

UNAFRI



United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI)

- Joint Activities and Strategies
- Advisory Services to Governments
- Information And Documentation
- Training And Human Resource Development
- General Direction and Management



BILINGUAL NEWSLETTER- ENGLISH

**WORKING VISIT OF THE NEW CHAIRMAN OF UNAFRI
GOVERNING BOARD TO THE INSTITUTE**

NEWSLETTER

OCTOBER-DECEMBER 2023

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FOCUS ON THE 12TH ORDINARY SESSION OF THE GOVERNING BOARD OF THE UNITED NATIONS AFRICAN INSTITUTE FOR THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (UNAFRI), HELD IN ADDIS ABABA, ETHIOPIA, OCTOBER 3, 2023.

The 12th Ordinary Session of the Governing Board of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), held in Addis Ababa, Ethiopia, on October 3, 2023, marked a decisive step in the life of the Institute. It made it possible to

1. Restructure the Institute:
2. Adopt important amendments to existing operational Instruments.
3. Elect new members of the Governing Board and the new Board of Auditors.

I- The reorganization of the Institute

The reorganization of the Institute was done on the overall structure and at the Secretariat level.

A- At the level of the overall structure

Since its inception in 1989, UNAFRI has operated with the Governing Board and the Secretariat as its organs. But Article IV of the Statute provides that the Institute may equip itself with any other body necessary to effectively carry out its mission, and in addition to any other that may be established by the Conference of Ministers. For a very long time, the role of the Conference of Ministers remained unseen to the point of almost non-existence. The only supreme body of the Institute was then the Governing Board. Since October 3, 2023, the Institute has followed the recommendations of experts from the United Nations Economic Commission for Africa (ECA), who proposed creating new bodies. Thus, a Technical Advisory Committee (TAC) was created, and the place of the Conference of Ministers was re-emphasized.



A team of delegates who attended the Ordinary Session of the UNAFRI Governing Council held in Addis Ababa, Ethiopia on October 3, 2023

1- The Technical Advisory Committee (TAC)

The TAC is made up of experts in crime prevention and criminal justice, chosen by the Member States of the UNAFRI Governing Board based on their expertise. The connection between the TAC and the Governing Board allows the members of the TAC to faithfully report to the ministers sitting in the Governing Board to debate on matters relating to technical and financial questions in order to enable them to deliberate with full knowledge of the facts during the Council session.

Indeed, the members of the TAC are responsible for examining technical questions and drafting texts before submitting them to the Governing Board. For this reason, the TAC meets twice a year; its last session should precede that of the Ordinary Session of the Governing Board.

A member of the TAC can validly represent their minister on the Governing Board if they have received full powers from him to represent their country.

2- The Conference of Ministers of the ECA

The Conference of Ministers of the Economic Commission for Africa (ECA), which already appeared in the Statute, had its role strengthened. It became the supreme organ of the institute, responsible for examining and approving the reports of the Governing Board and the Director of the Institute and committing member States financially. This new dynamic will facilitate the recovery of financial contributions whose arrears prevent the Institute from effectively implementing its program of activities.

The dynamism will continue to restore UNAFRI to its leading role in crime prevention and criminal justice in Africa. It is envisaged in the near future to create a Summit or a Conference of Heads of State and Government to give real impetus to UNAFRI to achieve its objectives at this crucial moment when the continent faces multiple sources of tension and crises generating various crimes.

Indeed, it is entirely normal, given its pan-African vocation, that UNAFRI is under the supervision

of Heads of State and Government who can give it political guidance and resolve problems that have not been able to be determined at the Governing Board level or the Conference of Ministers of the ECA.

The idea of the Conference of Heads of State and Government is not new since it has already proven itself in other sub-regional organizations. Thus, the Treaty of the Organization for the Harmonization of Business Law in Africa (OHADA), which brings together 17 African States, mainly from West and Central Africa, provides in its article 3, Paragraph 2 for the Conference of Heads of State and Government, whose responsibilities are defined by Article 27 of the said Treaty. OHADA deals with business law, while UNAFRI deals with criminal law. The two organizations are, therefore, distinguished by their objective, and it is not surprising that they may have a similar organizational structure.

B- At the Secretariat level

Until then, the Secretariat consisted only of one directorate and staff. Since October 3, 2023, the directorate has been transformed into a general directorate, and two technical directorates have been created: the training and programs directorate and the research and documentation directorate. The creation of technical departments responds to the concern for efficiency. Indeed, the Institute is a training and research center, and as such, it must have a structure capable of enabling it to deliver its mandate effectively. The director of training and programs will take care of everything related to training and capacity-building programs, while the director of research and documentation will take care of the studies, research, documentation, publication and organization aspects of scientific events in the form of conferences and symposia.

Other directorates may be created over time, depending on the favorable development of the Institute. Likewise, services could be created within the technical departments to meet task specialization requirements. In total, we will no longer be talking

about a director, a deputy director and advisors. The professional staff currently comprises a Director General, a Deputy Director General, a Director of Training and Programs, a Director of Research and Documentation, and an administrative and financial officer. This staff may be supplemented depending on service needs and budgetary availability.

II- The adoption of important amendments to existing texts

UNAFRI has entered a progressive phase with the revision of its organic texts. As soon as the new director (Dr KITIO Édouard) took office, he set to develop with his team the new strategic plan for 2024-2028 and revise most of the texts linked to the life of the Institution.

A- The adoption of a new Strategic Plan

No institution worthy of the name that aspires to achieve long-term objectives can function without a Strategic Plan. Without a Strategic Plan, we navigate visually without knowing where we are starting from and where we are going. The Strategic Plan defines the strategic objectives of the Institute for the next five years, the expected results and the means to achieve them.

The Governing Board adopted the new 2024-2028 Strategic Plan at its 12th Ordinary Session of October 3, 2023. It replaces that of 2017-2021, which had already expired. Its implementation depends particularly on the funding that the Institute is expected to receive, coming from financial contributions from Member States, grants from the United Nations General Assembly, donors and other potential partners. It also depends on the recruitment of professional staff responsible for designing and implementing the programs adopted by the Governing Board. These programs are designed while taking into account the recommendations of the United Nations Commission on Crime Prevention and Criminal Justice (UNCPCJP) and the United Nations Congress on the same subject.

B- Revision of texts that have become obsolete

The following texts were revised, submitted for consideration by the members of the TAC, and then adopted by the Governing Board :

- The UNAFRI Statute;
- The Internal Regulations of the Governing Board;
- Staff Rules and Regulations;
- Financial Regulations.

The revision of the UNAFRI Statute mainly concerns the creation of new bodies without significant changes to the other provisions of the founding text.

As for the other texts, their revision was self-evident due to their decrepitude. Indeed, the texts adopted since UNAFRI came into operation in 1989 continued to govern the Institution more than thirty years later! It was necessary to adapt them to reality to breathe new life into the Institute while considering the previous resolutions of successive Governing Boards tending to adapt them to reality.

III- The election of new members of the Governing Board and the new committee of auditors

The election of the new members of the Governing Board preceded the election of the new Board of Auditors.

A. The election of new members of the Governing Board

In accordance with Article V-1 (b) of the Statute, the Governing Board is composed, among others, of two representatives from two Member States from each of the five sub-regions of the Economic Commission for Africa, elected by the Conference of Ministers. Each of these representatives is chosen based on their knowledge and experience in crime prevention and criminal justice to serve as a full member. Uganda, the host country, is a permanent member of the Governing Board.

The following States were the outgoing members of the Governing Board: The Democratic Republic of



DURING ONE OF THE DISCUSSIONS AT THE ORDINARY SESSION OF THE UNAFRI GOVERNING COUNCIL HELD IN ADDIS ABABA, ETHIOPIA ON OCTOBER 3, 2023

Congo (DRC), Equatorial Guinea, Senegal, Malawi, Ghana, Tanzania, Zambia, Mozambique, Uganda, Tunisia, and Egypt.

The DRC chaired the Governing Board, represented by H.E. Madame MUTOMBO KIESE Rose, Minister of State, Minister of Justice, and Keeper of the Seals.

During the 12th Ordinary Session of the Governing Board on October 3, 2023, the following countries were elected as new members of the Board: Morocco; Libya, Senegal, Nigeria, Seychelles, Kenya, Cameroon, Congo Brazzaville, Zambia and Zimbabwe. Uganda is a permanent member of the Governing Board.

The Democratic Republic of Congo handed over the chairmanship of the Governing Board to Uganda. Uganda is represented by the Honorable MULIMBA John, Minister of State for Foreign Affairs/Regional Affairs.

B. The election of the new Board of Auditors

Following Article XIII of the Financial Rules and

Regulation, the Governing Board elects three members of the Board of Auditors from among the Member States to audit the Institute's accounts. Auditors are elected for three years unless the Governing Board ends such engagement earlier. The mandate takes effect from January 1 and expires on December 31 of the third year. The audit committee can only be re-elected once.

The previous Board of Auditors elected by the Governing Board comprised Malawi, Cameroon and Libya. Malawi held the presidency.

On October 3, 2023, the Governing Board elected a new audit committee of Ghana, the Democratic Republic of Congo and Morocco. In accordance with the established practice, MALAWI, which chaired the former Board of Auditors, will continue its mandate for one year before passing the presidency to another member State of the Audit Board. This way of proceeding allows the old team to brief the new team on the accounts to ensure a smooth transition.

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Welcome address by the Director General of UNAFRI

Excellencies

Madam Minister of State, Minister of Justice and Keeper of the Seals of the Democratic Republic of Congo, President of the Governing Board of UNAFRI;

Distinguished Ministers, Heads of Delegations and Plenipotentiaries of UNAFRI Member States;

Madam representative of the Executive Secretary of the United Nations Economic Commission for Africa;

Mr. Representative of the Secretary General of the African Union Commission;

Mr. Representative of the United Nations Office on Drugs and Crime (UNODC);

Members of the Diplomatic Corps;

Ladies and gentlemen guests, in your respective ranks and grades;

It is with great pleasure that I take the floor to welcome you to this conference room of the United Nations Economic Commission for Africa (UNECA), for the 12th ordinary session of the Governing Board of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI).

Your presence here is sufficient testimony to the importance you attach to this pan-African institution in the field of crime prevention and criminal justice.

Indeed, by creating UNAFRI in 1989, its founding fathers wanted to conform to the international practice already in progress, consisting of creating in each region of the world a structure capable of ensuring criminal monitoring and guiding States in the definition of policies, the training of those responsible for the application of criminal laws and research with a view to finding adequate solutions to the apprehension of the criminal phenomenon and social reintegration.

Thus, we can cite the following institutes in the four corners of the world:

1. The European Institute for the Crime Prevention and Control affiliated to the United Nations, (HEUNI), located in Helsinki, Finland;
2. The Institute for the Prevention of Crime and the Treatment of Offenders in Asia and the Far East (UNAFEI), located in Tokyo, Japan.
3. The African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), located in Kampala, Uganda;

4. The Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), located in San José, Costa Rica;
5. The United Nations Interregional Crime and Justice Research Institute (UNICRI), located in Turin, Italy.

Many other institutes have also been established, some having either a national, regional or international character. Others take the form of crime observatories, either of a general or specific nature when they focus exclusively on certain types of crime such as drug trafficking, juvenile delinquency, migrant smuggling, etc.

As you can see, the creation of UNAFRI is not a fashion statement, but reflects the real desire of African states to fight crime on the continent, in order to prevent it from hampering efforts of development.

The objectives of UNAFRI as they result from its Statutes are summarized as follows:

- Improve the development of the African region by combating crime and its harmful effects on socio-economic progress;
- Strengthen criminal justice systems to facilitate the tangible rehabilitation and reintegration of prisoners;
- Promote the rule of law;
- Undertake surveys, studies, research on criminal policies with the aim of creating a database on crime, in all its forms and manifestations;
- Promote cooperation, collaboration and coordination efforts between African States so as to formulate and harmonize policies, legislation, and promote the exchange of information on crime prevention and control;
- Create innovative approaches to crime prevention and the treatment of offenders, including juvenile offenders;
- Develop joint activities with other regional and international organizations, in areas of mutual interest in order to combat transnational organized crime.

Excellencies,

Ladies and gentlemen,

As you can see, the mandate of our Pan-African Institute is very broad, and there is no need to further emphasize the importance of crime prevention and criminal justice in the quest for sustainable development and stable societies, based on respect for the rule of law in general and human rights in particular.

Indeed, at a time when the whole world is facing multiple crises, our continent is no exception. Multiple sources of tension are observed all over, sometimes generating political instability and wars which undermine development efforts and accentuate the poverty and misery of our populations. This unfortunate situation creates fertile ground for the commission of crimes in general, and organized crime in particular. The international community is therefore now committed to a merciless fight against terrorism, money laundering for the purposes of financing terrorism, human trafficking, illicit drug and firearms trafficking, corruption, and illicit enrichment, etc.

This is the moment when more than ever our Institute should play its role in preventing conflicts and crimes in the African region, benefiting from the anointing of the Peace and Security Council of the African Union and the General Secretariat of United Nations for peace and security in the world.

However, despite the relevance of the missions assigned to the Institute, certain Member States have not always given it priority in their political choices. The institute has suffered for a long time and continues to suffer from the lack of interest and consideration of certain States. This situation results in the non-payment of financial contributions, hampering not only the implementation of programs, but also the recruitment and retention of professional staff.

However, when we look at the functioning of other similar regional institutes, we are entitled to wonder what African countries are really missing to give their institute the place it deserves in the concert of nations.

Our institute has around 29 member states. Other international organizations have fewer member states and yet operate without major problems. It's

all a question of political will. With a minimum of willpower, we can make UNAFRI work wonderfully so that it benefits from the trust of financial partners and other international organizations for effective cooperation in the implementation of programs.

This ordinary session of the Governing Board therefore promises to be a decisive turning point in UNAFRI's recovery efforts. This recovery begins with the reform of legal instruments.

Indeed, the proper functioning of an organization must be based on the implementation of a strategic plan determining the objectives to be achieved and the expected results, and on texts whose proper application ensures the stability and visibility of the organization. However, the UNAFRI strategic plan developed for the period 2017-2021 has since expired. The Institute therefore operated without a strategic plan during the 2022-2023 period. It is therefore imperative to adopt a new strategic plan for the period 2024-2028.

Likewise, most of the texts governing the functioning of UNAFRI, adopted since 1990, have become obsolete. The Institute then went through a long period of legal uncertainty in which it was difficult to identify the applicable rules.

Furthermore, the experts who reviewed the functioning of UNAFRI in 2014 proposed the creation of new bodies which deserve to be taken into account in the Statutes in order to give them legal existence.

In view of the above, the Secretariat would like to submit the following draft texts for consideration by the members of the Governing Board:

- The draft five-year strategic plan (2024-2028);
- The draft modification of the UNAFRI Statutes;
- The draft amendment to the Staff Regulations;
- The draft modification of the financial regulations;
- The proposed modification of the rules of procedure of the Governing Board .

As you can imagine, the task is therefore immense, although these instruments have undergone initial refinement by the members of the Technical Advisory Committee (TAC). I would like to sincerely and solemnly thank these experts who came in large

numbers to support UNAFRI in its legislative reform. Thanks to their commitment and seriousness, we were able to examine in depth the draft texts to be submitted for your appreciation, making amendments whenever necessary.

I therefore ask the members of the Council to examine, with the greatest attention, the said legal instruments, with the hope that in a few years, our institute will be the reason for our pride in belonging to the African continent.

My commitment to changing the face of UNAFRI is total. To this end, I am counting on the support of Member States, the United Nations General Secretariat, the United Nations Economic Commission for Africa, financial partners, and other international organizations to implement my action plan.

You can be assured that the financial resources of the Institute will be managed with parsimony, transparency, and accountability. Only the interest of the institute will guide my actions.

Excellencies,

Ladies and gentlemen,

I cannot finish my remarks without asking you to use all your political and diplomatic means to raise awareness among all stakeholders of the importance of our institute and the privileged place it should occupy in the construction of a modern African society, secure and prosperous.

To this end, I very respectfully urge you at the end of our work, to recommend to the African Union to co-opt UNAFRI in its mechanisms for preventing conflicts and crimes, seeking peace and security, particularly in terms of training, research, and advice for the benefit of Member States.

Have confidence in the new governance of UNAFRI, in order to give it every chance to turn around this Pan-African Institute and put it up to the challenge of the day.

With that, I thank you for your kind attention.

Dr. Édouard Kitio (PHD) Super Scale Magistrate
Director General/Head of Mission

12TH ORDINARY SESSION OF THE GOVERNING BOARD OF THE UNITED NATIONS AFRICAN INSTITUTE FOR THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (UNAFRI), HELD IN ADDIS ABABA, ETHIOPIA, OCTOBER 3, 2023.



Her Excellency Ms. MUTOMBO KIESE Rose, Minister of State, Minister of Justice and Keeper of the Seals of the Democratic Republic of Congo/ Outgoing Chairperson of UNAFRI Governing Board

Opening Remarks

Excellencies, Ministers and Heads of Delegations;

Excellencies, Gentlemen, Members of the Diplomatic Corps;

Excellency, distinguished representatives of the African Union;

Gentlemen, representatives of United Nations Agencies and International Organizations;

The Director of UNAFRI; Distinguished Guests;

Ladies and Gentlemen.

It is an honour and a privilege for me to chair today's 12th Ordinary Meeting of the UNAFRI Board.

First of all, I would like to welcome everyone to this magnificent setting of the United Nations Conference Centre in Addis Ababa, and thank you at the same time, for responding to our invitation, despite your numerous engagements.

The presence of each of us here demonstrates our common desire to see UNAFRI put itself within the normative perspectives of its mandate as an entity with a pan-African dimension.

Ladies and gentlemen,

There is need for us to maintain UNAFRI as a viable, respectful and restructured institution capable of meeting the challenges of traditional emerging and contemporary crimes. I note the need for UNAFRI to have a transformation and reposition itself to become a vital and active agency, aiming at contributing to the resolution of current challenges, which substantially affect Africa's potential.

In this regard, I hope to see this session contribute to activating the capacities of Member States to focus on intervention strategies.

At this level, I would like to particularly express appreciation to the Government of Uganda, for hosting our Institute from 1989 to date.

Ladies and gentlemen,

Although someone would wonder what the Democratic Republic of Congo was able to achieve during the three years as Chair of the UNAFRI Governing Board, but I hasten to point out that some achievements have been accomplished.

From the outset, it is appropriate to recall that the Democratic Republic of Congo, (my country), took over the Chairmanship of the Governing Board of UNAFRI at a time when the Institute had been deprived of a Director for several years. In addition to the latter, UNAFRI was not spared from the harmful effects of the covid-19 pandemic which paralyzed the world over.

I therefore take this opportunity to thank Mr. John Sembuya SSALI, the current Interim Deputy Director and all staff members of UNAFRI who, in the face of adversity were able to persevere the storms that almost swept away our Institute.

During his tenure as Acting Director, the Democratic Republic of Congo, under the leadership of His Excellency Mr. Félix Antoine Tshisekedi Tshilombo, President of the Republic, mobilized Member States to pay their contributions. Thus, for the first time in the history of UNAFRI, contributions increased from four hundred and three thousand to one million, six hundred and seven thousand, seven hundred and twenty-four United States Dollars.

This therefore, is the right place for me, to sincerely thank all those Member States who responded to my appeal. Furthermore, in execution of the recommendations of the previous 7th extraordinary session of the Board, and in order to optimize the functioning of UNAFRI, we initiated and finalized the recruitment process of the Director of the Institute which I personally presided over.

Additionally, in order to ensure better communication between the Management of the Institute and the member countries of the Governing Board, we inaugurated the Technical Advisory Committee (TAC), a body established by our Board with a view to provide technical support to the Institute. It is also worth noting that I am committed to building consensus in a climate of trust and permanent dialogue between

my office and the Management of UNAFRI on issues which concern the future of the Institute.

A lot more remains to be done, but I am convinced that our common obligation will take advantage of these few achievements to move forward.

Ladies and gentlemen; Distinguished guests;

Our meeting today is crucial for the future of UNAFRI.

We will have to examine several essential points, particularly, the draft five-year Strategic Plan 2024-2028; the proposed revision of Administrative and Financial Instruments, including the UNAFRI Statute, Staff Rules and Regulations, Financial Rules and Regulations and even the Governing Board Procedures.

In accordance with our Statute, we will also elect new members of the Governing Board, who will later elect their Chairperson. As can be seen, the task is certainly difficult, considering the many challenges ahead; but the important thing is to put UNAFRI on track.

Allow me to sincerely thank the Ethiopian authorities for the welcome given to all our delegations.

It would be unfair if I do not congratulate the new Director of UNAFRI, Mr. Édouard KITIO on his appointment as the head of UNAFRI and for all the initiatives planned to revive the prospects of this Institute with a Pan-African spirit.

Finally, I cannot close my remarks without thanking all the members of the Technical Advisory Committee (TAC), and the members of UNAFRI staff for their contribution in organizing this meeting.

It is with these words that I declare the opening of this 12th Ordinary Session of the UNAFRI Governing Board Meeting.

Thank you.

Her Excellency Ms. MUTOMBO KIESE Rose, Minister of State, Minister of Justice and Keeper of the Seals of the Democratic Republic of Congo/ Outgoing Chairperson of UNAFRI Governing Board

12TH ORDINARY SESSION OF THE GOVERNING BOARD OF THE UNITED NATIONS AFRICAN INSTITUTE FOR THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (UNAFRI), HELD IN ADDIS ABABA, ETHIOPIA, OCTOBER 3, 2023

ACCEPTANCE STATEMENT



HON. JOHN MULIMBA, MINISTER OF STATE FOR FOREIGN AFFAIRS IN CHARGE OF REGIONAL COOPERATION AND NEW CHAIRMAN OF THE GOVERNING BOARD OF UNAFRI.

Colleagues Members of the Governing Board,

Distinguished Delegates,

The proposal of the Technical Advisory Committee of UNAFRI to this Governing Board Meeting that Uganda should be considered to assume the Chairmanship of the Governing Board of UNAFRI was brought to my attention and to the attention of my Government late last evening.

We have given careful consideration to the assumption of the responsibility of the Chairman of the Governing Board of UNAFRI. In our considerations in this regard we have taken into account the history of our institution, its current status and the enormous potential that it has to contribute to the prevention of crime and the treatment of offenders in Africa.

We have also drawn inspiration from the commitment and determination of the outgoing chairperson of the Governing Board under whose leadership the long standing challenge of the lack of a substantive

Director at the Institute was overcome. We have learnt from the leadership of the Democratic Republic of Congo that even in the midst of challenges UNAFRI can still make a meaningful contribution to crime prevention in our continent.

We are greatly encouraged by your presence here in Addis Ababa and your constructive participation at this Governing Board meeting. This is a firm confirmation from you the UNAFRI leadership, that we all need to play our part to ensure that the Institute delivers on its important mandate.

Colleagues members of the Governing Board,

It is with humility that I accept to assume the Chairmanship of the Governing Board of UNAFRI on behalf of the Government of the Republic of Uganda. We have chaired the Governing Board previously and we are keenly aware of some of the responsibilities that lie ahead. Today we take over the chairmanship with some of the old challenges but also with new challenges, in a world that has evolved considerably since our last chairmanship of the Board. On behalf of the Government of Uganda and on my own behalf we commit to employ our very best efforts to move UNAFRI forward for the benefit of Africa.

We are aware that on our own we cannot do everything and therefore we shall count on your support in our work. Our doors will remain open to you the member states and to the Secretariat. We will be available at home in Kampala, at international fora and at our missions abroad especially here in Addis Ababa to discuss any matters relating to UNAFRI.

I thank you.

HON. JOHN MULIMBA, MINISTER OF STATE FOR FOREIGN AFFAIRS IN CHARGE OF REGIONAL COOPERATION AND NEW CHAIRMAN OF THE GOVERNING BOARD OF UNAFRI.

THE DIRECTOR GENERAL OF UNAFRI MEETS WITH THE EXECUTIVE SECRETARY OF THE UNITED NATIONS ECONOMIC COMMISSION FOR AFRICA, MR. ANTONIO M. A. PEDRO IN ADDIS ABABA.



On 29 September 2023, Mr. Antonio M. A. Pedro, Executive Secretary of the United Nations Economic Commission for Africa, assisted by Ms. Sweta Chaman Saxena, Acting Director of the “Gender, Poverty and Social Policy” Division, received a delegation from the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) at the Secretariat headquarters in Addis Ababa (Ethiopia). The UNAFRI delegation was led by Her Excellency Ms. Rebecca Otengo Amuge, Ambassador of Uganda to Ethiopia.

The meeting was an opportunity for the Director of UNAFRI to explain to the Executive Secretary of the Economic Commission for Africa the role of the Institute in crime prevention and criminal justice, and point out the major challenges facing the Institute, particularly in terms of financing its program of activities.

One of the solutions to this challenge, according to the Director, was to examine to what extent the Executive Secretary can provide support to UNAFRI with a view to increasing the annual grant that the United Nations General Secretariat provides to the Institute.

The Executive Secretary was very attentive to the concerns of UNAFRI and added that at a time when the African continent is facing numerous security challenges, it is important that UNAFRI fully plays its role in preventing conflicts and crimes. He added that the Secretary General of the United Nations has developed a whole program on peace and security. To this end, efforts should be made so that the African Union Peace and Security Council uses UNAFRI as a real training platform, research and advice on the subject. This idea should also be included in the recommendations of the UNAFRI Governing Board which was to be held in Addis Ababa on 2 and 3 October 2023.

WORKING VISIT OF THE UGANDAN MINISTER OF STATE FOR FOREIGN AFFAIRS IN CHARGE OF REGIONAL COOPERATION, HONORABLE JOHN MULIMBA, TO UNAFRI



On November 22, 2023, the Director-General of UNAFRI, Dr. Kitio Édouard, and the entire staff welcomed Honorable John Mulimba, the Ugandan Minister of State for Foreign Affairs in charge of Regional Cooperation, and new Chairman of the Governing Board of UNAFRI.

This visit marked a significant moment for the Institute and provided an opportunity for the minister to have his first official interaction with the staff. A tour of the UNAFRI Village and the Secretariat was also undertaken to acquaint the minister with the operational environment of the institute.

Honorable John Mulimba expressed his desire to support UNAFRI in its commitments and challenges, emphasizing the need to secure the institute's lands from the greed and malice of some individuals. He expressed gratitude to the staff who served before the arrival of the Director-General and encouraged them to embrace the proposed reforms while emphasizing the need

to establish a transition plan.

In the same spirit, Honorable John Mulimba promised to explore the possibility of organizing a meeting between His Excellency Yoweri Kaguta Museveni, President of the Republic of Uganda, and the Director of UNAFRI to discuss the new strategic plan and UNAFRI's contribution to crime prevention in Uganda and on the African continent. He highlighted the need to review relationships with all partners and shared his discussions with potential partners regarding funding for the structural development of UNAFRI.

The minister's visit to UNAFRI marks the beginning of a new era. His vision of Pan-Africanism, commitment to reform, and strategic goals lay the groundwork for positive change within the Institute. The call for unity, transparency, and accountability resonates within the staff, promising a dynamic and hopeful period for UNAFRI.

UNAFRI AND THE ANTI-CRIME OBSERVATORIES IN AFRICA

Introduction

No country is spared from crime, violence, or victimization. In Africa, over the past 30 years, criminal markets have expanded and diversified, with criminal groups entering different markets and establishing links on a global scale. Meanwhile, the impacts on societies, political systems and economies have intensified. Furthermore, criminals have quickly taken advantage of the digital transformation of the economy by exploiting and profiting from new markets through cybercrime. These rapid and spectacular changes harm governance, the rule of law, democracy, the environment, sustainable development, and health; they accentuate gender inequality and fuel instability in conflict zones, border areas and urban neighbourhoods. The power wielded by criminal groups in some African regions and markets rivals that of governments and corporations. To date, many state-centered measures have proven ineffective or even counterproductive, triggering outbreaks of violence or undermining state legitimacy. Stakeholders are becoming increasingly

aware of the need to innovate and complement state approaches to strengthen resilience to crime through diversified responses, including the multiplication of national crime observatories. But if the principle seems simple, creating a crime observatory raises complex technical, scientific, political, organizational, and budgetary difficulties. The term “observatory” is used here in a broad sense, covering organizations that identify, analyze, and make public data relating to crime. These organizations can be local, regional, provincial, national or supranational and cover all crime or one or more thematic fields. Crime is quite simple to define if we stick to its first definition, namely all illegal acts, whether they are contraventions (tickets), misdemeanours or criminals (crimes), committed in an environment given, at a given time, as they transgress the legal norms of a given social system.

A crime observatory is an organization whose primary function is the rigorous use of data coming from different sources, to obtain a better understanding of the phenomena linked to crime in a given territory in a specific context, thus making it possible to prevent and intervene adequately (*J. Prince, Observatoires de la criminalité: répertoire d'expériences internationales, Rapport d'analyse comparée, 2009, p. 2*).

The term “observatory” is used here in a broad sense, covering organizations that identify, analyze, and make public data relating to crime. These organizations can be local, regional, provincial, national or supranational, covering all crime or one or more thematic fields.

Observatories can take several forms depending on whether they are associated with ministries or agencies, non-profit, non-governmental organizations or university institutes associated with faculties. The nature or legal status of observatories has a major impact on the definition of the mandate, the mission, and the activities of this organization. The same applies to the attachment of the observatory to an organization if the latter is responsible for



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its financing. Therefore, **the creation of a National Crime Observatory aims to support changes and developments in crime indicators and propose prevention solutions. This is the case of Morocco:** *“The creation of this structure, which reflects the royal will and concretizes the recommendations of the national charter on the reform of the justice system, aims to respond to the aspirations of people working in the criminal field in taking charge of data collection and analysis of indicators relating to crime to find adequate solutions. (Justice: Ouahbi évoque l’Observatoire national de la criminalité, Rédigé par L’Opinion Mardi 12 Juillet 2022).*

At the international level, emphasizing that the fight against crime is a collective enterprise aimed at controlling a global problem and that it is crucial to invest the necessary resources in prevention to achieve this objective and promote sustainable development, the African Institute of United Nations for the Prevention of Crime and the Treatment of Offenders (UNAFRI) coordinates the efforts of specialists to promote active cooperation and collaboration of governments, academics and institutions, as well as professional and scientific bodies and experts in crime prevention and criminal justice.

As the United Nations pilot body for crime prevention and criminal justice, the Institute draws the legitimacy of its operations from the needs that Member States express in this area, especially since crime is considered a major obstacle to sustainable development today. UNAFRI is a key mechanism for coordinating regional cooperation and harmonizing technical assistance through targeted activities in Africa’s crime prevention and criminal justice systems. It was established in April 1989 by the United Nations Economic Commission for Africa (ECA). It became operational in 1990 and is headquartered in Kampala, Uganda. UNAFRI is open to all United Nations Economic Commission for Africa member states. Of the 54 African countries members of the Commission, 29 have adhered to the statutes of the Institute: Burkina Faso, Burundi, Cameroon, Congo Brazzaville, the Democratic Republic of Congo, Egypt, Equatorial Guinea, Gambia, Ghana, Guinea, Kenya, Libya, Malawi, Morocco, Mozambique, Niger, Nigeria,

Rwanda, Senegal, Seychelles, Sierra Leone, Somalia, Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, and Zimbabwe. However very few states have set up a national crime observatory. The latest is Morocco since September 2023.

Since the arrival of the new Director of UNAFRI, Doctor Kitio, the Institute has become even more revitalized after several years of lethargy. The Democratic Republic of Congo, which invested for three years in the restoration of this regional mechanism, has just given in on October 3, 2023, in Addis Ababa in Ethiopia, on the occasion of the 12th Ordinary Meeting of the Governing Board of this organization, its place to Uganda.

According to the Minister of Justice, contributions from Member States rose remarkably, from US\$403,000 to US\$1,607,784 for the first time in the history of UNAFRI.

On the other hand, the Director of UNAFRI, Édouard Kitio, insisted on the importance of crime prevention and the need for criminal justice to promote sustainable development and stable societies. Recalling the situation of insecurity, which reigns almost everywhere in the world, with the consequence of poverty and misery, Mr. Kitio deplored this state of affairs, which constitutes, in his eyes, a fertile ground for the perpetration of crimes of all kinds. ***“This is the moment when more than ever our Institute should play its role in preventing conflicts and crimes in the African region.” (L. Matadi, Addis-Abeba: l’Ouganda succède à la RDC à la tête de l’UNAFRI, l’Ouragan, 3 octobre 2023).***

Although present in political and media speeches, all issues of delinquency remain very marginally studied. This article, without being able to claim to be exhaustive, presents avenues of dialectic between UNAFRI and national observatories. We will also be interested in the prerogatives of this duality of actors. It is necessary to determine their respective skills, motivations and those of their implementers regarding the criminal policy options chosen, the balance of power induced by their interactions, the reforms adopted, etc. The question of actors is inseparable from that which concerns the production processes of public policies to combat delinquency. It is not enough to determine the competent institutions

and their action programs. On the contrary, we must question the functioning of the system of actors in the development and implementation of the said policies. We must update the rationality, the logic of meaning and the logic of action, which run through developing and implementing public policies to combat delinquency. What are the relationships that are established between these different stakeholders? What resources do they have?

This reflection aims to provide a synthetic analysis document of the situation of prevention and daily security in Africa, to raise awareness of innovations, promising practices, and emerging issues in these areas and to encourage their reflection on prevention strategies and their evaluation. The reflection also targets the future of international organizations, notably UNAFRI, in its relations with national crime observatories; it offers them unique information exclusively devoted to collaboration, allowing a better examination of the need for cooperation and capacity building.

From this observation, it is appropriate to examine successively that UNAFRI and the observatories are complementary actors in the fight against delinquency (I). A strategic dialectic is therefore necessary to have the same field of action (II).

I- Two complementary actors in the fight against delinquency

All countries seek to ensure the safety and security of citizens and improve the quality of life of their population. The United Nations Guidelines on Crime Prevention are based on many years of experience and efforts to address these issues. Countries can improve collective security by using practical and concrete approaches, which are very different from and less costly than interventions and measures of repression and deterrence. In the world, many countries, regions and municipalities have created crime trend observatories to know better and understand the phenomenon of delinquency and the social and economic problems accompanying it to be able to target resources more effectively to reduce crime and insecurity and strengthen daily security.

A. The Expansion of National Observatories

Delinquency has been a particularly buoyant subject in public debate for two decades. Whether by politicians or the media, themes linked to crime phenomena are subject to various attempts at appropriation in the name of scientific truth. However, a new fact tends to spread in political and media messages, namely the expansion of national observatories. The defense of state monopoly in the fight against delinquency gives way to a process of political legitimization of non-state participation.

The Observatory aims to enable networking between researchers, teacher-researchers and advanced students working in delinquency and related public actions. Secondly, the Observatory is a place of production of scientific knowledge, a place of research. It does not have a “program” in the sense of one or more well-defined and, therefore, limited themes.

Indeed, developments in criminal policy since the beginning of the 1980s illustrate a real metamorphosis of the modes of production of public policies to combat delinquency and, more fundamentally, a loss of centrality of the State at the heart of the system of action. While the treatment of delinquency traditionally fell within its sole competence, multiple actors now participate in the policies implemented for this purpose. Local authorities, international institutions, associations, and private companies work alongside it. In many aspects, this phenomenon of hybridization of regulations asserts itself as a response to requests from the State. Its representatives continue to call for the co-production of security. They recognize and promote a differentiated ordering of power based on the precepts of partnership, project, global approach, or even local contextualization of action.

Pragmatically, the State abandons unsuccessful authoritarian-type regulation in favor of mechanisms for pooling know-how, articulation, and redistribution of fields of competence and association around a collectively defined strategy. This new principle of co-production and its practical variations tend to validate the hypothesis of a loss of centrality of the State in producing public policies to combat

delinquency and, beyond that, of disintegration. The State is now becoming pragmatic and recognizes its inability to control the production processes of the policies it develops. It legitimizes the existence of an informal and complex action network with vague contours, which interacts in the implementation of public action. Rather than denying the plurality of centers of power and the fragmentation of programs to combat delinquency, it now intends to rely on the resources of non-state actors.

Whether state or not, the development of observatories responds to the need to “have technically and politically reliable tools (...) capable of giving local actors a rational overview of crime. They also aim to go beyond the sole compilation of police statistics, the reliability of which is sometimes called into question. Observatories tend to develop in many countries in various forms. Some organizations do not necessarily call themselves “observatories” but meet the exact needs and fulfil the same objectives. These observatories can take several forms depending on whether they are associated with ministries, agencies, non-governmental non-profit organizations, or university institutes associated with faculties. The legal statuses and institutional affiliations of these structures, therefore, differ.

In Africa, the first-generation observatories were oriented towards the fight against Corruption and economic offences. We can cite the Anti-Corruption Observatory that the Government of Cameroon created in January 2000, whose mission is to investigate political Corruption, organize anti-corruption initiatives and direct the Government’s efforts in the fight against Corruption. In Congo-Brazzaville, we noted the Anti-Corruption Observatory: National Commission for the Fight against Corruption (dissolved in September 2018). The High Authority replaces the Observatory for the Fight against Corruption); its mission is to repress acts of Corruption (transmission of files to the public prosecutor’s office for prosecution) and launch actions to prevent Corruption. Similarly, Morocco had set up the Observatory of Corruption and the Development of Transparency, created by Transparency Morocco in 2007, with the financial support of the Dutch Embassy in Morocco. The

Observatory then benefited from funding from the European Union delegation in Morocco for two years (February 2011-January 2013), then from financial support from Transparency International. The British Embassy in Rabat currently supports the Observatory as part of the Partnership program. Tunisia has also distinguished itself by the University Observatory for the fight against Corruption and Good Governance, Higher Institute of Management of Gabes April 2018 Representatives of the University of Gabes (Partnership agreement with the National Authority of Fight Against Corruption) to carry out studies in the field of good governance. Its mission is to carry out research in the field of the fight against Corruption. Burundi, established the Observatory for the fight against ,Corruption and economic embezzlement (OLUCOME) None (autonomous and independent body). Founded in 2002, OLUCOME **“seeks to establish in the sectors of life, both national and international, a culture of transparency and an ethic of good governance as well as the banishment of all forms of corruption and economic embezzlement”**. **In the same country, the National Observatory for the Prevention and Eradication of Genocide, War Crimes and Other Crimes Against Humanity was created (Decree No. 100/0257 of December 29, 2017)**. The observatory promotes and enforces strict legislation against genocide, war crimes and other crimes against humanity, proposes policies and measures to rehabilitate victims of genocide, war crimes and other crimes against humanity and will contribute to the implementation of a global program of awareness and education for peace, unity, and national reconciliation.

What we can agree on is very simple. Supranational or international crime information networks can only function if they receive first-rate and comparable information from their participating countries. National observatories can make an essential contribution to the efforts of the international community in collecting, analysing, and interpreting data. A national observatory for the fight against criminality is an essential policy-making instrument but not a political instrument. Although political responsibility remains with decision-makers, it is increasingly recognized that they need objective, factual, reliable, and comparable information to make informed decisions.

B. The internationalization of anti-delinquency policies

Multiple tools are available to international institutions to strengthen their influence on the construction of national policies and increase the effectiveness of an international penal system. They submit conventions and treaties for signature by their members and distribute resolutions, recommendations, or reports. The first has a binding vocation, while the second is similar to incentive measures aimed at States. The influence of the United Nations on national policies to combat delinquency is manifested through incentives aimed at States. The UN Security Council disseminates certain doctrines of action in the criminal field. Following the attacks of September 11, 2001, on September 28, 2001, it adopted resolution 1373 defining several measures and strategies relating to the anti-terrorist fight (*E. BARBE, Justice et affaires intérieures dans l'Union européenne, La Documentation Française, 2002, p. 159*). Other UN institutions intervene more precisely in the field of crime prevention and criminal justice: the Committee for the Prevention of Crime and the Fight against Delinquency, created in 1950 and called the Commission for Crime Prevention and Criminal Justice since 1992; the Service of crime prevention and criminal justice, regional institutes, and national correspondents (*P. MARY, G. CAPPELAERE, "The United Nations program for crime prevention and criminal justice", RD pén. crim., 1996, n°1, pp. 54-79; D. FLORE, "The United Nations: a global policy in the field of criminal justice?", RD pén. crim., 1996, n°1, pp. 80- 91.*). Initially, the Committee, composed of seven experts, was responsible for advising the competent organs of the United Nations about the prevention of crime and the treatment of offenders. Since 1992, it gave way to a Commission of the Economic and Social Council made up of 40 member states and disseminates different doctrines and strategies in the fight against delinquency (For a presentation of the Commission see [http:// www.unodc.org](http://www.unodc.org)). The Crime Prevention and Criminal Justice Service is an administrative body reporting to the United Nations Secretariat and whose functions are diverse: promoting the application of U.N. instruments and resolutions in national legislation, collecting and

analysing international crime statistics, undertaking studies on the different aspects of delinquency, centralize technical knowledge in prevention, criminal justice, criminal law, and criminology, provide technical services to member states. These bodies rely on regional and interregional institutes: the United Nations Asia and the Far East, Institute for the Prevention of Crime and the Treatment of Offenders established in Tokyo since 1962 (U.N.A.F.E.I.), the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders established in Costa Rica since 1975 (I.L.A.N.U.D.), the Helsinki European Institute for the Prevention of Crime and the Treatment of Offenders established in 1981 (H.E.U.N.I.), the African Institute for the Prevention of Crime and the Treatment of Offenders established in Kampala since 1989 (U.N.A.F.R.I.) and the United Nations Interregional Crime and Justice Research Institute established in Rome in 1968 (U.N.I.C.R.I.). National correspondents were designated by Member States from 1951 to ensure the promotion of UN programs within them. To promote among Member States the penal reforms that they deem necessary, the United Nations uses different instruments (*S. ENGUELEGUE S., Les Politiques Pélaniques, L'Harmattan, 1998, p. 162 et seq.*). Since 1957, The U.N. has organized five-yearly Congresses for the prevention of crime and the treatment of offenders. These congresses bring together representatives of member states, governmental and non-governmental organizations, and experts in criminal issues. Throughout these Congresses and the studies carried out on these questions, the organs or consultative bodies of the UN adopted several resolutions or recommendations. If these instruments do not have real binding force, they guide developing or reforming national policies to combat delinquency.

II- The strategic dialectic between UNAFRI and the observatories

To prevent crime, States, institutions, and organizations must adopt new ways of working and countries in all regions have encountered different difficulties in implementing prevention programs. There are many lessons to be learned from the experiences, both unsuccessful and

successful, attempted in the North and the South. In this, establishing UNAFRI with specified statutory objectives arose from the recognized urgent need to begin responding, on an ongoing basis, to the growing problem of crime prevention and control in the African region. The justification for its creation remains the need to strive to prevent the problem of crime and delinquency from subverting the development and development achievements of African countries.

A. The partnership method

Public management based on the principle of sectorality of delinquency faces the practical impossibility of coordinating the different administrations that make up the State in this sector. In reality, social problems are hardly reducible to a single thematic relating to a particular institution. The respective approaches of administrations being too segmented, they underestimate the situations in which handicaps accumulate and reinforce each other (J. DONZELOT, P. ESTEBE, *L'Etat animateur, Essai sur la politique de la ville, Editions Esprit, Collection Ville and society, 1994, p. 58*). There are problems whose solution goes beyond the framework of a single organization (F. DUPUY, J-C. THOENIG, *L'administration en miettes, Editions Fayard, 1985, p. 207*). While sectors agree and merge, sectorization does not consider the interdependence of institutions. The technical dissociation of problems increases the difficulties more than it helps to resolve them (J. DONZELOT, P. ESTEBE, *L'Etat animateur, op. cit., p. 22*). Especially since the more systems specialize, the more interdependent they become (Y. PAPADOPOULOS, *Social complexity and public policies, Montchrestien, 1995, p. 47*; D. FREIBURGHANUS, "Le développement des moyens de l'action de l'Etat", in J. CHEVALLIER, C-A. MORAND, *L'Etat propulsif. Contribution à l'étude des instruments d'action de l'Etat, Paris, Publisud, 1991, p. 59*). The inadequacy of the administrative nomenclature is particularly glaring when it comes to public policies to combat delinquency.

If the governmental system now and more often displays the importance it attaches to crime prevention, it is clear that the resources and tools it allocates are often limited. Too often, the bodies responsible for implementing strategies have limited

autonomy, and these bodies often appear dominated by the orientations of the latter. The question of financing prevention policies also arises at the national level.

Considering the role played by the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, which helps African States respond effectively and rationally to domestic crime, it is proposed that concrete measures be taken to strengthen UNAFRI and its work programme. For the Institute to fulfil its mandate, it must be able to count on the cooperation and support of its Member States, other institutions, and the General Assembly. If it can count on solid and reliable financial resources, and on all the permanent administrators it needs, the Institute will be even better and able to participate in technical cooperation and create working relationships with governments and organizations donors.

These approaches must be adapted to national and local contexts. The possibility of transferring crime prevention measures developed by resource-rich countries to countries in the "South" is widely questioned. It is accepted today that these experiences cannot be reproduced in full. Developing countries encounter difficulties linked to a lack of resources and the weakness of the capacities of the local state or civil society. In addition, they must face large-scale challenges linked to the growth and youth of populations, the speed of socio-economic changes and the crisis in education and training systems, particularly for higher education.

This need for adaptation is crucial, not only when policies and practices are transferred between countries at different levels of development but also between countries at comparable levels of development. Adapting measures and strategies to local conditions and priorities is essential in all cases. Social and educational interventions can be part of general or universal programs, programs focused on territories or groups of people, long-term programs, or shorter-term actions; likewise, they can be integrated into teaching or training programs. Interventions may involve the family, the community, educational settings, or institutions (H. SHAFTOE, Preventing Crime and Creating Safer Communities. University

of West of England. <http://environment.uwe.ac.uk/commsafe/tallin.asp>, 2002).

The partnership method with UNAFRI contributes to the restoration of state leadership if not the strengthening. If the doctrine of action changes, the methods of developing and implementing public policies to combat delinquency reproduce almost identically, with them the main pitfalls of tutelary-type regulation.

With a strong international dimension, feedback in the processing of complex cases has highlighted the development of innovative investigation techniques and renewed methods of exchanging information.

B. Management of UNAFRI

In our opinion, this is a new governance in the fight against delinquency. Governance can be defined as “the pattern, or structure, that emerges in a socio-political system as a common result of the interaction of all the actors involved” (**J. KOOIMAN, *Modern governance, London, Sage, 1993***). It is “a process of coordination of actors, of social groups, which are not all state-based, nor even public, to achieve their own goals discussed and defined collectively in fragmented and uncertain environments” (**P. LE GALES, “*Régulation, gouvernance et territoire*”, in J. COMMAILLE, B. JOBERT (dir.), *The metamorphoses of political regulation*, Paris, L.G.D.J., Maison des Sciences de l’Homme, 1999, p. 225**). Governance represents a “complex art” consisting of “steering agencies, institutions and multiple systems, operationally autonomous from each other, but at the same time structurally coupled together through various forms of reciprocal interdependence” (**Y. PAPADOPOULOS, “*Transformations du style de l’action publique et responsabilité politique*”, *Politiques et management public*, vol. 19, n°1, 2001, p. 167**). The term emphasizes the idea of direction and piloting, but without the absolute primacy granted to UNAFRI. It reflects on the interactions between the latter and national observatories on the modes of coordination necessary to enable public action. It makes it possible to identify new collective practices, new forms of public action which are no longer based on the pattern of hierarchical authority and power, but on negotiation and partnership

(**B. JOUVE., *La gouvernance urbaine en questions, Paris, Elsevier, 2003, p. 16***).

UNAFRI is a valuable mechanism in the African region to promote active cooperation of governments, University institutions and experts in the field, in addition to helping countries mobilize their human and administrative potential and deploy efforts for harmonious growth to promote self-sufficiency and sustainable development, while at the same time responding to the problem of crime through dynamic programs. The dialectic between UNAFRI and the observatories must have a dualistic approach.

For various reasons, UNAFRI can be extremely useful to national observatories which undertake to develop prevention strategies. UNAFRI frequently has specialized knowledge in areas (such as police ethics, street children or rehabilitation services); they work closely with citizens on the ground to advocate for social services, if at all they do not provide them themselves (such as women’s shelters or provision of legal advice) and local communities generally trust them due to their non-governmental status. Non-governmental organizations are often flexible and adaptable and can initiate new programs and pilot projects in collaboration with public authorities relatively quickly if resources are available. They can also help public authorities establish the foundations of their new policies. They are usually in contact with different groups, including influential local community members, victims, professionals, public officials, and the media, who work on specific issues. Non-governmental organizations and other sectors of civil society can, at different stages, contribute to the development of strategies.

UNAFRI must have an impact on the continent. The Institute should have training programs to which Member States send participants. These, in turn, would advertise the Institute. There are smaller organizations whose visibility has improved through similar training programs.

The African Institute for the Prevention of Crime and the Treatment of Offenders has often undertaken a number of activities. The main objective of these activities is to raise participants’ awareness of the major issues in this area and to encourage them

to take appropriate measures in their respective countries. These activities include training seminars and research work. There is no doubt about UNAFRI's expertise. Expertise can be defined as "the use of specialized knowledge to help in a problematic situation" (R. CASTEL, "*Savoirs d'expertise et production de normes*" in, F. CHAZEL, J. COMMAILLE (dir.), *Normes juridique et régulation sociale, Société française de sociologie, 1987, p. 177*). Based on the analysis of M. FOUCAULT, who links knowledge and power in a dialectical perspective (M. FOUCAULT, *Histoire de la sexualité. La volonté de savoir, Paris, Gallimard, 1976*), we can consider that the capacity of actors to influence on the construction of policies to combat delinquency is a function of their potential in terms of expertise (P. MULLER, Y SUREL, *L'analyse des politiques publiques*, In: *Politiques et management public*, vol. 16, no. 4, 1998, p. 61; C-A. MORAND, *Le droit néo-moderne des politiques publiques*, op. cit., p. 179 et seq.). Knowledge influences the construction of public action standards because the two poles of knowledge production and decision-making are not completely distinct. "Establishing", the expertise activity of UNAFRI would be "at the foundation of the decision-making process, instead of serving as an additional currency in the form of simple technical assistance" (R. CASTEL, "*Savoirs d'expertise et production de normes*", Paris, LGDJ, coll. "Droit et Société", 1999, pp. 177 and 180.). Actors therefore mobilize different forms of knowledge to derive resources regarding power. In the field of criminal policy, the channeling of expertise resources gives their "owners" strong capacities to interpret and give meaning to the reality of crime. This allows them to polarize the debate in the direction that suits them, to contribute to the aggregation of points of view around their positions, and give substance to precepts for action corresponding to the objectives they pursue. These knowledge tools influence the construction of an action framework satisfying their interests in terms of leadership in a given sector of intervention, growth of responsibilities, financial gains or staffing. Consequently, knowledge is always an issue of power and information is an instrument placed at the service of strategic actors. Situations of competition oppose the different producers of knowledge who aim to export their knowledge in

the political and professional fields. However, in this competitive process, the State asserts itself as the leading expertise producer, allowing it to impose its views in constructing the action framework.

Examining crime trends in Africa raises methodological problems linked firstly to the comparability of data: the definition of criminal acts varies from country to country; the procedures for collecting, recording and interpreting offences differ and are also closely linked to the resources available to the authorities; finally, in some countries, data drawn from the primary institutional sources - civil status registers, complaints filed with the police, judgments, etc. - are difficult to access or even faulty.

UNAFRI must take incentive measures towards States. At regular intervals, UNAFRI must promote specific criminal policy priorities that member states intend to defend and promote collectively. The Institute must advocate a comprehensive approach to combating crime. Therefore, an action program involving national crime observatories should be adopted. It must encourage several measures: an inventory of all actions that can contribute to the prevention or fight against crime in member states, the creation of an African Network of Crime Observatories (RAOC), the exchange of information between observatories. Likewise, the Institute can encourage states to develop several ideas: the definition of common priorities in terms of prevention, the development of "non-incentive" legislation to delinquency, the exchange of best practices and information on national policies, etc. It must help States to develop a crime prevention and control strategy aimed at improving the validity and reliability of data on crime, to bring criminal legislation closer to the constituent elements of offences and the sanctions applicable to organized crime, terrorism, and drug trafficking, establishing criminal liability of legal persons about organized crime, etc. UNAFRI must, therefore, play an essential role in the concerted definition of anti-criminal strategies, including in the field of prevention.

Progress towards increasingly effective prevention programs requires going beyond the particular and the local to reach the general and the universal.

Furthermore, the analysis comes up against the classic

difficulty of accounting for crime: the reporting rate of criminal acts (“denunciation” rate or “reported rate”) does not fully reflect the actual level of crime and is increasingly supplemented by victimization surveys; data is not always collected and recorded in a standardized way; they may also not be made fully public. Furthermore, in regions of the world where the police have few resources and/or are undermined by Corruption, recorded crime rates are necessarily lower than in those where resources and reputation are great, and victims are more likely to report the acts they suffered.

In conclusion, UNAFRI and the national crime observatories are two actors mobilized at various levels to prevent and deal with delinquency. The dialectic between UNAFRI and the national crime observatories is part of what can now be called a “neo-modern public policy” (C-A. MORAND, *Le droit néo-moderne des politiques publiques*, Paris, L.G.D.J., *Maison des Sciences de l'homme*, coll. *Droit et Société*, vol. 26, 1999). The “public policy” notion developed in the United States in the 1950s under the term

“political policies”. At the time, North American analysis was part of a pragmatic perspective and questioned the implementation of “good” policies, effective and economical, to provide decision-makers with usable knowledge (P. MULLER, *Les politiques publiques*, Paris, P.U.F., coll. *Que sais-je?*, 1990, p. 4. ; D. RENARD, «L'analyse des politiques aux prises avec le droit, brèves remarques sur un débat», in D. RENARD, J. CAILLOSSE, D. DE BECHILLON,(dir.), *L'analyse des politiques publiques aux prises avec le droit*, Paris, L.G.D.J., M.S.H., 2000, p. 14.) A public policy can never end and be satisfied with the reorientation of the program undertaken without integrating different objectives. Consequently, “we must rather imagine public policies as a continuous flow of decisions and procedures whose meaning we must try to find. It will often be advantageous to conceive of a public policy not as a series of successive sequences, but as a set of parallel sequences interacting with each other and continually modifying themselves” (P. MULLER, *les politiques publiques*, op . cit., p. 33).



COUNTER TERRORISM MEASURES AND PROTECTION OF HUMAN RIGHTS: A NECESSARY RECONCILIATION

By Dr KITIO Édouard, Super Scale Magistrate, Director General of UNAFRI

In resolution 1373 (2001), the United Nations Security Council decided “that all States shall ensure that any person who participates in the financing, planning or perpetration of terrorist acts or in supporting terrorist acts is brought to justice”. This resolution shows the commitment of every nation to combat terrorism as a real threat to peace and security. To this end, terrorist acts must be considered as serious criminal offences in domestic laws and regulations and the punishment must reflect the seriousness of the offences.

The principle of legality in criminal law states that there is no punishment without law. The importance of this fundamental principle is such that no derogation from it is allowed even in time of public emergency which threatens the life of the nation. Nobody can be arrested and sue without an existing criminal law punishing their act.

The principle of “no punishment without law “ has as corollary the prohibition of retroactive criminal laws. Violations of the principle of non-retroactivity of criminal law can result not only from changes in legislation, but also from changes in the courts’ interpretation of laws, when well-established case law changes to a defendant’s detriment. The criminal law must be characterized by its accessibility and foreseeability.

The General Assembly has urged all United Nations Member States “to ensure that their laws criminalizing acts of terrorism are accessible, formulated with precision, non-discriminatory, non-retroactive and

in accordance with international law, including human rights law” (A/RES/64/168, OP 6 (k)). Criminal laws which lack precision are reputed vague and cannot be used in the pursuit of criminals. This is the application of “void for vagueness” doctrine. This doctrine and its importance to the protection against arbitrary prosecutions were explained by the United States Supreme court as follows:

“ It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly.

Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application” (United States Supreme Court, *Grayned v City of Rockford*, 408 U.S. 104 (1972), at 108-09, cited in UNODC, *Human Rights and Criminal Justice Response to Terrorism*, 4, p.34-35).

The “void for vagueness” doctrine has also been applied by the High Court of Uganda. In the case of



Uganda v Sekabira, the High Court of Uganda held that the void for vagueness doctrine is encapsulated in article 27 (8) of the Constitution of Uganda, which enshrines the principle of no punishment without law (“No person shall be charged with or convicted of a criminal offence which is founded on an act or omission that did not at the time it took place constitute a criminal offence”).

The High Court agreed with defense counsel in this case that a subsection of the Ugandan Antiterrorism Act of 2002 was (as it stood at the time) “vague, obscure, ambiguous and when read in the context of the rest of the section, [...] capable of being understood in two or more ways”, and could therefore not be a proper base for the terrorism charges against the accused (High Court of Uganda, Uganda v Sekabira and 10 others, judgement of 14 May 2012, cited in UNODC, Human Rights and Criminal Justice Response to Terrorism, 4, p.34-35).

However, the fight against terrorist acts shall be exercised in respect of human rights, especially because the principle of presumption of innocence remains a cardinal principle which governs all criminal proceedings and allows the judicial authorities to grant the accused all the guaranties of a fair trial. The presumption of innocence is a fundamental principle to fair criminal proceedings. It must be respected not only during the trial but throughout the entirety of the investigation of a criminal offence.

This principle is enshrined, either expressly or implicitly in the major universal and regional human rights treaties as an aspect of the right to a fair trial. Article 14 (2) of the International Covenant on Civil and Political Rights (ICCPR) provides that “everyone charged with a criminal offence shall have right to be presumed innocent until proved guilty according to law”. This precludes long preventative detention without proper justification, because such detention could be regarded as a punitive rather than a precautionary measure that is tantamount to anticipating a sentence (Inter-American Commission on Human Rights, Report on terrorism and Human Rights, para. 223).

The Global Counter terrorism Strategy adopted

by the United Nations General Assembly in 2006 clearly notes that “effective counter terrorism measures and the protection of human rights are not contradictory objectives, but complementary and mutually reinforcing”. In his landmark report In Larger Freedom: Towards Development, Security and Human Rights for All, The United Nations Secretary-General endorsed the idea as follows:

“Terrorists are accountable to no one. We, on the other hand, must never lose sight of our accountability to citizens all around the world. In our struggle against terrorism, we must never compromise human rights. When we do so we facilitate achievement of one of the terrorist’s objectives. By ceding the moral high ground we provoke tension, hatred, and mistrust of Governments among precisely those parts of the population where terrorists find recruits” (A/59/2005, para. 94).

It is a moot question whether human rights law excludes other international legal regimes. Counterterrorism measures can take place in the context of widespread armed violence. In such situations, questions of compliance with the body of international law which specifically regulates armed conflict, international humanitarian law, may arise. This set of laws regulates among others the treatment of civilians in armed conflicts, the conduct of hostilities, the treatment of prisoners of war, rules relating to the use of weapons and targeting. International humanitarian rules on detention, on torture and inhuman or degrading treatment and on the right to fair trial may apply to persons detained in the context of an armed conflict and suspected of acts of terrorism (UNODC, Human Rights and Criminal Justice Responses to Terrorism, 4, p.29).

It is well established that international human rights law remains applicable during armed conflict. The Human Rights Committee stated that international human rights law applies also in situations of armed conflict to which the rules of international humanitarian law are applicable, adding that both spheres of law are complementary, not mutually exclusive (Human Right Committee, General Comment N° 31 (CCPR/C/21/Rev. 1/Add.13), 26 May 2004, para.11).

The human rights of criminals must be respected by all actors of the criminal justice system. This includes the police or other investigators, the prosecution, the defense, the judiciary and even the public. For example, where an investigation procures evidence through the torture or ill-treatment of the suspect, the trial of the suspect may collapse. Similarly, evidence which is obtained in violation of other human rights standards, may be excluded at trial.

In addition to the human rights of the terrorist suspect, States also have an obligation to protect the human rights of victims and witnesses during the investigation of terrorism cases. Their rights to life, security, physical and mental integrity, respect for private and family life, and protection of dignity and reputation can be put at risk not only by threats from those under investigation and their accomplices. Police investigations can force victims and witnesses to relive traumatic experiences or otherwise expose them to psychological harm (UNODC, Human Rights and Criminal Justice Responses to Terrorism, 4, p.53).

The case of children suspected of terrorist offences needs also particular consideration. The recruitment and training of children by terrorist groups is a reality confronting many countries. International law establishes a very clear obligation to treat children and juveniles suspected of involvement in any criminal offence, including terrorist activities, differently from adults suspects and offenders because of their age-specific vulnerability.

This obligation is enshrined in articles 37 and 40 of the Convention on the Rights of the Child (CRC), ratified by the majority of States worldwide. Article 1 of the CRC provides that “a child means every human being below the age of eighteen years unless under

the law applicable to the child, majority is attained earlier”.

States have the obligation to set a minimum age of criminal responsibility (MACR) below which children shall be presumed not to have the capacity to infringe the law. According to the Committee on the Rights of the Child, a MACR below the age of 12 years is not internationally acceptable. States are encouraged to continue to increase the MACR to a higher age level.

The determination of the correct age of an alleged child offender may pose a challenge to the investigators, the prosecution and the court, particularly in the States with low birth registration. It is important to recognize that the assessment of age is not an exact science. It is a process within which there will always be an inherent margin of error and child’s exact age cannot be established through medical or other physical examinations” (Smith, Terry and Brownlee, Laura, United Nations Children’s Fund discussion paper, Age assessment: a literature review & annotated bibliography, UNICEF: New York 2011, p. 12; cited in UNODC, Human Rights and Criminal Justice Responses to Terrorism, 4, p.60).

In cases where there is doubt whether the alleged offender is a child or an adult (below or above the age of 18), he/she must be considered a child and fall within the scope of the juvenile justice law. Where criminal proceedings are pursued against persons aged below 18, they are entitled to all the fair trial guarantees applicable to persons charged with a criminal offence. But some particular measures shall be observed: the promptness, the legal and other assistance (parents or legal guardians), the respect for privacy, and the training and specialization of criminal justice officials dealing with children.

States have the obligation to set a minimum age of criminal responsibility (MACR) below which children shall be presumed not to have the capacity to infringe the law.

END-OF-YEAR MESSAGE FROM THE DIRECTOR GENERAL OF UNAFRI

Ladies and Gentlemen,

Dear friends, sympathizers, and partners of UNAFRI,

It is with great pleasure that I take this opportunity at the end of the year 2023 to address you and share some highlights about the status of our pan-African institution.

The concluding year 2023 saw a significant development in the profile of the Institute. The Governing Board appointed a Director for the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI). He assumed office in March 2023. The absence of a substantive director at this Institute for over a decade had been a subject of ongoing debates, reflecting a certain weakness in governance and creating mistrust among external partners. By appointing me to lead the Institute and fill this void, the Governing Board finally took its responsibility to restore the reputation of UNAFRI and guide it towards a promising future.

This commendable decision was implemented by Her Excellency Mrs. MUTOMBO KIESE Rose, Minister of State, Minister of Justice, and Keeper of the Seals of the Democratic Republic of Congo (DRC), who was President of the Governing Board of UNAFRI at that time. Prior to this, interim directors had occupied the director's seat for all those years, fighting in their own ways to preserve the survival of the Institute. I express my heartfelt gratitude to them for their tireless efforts, which, with the dedicated staff, saved the face of the African continent by ensuring the continuity of its sole institute for crime prevention and criminal justice.

Other institutes around the world have proven their performance, and some even execute their programs on African soil without involving or informing UNAFRI, as if using their broom to clean our courtyard, while we have our own broom in hand but do not know how to use it. How can we complain about the prevalence of crime when our Institute has ceased to produce significant impact on member States supposed to benefit from its activities in training, capacity-building for criminal justice personnel, and research on priority issues of peace, security, and stability?

To this fundamental question, one might hastily ask, "Whose fault is it?" The answer would not be far-fetched: the fault lies with decision-makers who did not make timely and sound decisions; it also lies with states that did not adequately support their Institute financially to fulfill its mandate; it rests with the host country that let its guard down on this Institute, which it had welcomed honorably by providing the best facilities; and finally, it lies with the Institute's Secretariat that did not sound the alarm. In essence, the fault is shared, and each should shoulder their responsibilities.

However, searching for the author of the fault that led to the Institute's performance decline over many years won't bring much progress. Instead, we must take stock of the current situation and build the future from there. In mediation, for example, finding the author of the fault will make it difficult to achieve consensus. We should focus on healing wounds and envisioning a new beginning, hoping that each actor can play their role to achieve the desired goals.

Indeed, the African continent, like other parts of the world, is shaken by multiple crises caused notably by organized transnational crime such as terrorism, illicit trafficking of drugs, small arms, medicines, human trafficking, women and children trafficking, migrants, money laundering for terrorist financing, etc. In addition to these threats, there is political instability caused by both endogenous and exogenous factors.

Faced with these multifaceted threats, UNAFRI should more than ever before, play a leading role in crime prevention and emerge as the central body of the African Union's Peace and Security Council. As the member of the global network of crime prevention and criminal justice institutes (PNI), UNAFRI collaborates in drafting the network's journal (Newsletter) and maintains close ties with global experts who can assist in coordinating policies and training African law enforcement officials. Africa should leverage this international expertise to bring about profound changes in criminal justice policies and judicial practices, aligning them with international standards.

The recent Governing Board meeting of UNAFRI

held in Addis Ababa on October 3, 2023, initiated the restructuring of the Institute, including the incorporation of the Technical Advisory Committee (TAC) among its organs, responsible for examining technical and financial issues before submission to the Governing Board. The place of the Conference of Ministers of the Economic Commission for Africa was also strengthened. It is a question of going further by considering the significance of the summit or the Conference of Heads of State and Government as the center of impetus and guidance, enabling the Institute to fully play its leadership role on the continent.

Furthermore, in streamlining the functional capacity of the Institute, the management of UNAFRI has been transformed into a general directorate, and two technical directorates have been established: the Directorate of Training and Programs, and the Directorate of Research and Documentation. Moreover, new members of the Governing board have been elected, as well as the new Board of Auditors. To crown it all, a new strategic plan has been adopted, and the organizational documents of the Institute, been entirely revised. We can say that UNAFRI is ready to face the year 2024 with a fresh start, new strategies and prospective capacity! A triumphant return, one might joyfully declare.

All these efforts mark positive points for the structural transformation of the Institute and the willingness of member states to revitalize it to face the current challenges. However, this momentum will only produce the expected effects if member States commit firmly to support the Institute by regularly contributing their financial dues. Some States honorably fulfill this task, while others are yet to take the first step. UNAFRI can truly fulfill its role only if all stakeholders look in the same direction.

The enthusiasm shown by the members of the Governing board and the Technical Advisory Committee during the last ordinary session of the board in Addis Ababa on October 3, 2023, indicates that hope is imminent. Like other regional institutes for crime prevention and criminal justice, UNAFRI is obligated to play its role, relying on the support of its member states, the United Nations Secretariat, and its financial partners.

UNAFRI's plan of action is part of the priority programs defined by the United Nations Commission on Crime

Prevention and Criminal Justice. In this regard, the Secretariat has developed several conceptual notes regarding various activities planned for 2024, counting on cooperation with financial partners. It is appropriate to acknowledge this cooperation that aims to enhance the impact of UNAFRI at the member States' level, raising awareness about the significance of the Institute.

At the Secretariat level, several actions have been taken to improve service operations: the acquisition of a 20 KVA power generator, renovation of toilets, reconstruction of the Internet connection line, introduction of online international conferences, grooming and reconfiguration of the Institute's website, transformation of the Newsletter into a bilingual English-French magazine to reflect the multilingual nature of the Institute, etc.

With a dedicated and highly motivated staff, the UNAFRI Secretariat enters the new year 2024 with optimism, dedication, and commitment. I extend my special thanks to this staff who, despite the difficult challenges, has resisted the shocks that have shaken the Institute to the point of threatening its survival.

I also thank Her Excellency Mrs. MUTOMBO KIESE ROSE, the former President of the Governing Board of UNAFRI, who, with her determination, managed to spearhead the process leading to the recruitment and subsequently appointed a director for the Institute. She succeeded in mobilizing a number of member States to fulfill their financial contributions. As Uganda, the host country, resumes the presidency of the Governing board, I am hopeful that the Secretariat's efforts to strengthen UNAFRI will be wholeheartedly supported by the incoming president, His Excellency Mulimba John, Minister of State for Foreign Affairs/Regional Affairs of Uganda. I salute his acceptance in this capacity and look forward to finding in him the resource person to address the numerous challenges facing the Institute. Together, we will fight and triumph... unity is strength...

Happy New Year 2024

Long live UNAFRI

**Dr. KITIO Édouard Super Scale Magistrate
Doctor of Business Law**



