



**Thirteenth
United Nations Congress
on Crime Prevention and
Criminal Justice**

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**Statement submitted by the Government of the
United States of America***

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U.S. Position Paper for 13th United Nations Congress on Crime Prevention and Criminal Justice¹

The United States recognizes the value of the United Nations Congress on Crime Prevention and Criminal Justice (Crime Congress) as a venue for member states, civil society, including non-governmental organizations, academics, and expert practitioners, to share experiences, trends and research in the area of crime prevention and criminal justice. The Congress derives its value from this interplay among a variety of actors, experiences, and perspectives. In this regard, the United States believes the 13th United Nations Crime Congress should serve as an important opportunity to affirm the intersections between crime prevention, criminal justice, the rule of law, and sustainable development. This theme should be at the heart of a “short and concise” Declaration to be adopted by the Crime Congress, per ECOSOC resolution 2014/15.

In this context, and consistent with United Nations General Assembly resolution 69/191, the United States is pleased to offer the following national position paper on various substantive items of the provisional agenda for the 13th United Nations Crime Congress:

Agenda Item 3: *Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development.*

- Respect for and promotion of the rule of law are critical factors for achieving sustainable development. Development and security are tied closely to a society’s confidence that its government is fair, effective, responsive, and transparent. Governments are often evaluated by members of society on the basis of the performance of public institutions responsible for preventing and responding to crime. When these institutions are fair, effective, and transparent, a government can counter crime and terrorism by providing citizens with a place to report wrongdoing and settle grievances. When these systems fail or are perceived to be corrupt, people may seek justice elsewhere.
- Thus, while effective crime prevention and criminal justice strategies and institutions alone cannot deliver sustainable development, they are essential to its progress. Therefore, the work of the United Nations Crime Prevention and Criminal Justice Programme, including the Crime Congress and the United Nations Crime Commission, should be given due consideration in the elaboration of the Post-2015 Development Agenda.
- In this context, the United States notes the particular value of the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice, which contains internationally recognized normative principles, standards, and indicators developed by the international community over the course of 51 years, including in the fields of juvenile justice, the treatment of offenders, international cooperation, good governance, victim protection, and

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combating violence against women. We encourage Member States to consider ways to draw from these important sources of information to develop strong approaches to sustainable development, and we further encourage Member States to continue strengthening the United Nations Office on Drugs and Crime's own data collection and analysis as a global resource in this regard.

- The United States strongly supports an integrated approach within the United Nations system in relation to the provision of technical assistance and support for international cooperation in crime prevention and criminal justice matters, rooted in the technical expertise and spirit of consensus present in the United Nations Commission on Crime Prevention and Criminal Justice and other United Nations entities based in Vienna.
- Developing fair, effective, impartial, and transparent criminal justice sectors is critical to any plan for achieving overall sustainable development. The United States also emphasizes the primary responsibility of States to promote and protect human rights and fundamental freedoms for all. This includes the protection of members of vulnerable populations, including women, children, and lesbian, gay, bisexual, and transgender individuals under the rule of law. We must also promote the effective participation of women, minorities, and members of other vulnerable populations as professionals in the criminal justice system.
- Finally, in the context of developing strong criminal justice systems, we urge the Crime Congress to recognize that gangs are a growing form of criminal association in many countries and regions, and to call on States to take all appropriate measures to protect citizens and communities from gang-related violence and other threats, including measures to increase public trust and confidence in local police such as promoting a culture of lawfulness through education and community outreach.

Agenda Item 4: *International cooperation, including at the regional level, to combat transnational organized crime.*

and

Agenda Item 5: *Comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime.*

- The international community has developed five key United Nations conventions that form the backbone of international criminal justice efforts to combat crime and corruption: the United Nations Convention against Transnational Organized Crime (UNTOC) and its three Protocols on trafficking in persons, smuggling of migrants, and trafficking in firearms; the United Nations Convention against Corruption (UNCAC); the Single Convention on Narcotic Drugs (1954) as amended by the 1972 Protocol; the Convention on Psychotropic Substances (1971); and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).
- The UNTOC and the UNCAC, in particular, provide unique tools for States Parties to work together on criminal cases that occur in or affect multiple States. These United Nations conventions are complemented by treaties developed in other multilateral organizations that support global efforts to

prevent transnational crime. The Council of Europe's Convention on Cybercrime (or Budapest Convention), for example, is a global treaty that provides a model for countries to follow in developing domestic legislation and allows for increased cooperation in cybercrime investigations.

- The Financial Action Task Force (FATF) serves as the global focal point for concrete cooperation to counter money laundering, which finances and enables international criminal activity.
- Taken collectively, this legal regime provides the foundation necessary for systemic, standardized law enforcement and judicial cooperation between governments. Police-to-police cooperation can also serve as a critical vehicle for stronger bilateral and multilateral responses to transnational crime, and can help reduce the burden on national central authorities who may not have the capacity to respond in a timely manner to formal assistance requests on less urgent cases.
- With this in mind, the United States does not support the establishment of new anti-crime protocols or conventions, particularly given the UNTOC's broad scope of application. Member States specifically designed the UNTOC's international cooperation provisions to apply to all new and emerging forms of crime, including cybercrime and trafficking in cultural property. With regard to mutual legal assistance, new global conventions to support international cooperation are also unnecessary if countries have adequate domestic legislation. The United States, for example, can render virtually any type of assistance under U.S. domestic law authorizing assistance in response to letters of request or letters rogatory. The United Nations model law on legal assistance, which was developed by experts from various Member States, can help countries establish similar legal authority in months, rather than the years necessary to authorize, negotiate, and ratify a convention. The United Nations model law on extradition can also be of assistance to countries that hope to broaden their extradition relationships.
- For its part, the United States has found the UNTOC beneficial for use in cases of illegal arms dealing, major fraud prosecutions, computer crime, trafficking in cultural property, violent crimes by criminal gangs, and money laundering. We have utilized the UNTOC for all types of assistance, including to request bank records, Internet Service Provider documents, witness interviews, searches of property, seizure of assets, and surveillance on suspects, as well as for extraditions. In fact, the United States has used the UNTOC over 250 times since becoming a Party for mutual legal assistance and extradition purposes.

Agenda Item 6: *National approaches to public participation in strengthening crime prevention and criminal justice.*

- The Crime Congress should recognize the unique role of civil society in achieving sustainable development, preventing crime, and delivering fair and effective criminal justice services.
- Input from and engagement with civil society is necessary to identify creative solutions, encourage debate, provide an outside view regarding government performance, and deliver critical services to augment scarce or shrinking government resources. Non-governmental organizations play a special role,

both as first-line responders to victims of crime and as advocates on behalf of victims to help governments perform better. Also, civil society can and should help ensure that governments follow through on development promises and cultivate fair, effective, and transparent criminal justice systems. This “watchdog” role is particularly important in identifying and combating corruption. For its part, the media can shed light on instances of corruption and criminality and help educate the public about their rights and responsibilities as citizens under the law. The private sector can also help prevent and respond to the criminal exploitation of commercial industries and financial systems.

- In this context, we encourage Member States to consider ways to achieve more meaningful input and participation by civil society in all bodies that support and guide the work of the United Nations Crime Prevention and Criminal Justice Programme.
- We also continue to support a greater role for civil society in the ongoing work of the Conferences of States Parties to the UNTOC and UNCAC, as well as in helping States Parties fully achieve the spirit and substance of the commitments set forth in both treaties.

Agenda Item 7: Adoption of the report of the Congress.

- The Congress should also reinforce the commitment of Member States to the mandate and functions of the Crime Congress, as assigned by the United Nations General Assembly in its Resolution 46/152 in its capacity as a consultative body of the United Nations Crime Prevention and Criminal Justice Programme, to provide a forum for the:
 - Exchange of views between and among States, intergovernmental organizations, non-governmental organizations and individual experts representing various professions and disciplines;
 - Exchange of experiences in research, law and policy development;
 - Identification of emerging trends and issues in crime prevention and criminal justice;
 - Provision of advice and comments to the Commission on Crime Prevention and Criminal Justice on selected matters submitted to it by the Congress; and
 - Submission of suggestions, for the consideration of the Commission, regarding possible subjects for the programme of work.