

## II. Declarations and plans of action

### 32. Statement of principles and programme of action of the United Nations crime prevention and criminal justice programme\*

*We, Member States of the United Nations,*

*Assembled* in Paris to consider ways and means of promoting international cooperation in crime prevention and criminal justice and of strengthening the United Nations crime prevention and criminal justice programme in order to make it fully effective and responsive to the needs and priorities of Member States,

*Considering* that one of the purposes of the United Nations, as stated in the Charter of the United Nations, is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

*Convinced* of the urgent need for more efficient international mechanisms to assist States and to facilitate joint strategies in the field of crime prevention and criminal justice, thus consolidating the role of the United Nations as the focal point in that field,

*Noting* the importance of the principles contained in the Milan Plan of Action<sup>1</sup> and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order,<sup>2</sup> as well as other pertinent instruments formulated by United Nations congresses on the prevention of crime and the treatment of offenders and approved by the General Assembly,

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\*General Assembly resolution 46/152, annex.

<sup>1</sup>See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

<sup>2</sup>*Ibid.*, sect. B.

*Reaffirming* the responsibility assumed by the United Nations in crime prevention and criminal justice,

*Bearing in mind* the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, the observance of human rights and the promotion of the highest standards of fairness, humanity and professional conduct,

*Recognizing* that it is essential to elicit active support for, and to provide the means of assistance for the development of, an effective United Nations crime prevention and criminal justice programme and to devise appropriate implementation mechanisms,

*Deeply concerned* about the extent and growth of crime, with its financial, economic and social consequences,

*Alarmed* at the high cost of crime in both human and material terms, as well as in its new national and transnational forms, and aware of the effects of crime both on States and on individual victims,

*Recognizing* that the primary responsibility for crime prevention and criminal justice rests with Member States,

*Emphasizing* the need for strengthened regional and international cooperation to combat crime and recidivism, to effect the improved functioning of criminal justice systems, to promote respect for individual rights and to safeguard the rights of victims of crime and the general security of the public,

*Aware* that there is unanimity about the need to create a new, vigorous United Nations crime prevention and criminal justice programme, as well as agreement on the need to establish an intergovernmental body for policy-making and priority-setting, to strengthen the effectiveness of the Secretariat unit within the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna, and to increase technical cooperation to help countries, particularly developing countries, translate United Nations policy-guidelines into practice, including training,

*Determined* to translate our political will into concrete action:

(a) By creating the essential mechanisms for practical collaboration against common problems;

(b) By providing a framework for inter-State cooperation and coordination to respond to the serious new forms and transnational aspects and dimensions of crime;

(c) By establishing information exchanges concerning the implementation and effectiveness of the United Nations norms and standards in crime prevention and criminal justice;

(d) By providing means of assistance, particularly to developing countries, for more effective crime prevention and more human justice;

(e) By establishing an adequate resource base for a truly effective United Nations crime prevention and criminal justice programme;

*Proclaim our strong commitment to the above-mentioned goals and agree on the following:*

## I. STATEMENT OF PRINCIPLES

1. We recognize that the world is experiencing very important changes resulting in a political climate conducive to democracy, to international cooperation, to more widespread enjoyment of basic human rights and fundamental freedoms, and to the realization of the aspirations of all nations to economic development and social welfare. Notwithstanding these developments, the world today is still beset by violence and other forms of serious crime. These phenomena, wherever they occur, constitute a threat to the maintenance of the rule of law.

2. We believe that justice based on the rule of law is the pillar on which civilized society rests. We seek to improve its quality. A humane and efficient criminal justice system can be an instrument of equity, constructive social change and social justice, protecting basic values and peoples' inalienable rights. Every right of the individual should enjoy the protection of the law against violation, a process in which the criminal justice system plays an essential role.

3. We have in mind the fact that the lowering of the world crime rate is related to, among other factors, the improvement of the social conditions of the population. The developed countries and the developing countries are experiencing difficult situations in this respect. Nevertheless, the specific problems encountered by the developing countries justify priority being given to dealing with the situation confronting these countries.

4. We believe that rising crime is impairing the process of development and the general well-being of humanity and is causing general disquiet within our societies. If this situation continues, progress and development will be the ultimate victims of crime.

5. We also believe that the growing internationalization of crime must generate new and commensurate responses. Organized crime is exploiting the relaxation of border controls designed to foster legitimate trade and, hence, development. The incidence and scope of such crimes may increase further in the coming years unless sound preventive measures are taken. It is thus particularly important to anticipate events and to assist Member States in mounting suitable preventive and control strategies.

6. We recognize that many criminal offences have international dimensions. In this context, there is an urgent need for States to address, while respecting the sovereignty of States, problems arising in collecting evidence, extraditing offenders and promoting mutual legal assistance, for example, when such offences are committed across frontiers or when frontiers are used to escape detection or prosecution. Despite differences in legal systems, experience has shown that mutual assistance and cooperation can be effective countermeasures and can help to prevent conflicts of jurisdiction.

7. We also recognize that democracy and a better quality of life can flourish only in a context of peace and security for all. Crime poses a threat to stability and to a safe environment. Crime prevention and criminal justice, with due regard to the observance of human rights, is thus a direct contribution to the maintenance of peace and security.

8. We must ensure that any increases in the capacity and capabilities of perpetrators of crime are matched by similar increases in the capacity and capabilities of law enforcement and criminal justice authorities. By pooling our knowledge and developing suitable countermeasures, success in the prevention of crime and the reduction of victimization can be maximized. We recognize in particular the need to improve and strengthen the means of the crime prevention and control authorities in the developing countries, whose critical economic and social situation is further increasing the difficulties in this area.

9. We call on the international community to increase its support of technical cooperation and assistance activities for the benefit of all countries, including developing and smaller countries, and for the purpose of expanding and strengthening the infrastructure needed for effective crime prevention and viable, fair and humane criminal justice systems.

10. We acknowledge the contribution of the United Nations crime prevention and criminal justice programme to the international community. We note that it is a long-recognized fact that inadequate resources have been devoted to the implementation of the programme, which has in the past been

inhibited from achieving its potential. We also note that a strengthening of the resources devoted to the implementation of the programme was called for by the Sixth United Nations Congress for the Prevention of Crime and the Treatment of Offenders,<sup>3</sup> the Seventh United Nations Congress for the Prevention of Crime and the Treatment of Offenders<sup>4</sup> and the Eighth United Nations Congress for the Prevention of Crime and the Treatment of Offenders.<sup>5</sup> We further note that the Committee on Crime Prevention and Control, at its eleventh session, gave priority attention to the conclusions and recommendations of a subcommittee established to provide an overview of the problem of crime and to assess the most efficient means of stimulating practical international action in support of Member States, in pursuance of General Assembly resolution 44/72 of 8 December 1989. The Committee, in its resolution 11/3 of 16 February 1990,<sup>6</sup> unanimously approved a report of the subcommittee on the need for the creation of an effective international crime and justice programme.<sup>7</sup> That report, which was endorsed by the Eighth Congress, was used as an important tool for the establishment of the United Nations crime prevention and criminal justice programme, in line with the provisions of General Assembly resolution 45/108.

11. We accordingly recommend intensified international cooperation in crime prevention and criminal justice, including the creation of an effective United Nations crime prevention and criminal justice programme.

12. We are convinced that there is a need for Governments to define more clearly the role and functions of the United Nations crime prevention and criminal justice programme and the secretariat of the programme and to determine priorities within that programme.

13. We strongly believe that the review of the programme should aim at strengthening its effectiveness, improving its efficiency and establishing an adequate Secretariat support structure.

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<sup>3</sup>See *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980: report prepared by the Secretariat* (United Nations publication, Sales No. E.81.IV.4).

<sup>4</sup>See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1).

<sup>5</sup>See *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2).

<sup>6</sup>See *Official Records of the Economic and Social Council, 1990, Supplement No. 10 (E/1990/31), chap. I, sect. D.*

<sup>7</sup>E/1990/31/Add.1.

## II. PROGRAMME OF ACTION

### *A. Definition*

14. The United Nations crime prevention and criminal justice programme shall bring together the work of the commission on crime prevention and criminal justice, the United Nations institutes for the prevention of crime and the treatment of offenders, the network of government-appointed national correspondents in the field of crime prevention and criminal justice, the Global Crime and Criminal Justice Information Network and the United Nations congresses on the prevention of crime and the treatment of offenders in providing assistance to Member States in their efforts to reduce the incidence and costs of crime and in developing the proper functioning of their criminal justice systems. The establishment of this programme will be effected in accordance with the procedures defined below and within the framework of the total available resources of the United Nations.

### *B. Goals*

15. The programme shall be designed to assist the international community in meeting its pressing needs in the field of crime prevention and criminal justice and to provide countries with timely and practical assistance in dealing with problems of both national and transnational crime.

16. The general goals of the programme shall be to contribute to the following:

- (a) The prevention of crime within and among States;
- (b) The control of crime both nationally and internationally;
- (c) The strengthening of regional and international cooperation in crime prevention, criminal justice and the combating of transnational crime;
- (d) The integration and consolidation of the efforts of Member States in preventing and combating transnational crime;
- (e) More efficient and effective administration of justice, with due respect for the human rights of all those affected by crime and all those involved in the criminal justice system;
- (f) The promotion of the highest standards of fairness, humanity, justice and professional conduct.

***C. Scope of the United Nations crime prevention and criminal justice programme***

17. The programme shall include appropriate forms of cooperation for the purpose of assisting States in dealing with problems of both national and transnational crime. In particular, it may include:

(a) Research and studies at the national, regional and global levels on specific prevention issues and criminal justice measures;

(b) Regular international surveys to assess trends in crime and developments in the operation of criminal justice systems and in crime prevention strategies;

(c) Exchange and dissemination of information among States on crime prevention and criminal justice, particularly with regard to innovative measures and the results achieved in their application;

(d) Training and upgrading of the skills of personnel working in the various areas of crime prevention and criminal justice;

(e) Technical assistance, including advisory services, particularly in respect of the planning, implementation and evaluation of crime prevention and criminal justice programmes, training and the use of modern communication and information techniques; such assistance may be implemented by means of, for example, fellowships, study tours, consultancies, secondments, courses, seminars and demonstration and pilot projects.

18. Within the framework of the programme, the United Nations should directly carry out the above-mentioned forms of cooperation or should act as a coordinating or facilitating agent. Special attention should be paid to the creation of mechanisms to provide flexible and appropriate assistance and to respond to the needs of Member States at their request, without duplicating the activities of other existing mechanisms.

19. For the purpose of those forms of cooperation, Member States should establish and maintain reliable and effective channels of communication among themselves and with the United Nations.

20. The programme may also include, as appropriate, while respecting the sovereignty of States, a review of the effectiveness and application of and, where necessary, further development and promotion of international instruments on crime prevention and criminal justice.

#### ***D. Programme priorities***

21. In developing the programme, areas of priority shall be determined in response to the needs and concerns of Member States, with particular consideration being given to the following:

(a) Empirical evidence, including research findings and other information on the nature and extent of crime and on trends in crime;

(b) The social, financial and other costs of various forms of crimes and/or crime control to the individual, the local, national and international community, and to the development process;

(c) The need of developing or developed countries, which are confronting specific difficulties related to national or international circumstances, to have recourse to experts and other resources necessary for establishing and developing programmes for crime prevention and criminal justice that are appropriate at the national and local levels;

(d) The need for a balance within the programme of work between programme development and practical action;

(e) The protection of human rights in the administration of justice and the prevention and control of crime;

(f) The assessment of areas in which concerted action at the international level and within the framework of the programme would be most effective;

(g) Avoidance of overlapping with the activities of other entities of the United Nations system or of other organizations.

22. The commission on crime prevention and criminal justice shall not be bound by mandates conferred prior to its formation, but shall assess them on their merits by applying the principles mentioned in paragraph 21 above.

#### ***E. Structure and management***

##### ***1. Commission on crime prevention and criminal justice***

23. A commission on crime prevention and criminal justice shall be established as a functional commission of the Economic and Social Council. The commission shall have the power to create ad hoc working groups and to appoint special rapporteurs, as it deems necessary.

##### ***Membership***

24. The commission shall consist of forty Member States of the United Nations, elected by the Economic and Social Council on the basis of the

principle of equitable geographical distribution. Its members shall serve for a term of three years, except that the terms of one half of the first elected members, whose names shall be chosen by lot, shall expire after two years. Each Member State shall make every effort to ensure that its delegation includes experts and senior officials with special training and practical experience in crime prevention and criminal justice, preferably with policy responsibility in the field. Provisions should be made in the regular budget of the United Nations to defray the travel costs of the representatives of the least developed countries that are members of the Commission.<sup>8</sup>

### *Sessions*

25. The commission shall hold annual sessions of not more than ten working days.

### *Functions*

26. The commission shall have the following functions:

(a) To provide policy guidance to the United Nations in the field of crime prevention and criminal justice;

(b) To develop, monitor and review the implementation of the programme on the basis of a system of medium-term planning in accordance with the priority principles provided in paragraph 21 above;

(c) To facilitate and help to coordinate the activities of the United Nations institutes for the prevention of crime and the treatment of offenders;

(d) To mobilize the support of Member States for the programme;

(e) To prepare for the United Nations congresses on the prevention of crime and the treatment of offenders and to consider suggestions regarding possible subjects for the programme of work as submitted by the congresses.

## *2. Committee on Crime Prevention and Control*

27. The Committee on Crime Prevention and Control should be dissolved by the Economic and Social Council upon the establishment by the Council of the commission on crime prevention and criminal justice. There will be a basic need for involving independent experts in the area of crime prevention and control.

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<sup>8</sup>It is recommended that in order to commence the work of the commission as soon as possible, the geographical distribution of the commission should be as follows: African States (12), Asian States (9), Latin American and Caribbean States (8), Western European and other States (7), Eastern European States (4). The size and geographical distribution of the commission may be reviewed two years after the first session of the commission.

28. The commission shall, when necessary, use the services of a limited number of qualified and experienced experts, either as individual consultants or in working groups, in order to assist in the preparations for and follow-up work of the commission. Their advice shall be transmitted to the commission for consideration. The commission shall be encouraged to seek such advice whenever it is needed. One of the major tasks of the experts shall be to assist in the preparations for the United Nations congresses on the prevention of crime and the treatment of offenders.<sup>9</sup>

### *3. United Nations congresses on the prevention of crime and the treatment of offenders*

29. The United Nations congresses on the prevention of crime and the treatment of offenders, as a consultative body of the programme, shall provide a forum for:

(a) The exchange of views between States, intergovernmental organizations, non-governmental organizations and individual experts representing various professions and disciplines;

(b) The exchange of experiences in research, law and policy development;

(c) The identification of emerging trends and issues in crime prevention and criminal justice;

(d) The provision of advice and comments to the commission on crime prevention and criminal justice on selected matters submitted to it by the commission;

(e) The submission of suggestions, for the consideration of the commission, regarding possible subjects for the programme of work.

30. In order to enhance the effectiveness of the programme and to achieve optimal results, the following arrangements should be implemented:

(a) The congresses should be held every five years, for a period of between five and ten working days;

(b) The commission shall select precisely defined topics for the congresses in order to ensure a focused and productive discussion;

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<sup>9</sup>The secretariat of the programme shall keep a list of such experts. The experts shall be selected by the commission in collaboration with the secretariat, the United Nations institutes for the prevention of crime and the treatment of offenders and non-governmental organizations. The commission, in consultation with Member States, shall develop a mechanism for that purpose. Such experts, who may be either government officials or other individuals, shall be chosen on the basis of equitable geographical distribution. They should be available to the programme in their individual independent capacity for at least three years. Expert group meetings shall take place subject to the conditions set out in paragraph 14.

(c) Quinquennial regional meetings should be held under the guidance of the commission on issues related to the agenda of the commission or of the congresses, or on any other matters, except when a region does not consider it necessary to hold such a meeting. The United Nations institutes for the prevention of crime and the treatment of offenders should be fully involved, as appropriate, in the organization of those meetings. The commission shall give due consideration to the need to finance such meetings, in particular in developing regions, through the regular budget of the United Nations;

(d) Action-oriented research workshops on topics selected by the commission, as part of the programme of a congress, and ancillary meetings associated with the congresses should be encouraged.

#### *4. Organizational structure of the secretariat and of the programme*

31. The secretariat of the programme shall be the permanent body responsible for facilitating the implementation of the programme, the priorities of which shall be established by the commission on crime prevention and criminal justice and for assisting the commission in conducting evaluations of the progress made and analyses of the difficulties encountered. For that purpose, the secretariat shall:

(a) Mobilize existing resources, including institutes, intergovernmental organizations, non-governmental organizations and other competent authorities for the implementation of the programme;

(b) Coordinate research, training and the collection of data on crime and justice, and provide technical assistance and practical information for Member States, particularly through the Global Crime and Criminal Justice Information Network;

(c) Assist the commission in the organization of its work and in the preparations, in accordance with the directions of the commission, for the congresses and any other events relating to the programme;

(d) Ensure that the potential donors of criminal justice assistance are put in touch with countries needing the help in question;

(e) Make the case for assistance in the field of criminal justice to the appropriate funding agencies.

32. It is recommended to the Secretary-General that, in recognition of the high priority that should be accorded to the programme, an upgrading of the Crime Prevention and Criminal Justice Branch of the Centre for Social

Development and Humanitarian Affairs of the Secretariat into a division should be effected as soon as possible, under the conditions set out in paragraph 14 above, bearing in mind the structure of the United Nations Office at Vienna.

33. The Professional staff of the secretariat of the programme shall be called "Crime Prevention and Criminal Justice Officers".

34. The secretariat of the programme shall be directed by a senior official responsible for the overall day-to-day management and supervision of the programme, communicating with the relevant government officials, the specialized agencies and intergovernmental organizations whose activities are relevant to the programme.

#### ***F. Programme support***

##### *1. United Nations institutes for the prevention of crime and the treatment of offenders*

35. The activities of the United Nations institutes for the prevention of crime and the treatment of offenders should be supported by Member States and the United Nations, with particular attention being given to the needs of such institutes located in developing countries. Given the important role of such institutes, their contributions to policy development and implementation, and their resource requirements, especially those of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, should be fully integrated into the overall programme.

##### *2. Coordination among the United Nations institutes for the prevention of crime and the treatment of offenders*

36. The institutes should keep one another and the commission on crime prevention and criminal justice informed on a regular basis about their programme of work and its implementation.

37. The commission may request the institutes, subject to the availability of resources, to implement select elements of the programme. The commission may also suggest areas for inter-institute activities.

38. The commission shall seek to mobilize extrabudgetary support for the activities of the institutes.

3. *Network of government-appointed national correspondents in the field of crime prevention and criminal justice*

39. Member States should designate one or more national correspondents in the field of crime prevention and criminal justice as focal points for the purpose of maintaining direct communication with the secretariat of the programme and other elements of the programme.

40. The national correspondents shall facilitate contact with the secretariat on matters of legal, scientific and technical cooperation, training, information on national laws and regulations, legal policy, the organization of the criminal justice system, crime prevention measures and penitentiary matters.

4. *Global Crime and Criminal Justice Information Network*

41. Member States shall support the United Nations in the development and maintenance of the Global Crime and Criminal Justice Information Network in order to facilitate the collection, analysis, exchange and dissemination, as appropriate, of information and the centralization of inputs from non-governmental organizations and scientific institutions in the field of crime prevention and criminal justice.

42. Member States shall undertake to provide the Secretary-General on a regular basis and upon request with data on the dynamics, structure and extent of crime and on the operation of crime prevention and criminal justice strategies in their respective countries.

5. *Intergovernmental and non-governmental organizations*

43. Intergovernmental and non-governmental organizations and the scientific community are a valuable source of professional expertise, advocacy and assistance. Their contributions should be fully utilized in programme development and implementation.

**G. *Funding of the programme***

44. The programme shall be funded from the regular budget of the United Nations. Funds allocated for technical assistance may be supplemented by direct voluntary contributions from Member States and interested funding agencies. Member States are encouraged to make contributions to the United Nations

Trust Fund for Social Defence, to be renamed the United Nations Crime Prevention and Criminal Justice Fund. They are also encouraged to contribute in kind for the operational activities of the programme, particularly by seconding staff, organizing training courses and seminars, and providing the requisite equipment and services.

### **33. Naples Political Declaration and Global Action Plan against Organized Transnational Crime\***

*We, Heads of State and Government, ministers responsible for criminal justice systems, and other high-level representatives of Governments,*

*Convened* at Naples for the first time in history, on the eve of the fiftieth anniversary of the United Nations, to consider ways and means of strengthening and improving national capabilities and international cooperation against organized transnational crime and of laying the foundations for concerted and effective global action against organized transnational crime and the prevention of its further expansion,

*Deeply concerned* about the dramatic growth of organized crime over the past decade and about its global reach, which constitute a threat to the internal security and stability of sovereign States,

*Alarmed* by the high cost of organized transnational crime in both human and material terms, as well as by its effects on national economies, the global financial system, and the rule of law and fundamental social values,

*Aware* of the needs of many countries, particularly developing countries and countries in transition, seeking to modernize and render more functional their criminal justice systems in order to raise the level of their response to organized transnational crime,

*Convinced* of the urgent need for more effective international mechanisms to assist States and to facilitate the implementation of joint strategies for the prevention of and to combat organized transnational crime, and the further need to strengthen the role of the United Nations as a focal point in that field,

*Reaffirming* the responsibility vested in the United Nations in crime prevention and criminal justice and recognizing the need to strengthen its role in

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\*A/49/748, annex, sect. I.A.

the development of a comprehensive programme of action to prevent and control organized transnational crime,

*Aware* of the differences that still exist among countries in their understanding and evaluation of the phenomenon and, consequently, in their choice of policies to fight against organized crime,

*Proclaim* our political will and strong determination, as well as our unequivocal commitment to ensure full and expeditious implementation of the present Political Declaration and Global Action Plan against Organized Transnational Crime.

## I. POLITICAL DECLARATION

1. We resolve to protect our societies from organized crime in all its forms through strict and effective legislative measures and operational instruments, always consistent with internationally recognized human rights and fundamental freedoms.

2. We are determined to join forces and fight together against the expansion and diversification of organized transnational crime, and we note with grave concern links between organized transnational crime and terrorist crimes. Notwithstanding recent successes, we realize that coordinated strategies and other forms of international cooperation should be further developed.

3. We will direct particular efforts towards defeating the social and economic power of criminal organizations and their ability to infiltrate legitimate economies, to launder their criminal proceeds and to use violence and terror.

4. We affirm that the fight against organized transnational crime should be accorded high priority by States, by all relevant global and regional organizations, with the necessary support of the general public, the media, business, institutions and non-governmental organizations.

5. While acknowledging the global implications of organized crime, we recognize that prevention and control must necessarily vary from State to State and region to region and be based upon improvements in national capabilities, increased knowledge and shared experiences about organized criminal groups.

6. We note with concern that organized transnational crime threatens the social and economic growth of developing countries and countries in transition and their institutions. The international community should assist these countries

in their efforts to enable their criminal justice institutions to adequately prevent and combat organized crime, with due respect for international human rights and fundamental freedoms.

7. We express our satisfaction at the establishment of the Commission on Crime Prevention and Criminal Justice. We strongly recommend that continued priority attention be accorded to strengthening international cooperation against organized transnational crime in the United Nations crime prevention and criminal justice programme, while acknowledging that limited resources place constraints upon implementation of its mandates. We urge the Secretary-General to allocate adequate financial and human resources for the United Nations activities in the fight against organized transnational crime, bearing in mind the scope of its responsibilities.

8. We urge States which have not become parties to the very important United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 to do so without delay. All States are urged to fully implement this and other relevant existing agreements and to develop, when necessary, instruments dealing with the broad range of organized transnational crimes extending beyond drug trafficking.

9. We wish to strengthen and enhance, whenever possible, the capability of States, as well as of the United Nations and other relevant global and regional organizations, to achieve more effective international cooperation against the threats posed by organized transnational crime, particularly in relation to:

- (a) Closer alignment of legislative texts concerning organized crime;
- (b) Strengthening international cooperation at the investigative, prosecutorial and judicial levels in operational matters;
- (c) Establishing modalities and basic principles for international cooperation at the regional and global levels;
- (d) Elaboration of international agreements on organized transnational crime;
- (e) Measures and strategies to prevent and combat money-laundering and to control the use of the proceeds of crime.

10. We attach particular importance and the highest priority to the implementation of the present Political Declaration and Global Action Plan against Organized Transnational Crime and, to this effect, we shall strive to improve financial and other assistance for programmes in developing countries and countries in transition and to mobilize funds from overall official development assistance and other official sources for programmes addressed to the fight against

organized crime; and we call upon the Commission on Crime Prevention and Criminal Justice to keep under regular review the activities outlined herein.

## II. GLOBAL ACTION PLAN AGAINST ORGANIZED TRANSNATIONAL CRIME

### *A. Problems and dangers posed by organized transnational crime*

11. The international community should adopt a generally agreed concept of organized crime as a basis for more compatible national responses and more effective international cooperation.

12. To effectively combat organized crime, States should take its structural characteristics and modus operandi into account in devising strategies, policies, legislation and other measures. While not constituting a legal or comprehensive definition of the phenomenon, the following qualities are characteristic: group organization to commit crime; hierarchical links or personal relationships which permit leaders to control the group; violence, intimidation and corruption used to earn profits or control territories or markets; laundering of illicit proceeds both in furtherance of criminal activity and to infiltrate the legitimate economy; the potential for expansion into any new activities and beyond national borders; and cooperation with other organized transnational criminal groups.

13. To recognize and intelligently prevent and combat organized transnational criminal activities, the international community should increase its knowledge of criminal organizations and their dynamics. States should collect, analyse and disseminate reliable statistics and information on the phenomenon.

### *B. National legislation dealing with organized transnational crime and guidelines for legislative and other measures*

14. The experience of those States which have confronted organized crime and the intelligence derived from the study and analysis of its structures and criminal activities should be examined by every State for useful guiding principles concerning what substantive, procedural and regulatory legislation and organizational structures are necessary to prevent and combat the phenomenon.

15. Substantive legislation penalizing participation in criminal associations or conspiracies and imposing criminal liability on corporate bodies should be considered by States, when necessary, as a means of strengthening capabilities to combat organized crime domestically and improving cooperation internationally.

16. States should ensure that they possess structures and capabilities throughout their entire criminal justice system adequate to deal with complex organized criminal activities, including safeguards against corruption, intimidation and violence.

17. In order to effectively combat organized crime, States must overcome its code of silence and intimidation. Reliable evidence-gathering techniques, such as electronic surveillance, undercover operations and controlled delivery, should be considered when so contemplated in national law and when administered with full respect for internationally recognized human rights and fundamental freedoms, in particular the right of privacy, and subject to judicial approval or supervision as appropriate. Measures which encourage the cooperation and testimony of members of organized crime should be considered, including adequate protection programmes for witnesses and their families and—within the limits of national law—the concession of treatment recognizing the collaboration provided by them in the prosecutive process.

18. The regulatory measures detailed in section F, below, dealing with money-laundering and the proceeds of crime, and other administrative law mechanisms to reinforce transparency and integrity in business and government, should be considered preventive measures of equal importance with penal law means of combating organized crime.

19. States should endeavour, when warranted, to establish and equip special investigative units with expertise in the structural characteristics and methods of operation of organized criminal groups. States should also endeavour to provide those units with the necessary training and resources to concentrate on intelligence collection and analysis concerning organized transnational crime.

20. States should develop educational programmes to create a culture of morality and legality and should implement measures to raise public awareness regarding the effects of organized crime, enlisting the support of the public, the news media and the private sector for national and international efforts against organized crime.

21. States should give consideration to providing proper restitution or compensation to the victims of organized crime, taking into account the provisions of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985.

22. The United Nations and other relevant global and regional organizations should, when necessary, develop practical models of and practical guidelines for substantive and procedural legislation, using as a basis the experience and expertise of States and drawing on contributions from relevant organizations. The United Nations and these organizations should also assist States upon request in reviewing and evaluating their legislation and in planning and undertaking reforms, taking into account existing practices and cultural, legal and social traditions.

***C. International cooperation at the investigative, prosecutorial and judicial levels***

23. The ability of organized transnational crime to shift its activities from country to country and to widen the magnitude of its activities as new opportunities arise requires that States ensure that they have in place the basic components of a functional system of international cooperation.

24. Because the lack of relevant cooperative arrangements critically hinders effective mutual efforts, States should, when warranted, develop and improve bilateral and multilateral assistance. In this context, reliance on and more widespread promotion of “model” treaties and relevant regional instruments should be pursued.

25. States should endeavour to implement fully existing bilateral and multilateral conventions and agreements concerning extradition, to ensure that all provisions are respected and to ensure effective implementation of requests for mutual legal assistance.

26. States should improve the practical application of existing agreements through informal and operational mechanisms, for example, the exchange of manuals explaining national procedures, the designation of “central authorities” for mutual legal assistance or “contact points” to expedite requests, the formation of joint task forces, the identification of “best practice” investigative techniques, and the sharing of advanced investigative technology.

27. States should encourage the development of a basic intelligence-gathering capability, while respecting individual human rights and fundamental freedoms, with arrangements such as liaison officers to facilitate the collection and dissemination of intelligence to other States, as well as other forms of cooperation.

***D. Modalities and guidelines for international cooperation at the regional and international levels***

28. Acknowledging the importance of regional approaches, States should take measures to prevent organized criminal groups operating in a particular region from extending their activities further, and should continue to promote regional strategies.

29. States should strengthen technical cooperation activities designed to assist developing countries and countries in transition, upon request, in enhancing the capability of their law enforcement and judicial systems.

30. States should ensure that bilateral and multilateral technical cooperation activities are appropriately coordinated to avoid overlapping or duplication of efforts.

31. The United Nations should, upon request, provide and facilitate the provision of technical cooperation including the systematic exchange of experiences and expertise, the appropriate training of police and judicial staff, as well as the use of effective countermeasures. The following areas appear to be of particular importance:

(a) Drafting legislation for those countries whose penal systems do not yet encompass the fight against organized crime;

(b) Providing special training courses for police staff, prosecutors, judges and magistrates and all those officials who provide technical expertise to investigative bodies;

(c) Gathering, analysing and exchanging information on criminal organizations and related activities, taking into account the work of other relevant intergovernmental organizations.

***E. Feasibility of international instruments, including conventions, against organized transnational crime***

32. States should consider the further development of international instruments, drawing on the positive experience and results achieved by the elaboration and implementation of existing broad-based bilateral or multilateral agreements. The development of such international instruments would promote closer alignment or compatibility of national legislation with regard to the criminalization of organized transnational crime, the adoption of more effective criminal justice measures and the greater use of mutual assistance and extradition.

33. States should in particular consider the practical aspects of establishing more effective tools and instruments, such as models of technical agreements, manuals for police and judicial cooperation, methods for the regular flow of information and other communications, as well as databases for storing and updating information. Such instruments might be introduced as memorandums of understanding similar to those already concluded by some States in the field of international drug trafficking.

34. With respect to the opportunity of elaborating international instruments, such as a convention or conventions against organized transnational crime, the World Ministerial Conference on Organized Transnational Crime requests the Commission on Crime Prevention and Criminal Justice to initiate the process of requesting the views of Governments on the impact of such a convention or conventions and on the issues that could be covered therein.

#### ***F. Prevention and control of money-laundering and control of the proceeds of crime***

35. States should ensure that the fight against organized transnational crime should be based on strategies aimed at defeating the economic power of criminal organizations, which should involve both criminal law measures, in particular appropriate sanctioning and sentencing, and adequate regulatory mechanisms.

36. States should consider the need to make it a criminal offence to launder the proceeds of criminal activities, in order to address the accumulation by organized criminal groups of large amounts of capital, and the resulting need of those groups to have their profits laundered and invested in legitimate business.

37. States should consider the adoption of preventive measures ensuring a clear identification of the position of company owners and accurate information on acquisitions and transfers, high ethical standards in public administration, the business sector, financial institutions and relevant professions, as well as cooperation between the authorities in charge of regulating financial and economic sectors and those applying penal laws.

38. States should consider adopting legislative measures for the confiscation or seizure of illicit proceeds, asset forfeiture, as required, and the availability of provisional arrangements, such as the freezing or seizing of assets, always with due respect for the interests of bona fide third parties. Subject to the basic principles of their legal systems, States should also consider the possibility of

sharing forfeited assets and—under specific conditions and always through judicial or other legal proceedings—of confiscating or seizing illicit proceeds without a criminal conviction, or confiscating or seizing sums that are higher than those relating to the crime for which judgement has been passed.

39. States should consider the adoption of legislative and regulatory measures that will limit financial secrecy in order to promote effective money-laundering control and international cooperation. These measures should also include obligations for the application of the “know your customer” rule, as well as for the identification and reporting of suspicious financial transactions, while fully protecting representatives of financial institutions from any liability for good-faith reporting of such transactions, except in cases of gross negligence. In addition, States should accord high priority to measures designed to prevent the displacement of money-laundering activity from tightly supervised banks to non-supervised businesses and professions which offer financial services. For this purpose, States should endeavour to undertake research and studies to identify those businesses which may serve as money-launderers and to determine the feasibility of extending reporting and other requirements to possible areas other than banking and financial institutions.

40. The United Nations and other international global and regional organizations and mechanisms, such as the Financial Action Task Force, the International Criminal Police Organization, the Inter-American Drug Control Commission (CICAD) of the Organization of American States, the Council of Europe, the European Union, the Arab Interior Ministers’ Council and the Commonwealth Secretariat, which have played an active role in combating money-laundering, should join their efforts to reinforce common regulatory and enforcement strategies in that area.

41. The United Nations should assist States in needs assessment, treaty development and development of criminal justice infrastructures and human resources by providing technical assistance to countries on request, using the expertise and cooperation of all its institutes and other relevant agencies, including the International Scientific and Professional Advisory Council of the United Nations crime prevention and criminal justice programme, which organized the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: a Global Approach.

### ***G. Follow-up and implementation***

42. States should take necessary measures, in accordance with the Global Action Plan against Organized Transnational Crime, to translate it into practice to the widest possible extent at the national, regional and international levels.

43. The United Nations, through its Commission on Crime Prevention and Criminal Justice and its institutes and other relevant agencies, should assist State efforts against organized crime by needs assessments and regular review of the progress in implementing the Political Declaration and Global Action Plan, in accordance with the priorities of its programme of work, by assisting in the specific actions recommended above, and by technical cooperation.

44. The Commission on Crime Prevention and Criminal Justice should regularly review progress in the implementation of the Global Action Plan against Organized Transnational Crime, in accordance with the priorities of its programme of work.

45. To enable the United Nations crime prevention and criminal justice programme to support intensification of efforts at the national level and increased intergovernmental cooperation, and to carry out its important responsibilities, existing resources are not sufficient. A higher priority should be accorded to the United Nations crime control activities by allocating adequate resources in the medium-term plan for 1992-1997 and in the corresponding biennial budgets, and by States increasing voluntary contributions to the programme, thus strengthening the United Nations crime control structure, increasing its efficiency.

### **34. Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century\***

*We the States Members of the United Nations,*

*Concerned* about the impact on our societies of the commission of serious crimes of a global nature, and convinced of the need for bilateral, regional and international cooperation in crime prevention and criminal justice,

*Concerned in particular* about transnational organized crime and the relationships between its various forms,

*Convinced* that adequate prevention and rehabilitation programmes are fundamental to an effective crime control strategy and that such programmes should take into account social and economic factors that may make people more vulnerable to and likely to engage in criminal behaviour,

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\*General Assembly resolution 55/59, annex.

*Stressing* that a fair, responsible, ethical and efficient criminal justice system is an important factor in the promotion of economic and social development and of human security,

*Aware* of the promise of restorative approaches to justice that aim to reduce crime and promote the healing of victims, offenders and communities,

*Having assembled* at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Vienna from 10 to 17 April 2000 to decide to take more effective concerted action, in a spirit of cooperation, to combat the world crime problem,

*Declare* as follows:

1. We note with appreciation the results of the regional preparatory meetings for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.<sup>1</sup>

2. We reaffirm the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and fundamental freedoms, and promotion of the highest standards of fairness, humanity and professional conduct.

3. We emphasize the responsibility of each State to establish and maintain a fair, responsible, ethical and efficient criminal justice system.

4. We recognize the necessity of closer coordination and cooperation among States in combating the world crime problem, bearing in mind that action against it is a common and shared responsibility. In this regard, we acknowledge the need to develop and promote technical cooperation activities to assist States in their efforts to strengthen their domestic criminal justice systems and their capacity for international cooperation.

5. We shall accord high priority to the completion of the negotiation of the United Nations Convention against Transnational Organized Crime and the protocols thereto, taking into account the concerns of all States.

6. We support efforts to assist States in capacity-building, including in obtaining training and technical assistance and in developing legislation,

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<sup>1</sup>See A/CONF.187/RPM.1/1 and Corr.1, A/CONF.187/RPM.2/1, A/CONF.187/RPM.3/1 and A/CONF.187/RPM.4/1.

regulations and expertise, with a view to facilitating the implementation of the Convention and the protocols thereto.

7. Consistent with the goals of the Convention and the protocols thereto, we shall endeavour:

(a) To incorporate a crime prevention component into national and international development strategies;

(b) To intensify bilateral and multilateral cooperation, including technical cooperation, in the areas to be covered by the Convention and the protocols thereto;

(c) To enhance donor cooperation in areas with crime prevention aspects;

(d) To strengthen the capability of the United Nations Centre for International Crime Prevention, as well as the United Nations Crime Prevention and Criminal Justice Programme network, to assist States, at their request, in building capacity in areas to be covered by the Convention and the protocols thereto.

8. We welcome the efforts being made by the United Nations Centre for International Crime Prevention to develop, in cooperation with the United Nations Interregional Crime and Justice Research Institute, a comprehensive global overview of organized crime as a reference tool and to assist Governments in policy and programme development.

9. We reaffirm our continued support for and commitment to the United Nations and to the United Nations Crime Prevention and Criminal Justice Programme, especially the Commission on Crime Prevention and Criminal Justice and the United Nations Centre for International Crime Prevention, the United Nations Interregional Crime and Justice Research Institute and the institutes of the Programme network, and resolve to strengthen the Programme further through sustained funding, as appropriate.

10. We undertake to strengthen international cooperation in order to create a conducive environment for the fight against organized crime, promoting growth and sustainable development and eradicating poverty and unemployment.

11. We commit ourselves to taking into account and addressing, within the United Nations Crime Prevention and Criminal Justice Programme, as well as within national crime prevention and criminal justice strategies, any disparate impact of programmes and policies on women and men.

12. We also commit ourselves to the development of action-oriented policy recommendations based on the special needs of women as criminal justice practitioners, victims, prisoners and offenders.

13. We emphasize that effective action for crime prevention and criminal justice requires the involvement, as partners and actors, of Governments, national, regional, interregional and international institutions, intergovernmental and non-governmental organizations and various segments of civil society, including the mass media and the private sector, as well as the recognition of their respective roles and contributions.

14. We commit ourselves to the development of more effective ways of collaborating with one another with a view to eradicating the scourge of trafficking in persons, especially women and children, and the smuggling of migrants. We shall also consider supporting the global programme against trafficking in persons developed by the United Nations Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, which is subject to close consultation with States and review by the Commission on Crime Prevention and Criminal Justice, and we establish 2005 as the target year for achieving a significant decrease in the incidence of those crimes worldwide and, where that is not attained, for assessing the actual implementation of the measures advocated.

15. We also commit ourselves to the enhancement of international cooperation and mutual legal assistance to curb illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and we establish 2005 as the target year for achieving a significant decrease in their incidence worldwide.

16. We further commit ourselves to taking enhanced international action against corruption, building on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,<sup>2</sup> the International Code of Conduct for Public Officials,<sup>3</sup> relevant regional conventions and regional and global forums. We stress the urgent need to develop an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime, and we invite the Commission on Crime Prevention and Criminal Justice to request the Secretary-General to submit to it at its tenth session, in consultation with States, a thorough review and analysis of all relevant international instruments and

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<sup>2</sup>Resolution 51/191, annex.

<sup>3</sup>Resolution 51/59, annex.

recommendations as part of the preparatory work for the development of such an instrument. We shall consider supporting the global programme against corruption developed by the United Nations Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, which is subject to close consultation with States and review by the Commission on Crime Prevention and Criminal Justice.

17. We reaffirm that combating money-laundering and the criminal economy constitutes a major element of the strategies against organized crime, established as a principle in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994.<sup>4</sup> We are convinced that the success of this action rests upon setting up broad regimes and coordinating appropriate mechanisms to combat the laundering of the proceeds of crime, including the provision of support to initiatives focusing on States and territories offering offshore financial services that allow the laundering of the proceeds of crime.

18. We decide to develop action-oriented policy recommendations on the prevention and control of computer-related crime, and we invite the Commission on Crime Prevention and Criminal Justice to undertake work in this regard, taking into account the ongoing work in other forums. We also commit ourselves to working towards enhancing our ability to prevent, investigate and prosecute high-technology and computer-related crime.

19. We note that acts of violence and terrorism continue to be of grave concern. In conformity with the Charter of the United Nations and taking into account all the relevant General Assembly resolutions, we shall together, in conjunction with our other efforts to prevent and to combat terrorism, take effective, resolute and speedy measures with respect to preventing and combating criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations. With this in view, we undertake to do our utmost to foster universal adherence to the international instruments concerned with the fight against terrorism.

20. We also note that racial discrimination, xenophobia and related forms of intolerance continue, and we recognize the importance of taking steps to incorporate into international crime prevention strategies and norms measures to prevent and combat crime associated with racism, racial discrimination, xenophobia and related forms of intolerance.

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<sup>4</sup>A/49/748, annex, sect. I.A.

21. We affirm our determination to combat violence stemming from intolerance on the basis of ethnicity, and we resolve to make a strong contribution, in the area of crime prevention and criminal justice, to the planned World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

22. We recognize that the United Nations standards and norms in crime prevention and criminal justice contribute to efforts to deal with crime effectively. We also recognize the importance of prison reform, the independence of the judiciary and the prosecution authorities, and the International Code of Conduct for Public Officials. We shall endeavour, as appropriate, to use and apply the United Nations standards and norms in crime prevention and criminal justice in national law and practice. We undertake to review relevant legislation and administrative procedures, as appropriate, with a view to providing the necessary education and training to the officials concerned and ensuring the necessary strengthening of institutions entrusted with the administration of criminal justice.

23. We also recognize the value of the model treaties on international cooperation in criminal matters as important tools for the development of international cooperation, and we invite the Commission on Crime Prevention and Criminal Justice to call upon the United Nations Centre for International Crime Prevention to update the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*<sup>5</sup> in order to provide the most up-to-date versions of the model treaties to States seeking to utilize them.

24. We further recognize with great concern that juveniles in difficult circumstances are often at risk of becoming delinquent or easy candidates for recruitment by criminal groups, including groups involved in transnational organized crime, and we commit ourselves to undertaking countermeasures to prevent this growing phenomenon and to including, where necessary, provisions for juvenile justice in national development plans and international development strategies and to including the administration of juvenile justice in our funding policies for development cooperation.

25. We recognize that comprehensive crime prevention strategies at the international, national, regional and local levels must address the root causes and risk factors related to crime and victimization through social, economic, health, educational and justice policies. We urge the development of such strategies, aware of the proven success of prevention initiatives in numerous States and confident that crime can be reduced by applying and sharing our collective expertise.

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<sup>5</sup>United Nations publication, Sales No. E.92.IV.1 and corrigendum.

26. We commit ourselves to according priority to containing the growth and overcrowding of pre-trial and detention prison populations, as appropriate, by promoting safe and effective alternatives to incarceration.

27. We decide to introduce, where appropriate, national, regional and international action plans in support of victims of crime, such as mechanisms for mediation and restorative justice, and we establish 2002 as a target date for States to review their relevant practices, to develop further victim support services and awareness campaigns on the rights of victims and to consider the establishment of funds for victims, in addition to developing and implementing witness protection policies.

28. We encourage the development of restorative justice policies, procedures and programmes that are respectful of the rights, needs and interests of victims, offenders, communities and all other parties.

29. We invite the Commission on Crime Prevention and Criminal Justice to design specific measures for the implementation of and follow-up to the commitments that we have undertaken in the present Declaration.

**35. Plans of action for the implementation of the  
Vienna Declaration on Crime and Justice:  
Meeting the Challenges of the Twenty-first Century\***

**I. ACTION AGAINST TRANSNATIONAL ORGANIZED CRIME**

1. In order to implement and follow up on the commitments undertaken in paragraphs 5, 6, 7 and 10 of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century<sup>1</sup> and to facilitate the signature, ratification, entry into force and progressive implementation of the United Nations Convention against Transnational Organized Crime and the protocols thereto,<sup>2</sup> the specific measures below are recommended.

**A. National actions**

2. States that have not signed the Convention and the protocols thereto should do so as soon as possible, and States that have signed those legal instruments

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\*General Assembly resolution 56/261, annex.

<sup>1</sup>Resolution 55/59, annex.

<sup>2</sup>Resolution 55/25, annexes I-III.

should make every effort to ratify them as soon as possible. Each State will set priorities for the effective implementation of the Convention and the protocols thereto and will proceed as appropriate and as expeditiously as possible until all provisions of all of those legal instruments are in full force and operation. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) The development of legislation creating or strengthening sanctions, investigative powers, criminal procedures and other matters;

(b) Capacity-building, including for the purpose of cooperation, through the strengthening of crime prevention and criminal justice systems, and the establishment or expansion of agencies responsible for the prevention, detection and control of transnational organized crime;

(c) The establishment or improvement of training programmes for judges, prosecutors, law enforcement personnel and other individuals or agencies responsible for the prevention, detection and control of transnational organized crime;

(d) The development and sharing of information and analytical expertise on methods and activities and general trends in organized crime and on the identities, whereabouts and activities of specific individuals or groups suspected of involvement in organized crime, to the extent consistent with national laws and international agreements and arrangements;

(e) The general promotion of effective crime control strategies.

3. States will also endeavour, as appropriate:

(a) To support the efforts of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat to promote ratification of the Convention and the protocols thereto through regional seminars and provide pre- and post-ratification assistance to signatory States by providing financial contributions, expertise and/or other forms of assistance;

(b) To increase in a sustained manner their overall level of extrabudgetary contributions and strengthen and broaden the donor base of the Centre in order to ensure the availability of adequate material and technical resources for projects in support of the Convention and the protocols thereto, as well as other projects and programmes;

(c) To strengthen international cooperation in order to create a conducive environment for the fight against organized crime, for promoting growth and sustainable development and eradicating poverty and unemployment.

### ***B. International actions***

4. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Organize high-level seminars to increase awareness of the Convention and the protocols thereto on the part of States, intergovernmental and non-governmental organizations and other key groups or individuals;

(b) Assist States in the development of legislation and regulations and provide other expertise or technical cooperation to facilitate the ratification and implementation of the legal instruments, on request;

(c) Assist States in the establishment or intensification of bilateral and multilateral cooperation in the areas covered by the Convention, in particular those involving the use of modern communication technologies, on request;

(d) Carry out the regular collection and analysis of data on transnational organized crime, in consultation with interested States;

(e) Maintain a database to permit a more comprehensive in-depth analysis of patterns and trends and geographical mapping of the strategies and activities carried out by organized criminal groups, and of best practices to combat transnational organized crime, in consultation with interested States;

(f) Maintain a database of relevant national legislation;

(g) Support the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime in the development of rules and procedures for the Conference of the Parties to the Convention;

(h) Provide secretariat and general support to the Conference of the Parties to the Convention.

## **II. ACTION AGAINST CORRUPTION**

5. In order to implement and follow up on the commitments undertaken in paragraph 16 of the Vienna Declaration to develop an effective international legal instrument against corruption and to develop and implement other measures and programmes to prevent and combat corruption, the specific measures below are recommended.

### **A. National actions**

6. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Full participation in sessions of the Ad Hoc Committee for the Negotiation of a Convention against Corruption established pursuant to General Assembly resolution 55/61 of 4 December 2000;

(b) Promoting the full and effective participation of developing countries, in particular least developed countries, in the deliberations of the Ad Hoc Committee; this may be done through the provision of extrabudgetary resources to the Centre for International Crime Prevention;

(c) Making efforts to finalize the future United Nations convention against corruption by the end of 2003, taking into consideration existing legal instruments against corruption and, whenever relevant, the United Nations Convention against Transnational Organized Crime;

(d) Commencing, when appropriate, the development of domestic legislative, administrative and other measures to facilitate the ratification and effective implementation of the future United Nations convention against corruption, including both domestic measures against corruption and measures to support effective cooperation with other States.

7. States will endeavour, as appropriate, to address domestic corruption with the following measures:

(a) The assessment of domestic types, causes, effects and costs of corruption;

(b) The development of national strategies and action plans against corruption, based on the broad participation of stakeholders from Government and civil society;

(c) The maintenance or establishment of adequate domestic offences, investigative powers and criminal procedures to deal with corruption and related problems;

(d) The strengthening of national governance systems and institutions, in particular criminal justice institutions, to create and/or ensure greater independence from and resistance to corrupt influences;

(e) The maintenance or establishment of institutions and structures to achieve transparency and public accountability in government, business and other key social and economic sectors;

(f) The development of expertise in anti-corruption measures and the education and training of officials about the nature and consequences of corruption and how to combat it effectively.

8. States will endeavour, as appropriate, to address transnational corruption with the following measures:

(a) The signature, ratification and implementation of existing international instruments against corruption, as appropriate;

(b) Proper follow-up to international anti-corruption measures and recommendations at the national level, in conformity with national law;

(c) The development and enhancement of domestic capacity to provide international cooperation in anti-corruption matters, including addressing the question of the repatriation of proceeds of corruption;

(d) Awareness-raising on the part of relevant government departments or ministries such as ministries of justice, the interior, foreign affairs and development cooperation as to the seriousness of the problems posed by transnational corruption and the need to support effective measures against it;

(e) The provision of material, technical or other support to other States in anti-corruption programmes, both directly and through financial support to the global programme against corruption;

(f) The reduction of opportunities for the transfer and concealment of proceeds of corruption, and measures to address the question of returning such proceeds to their countries of origin; actions may include ensuring the implementation of measures against money-laundering, pursuant to the United Nations Convention against Transnational Organized Crime and other international legal instruments, and the development and implementation of new measures.

### ***B. International actions***

9. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Provide substantive expertise and full secretariat services to the Ad Hoc Committee for the Negotiation of a Convention against Corruption in the course of its work;

(b) Ensure, with the assistance of Member States, the full and effective participation of developing countries, in particular least developed countries, in the work of the Ad Hoc Committee, including by covering travel and local expenses;

(c) Provide to States, on request, technical cooperation to facilitate the ratification and implementation of the future United Nations convention against corruption;

(d) Assist States in the establishment or intensification of bilateral and multilateral cooperation in the areas to be covered by the future United Nations convention against corruption;

(e) Maintain a database of existing national assessments of corruption in a standardized format and a kit of best practices against corruption;

(f) Facilitate the sharing of experience and expertise among States;

(g) Revise and update the manual on practical measures against corruption;<sup>3</sup>

(h) Develop technical cooperation projects to prevent and combat corruption in order to assist States, upon request, in implementing such projects under the global programme against corruption.

### III. ACTION AGAINST TRAFFICKING IN PERSONS

10. In order to implement and follow up on the commitments undertaken in paragraph 14 of the Vienna Declaration to take immediate and effective measures to prevent and combat trafficking in persons, especially women and children, and to promote cooperation between States in this respect, the specific measures below are recommended.

#### A. *National actions*

11. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Developing and sharing information and analytical expertise on the nature and extent of domestic and regional trafficking activities and on the identities, means and methods of known traffickers or trafficking organizations, to the extent consistent with national laws and international agreements and arrangements;

(b) Adopting or strengthening, as necessary, effective laws and procedures for the prevention and punishment of trafficking in persons and effective measures for the support and protection of victims of and witnesses to such trafficking;

(c) Considering implementing measures to provide for the protection and physical, psychological and social recovery of victims of trafficking in persons;

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<sup>3</sup>*International Review of Criminal Policy*, Nos. 41 and 42 (United Nations publication, Sales No. E.93.IV.4).

(d) Supporting and cooperating with national and international non-governmental and other organizations and elements of civil society, as appropriate, in matters relating to trafficking in persons;

(e) Reviewing and assessing the effectiveness of domestic measures against trafficking in persons, and considering making that information available for comparison and research into the development of more effective measures against such trafficking;

(f) Developing and disseminating public information about trafficking in persons, to educate potential victims of such trafficking;

(g) Strengthening capacity for international cooperation to develop and implement measures against trafficking in persons;

(h) Considering providing voluntary contributions to support the implementation of the global programme against trafficking in human beings;

(i) Providing increased resources to support the development and implementation of national and regional strategies against trafficking in persons.

### ***B. International actions***

12. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Develop technical cooperation projects to prevent and combat trafficking in persons and to protect the victims of and witnesses to such trafficking, in order to assist States, upon request, in implementing such projects under the global programme against trafficking in human beings;

(b) Maintain a global database containing information about the nature and extent of trafficking in persons and best practices for preventing and controlling it, in cooperation with the United Nations Interregional Crime and Justice Research Institute;

(c) Develop tools to assess the effectiveness of measures against trafficking in persons.

## **IV. ACTION AGAINST THE SMUGGLING OF MIGRANTS**

13. In order to implement and follow up on the commitments undertaken in paragraph 14 of the Vienna Declaration and to take immediate and effective measures to prevent and combat the smuggling of migrants, and to promote cooperation between States in this respect, the specific measures below are recommended.

### **A. National actions**

14. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Developing and sharing information and analytical expertise on the nature and extent of domestic and regional activities relating to the smuggling of migrants and on the identities, means and methods of known smugglers or smuggling organizations, to the extent consistent with national laws and international agreements and arrangements;

(b) Enacting and strengthening, as necessary, effective laws for the prevention and punishment of the smuggling of migrants, and measures for the support and protection of the rights of smuggled migrants and of witnesses in smuggling cases, in conformity with the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;<sup>4</sup>

(c) Implementing measures to protect the basic rights of smuggled migrants and, within their means, of witnesses in smuggling cases, to protect them from violence and take appropriate measures in cases where, in the course of being smuggled, the lives, safety or human dignity of migrants are placed in jeopardy;

(d) Supporting and cooperating with national and international non-governmental and other organizations and elements of civil society, as appropriate, in matters relating to the smuggling of migrants;

(e) Reviewing and assessing the effectiveness of domestic measures against the smuggling of migrants, and considering making that information available for comparison and research into the development of more effective measures;

(f) Developing and disseminating public information about the smuggling of migrants, to educate officials, the general public and potential migrants about the true nature of such smuggling, including the involvement of organized criminal groups and the risks posed to smuggled migrants;

(g) Strengthening capacity for international cooperation to develop and implement measures against the smuggling of migrants.

### **B. International actions**

15. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in

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<sup>4</sup>Resolution 55/25, annex III.

accordance with the present resolution, develop technical cooperation projects to prevent and combat the smuggling of migrants, while protecting the rights of smuggled migrants, in order to assist States, upon request, in implementing such projects.

## V. ACTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION

16. In order to implement and follow up on the commitments undertaken in paragraph 15 of the Vienna Declaration and to take such immediate and effective measures as are appropriate to reduce the incidence of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and related criminal activities, in accordance with the terms of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,<sup>5</sup> the specific measures below are recommended.

### A. *National actions*

17. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Adopting and strengthening, as necessary, national legislation and procedures, and in particular procedures regarding criminal offences and procedures for the confiscation, seizure, forfeiture and disposal of firearms, their parts and components and ammunition;

(b) Implementing requirements to keep records regarding firearms, the marking of firearms and the deactivation of firearms;

(c) Establishing or maintaining effective systems for the licensing or authorization of the import, export and transit of firearms, their parts and components and ammunition;

(d) Establishing appropriate legal and administrative measures with a view to preventing the loss, theft or diversion of firearms, for the exchange of relevant information relating to firearms and for bilateral, regional and international cooperation, including by means of information exchange and technical assistance;

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<sup>5</sup>Resolution 55/255, annex.

(e) Considering the establishment of an effective regulatory framework for the activities of those engaged in the brokering of transactions involving the import, export or transit of firearms.

### ***B. International actions***

18. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Develop technical cooperation projects to prevent, combat and eradicate the illicit trafficking in firearms, their parts and components and ammunition and related activities, in order to assist requesting States, in particular developing countries and countries with economies in transition, in implementing such projects;

(b) Establish and maintain a global database of existing national and regional firearms regulations and related law enforcement practices, as well as best practices relating to firearms control measures.

## **VI. ACTION AGAINST MONEY-LAUNDERING**

19. In order to implement and follow up on the commitments undertaken in paragraph 17 of the Vienna Declaration and to develop, adopt and implement effective domestic legislation, regulations and administrative measures to prevent, detect and combat, in cooperation with other States, domestic and transnational money-laundering, in accordance with the relevant international instruments, in particular the United Nations Convention against Transnational Organized Crime, and using as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering, the specific measures below are recommended.

### ***A. National actions***

20. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Adopting comprehensive measures to deal effectively with the problem of money-laundering in all its aspects, with the participation of all relevant ministries, departments and agencies and in consultation with representatives of the financial sector;

(b) Making efforts to ensure that domestic legislation adequately criminalizes activities and methods used to conceal, convert or transfer the proceeds of crime in order to disguise the nature or origin of the proceeds, in accordance with article 6 of the United Nations Convention against Transnational Organized Crime;

(c) Making efforts to ensure that adequate regulatory, inspection and investigative powers exist to detect and identify money-laundering activities;

(d) Making efforts to ensure that adequate investigative and judicial powers exist to permit the identification, tracing, seizure, confiscation and disposal of proceeds of crime;

(e) Making efforts to ensure that adequate legal powers exist and administrative resources are available to permit timely and effective responses to be made to requests from other States in cases involving money-laundering;

(f) Supporting and participating in domestic and international research efforts to monitor and analyse trends in money-laundering and international policy responses;

(g) Consistent with existing multilateral arrangements, developing projects or programmes to assist other States in developing, drafting or upgrading legislation, regulations and administrative procedures against money-laundering, including the Global Programme against Money-Laundering and other activities or projects that support the implementation of the United Nations Convention against Transnational Organized Crime;

(h) Activities or programmes to train officials or share expertise in combating money-laundering, such as training workshops and seminars.

### ***B. International actions***

21. The Office for Drug Control and Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution, develop technical cooperation activities to prevent and combat money-laundering and assist requesting States in implementing those activities.

## **VII. ACTION AGAINST TERRORISM**

22. In order to implement and follow up on the commitments undertaken in paragraph 19 of the Vienna Declaration and to take effective, resolute and speedy measures to prevent and combat criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations, the specific measures below are recommended.

### **A. National actions**

23. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Signing and ratifying the international instruments dealing with terrorism;

(b) Conducting research and gathering information about criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations, including the identities, whereabouts and activities of specific individuals or groups involved in such activities, and supporting similar work at the international level, to the extent consistent with national laws and international agreements and arrangements;

(c) Reviewing their relevant domestic laws and procedures with a view to achieving effective domestic measures against terrorism and related crime, an enhanced ability to cooperate in appropriate cases with other States and the effective implementation of relevant international instruments;

(d) Fostering cooperation between anti-terrorism agencies and agencies fighting crime; this may include the establishment of liaison offices or other channels of communication between anti-terrorism agencies and agencies fighting crime in order to enhance information exchange;

(e) Considering voluntary contributions to support the implementation of the terrorism-prevention activities of the Centre for International Crime Prevention.

### **B. International actions**

24. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, in coordination with the Office of Legal Affairs of the Secretariat, as appropriate, and in accordance with the present resolution:

(a) Take steps to raise awareness of the relevant international instruments, encourage States to sign and ratify such instruments and, where feasible, provide assistance in implementing such instruments to States, upon request;

(b) In cooperation with Member States, take measures to raise public awareness of the nature and scope of international terrorism and its relationship to crime, including organized crime, where appropriate;

(c) Continue to maintain existing databases on terrorism;

(d) Offer analytical support to Member States by collecting and disseminating information on the relationship between terrorism and related criminal activities;

(e) If further developments so require, draw up concrete proposals for consideration by Member States to strengthen the capacity of the Centre to develop, within its mandate, and administer the terrorism prevention component of its activities.

## VIII. ACTION ON CRIME PREVENTION

25. In order to implement and follow up on the commitment undertaken in paragraph 25 of the Vienna Declaration to develop comprehensive international, regional, national and local crime prevention strategies, the specific measures below are recommended.

### A. *National actions*

26. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Promotion of close cooperation between the various sectors of society, including justice, health, education, social services and housing, which are necessary to support effective community-based crime prevention;

(b) Close cooperation with and assistance to elements of civil society in the development, adoption and promotion of crime prevention initiatives, taking into account the importance of proceeding on the basis of proven practices wherever possible and of selecting the appropriate balance between various approaches to community-based crime prevention;

(c) Encouragement of assessment of the effectiveness of crime prevention programmes;

(d) Development of practices that seek to prevent crime victims from being victimized once again;

(e) Development and implementation of situational and other crime prevention programmes, bearing in mind the need to avoid any infringement of civil liberties;

(f) Collaboration with other Governments and non-governmental organizations in the development and dissemination of successful and innovative crime prevention initiatives and specialized knowledge and expertise in crime prevention practices, including public awareness and education campaigns about effective crime prevention and the contributions that individuals, families, communities and all levels of government may make to contribute to safer and more peaceful communities;

(g) Consideration of how to contribute to the collective efforts of countries to develop a comprehensive international strategy to advance community-based crime prevention;

(h) Taking steps to incorporate into their national crime prevention strategies measures to prevent and combat crime associated with racism, racial discrimination, xenophobia and related forms of intolerance.

### ***B. International actions***

27. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Develop and promote crime prevention expertise that has been carefully adapted from proven practices to the conditions in the countries where those practices are to be implemented, using seminars, training programmes and other means;

(b) Where requested to do so by the State or States involved, conduct public awareness and education campaigns about effective crime prevention and the respective contributions that individuals, families, communities and all levels of government may make towards safer and more peaceful communities;

(c) Endeavour to contribute to the exchange of information and experience in crime prevention, for the purpose of encouraging new forms of collaboration between countries involving government, the community and non-governmental organizations;

(d) Assess the evolution and globalization of crime and prepare responses to it through innovative and effective crime prevention initiatives that take account of the impact of new technologies on crime and crime prevention;

(e) Continue to coordinate studies on crime in urban areas and measures for its effective prevention, including on the possible cultural and institutional differences in effective crime prevention;

(f) Encourage Member States to incorporate into international crime prevention strategies and norms measures to prevent and combat crime associated with racism, racial discrimination, xenophobia and related forms of intolerance, taking into account measures already taken by Member States;

(g) Develop technical cooperation projects in the area of crime prevention for requesting States and assist in their implementation;

(h) Develop a guide for policymakers and a handbook on proven practices in the area of crime prevention.

## IX. ACTION ON WITNESSES AND VICTIMS OF CRIME

28. In order to implement and follow up on the commitments undertaken in paragraph 27 of the Vienna Declaration to review relevant practices by 2002 where possible, to develop action plans, support services and awareness campaigns for victims, to consider the establishment of funds for victims and to develop and implement witness protection policies, the specific measures below are recommended.

### A. National actions

29. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Conducting national and regional studies on victims of crime in national justice systems;

(b) The use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,<sup>6</sup> subject to the domestic legal systems of each State, taking into account the Handbook on Justice for Victims on the use and application of the Declaration<sup>7</sup> and the Guide for Policy Makers on the Implementation of the Declaration.<sup>8</sup>

### B. International actions

30. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) In its projects and programmes, take into account measures for the assistance and support of victims and witnesses, including those who are women, children or victims of trafficking in persons;

(b) Promote the establishment of funds for victims of crime;

(c) Promote proven practices in providing support and services for victims and witnesses using, for example, the International Victimology website;<sup>9</sup>

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<sup>6</sup>Resolution 40/34, annex.

<sup>7</sup>E/CN.15/1998/CRP.4/Add.1.

<sup>8</sup>E/CN.15/1998/CRP.4.

<sup>9</sup>[www.victimology.nl](http://www.victimology.nl).

(d) Translate into the official languages of the United Nations and widely disseminate the Guide for Policy Makers and the Handbook on Justice for Victims, and assist requesting States in using those documents;

(e) Upon request, assist States in the development of new legislation on victims, using, inter alia, the international database established by the Government of the Netherlands;

(f) Where necessary, promote demonstration or pilot projects for the development, further development or establishment of victim services and other related operational activities.

## X. ACTION ON PRISON OVERCROWDING AND ALTERNATIVES TO INCARCERATION

31. In order to implement and follow up on the commitments undertaken in paragraph 26 of the Vienna Declaration to promote safe and effective alternatives to incarceration, the specific measures below are recommended.

### A. *National actions*

32. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) The development of specific actions and time-bound targets to address prison overcrowding, recognizing that conditions in overcrowded prisons may affect the human rights of prisoners, including such actions as adopting effective measures to reduce pre-trial detention as far as possible; introducing appropriate alternatives to imprisonment; preferring non-custodial measures to imprisonment where possible; dealing with minor offences using options such as customary practice, mediation between concerned parties or the payment of civil reparations or compensation; and conducting public awareness and education campaigns on alternatives to imprisonment and how they work;

(b) Encouraging international and regional institutions, including financial institutions, to incorporate in their relevant technical cooperation programmes measures to reduce prison overcrowding, in accordance with national laws;

(c) Promoting and implementing good prison practice, taking into account international standards;

(d) Ensuring that national and international actions on prison overcrowding and alternatives to incarceration take into account and address any disparate impact that such actions may have on women and men.

### ***B. International actions***

33. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Encourage international and regional institutions, including financial institutions, to incorporate into their relevant technical cooperation programmes measures to reduce prison overcrowding, in accordance with national laws;

(b) Promote national and international actions on prison overcrowding and alternatives to incarceration that take into account any disparate impact on women and men, as well as any special needs;

(c) Upon request, provide assistance in the form of advisory services, needs assessment, capacity-building, training or other assistance to States to enable them to improve prison conditions.

## **XI. ACTION AGAINST HIGH-TECHNOLOGY AND COMPUTER-RELATED CRIME**

34. In order to implement and follow up on the commitments undertaken in paragraph 18 of the Vienna Declaration to develop action-oriented policy recommendations for the prevention and control of high-technology and computer-related crime, taking into account the ongoing work in other forums and to enhance abilities to detect, prevent, investigate and prosecute such crimes, the specific measures below are recommended.

### ***A. National actions***

35. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Criminalization of the misuse of information technologies, as appropriate and in accordance with national law, including, if necessary, reviewing crimes such as fraud, in order to ensure that they apply to offences in which computer and telecommunication media and networks are used;

(b) The development and implementation of rules and procedures, including on the exercise of jurisdiction, that would ensure that computer- and telecommunication-related crimes can be effectively detected and investigated at the national level and that effective cooperation can be obtained in multinational cases, taking into account national sovereignty, the need for effective law enforcement and the need to maintain effective protections for privacy and other related basic rights;

(c) Ensuring that law enforcement personnel are trained and equipped to be able to respond effectively and expeditiously to requests for assistance in the tracing of communications and other measures necessary for the detection and investigation of transnational high-technology and computer-related crimes;

(d) Engaging in domestic and international discussions on actions against high-technology and computer-related crime and the effects of technological change with industries involved in the development and deployment of computers, telecommunication equipment, network software and hardware and other relevant products and services. These discussions could include key areas such as:

- (i) Issues relating to domestic and international regulation of the technologies and networks;
- (ii) Issues relating to the incorporation of elements into new technologies, which are intended to prevent crime or facilitate the detection, investigation or prosecution of crime;

(e) Making voluntary contributions, both bilaterally and through international and regional organizations, as appropriate, including in cooperation with the private sector, inter alia, in the form of technical expertise to assist other States in developing and implementing effective measures against high-technology and computer-related crime, including the measures referred to in subparagraphs (c) and (d) above.

### ***B. International actions***

36. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Support national and international research activities to identify new forms of computer-related criminality and to assess the effects of such criminality in key areas such as sustainable development, the protection of privacy and electronic commerce, and the measures taken in response;

(b) Disseminate internationally agreed materials such as guidelines, legal and technical manuals, minimum standards, proven practices and model legislation to assist legislators and law enforcement and other authorities in the development, adoption and application of effective measures against high-technology and computer-related crime and offenders both in general and in specific cases;

(c) Promote, support and implement, as appropriate, technical cooperation and assistance projects. Such projects would bring together experts in crime prevention, computer security, criminal legislation and procedures, prosecution, investigative techniques and related matters and States seeking information or assistance in those areas.

## XII. ACTION ON JUVENILE JUSTICE

37. In order to implement and follow up on the commitments undertaken in paragraph 24 of the Vienna Declaration, the specific measures below are recommended.

### A. *National actions*

38. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Giving timely assistance to juveniles in difficult circumstances in order to prevent them from resorting to crime;

(b) Supporting the development of crime prevention practices that are focused on juveniles who are at risk of becoming delinquent or who are easy candidates for recruitment by criminal groups, bearing in mind the rights of such juveniles;

(c) Strengthening juvenile justice systems;

(d) Incorporating an integrated strategy for the prevention of youth crime and for juvenile justice in national development plans;

(e) Promoting the re-education and rehabilitation of juvenile offenders;

(f) Encouraging, and where necessary, supporting the participation of civil society in the implementation of practices for the prevention of juvenile crime.

### B. *International actions*

39. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Upon request, develop technical cooperation projects to prevent youth crime, to strengthen juvenile justice systems and to improve the rehabilitation and treatment of juvenile offenders and assist States in implementing those projects;

(b) Ensure effective cooperation among the relevant United Nations entities and the other organizations mentioned in the Guidelines for Action on Children in the Criminal Justice System.<sup>10</sup>

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<sup>10</sup>Economic and Social Council resolution 1997/30, annex.

### XIII. ACTION ON THE SPECIAL NEEDS OF WOMEN IN THE CRIMINAL JUSTICE SYSTEM

40. In order to implement and follow up on the commitments undertaken in paragraphs 11 and 12 of the Vienna Declaration, and to review crime prevention and criminal justice strategies in order to identify and address any disparate impact of programmes and policies on women and men, the specific measures below are recommended.

#### *A. National actions*

41. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Reviewing, evaluating and, if necessary, modifying their legislation, policies, procedures and practices relating to criminal matters, in a manner consistent with their legal systems, in order to ensure that women are treated fairly by the criminal justice system;

(b) Developing national and international crime prevention and criminal justice strategies that take into account the special needs of women as criminal justice practitioners, victims, witnesses, prisoners and offenders;

(c) Considering sharing with other States, via websites or other media or forums, any proven practices concerning women as criminal justice practitioners, victims, witnesses, prisoners and offenders that take into account the special needs of women.

#### *B. International actions*

42. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Collect and disseminate information and materials on violence against women in all its forms and manifestations, as referred to in the Declaration on the Elimination of Violence against Women,<sup>11</sup> for the purpose of implementing its crime prevention and criminal justice programme, including technical assistance at the request of States;

(b) Work on issues relating to violence against women and to the removal of gender bias in the administration of criminal justice;

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<sup>11</sup>Resolution 48/104.

(c) Cooperate with all other relevant entities of the United Nations system regarding activities on issues relating to violence against women and to the removal of gender bias in the administration of criminal justice, and coordinate work on such issues;

(d) Consolidate and disseminate information on successful intervention models and preventive programmes at the national level;

(e) Continue to improve training concerning criminal justice and crime-prevention aspects of the human rights of women and issues of gender bias and violence against women for relevant United Nations staff members;

(f) Assist Member States, upon request, in utilizing the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.<sup>12</sup>

#### XIV. ACTION ON STANDARDS AND NORMS

43. In order to implement and follow up on the commitments undertaken in paragraph 22 of the Vienna Declaration and to promote the use and application, as appropriate, of the United Nations standards and norms in crime prevention and criminal justice in national law and practice, the specific measures below are recommended.

##### A. National actions

44. Individually and collectively, States will endeavour, as appropriate, to use and apply in national law and practice the United Nations standards and norms in crime prevention and criminal justice and to publish the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*<sup>13</sup> in the languages of their countries.

##### B. International actions

45. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Update the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*;

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<sup>12</sup>Resolution 52/86, annex.

<sup>13</sup>United Nations publication, Sales No. E.92.IV.1 and corrigendum.

(b) Promote the use and application of United Nations standards and norms in crime prevention and criminal justice, inter alia, by providing advisory services and technical cooperation to Member States upon request, including assistance to Member States in criminal justice and law reform, organization of training for law enforcement and criminal justice personnel and support to the administration and management of penal and penitentiary systems, thus contributing to the upgrading of their efficiency and capabilities;

(c) Coordinate activities relating to the use and application of United Nations standards and norms in crime prevention and criminal justice between the Centre for International Crime Prevention and other relevant United Nations entities, taking into account bilateral and regional assistance programmes.

## XV. ACTION ON RESTORATIVE JUSTICE

46. In order to implement and follow up on the commitments undertaken in paragraph 28 of the Vienna Declaration and to encourage the development of restorative justice policies, procedures and programmes, the specific measures below are recommended.

### A. *National actions*

47. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Taking into account Economic and Social Council resolution 2000/14 of 27 July 2000, entitled “Basic principles on the use of restorative justice programmes in criminal matters”, when considering the desirability and the means of establishing common principles;

(b) Dealing with offences, especially minor offences, according to customary practice in respect of restorative justice, where available and appropriate, provided that this meets human rights requirements and that those involved so agree;

(c) Using amicable means as provided by national law to deal with offences, especially minor offences, for example by using mediation, reparation or agreements whereby the offender compensates the victim;

(d) Promoting a culture favourable to mediation and restorative justice among law enforcement, judicial and social authorities and local communities;

(e) Providing appropriate training for those involved in the development and implementation of restorative justice policies and programmes;

(f) Promoting the re-education and rehabilitation of juvenile offenders by encouraging, where appropriate, the use of mediation, conflict resolution, conciliation and other methods of restorative justice as alternatives to judicial proceedings and custodial-based sanctions;

(g) Developing and implementing restorative justice policies and programmes, taking into account existing international commitments with respect to victims, in particular the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

(h) Promoting cooperation between government and civil society, including relevant non-governmental organizations, to implement restorative justice programmes and to ensure public support for the use of restorative justice principles.

### ***B. International actions***

48. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations, as appropriate, and in accordance with the present resolution:

(a) Exchange information on experiences and proven practices in the implementation and evaluation of programmes for restorative justice;

(b) Assist the Commission on Crime Prevention and Criminal Justice in considering the desirability and the means of establishing common principles on the use of restorative justice programmes in criminal matters;

(c) Convene a meeting of experts to examine proposals for further action in relation to restorative justice, including mediation.

## **36. Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice\***

*We, the States Members of the United Nations,*

*Having assembled* at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, to decide to take more effective concerted action, in a spirit of cooperation, to combat crime and seek justice,

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\*General Assembly resolution 60/177, annex.

*Convinced* that the United Nations congresses on crime prevention and criminal justice, which constitute a major intergovernmental forum, have contributed to national policies and practices by facilitating the exchange of views and experience, mobilizing public opinion and recommending policy options at the national, regional and international levels, thus making a significant contribution to progress and the promotion of international cooperation in crime prevention and criminal justice,

*Recalling* the work of the ten previous United Nations congresses,

*Reaffirming* the responsibility vested in the United Nations Crime Prevention and Criminal Justice Programme to work, together with Member States and regional and international organizations, in the fields of crime prevention and criminal justice,

*Greatly concerned* by the expansion and dimensions of transnational organized crime, including illicit drug trafficking, money-laundering, trafficking in persons, smuggling of migrants, illegal arms trafficking and terrorism, and any existing links among them, and by the increasing sophistication and diversification of the activities of organized criminal groups,

*Emphasizing* that enhancing dialogue among civilizations, promoting tolerance, preventing the indiscriminate targeting of different religions and cultures and addressing development issues and unresolved conflicts will contribute to international cooperation, which is among the most important elements to combat terrorism in all its forms and manifestations, and reaffirming that no terrorist act can be justified in any circumstance,

*Reaffirming* that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and that they should adopt such measures in conformity with the Charter of the United Nations and international law, in particular international human rights, refugee and humanitarian law,

*Alarmed* by the rapid growth, geographical extent and effects of new economic and financial crimes, which have emerged as significant threats to national economies and the international financial system,

*Highlighting* the need for an integrated and systemic approach to combating corruption and money-laundering, within existing frameworks and instruments, in particular those under the aegis of the United Nations, since those crimes can be conducive to the perpetration of other criminal activities,

*Noting with appreciation* the work of the regional preparatory meetings for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice,<sup>1</sup>

*Declare* as follows:

1. We proclaim our political will and commitment to achieve the aspirations and objectives as set out in the present Declaration.

2. We reaffirm our continued support for and commitment to the United Nations and to the United Nations Crime Prevention and Criminal Justice Programme, especially the Commission on Crime Prevention and Criminal Justice and the United Nations Office on Drugs and Crime, the United Nations Interregional Crime and Justice Research Institute and the institutes of the Programme network, and resolve to strengthen the Programme further through sustained funding, as appropriate.

3. In a spirit of common and shared responsibility, we reaffirm our readiness to seek to improve international cooperation in the fight against crime and terrorism, at the multilateral, regional and bilateral levels, in areas including, among others, extradition and mutual legal assistance. We seek to ensure our national capacity and, where appropriate, the coherence of our international capacity, through the United Nations and other relevant global and regional organizations, to engage in international cooperation, in particular in the prevention, investigation, prosecution and adjudication of transnational organized crime and terrorism and in the discovery of any existing links among them.

4. We welcome the entry into force of the United Nations Convention against Transnational Organized Crime and two of its Protocols.<sup>2</sup> We call upon all States that have not yet done so to seek to ratify or accede to and implement the provisions of that Convention and its Protocols, as well as the provisions of the United Nations Convention against Corruption<sup>3</sup> and the international instruments against terrorism. In implementing the provisions of those instruments, we commit ourselves to full compliance with our obligations under international law, in particular international human rights, refugee and humanitarian law. We support every effort to facilitate the implementation of those instruments.

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<sup>1</sup>A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1.

<sup>2</sup>General Assembly resolution 55/25, annexes I-III.

<sup>3</sup>General Assembly resolution 58/4, annex.

5. We call upon donor States and financial institutions to continue to make adequate voluntary contributions on a regular basis for the provision of technical assistance to developing countries and to countries with economies in transition, in order to help build their capacity to prevent and tackle crime in all its forms and apply the United Nations standards and norms in crime prevention and criminal justice and, in particular, to facilitate their becoming parties to and implementing the international instruments against terrorism and the relevant international instruments against crime, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption and the international drug control conventions.

6. We support a more integrated approach within the United Nations in relation to the provision of assistance for building capacity in crime prevention and criminal justice, and in cooperation in criminal matters of a transnational character, as a contribution to the establishment and strengthening of the rule of law.

7. We seek to improve our responses to crime and terrorism nationally and internationally, *inter alia*, by collecting and sharing information on crime and terrorism and on effective countermeasures, in accordance with national legislation. We welcome the important work done by the United Nations Office on Drugs and Crime and the United Nations Crime Prevention and Criminal Justice Programme network in the area of trends in crime and justice.

8. We are convinced that upholding the rule of law and good governance and proper management of public affairs and public property at the local, national and international levels are prerequisites for creating and sustaining an environment for successfully preventing and combating crime. We are committed to the development and maintenance of fair and efficient criminal justice institutions, including the humane treatment of all those in pretrial and correctional facilities, in accordance with applicable international standards.

9. We recognize the role of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in contributing to the prevention of and the fight against crime and terrorism. We encourage the adoption of measures to strengthen this role within the rule of law.

10. We recognize that comprehensive and effective crime prevention strategies can significantly reduce crime and victimization. We urge that such strategies address the root causes and risk factors of crime and victimization and that they be further developed and implemented at the local, national and

international levels, taking into account, inter alia, the Guidelines for the Prevention of Crime.<sup>4</sup>

11. We note that countries emerging from conflicts are particularly vulnerable to crime, in particular organized crime and corruption, and therefore recommend that Member States, regional organizations and international entities such as the United Nations Office on Drugs and Crime, in coordination with the Department of Peacekeeping Operations of the Secretariat and other relevant entities, provide more effective responses to these problems, in order to re-establish, strengthen or sustain the rule of law and deliver justice in post-conflict situations.

12. With regard to the increased involvement of organized criminal groups in the theft of and trafficking in cultural property and illicit trafficking in protected species of wild flora and fauna, we recognize the importance of combating these forms of crime and, bearing in mind the relevant international legal instruments, such as the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,<sup>5</sup> the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>6</sup> and the Convention on Biological Diversity,<sup>7</sup> we call upon Member States to take effective measures to strengthen international cooperation.

13. We note with concern the rise of kidnapping and trafficking in persons, which constitute serious, profitable and inhumane forms of organized crime, often committed with the objective of funding criminal organizations and, in some cases, terrorist activities, and hence recommend that measures be devised to combat these crimes and that attention be given to the creation of practical mechanisms for countering them. We recognize the need to implement measures intended to provide adequate assistance and protection to victims of kidnapping and trafficking in persons and their families.

14. Mindful of General Assembly resolution 59/156 of 20 December 2004 on preventing, combating and punishing trafficking in human organs, we note the serious concerns raised about the illicit removal of and trafficking in human organs and will examine with interest the report of the Secretary-General requested in that resolution.

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<sup>4</sup>Economic and Social Council resolution 2002/13, annex.

<sup>5</sup>United Nations, *Treaty Series*, vol. 823, No. 11806.

<sup>6</sup>*Ibid.*, vol. 993, No. 14537.

<sup>7</sup>*Ibid.*, vol. 1760, No. 30619.

15. We reaffirm the fundamental importance of the implementation of existing instruments and the further development of national measures and international cooperation in relation to criminal matters, such as consideration of strengthening and augmenting measures, in particular against cybercrime, money-laundering and trafficking in cultural property, as well as extradition, mutual legal assistance and the confiscation, recovery and return of proceeds of crime.

16. We note that, in the current period of globalization, information technology and the rapid development of new telecommunication and computer network systems have been accompanied by the abuse of those technologies for criminal purposes. We therefore welcome efforts to enhance and supplement existing cooperation to prevent, investigate and prosecute high-technology and computer-related crime, including through the development of partnerships with the private sector. We recognize the important contribution of the United Nations to regional and other international forums in the fight against cybercrime and invite the Commission on Crime Prevention and Criminal Justice, taking into account that experience, to examine the feasibility of providing further assistance in that area under the aegis of the United Nations in partnership with other similarly focused organizations.

17. We recognize the importance of giving special attention to the need to protect witnesses and victims of crime and terrorism, and we commit ourselves to strengthening, where needed, the legal and financial framework for providing support to such victims, taking into account, *inter alia*, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.<sup>8</sup>

18. We call upon Member States to take steps, in accordance with their domestic laws, to promote access to justice, to consider the provision of legal aid to those who need it and to enable the effective assertion of their rights in the criminal justice system.

19. We note with concern the problem of trafficking in illicit drugs and the serious socio-economic consequences it entails, and therefore call for the strengthening of international cooperation in combating that form of organized crime.

20. We will strengthen international cooperation in order to create an environment that is conducive to the fight against crime, including by promoting growth and sustainable development and eradicating poverty and unemployment by means of effective and balanced development strategies and crime prevention policies.

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<sup>8</sup>General Assembly resolution 40/34, annex.

21. We call upon States that have not yet done so to become parties to and implement the universal instruments against terrorism. In order to enhance the capacity of States to become parties to and implement those instruments and to comply with the relevant Security Council resolutions against terrorism, we express our support for the continuing efforts of the United Nations Office on Drugs and Crime, within its mandate and in coordination with the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate of the Security Council, to assist States in their efforts to ratify and implement those instruments, through the provision of technical assistance upon request. This might include assistance to criminal justice systems to facilitate the effective implementation of those instruments.

22. We express the hope that the ongoing negotiation of the draft comprehensive convention on international terrorism will be concluded as soon as possible. In this context, we recognize that arriving at a possible definition of terrorism is one of the key issues to be resolved. We call upon Member States to consider signing and ratifying the International Convention for the Suppression of Acts of Nuclear Terrorism.<sup>9</sup>

23. We are convinced that the expeditious entry into force and subsequent implementation of the United Nations Convention against Corruption<sup>3</sup> are central to the efforts made at the international level to fight corruption and therefore accord high priority to supporting efforts to that end and call upon all States that have not yet done so to seek to sign, ratify or accede to the Convention.

24. We are also convinced that the proper management of public affairs and public property and the rule of law are essential to the prevention and control of corruption, including, *inter alia*, through effective measures for its investigation and prosecution. Furthermore, we recognize that, in order to curb corruption, it is necessary to promote a culture of integrity and accountability in both the public and the private sector.

25. We are convinced that asset recovery is one of the essential components of the United Nations Convention against Corruption and, for that reason, we emphasize the need to adopt measures to facilitate asset recovery that are consistent with the principles of that Convention.

26. We are conscious of the challenge of investigating and prosecuting complex cases involving economic and financial crimes, including money-laundering. We call upon Member States to strengthen policies, measures and

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<sup>9</sup>General Assembly resolution 59/290, annex.

institutions for national action and international cooperation in the prevention, investigation and prosecution of economic and financial crimes, including money-laundering, and such crimes conducted by means of, or facilitated by, information technologies, in particular in connection with the financing of terrorism and trafficking in illicit drugs.

27. We are conscious of the crucial importance of tackling document and identity fraud in order to curb organized crime and terrorism. We seek to improve international cooperation, including through technical assistance, to combat document and identity fraud, in particular the fraudulent use of travel documents, through improved security measures, and encourage the adoption of appropriate national legislation.

28. We recommend that voluntary contributions and appropriate technical assistance be made available to developing countries, to strengthen their capacity in order to support their efforts to fight effectively economic and financial crimes.

29. As appropriate, we endeavour to use and apply the United Nations standards and norms in our national programmes for crime prevention and criminal justice reform and to undertake, as needed, efforts to ensure their wider dissemination. We endeavour to facilitate appropriate training for law enforcement officials, including prison officials, prosecutors, the judiciary and other relevant professional groups, taking into account those norms and standards and best practices at the international level.

30. We recommend that the Commission on Crime Prevention and Criminal Justice give consideration to reviewing the adequacy of standards and norms in relation to prison management and prisoners.

31. We note with concern that the physical and social conditions associated with imprisonment may facilitate the spread of HIV/AIDS in pretrial and correctional facilities and thus in society, thereby presenting a critical prison management problem; we call upon States to develop and adopt measures and guidelines, where appropriate and in accordance with national legislation, to ensure that the particular problems of HIV/AIDS are adequately addressed in such facilities.

32. To promote the interests of victims and the rehabilitation of offenders, we recognize the importance of further developing restorative justice policies, procedures and programmes that include alternatives to prosecution, thereby avoiding possible adverse effects of imprisonment, helping to decrease

the caseload of criminal courts and promoting the incorporation of restorative justice approaches into criminal justice systems, as appropriate.

33. We affirm our determination to pay particular attention to juvenile justice. We will consider ways to ensure the provision of services to children who are victims of crime and children in conflict with the law, in particular those deprived of their liberty, and to ensure that those services take into account their gender, social circumstances and developmental needs and the relevant United Nations standards and norms, as appropriate.

34. We stress the need to consider measures to prevent the expansion of urban crime, including by improving international cooperation and capacity-building for law enforcement and the judiciary in that area and by promoting the involvement of local authorities and civil society.

35. We express our profound gratitude to the people and the Government of Thailand for their warm and generous hospitality towards the participants and for the excellent facilities provided for the Eleventh Congress.