



Twelfth United Nations Congress on Crime Prevention and Criminal Justice

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Draft report

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Addendum

High-level segment of the Congress

1. The high-level segment was held in plenary from 17 to 19 April 2010. At a ceremonial opening that took place prior to the opening of the high-level segment, the following high-level speakers from the host country addressed the Congress: Roberto Gurgel, Attorney-General; Luis Paulo Teles Ferreira Barreto, Minister of Justice and President of the Congress; Fernando Smith, representing the Governor of Bahia; and Gilmar Mendes, President of the Supreme Court.

A. Statements at the high-level segment

2. Statements were made by [...] high-level officials. At the first meeting of the high-level segment, on 17 April, the following high-level officials made statements:

Luiz Paulo Teles Ferreira Barreto
Minister of Justice of Brazil and President of the Congress

John Sandage
Officer-in-Charge, Division for Treaty Affairs, UNODC and Executive
Secretary of the Congress

Taous Feroukhi
Ambassador, Permanent Representative of Algeria to the United Nations
(Vienna) (on behalf of the Group of 77 and China)

Juan Carlos Campo Moreno
State Secretary of Justice, Ministry of Justice of Spain (on behalf of the
European Union)

Johanne Tomana
Attorney General of Zimbabwe (on behalf of the African Group)

Eugenio María Curia
Ambassador, Permanent Representative of Argentina to the United Nations
(Vienna) (on behalf of GRULAC)

Tuija Brax
Minister of Justice of Finland

Nosiviwe Mapisa-Nqakula
Minister of Correctional Services of South Africa

Fikrat Mammadov
Minister of Justice of Azerbaijan

Julio César Alak
Minister of Justice of Argentina

Aiying Wu
Minister of Justice of China

Abdulla Bin Nasser Bin Khalifa Al Thani
Minister of State for Interior Affairs of Qatar

Celia C. Yangco
Secretary of the Department of Social Welfare and Development of the
Philippines

Mohamed Naciri
Minister of Justice of Morocco

Alberto Souza Martins
Minister of Justice of Portugal

Monte A. Rubido Garcia
Subsecretario de Prevención y Vinculación y Derechos Humanos, Secretaría
de Seguridad Pública of Mexico

Elizabeth Verville
Special Representative, Deputy Assistant Secretary, Bureau of International
Narcotics and Law Enforcement Affairs, Department of State, United States of
America

Toshiaki Hiwatari
Prosecutor General of Japan

Gun-ho Cho
Chief Prosecutor
Bussan High Prosecutor's Office of the Republic of Korea

3. At the second meeting of the high-level segment, on 18 April, the following high-level officials made statements:

Antonio Maria Costa
Executive Director, UNODC and Secretary-General of the Congress

Daniela Kovarova
Minister of Justice of the Czech Republic

Gholamhossein Mohseni Ajyeh
Attorney-General of the Islamic Republic of Iran

Branislav Hitka
Ambassador Extraordinary and Plenipotentiary of the Slovak Republic to
Brazil

Boules Fahmy Eskander
Assistant Minister of Justice for Administrative and Financial Development
and Judicial Requests of Egypt

Giacomo Caliendo
Vice-Minister of Justice of Italy

Emmanuel Ngaffesson
Vice-Minister for Penitentiary Affairs of Cameroon

Alina Mihaela Bica
Secretary of State, Ministry of Justice and Citizens Freedoms of Romania

William Cheptumo
Assistant Minister of Justice of Kenya

Ebo Barton-Odro
Deputy Attorney-General and Deputy Minister of Justice of Ghana

Jelaing Mersat
Deputy Minister of Home Affairs of Malaysia

Donald Piragoff
Senior Assistant Deputy Minister of Canada

Luis F. Salvador Gomez
Presidente de la Corte Superior de Justicia de Tumbes of Peru

Majid Bin Abdullah Alawi
President of the Tribunal of the Administrative Court of Oman

Silvestre da Fonseca Leite
President of the Supreme Court of Sao Tome and Principe

Olivia Imalwa
Prosecutor-General, Ministry of Justice of Namibia

Kittipong Kittayarak
Permanent Secretary of Justice of Thailand

I Gusti Agung Wesaka Puja
Ambassador, Permanent Mission of Indonesia to the United Nations (Vienna)

Henriques Dos Santos
Deputy General Attorney of Angola

Jackson Bumba Vangu
Chef de Bureau, Ministère des Affaires Etrangères of the Democratic Republic
of the Congo

Chloe Chitty
Ministry of Justice of the United Kingdom

4. At the third meeting of the high-level segment, on 18 April, the following high-level officials made statements:

Helmut Böck
Ambassador, Permanent Representative of Austria to the United Nations
(Vienna)

Wilfried Grolig
Ambassador of the Federal Republic of Germany to Brazil

Olivier Weber
Ambassadeur chargé de la lutte contre la criminalité organisée, France

Bernardo Stadelmann
Vice-Directeur de l'Office fédéral de la Justice, Switzerland

Nirmaljeet Singh Kalsi
Joint Secretary, Ministry of Home Affairs, India

Nehir Ünel
Legal Counsellor, Permanent Mission of Turkey to the United Nations
(Vienna)

Jean-Paul Laborde
Special Adviser to the Under-Secretary General, Counter Terrorism
Implementation Task Force

Serge Brammertz
Prosecutor, International Criminal Tribunal for the Former Yugoslavia

Yifat Raveh
Department Manager, Legislation Department, Ministry of Justice, Israel

5. A statement on behalf of the non-governmental organizations represented at the Congress was made at the end of the meeting.

6. At the fourth meeting of the high-level segment, on 19 April, the following high-level officials made statements:

[Text to be included later.]

B. Summary of the general discussion at high-level segment of the Congress

7. In opening the high-level segment, the President of the Congress, Luiz Paulo Barreto, Minister of Justice of Brazil, pointed to the growing links between organized crime and conventional crime. He noted that by taking advantage of corruption, international crime syndicates had succeeded in weakening law enforcement. Armed violence produced discernible effects on human, social, political and economic development. He noted that the Congress demonstrated that States were unanimous in their stance against transnational organized crime, agreeing that the best way forward was regional and international cooperation. The Congress itself was an example of such cooperation, demonstrating the ability of States to discuss freely controversial themes, which in turn had already translated into "spectacular breakthroughs".

8. The Executive Secretary of the Crime Congress, in his introductory remarks, expressed the hope that with a week of intense deliberations behind them, political leaders would, during the high-level segment, have an opportunity to provide further impetus to the strengthening of crime prevention and defining the legacy of Salvador by adopting a common declaration.

9. The representative of Algeria, speaking on behalf of the Group of 77 and China, recognized the contribution of the United Nations congresses, the fifty-fifth anniversary of which was marked in Salvador, to enhancing international cooperation, exchanging views between Member States, sharing and disseminating experiences and good practices and formulating international guidelines and standards regarding the complex current issues as well as the emerging ones. She noted the Group's appreciation for the work of the regional preparatory meetings and particularly their recommendations and conclusions. She called for full implementation and dissemination of the United Nations standards and norms in crime prevention and criminal justice in order to ensure greater respect for the rule of law and human rights, which would contribute to economic and social development. Acknowledging the adoption of a review mechanism for the United Nations Convention against Corruption, she underlined the importance of establishing a mechanism for the United Nations Convention against Transnational Organized Crime. Expressing concern about emerging crimes, she highlighted particularly trafficking in cultural property, which damaged the cultural heritage of nations. She also condemned all forms of violence against women, including female migrant workers. She highlighted the opportunity the Congress presented for the international community to provide a strategic orientation for the Commission on Crime Prevention and Criminal Justice in terms of tools for prevention, prosecution and punishment. Technical assistance was crucial for developing countries in order to respond to these threats; and UNODC needed sustainable resources to implement its mandates in these areas and provide technical assistance. She called on States and the donor community to step up funding for that purpose.

10. The representative of Spain, speaking on behalf of the European Union, noted that one of the primary objectives of the European Union, was to create an area of freedom, security and justice for its citizens, and referred to the multi-year Stockholm Programme for 2010-2014 to carry out that objective. He stressed the importance of an integrated and coordinated approach to victims of repeated violence in close relationships, gender-based violence and hate crimes and those subjected to crimes in States of which they were not nationals or residents. He noted the pivotal importance of protecting the public against serious and organized crime. In this context he referred to the work of Eurojust, a judicial cooperation network, which had produced several cooperation agreements, and the European Arrest Warrant had become a key instrument for efficient judicial cooperation within the bloc. He further highlighted the European Union's involvement in the Committee of Experts on the Evaluation of Anti-Money-Laundering Measures and the Financing of Terrorism (MONEYVAL), and had created a decentralized computer network, FIU.NET, for faster asset-recovery activities. Other areas of focus for the European Union were trafficking in human beings and the smuggling of persons. Specifically in the field of cybercrime, he referred to the Budapest Convention on cybercrime, which was open to accession by all States. In the area of corruption, he noted the breakthrough decision that States parties to the United Nations Convention on

Corruption had taken to establish a peer review mechanism on its effective implementation.

11. The representative of Zimbabwe, speaking on behalf of the African Group, noted that the Congress themes of children, youth and crime; smuggling of migrants; trafficking in persons; money-laundering; cybercrime; terrorism and the link between drug trafficking and transnational organized crime were serious concerns that threatened achievement of the Millennium Development Goals. Protecting children from crime, especially in post-conflict societies, was a priority for the African Group, and particular attention needed to be paid to the need for reliable data on its root causes. He urged States to give effect to victims' rights, as set forth in the United Nations Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex). He further expressed strong concern about violence against migrants, migrant workers and their families, which was a violation of human rights law, and encouraged States to ratify the relevant international legal instruments. Despite a wide range of international measures, gender-based violence and violence against children, as well as overcrowding in prisons remained major concerns. He called for States to step up efforts to end these conditions, by inter alia assisting countries through the provision of technical assistance to build capacity and strengthen legal frameworks. In this regard, he called for strong support for the African Union Plan of Action to fight terrorism, drug trafficking and other transnational organized crimes. He also called on States to support the African Centre for Study and Research on Terrorism, as well as other relevant African mechanisms. He furthermore recommended the development of an international convention on cybercrime.

12. The representative of Argentina, speaking on behalf of the Group of Latin American and Caribbean States, underscored the importance of integrating measures to tackle crime with initiatives on sustainable development, human rights, social inclusiveness, the rule of law and good governance. He noted the need for an inclusive approach in crime prevention policies in which Governments, civil society, the media and the private sector were involved. Specific focus needed to be placed on keeping children away from crime, reducing the use of juvenile detention and applying social policies centred on education and youth employment. He invited States to consider establishing a mechanism to review the implementation of the Organized Crime Convention and its additional protocols. He noted that the developmental dimensions of illegal migration needed to be taken into account. Asset forfeiture and recovery were important tools in the fight against organized crime, as those would dismantle the financial underpinnings of criminal organizations. He referred to the efforts of countries in the region to establish innovative approaches to freezing and seizing assets. He also called on States to consider a comprehensive strategy to deal with cybersecurity and highlighted the need to develop new techniques to deal with crimes committed with new technologies. He noted the support of the Group to revise, update and bolster the Standard Minimum Rules for the Treatment of Prisoners. He expressed the Group's support for the establishment of a group of experts to review existing national and regional instruments on cybercrime, in order to establish whether gaps existed which needed to be filled by a new universal instrument. He highlighted that assistance to developing countries was fundamental to helping developing countries

implement their international obligations, and emphasized the need to equip UNODC with predictable, sustained resources to carry out that mandate.

13. The Secretary-General of the Congress, Antonio Maria Costa, in his address to the Congress, emphasized that organized crime had become a business with macro-economic dimensions, comparable to the national income of many countries and the turnover of the world's largest corporations. Because of its size and the ways it operated, organized crime had also become a threat to security, he continued. He informed the Congress that the Security Council had on several occasions considered the implications of organized crime and UNODC had been invited to provide evidence to the Security Council. He noted that organized crime also posed a threat to the welfare of nations as it created instability that hampered investment, thus turning into an impediment to the realization of the Millennium Development Goals. He expressed the view that fighting crime and the pursuit of justice was the basis for all the Goals as there could be no development without justice and vice versa. He invited the Congress to contribute to the Millennium Development Summit called by the Secretary-General for September and facilitate implementation of the Goals in the third and final period (2011-2015). He further called on the Congress to ensure that the mechanism for reviewing the Convention against Corruption would become operational speedily, effectively and universally. He also called on participants to agree, at the next session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, on a similar mechanism to review implementation of that convention. He raised the question whether the international community was equipped to oppose new crimes (in cyberspace, against the environment and counterfeiting) as well as re-emerging crimes (piracy and the trafficking of artefacts) and urged the Congress not to shy away from creating new instruments to deal with crime by stealth. In closing, he emphasized the importance of engaging society at large in promoting a culture of justice. There could be no security and no development without justice, he said.

14. Speakers expressed their gratitude to Brazil for the hospitality and efforts made in the organization of a successful Twelfth Congress. States also conveyed their thanks to the United Nations Office on Drugs and Crime for the Congress preparations and organization, as well as the quality of the documents. Appreciation was also expressed for the important work done by civil society and non-governmental organizations in contributing to the common endeavour.

15. The Government of Qatar offered to act as host to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015.

16. Speakers referred to the important role of the United Nations Congresses on Crime Prevention and Criminal Justice in enhancing international cooperation as they offered a unique opportunity for policymakers, practitioners, academia and representatives of civil society to exchange views, share and disseminate experiences and good practices and formulate international guidelines and standards regarding complex current crime issues as well as emerging new issues. The Congresses provided an opportunity for the international community to provide strategic orientation to the Commission on Crime Prevention and Criminal Justice regarding developments and crime trends as well as potential preventive and response strategies. The need for adequate follow-up to be given to the commitments adopted in the framework of the Congress needed to be ensured, and

speakers called on the Commission to follow closely the action to implement the Salvador Declaration adopted at the Twelfth Congress.

17. Speakers stressed the irreplaceable role of the United Nations, and in particular the United Nations Office on Drugs and Crime, in reinforcing prevention strategies, in criminal justice reform and in the fight against various forms of transnational crime. Appreciation was expressed for the effective manner in which the Executive Director of UNODC had steered the activities of the Office and for his efforts in raising awareness on the impact of crime in developing countries.

18. Speakers emphasized the need for a global effort to prevent and combat crime in order to achieve international and regional stability and to build a better world for future generations. Globalization, increased international trade and investment, as well as cross-border movements not only contributed to the integration and prosperity of the international community but also had an impact on the increasingly transnational nature of crime. The recent global financial crises had reminded people of their mutual interdependence. Crime did not exist in isolation and required broad response strategies, as well as integrated interventions ranging from crime prevention to enforcement and prosecution, and rehabilitation and reintegration. Preventing crime and ensuring efficient criminal justice systems were regarded as necessary preconditions for a stable and prosperous global economy. Effective responses to these threats must include national, regional and international strategies, applied in an integrated and sustainable manner, based on the principle of shared responsibility. Enhanced international cooperation, coupled with strong political will and mutual trust, were critical to the success of the fight against crime.

19. Speakers emphasized that crime prevention and criminal justice needed to be centre stage for good governance and the rule of law. Crime prevention and criminal justice were not ends in themselves, but rather created safer and stable societies. Crime prevention efforts should be based on the following three pillars: prevention, improvement of criminal justice and international cooperation. Speakers stressed that criminalization should be the principle of last resort. Good governance and the rule of law must be encouraged and developed from within, which required capacity-building in criminal justice systems.

20. Speakers noted the importance of strengthening capacities in the areas of crime prevention and criminal justice to combat crime in a global and comprehensive way. The provision of technical assistance was considered important for achieving sustainable and long-lasting results in the prevention, prosecution and punishment of crime, in particular through building, modernizing and strengthening criminal justice systems. It was highlighted that different forms of technical assistance could be provided, varying from South-South cooperation to country-based, integrated and coordinated programming and delivery. Appreciation was expressed for the good quality of work by UNODC in the delivery of technical assistance in this area. Speakers also emphasized the important role that civil society, non-governmental organizations, the private sector and development partners had to play in the process.

21. The role of education and training as a means of capacity-building in the criminal justice system was highlighted. Support was expressed by some speakers for the preparation of a template on international criminal justice education for the rule of law. Specifically in the anti-corruption area, the Congress was informed of

the establishment of the International Anti-Corruption Academy, a joint initiative of UNODC and the Government of Austria with the support of the European Anti-Fraud Office and other partners.

22. The importance of strengthening partnerships with the private sector, the media, faith-based organizations and civil society in the fight against various forms of crime was underscored by many speakers. Governments needed to work closely with non-governmental organizations and civil society to uphold the rule of law and ensure good governance, accountability and transparency.

23. Speakers recommended that the United Nations standards and norms in crime prevention and criminal justice be fully implemented and disseminated in order to ensure greater respect for the rule of law and human rights, which in turn would contribute to further promote economic and social development. Many speakers expressed support for all initiatives aimed at reviewing and updating these standards and norms for better addressing new challenges and needs, as well as to foster their wider application by States parties.

24. A significant number of participants drew attention to the global problem of overcrowding in prisons and called for the increased use of alternatives to detention and of restorative justice programmes to replace exclusively punitive responses to crime. Speakers noted that many developments had taken place since the time of the adoption of the Standard Minimum Rules for the Treatment of Prisoners and the time had come to review and update the Rules to take account of new realities. Several speakers supported the adoption of the draft United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders and called for the support of Member States in adopting these rules with a view to mainstreaming gender sensitivity into the culture of corrections. Speakers stressed that prison reform should be seen as an integral component of criminal justice reform and called for technical assistance to be provided in this field to Member States. Several participants outlined the reforms which had been initiated in their countries in the field of criminal justice reform in general, and prison reform in particular, both in legislative terms as well as in activities aiming to improve conditions in prisons and the treatment of prisoners. Several speakers underlined that investing in the social reintegration of prisoners and thereby reducing recidivism rates should be regarded as an integral component of crime prevention strategies. Speakers expressed appreciation for the actions taken to address torture, in particular the work of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. Speakers further noted with appreciation the important work done by community-based and faith-based organizations in caring for prisoners.

25. Several speakers underlined that children and youth should be given priority attention, as they are the future. Speakers also discussed an array of initiatives relating to juvenile justice, as well as measures designed to discourage youth crime and address juvenile delinquency in a holistic and comprehensive manner. Speakers provided information on measures taken at the national and regional levels to deal with children at risk and children in conflict with the law, such as child-appropriate proceedings, programmes and services for prevention, diversion, rehabilitation, reintegration and aftercare services.

26. Reference was also made to the importance of an impartial and independent judiciary. Furthermore, the proper management of criminal justice institutions, including courts and prosecutorial services, was emphasized. The need for awareness-raising and capacity-building for criminal justice practitioners was mentioned. Speakers also made reference to the role of technology in criminal justice reform and the need for technical assistance in this regard.

27. The need to address the root causes of crime was underlined. Speakers called for comprehensive crime prevention strategies. Crime needed to be combated directly at its roots. Poverty and environmental disasters, among other things, drastically increase the vulnerability of persons to crime. Communities had a high level of responsibility to take the necessary initiative, such as guaranteeing safety in schools, on the streets and in neighbourhoods, including young people in public responsibilities and developing mechanisms for conflict resolution and social responsibility. It was also important to restore public trust in criminal justice institutions. In this regard, the importance of community policing was emphasized. Reference was also made to public awareness programmes targeting issues such as corruption and the fight against social exclusion. It was said that prevention was not a task for law enforcement agencies alone, as any policy aimed at improving the welfare of society and the elimination of social vices had an impact on crime prevention.

28. Speakers underlined that crime prevention should also address the needs of victims of crime to reduce revictimization and repeat offending. The use of restorative justice mechanisms was highlighted in this regard. It was stressed that an integrated and coordinated approach was needed in order to ensure fulfilment of the rights of and improve support for victims of crime. The need for strengthened information collection and the importance of providing victims access to justice and easily accessible support measures were underlined, such as family shelters, support persons and telephone helplines.

29. Reference was made to the fact that, from early on, the international community had recognized the seriousness of sexual abuse and violence against children and youth, and had enacted various international instruments, such as the Convention on the Rights of the Child. Speakers also referred to national measures taken to counter sexual exploitation of children, including their involvement in pornographic acts and materials.

30. Speakers strongly condemned all forms of violence against women, including violence against women migrant workers, and called on the international community to prevent, penalize and prosecute such crimes and punish the perpetrators in accordance with national legislation. Violence against women was a worldwide social problem, as well as a serious violation of human rights and a form of discrimination against women. The commitment to the elimination of all forms of violence against women was reaffirmed. In this context, reference was made to national initiatives undertaken to combat violence against women, including the adoption of appropriate legislative measures, the establishment of specific units, the use of restraining orders, the establishment of prosecutor posts specialized in dealing with offences against women and children, the implementation of measures to assist victims and the provision of social support, particularly in cases of intimate partner violence. Several speakers expressed support for the adoption of the revised

and updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.

31. Speakers referred to the threats posed by the use of new technologies by offenders, including by cybercrime. They highlighted the economic damage and the harm to the well-being of people caused by cybercrime and the cross-border nature of the crime. Speakers described measures taken by their Governments to combat cybercrime and noted the challenges involved in investigating and prosecuting cybercrime. Some speakers referred to the Budapest Convention and urged other States to accede to it. Some speakers highlighted the importance of cooperation with the private sector. Speakers called for further provision of capacity-building and commended the work of UNODC in this area. One speaker referred to the links between organized crime and piracy of digital media and recommended conducting an in-depth study and analysis of this issue. Some speakers expressed support for the preparation of a new international instrument against cybercrime, while other speakers were opposed to the development of such an instrument.

32. Reference was made to resolutions of the General Assembly and to two presidential declarations of the Security Council in which concern had been expressed about the serious threats that drug trafficking and transnational organized crime posed to international peace and security.

33. Speakers underlined the growing links between drug trafficking, organized crime, trafficking in human beings, corruption and money-laundering. Speakers highlighted that international cooperation in criminal matters must be further enhanced. Proceedings should be shortened and simplified, while paying full respect to the human rights of the accused. The establishment of direct cooperation channels between law enforcement agencies and between judiciaries was recommended. Regional networks were commended as a tool for the exchange of operational information. Speakers underlined that the relevant international legal instruments provided a useful framework to expedite procedures, and underlined that political will and the full implementation of the relevant international legal instruments was necessary in order to make international cooperation in criminal matters more efficient. Speakers reported on a number of national measures taken, including the adoption of legislation and the conclusion of bilateral extradition and mutual legal assistance treaties.

34. Speakers further underlined the importance of the freezing and forfeiture of assets that are proceeds of crime and the efficient recognition of foreign court orders. They highlighted that confiscation was often more effective than the detention of criminals in fighting profit-oriented crime. A number of speakers described measures taken by their Governments to this effect; some referred to the establishment of procedures for non-conviction-based confiscation.

35. One speaker referred to States in armed conflict and underlined the frequent interconnection between organized crime and war crimes prior to, during and after armed conflict, and recommended an integrated approach for prosecution of both categories of crime.

36. A number of speakers referred to emerging areas of crime, such as environmental crime and trafficking in cultural property, and welcomed the opportunity to hold a thematic debate on trafficking in cultural property during the upcoming session of the Commission on Crime Prevention and Criminal Justice.

37. Speakers referred to the relevant international legal instruments, namely the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the United Nations Convention on Transnational Organized Crime and the three Protocols thereto, which mark the tenth anniversary of their entry into force in 2010, and the United Nations Convention against Corruption, which marks the fifth anniversary of its entry into force in 2010, and the United Nations instruments against terrorism. They called on States that had not yet done so to ratify or accede to those instruments, and on all States parties to fully implement the comprehensive framework contained therein. Many speakers expressed satisfaction at the adoption by the Conference of the States Parties to the United Nations Convention against Corruption at its third session of a resolution establishing a mechanism for the review of the implementation of the Convention, and called upon States parties to actively engage in and support the peer review under the mechanism. A number of speakers called upon the States parties to the United Nations Convention against Transnational Organized Crime to make every effort to establish a mechanism for the review of implementation of that Convention at the third session of the Conference of the Parties, to be held in Vienna in October 2010.

38. Speakers called for universal adherence to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, as well as to other relevant international instruments, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Speakers expressed strong concern regarding violence against migrants, migrant workers and their families, in particular in the context of border control measures. Speakers reported on national, bilateral and regional efforts and initiatives to reduce the vulnerability of and the risks faced by migrants, migrant workers and their families, varying from providing legal aid and assistance, in particular for women and children, to the establishment of specialized units focusing on combating and preventing such violence. Several speakers also expressed that the criminalization of illegal migrants and the practice of their mandatory detention at the border was inconsistent with international law and therefore must cease. One speaker strongly supported the proposal that the Twelfth Congress recommend to the Commission on Crime Prevention and Criminal Justice the consideration of the preparation of a model strategy and practical measures on the elimination of violence against migrants, migrant workers and their families in the field of crime prevention and criminal justice.

39. A number of speakers pointed out that trafficking in persons and smuggling of migrants were serious forms of organized crime requiring a comprehensive approach balancing criminal justice with human rights. Representatives reported on measures taken in their countries to combat trafficking in persons and smuggling of migrants, including ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, both supplementing the United Nations Convention against Transnational Organized Crime, the adoption of legislation and the implementation of measures to prevent those crimes more effectively, protect the victims of trafficking in persons, especially women and children, and the rights of smuggled migrants and prosecute offenders. Several representatives emphasized the need to strengthen the coordination of efforts within

States, as well as at the regional and international levels and with all relevant stakeholders, and noted the specific role of non-governmental organizations. Some representatives proposed the revision of the Trafficking in Persons Protocol to bring it more in line with today's reality; however, others considered that the Trafficking in Persons Protocol represented a road map to a comprehensive fight against trafficking in persons.

40. Speakers recognized that money-laundering posed a serious threat to the integrity and stability of the economic and financial systems and long-term social development. Most speakers underlined the strong links between money-laundering and transnational organized crime, drug trafficking and trafficking in human beings, as well as terrorism, in particular its financing, as highlighted in the relevant United Nations conventions. Several speakers reported on their membership in the Financial Action Task Force on Money Laundering (FATF) or a related regional task force and the evaluation of their anti-money-laundering frameworks carried out in the context of these bodies. Some speakers expressed concern at the emerging trends regarding the misuse of information technologies to commit financial crime, money-laundering and terrorism. These challenges required international cooperation and coordination. One speaker called for a comprehensive money-laundering convention.

41. Some speakers presented the recent progress achieved by their Governments in adopting money-laundering legislation to enable them to identify, seize, freeze and confiscate proceeds of crime. Some speakers stressed that to effectively fight organized crime, the focus should be placed on the proceeds of crime, by depriving criminals of those assets and dismantling organized criminal groups and their financial means. In doing so, Member States should consider innovative legal techniques, such as the reversal of the onus of proof to establish the lawful origin of the proceeds, preventive measures for politically exposed persons, the criminal liability of legal persons or civil forfeiture techniques.

42. Many speakers stressed the essential role of financial intelligence units in national frameworks to combat money-laundering and to analyse suspicious transactions related to possible money-laundering. The creation of specialized asset forfeiture units was also underlined. The need for appropriate capacity-building and training in this area, the dissemination of tools and the exchange of operational information were highlighted. The role of UNODC in delivering technical assistance to counter money-laundering and the financing of terrorism was commended.

43. Several speakers underlined that terrorism was a global phenomenon and was considered a threat against international peace and security requiring a multilateral approach; they stressed the importance of international and regional cooperation and the role of the United Nations as a unique global forum for countering terrorism. The importance of a criminal justice approach was underlined, and Member States were called upon to become parties to the international legal instruments and to fully implement the provisions of those instruments as well as of the relevant Security Council resolutions and the United Nations Global Counter-Terrorism Strategy. It was emphasized that countering terrorism should be conducted in full respect of the rule of law and human rights. Several speakers noted the growing links between terrorism and other forms of crime, including organized crime, money-laundering, drug trafficking and corruption, and underlined the importance of depriving terrorists of their sources of funding. One speaker mentioned that any

comprehensive global strategy to combat terrorism should address transnational organized crime syndicates having possible links with terrorist organizations. The importance of addressing conditions conducive to the spread of terrorism was mentioned, as was the need for long-term preventive measures. Several speakers also stressed that victims of terrorism should not be forgotten.

44. Several speakers shared the experience of their countries in implementing measures and strategies to counter terrorism, in particular steps taken for the ratification and implementation of the international legal instruments related to terrorism. Action taken included legislative measures, operational measures, including the setting up of coordination mechanisms, as well as measures addressing conditions conducive to the spread of terrorism, such as deradicalization programmes.

45. Appreciation was expressed for the work undertaken by UNODC, in particular its Terrorism Prevention Branch, in close coordination with the Counter-Terrorism Committee Executive Directorate and as an active member of the Counter-Terrorism Implementation Task Force, in providing technical assistance and capacity-building on criminal justice aspects of countering terrorism. Reference was also made to the need to make technical assistance delivery by the Branch sustainable through an adequate increase in regular budget resources and through the provision of multi-year extrabudgetary resources.
