



# Twelfth United Nations Congress on Crime Prevention and Criminal Justice

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## Draft report

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## Chapter II. Background and preparations for the Congress

1. The Twelfth United Nations Congress on Crime Prevention and Criminal Justice was convened in accordance with paragraph (d) of the annex to General Assembly resolution 415 (V), which provided for the convening every five years of an international congress in the field, as well as in pursuance of Assembly resolutions 46/152, annex, 56/119, 62/173, 63/193 and 64/180.
2. In its resolution 62/173, the General Assembly accepted with gratitude the offer of the Government of Brazil to act as host to the Twelfth Congress. In its resolution 63/193, the Assembly decided that the main theme of the Twelfth Congress should be “Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world”. In the same resolution, the Assembly decided to hold the Twelfth Congress in Salvador, Brazil, from 12 to 19 April 2010, with pre-Congress consultations to be held on 11 April 2010; and decided that the high-level segment of the Twelfth Congress should be held during the last two days of the Congress in order to allow Heads of State or Government and Government ministers to focus on the main substantive agenda items of the Congress. In the same resolution, the Assembly reiterated its invitation to Member States to be represented at the Twelfth Congress at the highest possible level and to participate actively in the high-level segment.
3. In its resolution 63/193, the General Assembly decided on the five issues to be considered by the workshops to be held within the framework of the Twelfth Congress; emphasized the importance of those workshops; and invited Member States, intergovernmental and non-governmental organizations and other relevant entities to provide financial, organizational and technical support to the United Nations Office on Drugs and Crime and the institutes of the United Nations crime prevention and criminal justice programme network for the preparations for the workshops, including the preparation and circulation of relevant background material.



4. In cooperation with the host Governments, the United Nations regional economic and social commissions and the United Nations crime prevention and criminal justice programme network of institutes, four regional preparatory meetings for the Twelfth Congress were held in 2009: (a) the Latin American and Caribbean Regional Preparatory Meeting, held in San José from 25 to 27 May 2009; (b) the Western Asian Regional Preparatory Meeting, held in Doha from 1 to 3 June 2009; (c) the Asian and Pacific Regional Preparatory Meeting, held in Bangkok from 1 to 3 July 2009; and the African Regional Preparatory Meeting, held in Nairobi from 8 to 10 September 2009.

### **Chapter III. Attendance and organization of work**

#### **A. Date and venue of the Congress**

5. The Twelfth United Nations Congress on Crime Prevention and Criminal Justice was held in Salvador, Brazil, from 12 to 19 April 2010, pursuant to General Assembly resolutions 62/173, 63/193 and 64/180.

#### **B. Pre-Congress consultations**

6. In conformity with the practice followed at United Nations special conferences and with General Assembly resolution 56/119, informal pre-Congress consultations were held on 11 April 2010. Participation in the consultations was open to representatives of all States invited to the Congress. A number of recommendations on the organization of work of the Congress were agreed upon in the course of the consultations (see A/CONF.213/L.1).

#### **C. Attendance**

[...]

#### **D. Opening of the Congress**

7. The Twelfth United Nations Congress on Crime Prevention and Criminal Justice was officially opened, on behalf of the Secretary-General of the United Nations and the Secretary-General of the Twelfth Congress, by Mr. John Sandage, Executive Secretary of the Twelfth Congress and Officer-in-Charge of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime (UNODC).

8. The Twelfth Congress observed a minute of silence for the late President of Poland, Lech Kaczynski, and the other victims of the tragic accident of 10 April 2010.

9. The Executive Secretary of the Twelfth Congress read an opening message to the Congress from the Secretary-General of the United Nations. In his message, the Secretary-General emphasized that the Congress provided an opportunity to gain a better understanding of the state of crime worldwide and the necessary criminal justice responses to address related challenges. He urged all States to ratify and

implement the United Nations Convention against Transnational Organized Crime<sup>1</sup> and, 10 years after the adoption of the Convention, establish a mechanism to review its implementation. He appealed to States to be innovative and stay one step ahead of criminals, particularly with regard to action against emerging crimes, such as cybercrime, environmental crime and counterfeiting. He also stressed the need to bring crime prevention into the mainstream of the work of the United Nations, particularly in conflict prevention, peacekeeping and peacebuilding. He underlined the importance of placing human rights at the forefront of efforts to prevent and punish crime.

10. The Executive Secretary of the Twelfth Congress read an opening message to the Congress from the Secretary-General of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice. He expressed his gratitude to the Government of Brazil for its generosity in hosting the Congress and its hard work in preparing for it. He noted that the Congress would provide a platform enabling the international community to take stock of the world crime situation and to assess its preparedness to deal with the challenges, particularly with emerging threats. He emphasized the need to develop tools for assessing the current situation, including through the preparation of a transnational organized crime threat assessment. In that connection, he referred to the upcoming high-level meeting of the General Assembly to foster political momentum in support of the Organized Crime Convention, adopted 10 years ago. He called on the international community to make better use of the Convention and the Protocols thereto<sup>2</sup> and agree on a mechanism to review its implementation at the upcoming fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. He noted the importance of the past United Nations congresses on crime prevention and criminal justice in setting standards with respect to crime prevention and criminal justice issues and highlighted the role of the Twelfth Congress in starting a process of systematic review of all crime-related standards and norms. In doing so, he urged the Congress to pay particular attention to the special needs of vulnerable groups, including women, children, youth and migrants.

11. Upon his election, the President of the Twelfth Congress, Mr. Luiz Paulo Teles Barreto, Minister of Justice of Brazil, addressed the Congress. He welcomed all participants and underlined the importance of the Congress as a major international forum for setting guidelines and priorities on crime prevention and criminal justice and facilitating the exchange of views among practitioners in that field. In informing the Congress of national initiatives and measures related to the items under consideration by the Congress, he specifically referred to international cooperation, in which area Brazil had started developing tools required for combating transnational threats. He also provided an overview of the guiding principles and goals of the National Programme for Public Safety with Citizenship (PRONASCI), launched in 2007. In addition, he noted the efforts of Brazil in reforming its prison system. He highlighted the need to take a humanitarian approach in addressing crime, specifically in the field of child justice and migration. The President of the Congress announced the decision of the President of Brazil to implement immediately article 30 of the Organized Crime

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>2</sup> *Ibid.*, vols. 2237, 2241 and 2326, No. 39574.

Convention, article 62 of the United Nations Convention against Corruption<sup>3</sup> and the relevant provisions of General Assembly resolutions 55/25 and 58/4. Implementation of those articles and provisions would be effected through the contribution to UNODC of assets confiscated by the authorities of Brazil in money-laundering and other crime cases, in order to enable UNODC to support the strengthening of the capacity of criminal justice systems of developing countries to implement the crime conventions.

12. The Governor of the state of Bahia, Mr. Jacques Wagner, welcomed the participants of the Twelfth Congress and highlighted the importance for Bahia of hosting the Congress, which he viewed as a demonstration of the commitment of the government of the state of Bahia to combating crime. He noted the great impact of past congresses in the area of crime prevention and criminal justice and stressed their importance for gathering valuable information on crime and for exchanging expertise and views on effective policies to combat it. He was confident that the Twelfth Congress would develop new, more humane and effective criminal justice policies.

13. The Mayor of Salvador, Mr. João Henrique De Barrados Carneiro, expressed the city's honour to be acting as host to the Twelfth Congress. He noted that there was a need for norms and national legal regimes in order to adapt to the evolving threats posed by new forms of crime. Technological advances contributed to the development of those emerging forms of crime, which needed to be countered using innovative measures. He therefore highlighted the importance of the Congress to building consensus on such measures.

14. The representative of the Republic of Korea, speaking on behalf of the Group of Asian States, emphasized the importance of the Twelfth Congress as a forum to address both current and emerging forms of crime and strengthen international efforts in the area of crime prevention and criminal justice pursuant to the action-oriented recommendations resulting from the regional preparatory meetings. He noted the specific needs of vulnerable groups such as women, children, youth and migrants and the importance of eliminating violence against those groups as well as addressing the conditions giving rise to their vulnerabilities. He also underlined the need for States to ensure respect for the rights of victims of trafficking in persons and smuggled migrants, provide appropriate protection to such individuals and address the root causes of related crimes in a cooperative and comprehensive manner. He also noted that strengthening the capacity of competent national authorities was an important part of global efforts to counter money-laundering and the financing of terrorism. In that regard, one of the priorities in the fight against corruption was to ensure the safe return of illegally diverted proceeds of corruption to the countries of origin. Finally, he acknowledged the significance of inter-agency cooperation and technical assistance in building the capacity of Member States to effectively prevent and suppress crime and underscored the importance of ensuring the long-term predictability and sustainability of technical assistance. In that connection, he urged the United Nations Office on Drugs and Crime to continue working with relevant stakeholders in refining processes and mechanisms for needs assessments.

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<sup>3</sup> Ibid., vol. 2349, No. 42146.

15. The representative of Argentina, speaking on behalf of the Group of Latin American and Caribbean States, emphasized the importance of considering the development of a mechanism to monitor follow-up actions to, and assess the practical impact of, the recommendations adopted by United Nations congresses on crime prevention and criminal justice. He highlighted the importance of promoting the implementation of the crime conventions and, in particular, developing a mechanism for reviewing the implementation of the Organized Crime Convention and the Protocols thereto. He noted that the fight against organized crime needed to be closely linked to the efforts to promote sustainable development, human rights, social inclusion and the participation of all citizens in public life, the rule of law and good governance. He stressed the need for action plans to prevent juvenile delinquency and to enhance efforts to increase knowledge about and awareness of the United Nations standards and norms in crime prevention and criminal justice. With regard to the smuggling of migrants, he recommended that the issue of migration be addressed not only on the basis of security considerations but also within a broader development agenda and taking into account the protection of the rights of the victims and the root causes of their vulnerability, irrespective of their legal status in the countries of destination. Furthermore, there was a need to promote international cooperation activities aimed at dismantling the material and financial base of transnational organized crime, including through innovative measures for freezing and confiscating assets and property and for the sound administration of confiscated assets, as well as mechanisms for enhancing cooperation between competent authorities and improving information exchange. He underscored the links between terrorism and other illicit activities, including drug trafficking, and the financing of terrorist groups through the commission of such activities. He noted the importance of adopting a holistic strategy to address cybersecurity threats, paying particular attention to the establishment of the necessary infrastructure to prevent cyberattacks and ensure the security of information technology systems and to the importance of improving legislation for the protection of Internet users. Finally, greater attention had to be given to effectively addressing trafficking in cultural property through the development of legislation in this area, the enhancement of international cooperation and the establishment of appropriate mechanisms for the recovery and return of cultural objects to the countries of origin.

#### **E. Election of the President and of other officers**

16. At its 1st plenary meeting, on 12 April 2010, the Twelfth Congress elected by acclamation Mr. Luiz Paulo Teles Barreto, Minister of Justice of Brazil as President of the Congress.

17. At the same meeting, the Congress also elected by acclamation Dr. Sitona Abdella Osman (Sudan) as Chair of Committee I, Mr. Matti Joutsen (Finland) as Chair of Committee II and the following States as Vice-Presidents: Algeria, Argentina, Australia, Austria, Azerbaijan, Canada, China, Colombia, Cuba, Egypt, India, Indonesia, Italy, Kazakhstan, Kenya, Mexico, Namibia, Panama, Philippines, Republic of Korea, South Africa, United States of America and Zimbabwe. It was agreed that the Congress would elect one more Vice-President and the Rapporteur-General at its subsequent meeting.

18. At its 1st meeting, on 12 April, Committee I elected by acclamation Mr. Adam Sadiq (Sri Lanka) as Vice-Chair and Mrs. Maggie Jackson (Australia) as Rapporteur of the Committee.

19. Committee II deferred the election of its Vice-Chair and Rapporteur to a later meeting.

## **F. Adoption of the agenda**

20. At its 1st plenary meeting, on 12 April, the Congress adopted the provisional agenda (A/CONF.213/1) as approved by the General Assembly in its resolution 63/193. The agenda was as follows:

1. Opening of the Congress.
2. Organizational matters:
  - (a) Election of the President and of other officers;
  - (b) Adoption of the rules of procedure;
  - (c) Adoption of the agenda;
  - (d) Organization of work;
  - (e) Credentials of representatives to the Congress:
    - (i) Appointment of members of the Credentials Committee;
    - (ii) Report of the Credentials Committee.
3. Children, youth and crime.
4. Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism.
5. Making the United Nations guidelines on crime prevention work.
6. Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime.
7. International cooperation to address money-laundering based on relevant United Nations and other instruments.
8. Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime.
9. Practical approaches to strengthening international cooperation in fighting crime-related problems.
10. Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families.
11. Adoption of the report of the Congress.

## **G. Organization of work**

21. At its 1st plenary meeting, on 12 April, in accordance with the recommendations of the pre-Congress consultations held on 11 April (A/CONF.213/L.1), the Congress approved its organization of work, on the understanding that 17 April (in plenary) and from 16 to 19 April (in Committee II) would be reserved for informal consultations and that any further adjustments that might be required would be made during the Congress. Accordingly, the high-level segment, the consideration of agenda items 1-3, 5, 6, 10 and 11 and workshop 3 would be allocated to plenary meetings; the consideration of agenda items 4, 7 and 9 and workshops 1, 4 and 5 would be allocated to Committee I; and the consideration of agenda item 8 and workshop 2 would be allocated to Committee II. The Congress also approved a number of recommendations with regard to arrangements for the high-level segment, as recommended during the pre-Congress consultations.

## **H. Adoption of the rules of procedure**

22. At its 1st plenary meeting, on 12 April, the Congress adopted by consensus its rules of procedure (A/CONF.213/2).

## **I. Credentials of representatives to the Congress and appointment of members of the Credentials Committee**

23. At its 1st plenary meeting, on 12 April, in accordance with rule 4 of the rules of procedure (A/CONF.213/2) and as proposed by the President, the Congress decided that the following States should be appointed members of the Credentials Committee: Brazil, China, Jamaica, Philippines, Russian Federation, Spain, United Republic of Tanzania, United States of America and Zambia.

## **J. Consideration of the report of the Secretary-General on the state of crime and criminal justice worldwide**

24. A representative of the Division of Policy Analysis and Public Affairs of UNODC introduced the report of the Secretary-General on the state of crime and criminal justice worldwide (A/CONF.213/3), prepared pursuant to General Assembly resolution 64/180 and in accordance with past practice. In his presentation, the representative emphasized the challenges faced in measuring the nature and extent of crime and the response of criminal justice systems. He noted that current UNODC priorities for crime measurement included specific forms of transnational organized crime, the crime of intentional homicide and acts of corruption. He expressed gratitude to all Member States that regularly shared information with the international community through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems and highlighted that such information was crucial to effective policy and operational responses at the international level.