooperation in fighting crime, and
- Violence against migrants and their families.

Workshops

- International criminal justice education for the rule of law

³⁰ Ibid

- Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system
- Practical approaches to preventing urban crime
- Links between drug trafficking and other forms of organized crime
- Workshop on strategies and best practices against overcrowding in correctional facilities.

4. INDIA: GOVERNMENT RATIFIES TWO UN CONVENTIONS RELATED TO TRANSNATIONAL ORGANIZED CRIME AND CORRUPTION

In May 2011, the Indian Government ratified two UN Conventions - **the United Nations Convention against Corruption (UNCAC)** and **the United Nations Convention against Transnational Organised Crime (UNTOC)** and its three protocols. Having ratified both Conventions, India became the fourth South Asian country after Afghanistan, Pakistan and Sri Lanka to ratify the UNTOC while joining Afghanistan, Bangladesh, Maldives, Nepal, Pakistan and Sri Lanka in ratifying the UNCAC.

The **United Nations Office on Drugs and Crime (UNODC)** is mandated by its Member States to assist in the implementation of both Conventions, which along with the UN Drug Conventions of 1961, 1971 and 1988 underpin all the operational work of UNODC.

The UNTOC was adopted by General Assembly in 2000 and came into force in 2003. The Convention is the first comprehensive and global legally binding instrument to fight transnational organized crime. States that have ratified UNTOC commit themselves to taking a series of measures to prevent and control transnational organized crime, including (i) the criminalising of the participation in an organized criminal group, of money laundering, related corruption and obstruction of justice and (ii) the adoption of frameworks for extradition, mutual legal assistance and international cooperation.

4.1 UN Convention against Transnational Organized Crime (UNTOC) and Protocols

The UNTOC is further supplemented by three Protocols, which target specific forms of organized crime:

- 1) **The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially**

Women and Children, provides an agreed upon definition of trafficking in persons. It aims at comprehensively addressing trafficking in persons through the so-called three P's - Prosecution of perpetrators, Protection of victims and Prevention of trafficking.

- 2) The **Protocol against the Smuggling of Migrants by Land, Sea and Air**, also provides a definition of smuggling of migrants. The Protocol aims at preventing and controlling smuggling of migrants, promoting cooperation among States Parties, while protecting the rights of smuggled migrants.
- 3) The **Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition** promote, facilitates and strengthens cooperation among States Parties in order to prevent and control the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition by mainly committing Member States to introduce solid registration and storage systems for all legally produced arms.

4.2 UN Convention against Corruption (UNCAC)

The **United Nations Convention against Corruption (UNCAC)**, which entered into force in December 2005, is the ever-first binding global anti-corruption instrument. It obliges the States to prevent and criminalize different corrupt practices, promote international cooperation, cooperate for the recovery of stolen assets and enhance technical assistance and information exchange. The Convention addresses both the public and private spheres and provides a set of comprehensive agreed-upon obligations and provisions to criminalize corruption and enhance transparency and accountability. In order to monitor the progress in the implementation of the Convention, Member States have agreed to conduct "peer-review mechanisms" among themselves, for which UNODC acts as a Secretariat.³¹

5. CASE LAWS WITH UN CONVENTION RELEVANCE

➤ **Vishaka v. State of Rajasthan³²:**

This landmark judgment arose after the brutal gang rape of Bhanwari Devi, a social worker in Rajasthan, who had been campaigning against child marriage. At the time, there was no specific legislation in India addressing sexual harassment at the workplace. The petitioners approached the Supreme Court seeking guidelines to protect women. The Court recognized

³¹ <https://www.unodc.org>

³² AIR 1997 SC 3011

the gap in Indian law and, relying heavily on international instruments such as the **CEDAW**³³ (ratified by India in 1993) and the **Beijing Declaration and Platform for Action (1995)**, held that international conventions, so long as they are consistent with constitutional guarantees, could be relied upon in interpreting Articles 14, 15, 19, and 21 of the Constitution. The Court thus framed the **Vishaka Guidelines**, which later formed the legislative basis for the **POSH Act**.³⁴

➤ **2. Laxmi v. Union of India**³⁵:

This case originated from a Public Interest Litigation filed by Laxmi, an acid attack survivor, highlighting the easy availability of acid and the increasing number of acid attacks in India. The Supreme Court noted that unrestricted access to acid violated the right to life and dignity under Article 21. While delivering its directions, the Court referred to international human rights obligations, including the **UN Convention on the Rights of the Child (CRC)** and **CEDAW**, emphasizing the state's responsibility to protect vulnerable groups from violence. It ordered stricter regulation of acid sales, provision of compensation and free medical treatment for victims, and recognition of acid attack survivors as a category of disability under the Persons with Disabilities Act. This case illustrated the Court's willingness to integrate international standards into protective domestic measures.

➤ **3. Independent Thought v. Union of India:**

In this case, the Supreme Court considered the constitutionality of Exception 2 to Section 375 of the Indian Penal Code, which excluded marital intercourse with a wife above 15 years of age from the definition of rape. The Court held that the provision was arbitrary, violative of Articles 14, 15, and 21, and inconsistent with India's obligations under international law. Specifically, the Court invoked the **CRC** and **CEDAW**, both of which India has ratified, to underline the duty to protect the rights of the girl child and eliminate discriminatory practices. By reading down the provision, the Court harmonized domestic criminal law with international human rights commitments, recognizing sexual autonomy and dignity of minor girls even within marriage.³⁶

³³ Convention on the Elimination of All Forms of Discrimination against Women

³⁴ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

³⁵ (2014) 4 SCC 427

³⁶ (2017) 10 SCC 800

➤ **4. Apparel Export Promotion Council v. A.K. Chopra³⁷:**

This case involved allegations of sexual harassment by a senior official against his female subordinate. The Court reiterated the principles laid down in *Vishaka*, emphasizing that sexual harassment violates the fundamental rights to gender equality, life, and liberty. The Court once again drew on **CEDAW** to reinforce that India has an international obligation to protect women against workplace harassment. This case was significant as it consolidated the binding nature of the Vishaka Guidelines until Parliament enacted specific legislation. It underscored the Court's proactive use of international conventions to interpret constitutional rights.

➤ **5. NALSA v. Union of India³⁸:**

The National Legal Services Authority (NALSA) filed a petition seeking legal recognition and protection of the rights of transgender persons in India. The Supreme Court, in a historic judgment, recognized transgender individuals as the "third gender" and directed the government to ensure their socio-economic and political rights. In doing so, the Court relied on the **International Covenant on Civil and Political Rights (ICCPR)** and the **Universal Declaration of Human Rights (UDHR)**, noting that India, as a signatory, must respect the inherent dignity and rights of all individuals, irrespective of gender identity. The Court held that Articles 14, 15, 19, and 21 of the Constitution must be interpreted in light of international conventions, thereby mandating equal protection of law and affirmative action for transgender persons.

6. CRIME PREVENTION AND CRIMINAL JUSTICE- UNODC

The work of UNODC in crime prevention and criminal justice reform is guided by the UN standards and norms on crime prevention and criminal justice. The UN standards and norms are sets of non-binding rules, principles, and guidelines relating to different aspects of criminal justice, such as juvenile justice, violence against women, protecting the rights of children, and prison reform. Most of the UN standards and norms are resolutions adopted by the General Assembly or the Economic and Social Council.

Thematic Areas of Focus

6.1 Police reform:

³⁷ (1999) 1 SCC 759

³⁸ (2014) 5 SCC 438

In principle, police powers are designed to protect the fundamental liberty and rights of people. However, in some environments, including post-conflict situations, the police perpetrate serious human rights violations against the civilians they are supposed to protect. Therefore, transforming police organizations into rights-respecting institutions and promoting training for police officers with a focus on human rights principles is necessary. Enhanced relationship between police and the community leads to strengthening of public confidence in the authorities, improved compliance with the rule of law, and lower crime rates.

In the law enforcement framework, the police are entrusted with a diverse set of tasks to maintain peace and security and the rule of law. In most countries, police are given extensive powers to enforce the law and they play an important role in the criminal justice system, although the nature, quality and underlying doctrine of the law varies between countries. In principle, police powers are designed to protect the fundamental liberty and rights of people. However, in some environments, including post-conflict situations, the police perpetrate serious human rights violations against the civilians they are supposed to protect. Therefore, transforming police organizations into rights-respecting institutions and promoting training for police officers with a focus on human rights principles is necessary.

In this direction, **UNODC** offers assistance in:

- i. Developing the capacity of the police to improve oversight, accountability, and integrity systems and mechanisms;
- ii. Supporting comprehensive police reform through strategic planning and organizational change management;
- iii. Developing the capacity of the police to promote urban safety (Community-Policing);
- iv. Preventing crime in cooperation with local authorities and civil society;
- v. Promoting measures to prevent and respond to violence against women; and
- vi. Assessing Public Safety and Police Service Delivery, the Integrity and Accountability of the Police, Crime Investigation, and Police Information and Intelligence Systems.

6.2 Prison reform and alternatives to imprisonment

- South Asian prisons face serious challenges, which include very poor infrastructure, acute overcrowding, difficulties faced by prison administrations in separating different categories of prisoner and in exercising effective control over the prison population, lack of adequate prison staff training, and insufficient capacities with regards to prison-

based rehabilitation programmes and preparation for release. Living conditions in many prisons of the region are dismal. The treatment of prisoners is often far from the standards set in the Nelson Mandela Rules, with little done for their rehabilitation and social reintegration.

- UNODC believes that effective prison reform is dependent on the improvement and rationalisation of criminal justice policies, including crime prevention and sentencing policies, and on the care and treatment made available to vulnerable groups in the community. Reform of the prison system should therefore always take into account the needs relating to the reform of the criminal justice system as a whole and employ an integrated, multi-disciplinary strategy to achieve sustainable impact. Thus, reform initiatives will usually need to also encompass criminal justice institutions other than the prison service, such as the judiciary prosecution and police service, as relevant.
- Some key areas of concern regarding prisons include: prison overcrowding, poor prison conditions, poor health services within prisons, lack of social reintegration programmes, lack of information systems and strategic planning, lack of inter-institutional communication, lack of inspection and monitoring mechanisms, lack of support of, and information for civil society, lack of economic and human resources, and increasing numbers of prisoners with special needs that are rarely addressed within prisons.
- The promotion of human rights provides the underlying rationale for the promotion of prison reform, and indeed the UN standards and norms on crime prevention and criminal justice. However, this rationale alone is often unable to bring about prison reform in countries with scarce human and financial resources. The detrimental impact of imprisonment, not only on individuals, but also on families and communities, together with economic factors, must be taken into account when considering the need for prison reform. It is also important that activities focusing on vulnerable groups, including children, women, and prisoners with special needs, should be included in prison reform programmes.

UNODC offers assistance in:

- i. Improving legal safeguards for prisoners;
- ii. Introducing and widening the scope of alternatives to pre-trial detention within domestic criminal codes;

- iii. Addressing drug use, HIV/AIDS and other health issues among prisoners;
- iv. Increasing the scope of alternatives to imprisonment, decriminalizing certain acts, and reducing sentences for selected offences; and
- v. Supporting offenders and ex-offenders to address their social reintegration needs (including in the area of criminal justice as well as labour, education, and social welfare).³⁹

7. SUGGESTIONS

While India has made commendable progress by ratifying key UN conventions and incorporating international norms into its domestic framework, persistent challenges demand both global and national strategic responses. The following recommendations aim to enhance the effectiveness of India's crime prevention regime and reinforce UN-led frameworks.

➤ **Cybercrime: Advocate an UN-Based Global Treaty**

India has refrained from acceding to the **Budapest Convention on Cybercrime**⁴⁰, the pioneering international cybercrime treaty, largely due to its Eurocentric origin and perceived oversight of concerns of countries in the Global South, especially those centred around sovereignty and data sharing protocols. Instead, India has emphasized the necessity for a comprehensive UN-led global treaty that is inclusive, universally representative, and respectful of state sovereignty.⁴¹ Such a treaty, currently under negotiation within the UN framework, offers India an opportunity to help shape cyber norms that reflect broader global interests.⁴²

➤ **Environmental Crimes & Space Debris Regulation**

International rules governing environmental damage and space debris remain inadequate and fragmented. Treaties such as the **Outer Space Treaty** (1967) and the **Liability Convention** (1972) articulate state responsibility for damage caused by space objects.⁴³ However, they do

³⁹ <https://certificate.pantasign.com/Account/SignUp>

⁴⁰ Council of Europe, *Convention on Cybercrime* ("Budapest Convention"), ETS No.185, 2001. Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185>

⁴¹ Observer Research Foundation (ORF), *India and the Budapest Convention: Why Not?*, 2019. Available at: <https://www.orfonline.org/expert-speak/india-and-the-budapest-convention-why-not/>

⁴² United Nations, *UN General Assembly Adopts Landmark Resolution on a Cybercrime Convention*, UN India, 2024. Available at: <https://india.un.org/en/286669-un-general-assembly-adopts-landmark-convention-cybercrime>

⁴³ Convention on International Liability for Damage Caused by Space Objects (Liability Convention), 1972, 961 UNTS 187

not explicitly criminalize negligent or intentional waste disposal in outer space. As India expands its space exploration and satellite programmes, there is an urgent need for a binding international treaty that addresses criminal liability for environmental harm in space.

Scholarly discourse underscores the emerging concept of orbital space as a distinct ecosystem needing protective legal norms.⁴⁴

➤ **Prison Reform & Alternatives to Incarceration**

India's prison system is plagued by chronic overcrowding often with occupancy rates over 130% and a large pre-trial detainee population. The **UN Standard Minimum Rules for the Treatment of Prisoners**, commonly referred to as the Nelson Mandela Rules, provide a humane framework emphasizing dignity, healthcare, and rehabilitation.⁴⁵ India should prioritize full implementation of these rules, incorporating community-based alternatives to incarceration, such as probation and restorative justice.⁴⁶ The UNODC's recent capacity-building efforts—including the dissemination of interactive toolkits and innovative training for prison staff—offer practical models for replication across Indian correctional facilities.⁴⁷

8. CONCLUSION

The United Nations has consistently provided the platforms and frameworks that shape how nations approach crime prevention. For India, these international instruments have not remained abstract commitments; they have directly influenced its legal development. The ratification of conventions such as the UNCAC and UNTOC, and the Supreme Court's reliance on CEDAW in landmark cases like *Vishaka v. State of Rajasthan*⁴⁸, demonstrate how global standards and domestic law can work hand in hand. Together, they have advanced gender justice, strengthened anti-corruption efforts, and supported the fight against organized crime. Yet, the challenges of today look very different from those of the past. Cybercrime, environmental offenses, the growing issue of space debris, and persistent prison overcrowding highlight the limits of existing treaties and mechanisms. Both the UN and India must move beyond static commitments. The UN should take the lead in negotiating binding treaties on emerging threats, while India must focus on building domestic institutions that can keep pace

⁴⁴ <https://arxiv.org/abs/2204>

⁴⁵ https://www.unodc.org/southasia/frontpage/2025/July/india_-strengthening-prison-systems-with-a-focus-on-dignity--health-and-rights-on-nelson-mandela-day

⁴⁶ United Nations, *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, UNGA Res 70/175 (2015).

⁴⁷ <https://india.un.org/en/284751-unodc-champions-prison-healthcare-reforms>

⁴⁸ (1997) 6 SCC 241 and AIR 1997 SC 3011

with global developments. What will ultimately matter is implementation. Training for law enforcement and judicial officers, public awareness campaigns, and victim-centred approaches will ensure that international norms bring real benefits on the ground. A coordinated global treaty on cybercrime, enforceable rules on environmental and space- related crimes, and stronger protections for victims represent some of the most urgent steps forward.

India's experience shows how international conventions can be translated into local reforms and judicial innovations. But the journey does not end with ratification. It depends on constant adaptation, active enforcement, and a willingness to rethink crime prevention in light of new realities. If the UN and India can sustain this synergy, the result will be a criminal justice system that is not only effective but also deeply rooted in fairness, dignity, and global responsibility.

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