

Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly:

Draft resolution I

Role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders*

The General Assembly,

Recalling that, in its resolution 53/110 of 9 December 1998, it requested the Commission on Crime Prevention and Criminal Justice to review the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, including the issue of regional preparatory meetings for the congresses,

Taking note with appreciation of the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,¹

Bearing in mind that the congresses are a consultative body of the United Nations Crime Prevention and Criminal Justice Programme, in accordance with paragraph 29 of the statement of principles and programme of action of the Programme, annexed to General Assembly resolution 46/152 of 18 December 1991,

Recognizing the significant contributions of the congresses to the promotion and strengthening of

international cooperation in crime prevention and criminal justice,

Recognizing also that the congresses have been a forum for promoting the exchange of experiences in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice between States, intergovernmental organizations and individual experts representing various professions and disciplines,

Recognizing further the role played by the congresses in preparing suggestions, for consideration by the Commission, on possible subjects for its programme of work,

Aware of the need to review the functioning and method of work of the congresses in order to improve their effectiveness,

Noting with appreciation the offers made by the Governments of Mexico and Thailand to host the next congress,

1. *Decides* to continue holding the United Nations congresses in accordance with paragraphs 29 and 30 of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme,² following a dynamic, interactive and cost-effective method of work and a focused programme of work, and to call them the United Nations congresses on crime prevention and criminal justice;

2. *Also decides* that, beginning in 2005, the congresses, pursuant to paragraphs 29 and 30 of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme, shall be held in accordance with the following guidelines:

(a) Each congress shall discuss specific topics, including, where appropriate, a main topic, all to be determined by the Commission on Crime Prevention and Criminal Justice;

(b) Each congress shall include one session of pre-congress consultations;

(c) Each congress shall include a high-level segment in which States will be represented at the

* For the discussion, see part one, chapter IV.

¹ See *Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, 10-17 April 2000: report prepared by the Secretariat* (United Nations publication, Sales No. E.00.IV.8).

² Resolution 46/152, annex.

highest possible level and will be given an opportunity to make statements on the topics of the congress;

(d) As part of the high-level segment, the heads of delegations or their representatives shall participate in a number of thematic interactive round tables, in order to further the discussion on the topics of the congress through open dialogue;

(e) Panels of experts, to be selected by the Commission with due regard for the principle of equitable geographical distribution, shall hold workshops dealing with the topics of the congress, maintaining an open dialogue with the participants and avoiding the reading of statements;

(f) Institutes of the United Nations Crime Prevention and Criminal Justice Programme network shall be invited to assist in the preparations for the workshops;

(g) The Secretary-General shall facilitate, within existing resources, the organization of ancillary meetings of non-governmental organizations and professional organizations at each congress;

(h) Each congress shall adopt a single declaration containing recommendations derived from the deliberations of the high-level segment, the round tables and the workshops, to be submitted to the Commission for its consideration;

(i) Any action suggested to the Commission regarding its programme of work, contained in the declaration of the congress, shall be undertaken through individual resolutions of the Commission;

(j) The Commission, as the preparatory body for the congress, shall request the Secretary-General to prepare only those background documents which are absolutely necessary for implementing the programme of work of the congress;

(k) Each congress shall be preceded by regional preparatory meetings, when necessary, and the costs of the regional preparatory meetings for each congress shall be streamlined by holding them in conjunction with other regional meetings, shortening their duration and limiting the preparation of background documents;

3. *Requests* the Commission on Crime Prevention and Criminal Justice to continue to act as the preparatory body for the congresses and to follow the guidelines contained in paragraph 2 above in organizing future congresses;

4. *Requests* the Secretary-General to continue providing the staff required to serve as secretariat for the congresses and the regional preparatory meetings for the congresses;

5. *Also requests* the Secretary-General to provide the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat with the necessary resources, within the overall appropriations of the programme budget for the biennium 2002-2003, for the preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and to ensure that adequate resources are provided in the programme budget for the biennium 2004-2005 to support the holding of the Eleventh Congress;

6. *Requests* the Commission on Crime Prevention and Criminal Justice to formulate, at its eleventh session, recommendations regarding the Eleventh Congress, including recommendations on the main topic, the organization of round tables and workshops to be held by panels of experts and the venue and duration of the Eleventh Congress, and to submit those recommendations, through the Economic and Social Council, to the General Assembly at its fifty-seventh session;

7. *Also requests* the Commission on Crime Prevention and Criminal Justice to formulate, at its eleventh session, appropriate recommendations to enable the Economic and Social Council to introduce the necessary amendments to the rules of procedure for the congresses to reflect the guidelines contained in paragraph 2 above;

8. *Requests* the Secretary-General to ensure the proper follow-up to the present resolution and to report thereon to the General Assembly, through the Commission on Crime Prevention and Criminal Justice at its eleventh session.

Draft resolution II

Action against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the adopted protocols thereto*

The General Assembly,

Deeply concerned at the impact of transnational organized crime on the political, social and economic stability and development of societies,

Bearing in mind that the fight against transnational organized crime is a common and shared responsibility of the international community, necessitating cooperation at the bilateral and multilateral levels,

Reaffirming its support of and commitment to the goals of the United Nations in the field of crime prevention and criminal justice, in particular, the objectives set forth in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,³

Recalling its resolution 55/25 of 15 November 2000, in which it adopted the United Nations Convention against Transnational Organized Crime and the protocols thereto and urged all States and regional economic organizations to sign and ratify those international legal instruments,

Noting with appreciation the initiative of those States which have pledged financial contributions to the United Nations Crime Prevention and Criminal Justice Fund in order to enable developing countries and countries with economies in transition to initiate measures to implement the Convention and the protocols thereto,

1. *Welcomes* the signing of the United Nations Convention against Transnational Organized Crime and the protocols thereto;

2. *Expresses its appreciation* for the offers of a number of Governments to host regional conferences at the ministerial level and for the financial contributions of a number of States for the purpose of holding pre-

ratification seminars on facilitating the entry into force of the Convention and the adopted protocols thereto and their future implementation;

3. *Encourages* Member States to make adequate voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund for the provision to developing countries and countries with economies in transition of the technical assistance that they might require for implementation of the Convention and the protocols thereto, including for the preparatory measures needed for that implementation, taking into account article 30 of the Convention;

4. *Requests* the Secretary-General to provide the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat with the resources necessary to enable it to promote, in an effective manner, the entry into force and implementation of the Convention and the protocols thereto, inter alia, through the provision of assistance to developing countries and countries with economies in transition for building capacity in the areas covered by the Convention and the adopted protocols thereto;

5. *Also requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice at its eleventh session.

B. Draft resolutions for adoption by the Economic and Social Council

2. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolutions:

Draft resolution I

Action to promote effective community-based crime prevention**

The Economic and Social Council,

Bearing in mind its resolution 1996/16 of 23 July 1996, in which it requested the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice,

* For the discussion, see part one, chapter III.

³ Resolution 55/59, annex.

** For the discussion, see part one, chapter VI.

Recalling the “Elements of responsible crime prevention: standards and norms”, annexed to its resolution 1997/33 of 21 July 1997, in particular those elements on community involvement in crime prevention contained in paragraphs 14 to 23,

Recalling also the revised draft elements of responsible crime prevention prepared by the Expert Group Meeting on Elements of Responsible Crime Prevention: Addressing Traditional and Emerging Crime Problems, held in Buenos Aires from 8 to 10 September 1999,

Noting that the revised draft elements of responsible crime prevention were annexed to the working paper prepared by the Secretariat on effective crime prevention: keeping pace with new developments,⁴ submitted to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,

Acknowledging the need to update and finalize the draft elements of responsible crime prevention,

Noting the international colloquium of crime prevention experts held in Montreal, Canada, from 3 to 6 October 1999, in preparation for the Tenth Congress by the Governments of Canada, France and the Netherlands, in collaboration with the International Centre for the Prevention of Crime,

Noting with appreciation the workshop on community involvement in crime prevention, organized during the Tenth Congress by the International Centre for the Prevention of Crime,⁵

Aware of the scope for significant reductions in crime and victimization through research-based approaches and of the contribution that effective crime prevention can make in terms of the safety and security of individuals and communities and their property,

Desirous that the commitments made in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the

Tenth Congress,⁶ in relation to crime prevention, especially those made in paragraphs 11, 13, 20, 21, 24 and 25 of the Vienna Declaration, be implemented nationally and internationally,

Convinced of the need to advance a collaborative agenda for action with respect to those commitments made in the Vienna Declaration,

1. *Requests* the Secretary-General to convene, subject to the availability of extrabudgetary resources, a meeting of experts selected on the basis of equitable geographical representation for the purposes of further revising the draft elements of responsible crime prevention,⁷ with a view to arriving at a version of the draft elements on which the Commission on Crime Prevention and Criminal Justice at its eleventh session will be able to reach consensus, and of proposing priority areas for international action, including the identification of technical assistance issues, to promote effective community-based crime prevention;

2. *Welcomes* the offer of the Government of Canada to host the meeting of the expert group;

3. *Requests* the expert group, within the context of its meeting, to consider the results of the work of the recent United Nations meetings on this subject;⁸

4. *Requests* the Secretary-General to submit a report on the results of the meeting of the expert group,

⁶ *Ibid.*, chap. I, resolution 1.

⁷ A/CONF.187/7, annex.

⁸ Most of this work is included in the following documents: Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century; the results of the workshop on community involvement in crime prevention and of discussions under agenda item 5, “Effective crime prevention: keeping pace with new developments”, at the Tenth Congress; the report from the international colloquium of crime prevention experts held by the Governments of Canada, France and the Netherlands, in collaboration with the International Centre for the Prevention of Crime, from 3 to 6 October 1999, in Montreal, Canada; the most recent text of the draft elements contained in the working paper on effective crime prevention: keeping pace with new developments (A/CONF.187/7, annex); Economic and Social Council resolution 1997/33, on elements of responsible crime prevention; and the guidelines for cooperation and technical assistance in the field of urban crime prevention adopted by the Council in its resolution 1995/9.

⁴ A/CONF.187/7.

⁵ *Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, 10-17 April 2000: report prepared by the Secretariat* (United Nations publication, Sales No. E.00.IV.8), chap. VI, sect. C.

including its revised version of the draft elements of responsible crime prevention and the priority areas for international action to promote effective community-based crime prevention, to the Commission on Crime Prevention and Criminal Justice at its eleventh session for its consideration and action.

Draft resolution II

Illicit trafficking in protected species of wild flora and fauna*

The Economic and Social Council,

Aware that the conservation of wild flora and fauna and of genetic resources is essential for the maintenance of biological diversity and sustainable development, these being of fundamental importance, in particular, for local and indigenous communities with traditional lifestyles based on biological resources, and that concerns have been expressed with respect to illicit access to genetic resources,

Taking note of the principles on which are founded the Convention on International Trade in Endangered Species of Wild Fauna and Flora,⁹ an agreement regulating international trade in endangered species and establishing recommendations for combating illicit trafficking therein, and the Convention on Biological Diversity,¹⁰

Deeply concerned about the existence of groups, in particular those operating transnationally, dedicated to illicit trafficking in protected species of wild flora and fauna, that are increasingly employing sophisticated technologies,

Recognizing the links between transnational organized crime and illicit trafficking in protected species of wild flora and fauna, as well as the need to prevent, combat and eradicate this form of illicit traffic,

Aware of the adverse environmental, economic, social and scientific repercussions of transnational organized criminal activities devoted to illicit trafficking in protected species of wild flora and fauna,

Recognizing that international cooperation, especially mutual assistance against illicit trafficking in protected species of wild flora and fauna, is essential,

Taking into account General Assembly resolution 55/25 of 15 November 2000, in which it is stated that the United Nations Convention against Transnational Organized Crime¹¹ constitutes an effective tool and the necessary legal framework for international cooperation in combating such criminal activities as illicit trafficking in protected species of wild flora and fauna, in furtherance of the principles of the Convention on International Trade in Endangered Species of Wild Fauna and Flora,

1. *Urges* Member States to adopt, in accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora,⁹ the legislative or other measures necessary for establishing illicit trafficking in protected species of wild flora and fauna as a criminal offence in their domestic legislation;

2. *Encourages* Member States to explore possible means of promoting law enforcement cooperation and information exchange aimed at preventing, combating and eradicating illicit trafficking in protected species of wild flora and fauna;

3. *Requests* the Secretary-General to prepare, within existing resources or drawing upon extrabudgetary contributions, in coordination with other competent entities of the United Nations system, a report analysing domestic, bilateral, regional and multilateral legal provisions and other relevant documents, resolutions and recommendations dealing with the prevention, combating and eradication of illicit trafficking in protected species of wild flora and fauna by organized criminal groups and to present its report to the Commission on Crime Prevention and Criminal Justice at its eleventh session;

4. *Also requests* the Secretary-General to prepare, within existing resources or drawing upon extrabudgetary contributions, in coordination with other competent entities of the United Nations system, a report analysing the domestic, bilateral, regional and multilateral legal provisions and other relevant documents, resolutions and recommendations dealing with illicit access to genetic resources and also the

* For the discussion, see part one, chapter III.

⁹ United Nations, *Treaty Series*, vol. 993, No. 14537.

¹⁰ See United Nations Environment Programme, *Convention on Biological Diversity* (Environmental Law and Institution Programme Activity Centre), June 1992.

¹¹ General Assembly resolution 55/25, annex I.

extent to which organized criminal groups are involved therein and to present its report to the Commission on Crime Prevention and Criminal Justice at its eleventh session.

Draft resolution III

Strengthening international cooperation in preventing and combating the transfer of funds of illicit origin, derived from acts of corruption, including the laundering of funds, and in returning such funds*

The Economic and Social Council,

Recalling General Assembly resolutions 51/191 of 16 December 1996 on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, 53/176 of 15 December 1998 on action against corruption and bribery in international commercial transactions, 54/205 of 22 December 1999 on the prevention of corrupt practices and illegal transfer of funds, 55/25 of 15 November 2000 on the United Nations Convention against Transnational Organized Crime, 55/61 of 4 December 2000 on an effective international legal instrument against corruption and 55/188 of 20 December 2000 on preventing and combating corrupt practices and illegal transfer of funds and repatriation of such funds to the countries of origin,

Concerned about the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Concerned also that funds of illicit origin derived from acts of corruption include public funds, whose diversion may seriously threaten economic and political progress, in particular in developing countries,

Alarmed at the fact that such funds are often being transferred from their countries of origin to international banking centres and financial havens,

Recognizing that the authorities of those countries wishing to recover funds of illicit origin, including funds obtained through acts of corruption and financial fraud, have a legitimate wish to obtain information on the whereabouts of those funds and that confidentiality,

the right to privacy and bank secrecy cannot guarantee impunity,

Recognizing also the importance of strengthening international cooperation in combating the transfer of funds of illicit origin and in returning such funds,

Viewing with deep concern the increasing link between money-laundering and corruption, making it essential to promote national and international efforts in areas such as prevention, combating the transfer of funds of illicit origin and returning such funds,

1. *Requests* the intergovernmental open-ended expert group referred to in General Assembly resolution 55/61 to consider, within the context of its mandates, the following issues, inter alia, as possible items of work to be included in the draft terms of reference for the negotiation of a future legal instrument against corruption:

(a) Strengthening international cooperation in preventing and combating the transfer of funds of illicit origin, including the laundering of funds derived from acts of corruption, and promoting ways and means of enabling the return of such funds;

(b) Developing the measures necessary to ensure that those working in banking systems and other financial institutions contribute to the prevention of the transfer of funds of illicit origin derived from acts of corruption, for example, by recording transactions in a transparent manner, and to facilitate the return of those funds;

(c) Defining funds derived from acts of corruption as proceeds of crime and establishing that an act of corruption may be a predicate offence in relation to money-laundering;

(d) Establishing criteria for the determination of countries to which funds, referred to above, should be returned and the appropriate procedures for such return;

2. *Requests* the Office for Drug Control and Crime Prevention of the Secretariat to support Governments that request technical assistance in combating the transfer of funds of illicit origin and in returning such funds, including by providing the names of experts to assist such Governments;

3. *Urges* Governments, through voluntary contributions, and invites multilateral financial institutions

* For the discussion, see part one, chapter III.

and regional development banks, as appropriate, to support the Office for Drug Control and Crime Prevention in its efforts to assist Governments that request technical cooperation in combating the transfer of funds of illicit origin and in returning such funds, including by providing the names of the experts available to assist the Office;

4. *Requests* the Secretary-General, further to his analytical report on progress made in the implementation of General Assembly resolution 55/188, to prepare, within existing resources or drawing upon extrabudgetary contributions, for the ad hoc committee referred to in General Assembly resolution 55/61, a global study on the transfer of funds of illicit origin, especially funds derived from acts of corruption, and its impact on economic, social and political progress, in particular in developing countries, and to include in his study innovative ideas regarding appropriate ways and means of enabling the States concerned to obtain access to information on the whereabouts of funds belonging to them and to recover such funds.

C. Draft decision for adoption by the Economic and Social Council

3. The Commission also recommends to the Economic and Social Council the adoption of the following draft decision:

Draft decision

Report of the Commission on Crime Prevention and Criminal Justice on its tenth session and provisional agenda and documentation for the eleventh session of the Commission*

The Economic and Social Council,

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its tenth session;

(b) Approves the provisional agenda and documentation for the eleventh session set out below.

Provisional agenda and documentation for the eleventh session of the Commission on Crime Prevention and Criminal Justice

* For the discussion, see part one, chapter VIII.

1. Election of officers.
(Legislative authority: rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council and Commission decision 1/101)
2. Adoption of the agenda and organization of work.
Documentation
Annotated provisional agenda
(Legislative authority: Economic and Social Council resolution 1992/1 and decision 1997/232 and rules 5 and 7 of the rules of procedure of the functional commissions of the Economic and Social Council)
3. Thematic discussion: "Reform of the criminal justice system".
Sub-themes to be identified by inter-sessional meetings
(Legislative authority: Economic and Social Council resolution 1999/51)
4. Reform of the criminal justice system: achieving effectiveness and equity.
Documentation
Report of the Secretary-General on juvenile justice reform
(Legislative authority: Economic and Social Council resolutions 1997/30 and 1998/28)
Report of the Secretary-General on penal reform
(Legislative authority: Economic and Social Council resolutions 1998/23 and 1999/27)
Report of the Secretary-General on restorative justice
(Legislative authority: Economic and Social Council resolutions 1999/26 and 2000/14)
Report of the Secretary-General on effective community-based crime prevention
(Legislative authority: draft resolution entitled "Action to promote effective community-based crime prevention" (E/CN.15/2001/L.2/Rev.2))
5. United Nations standards and norms in crime prevention and criminal justice.

Documentation

Report of the Secretary-General on the United Nations Declaration on Crime and Public Security

(Legislative authority: General Assembly resolution 51/50 and Economic and Social Council resolution 1997/34)

Report of the Secretary-General on corruption

(Legislative authority: General Assembly resolutions 51/59 and 51/191 and Economic and Social Council resolution 1998/21)

6. International cooperation in combating transnational crime.

Documentation

Report of the Secretary-General on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes

(Legislative authority: General Assembly resolution 54/127 and Economic and Social Council resolution 1998/17)

Report of the Secretary-General on effective measures to prevent and control computer-related crime

(Legislative authority: Economic and Social Council resolution 1999/23)

Report of the Secretary-General on the illicit trafficking in species of wild flora and fauna and illicit access to genetic resources

(Legislative authority: draft resolution entitled "Illicit trafficking in species of wild flora and fauna" (E/CN.15/2001/L.3/Rev.2))

Report of the Secretary-General on the pre-ratification activities of the United Nations Convention against Transnational Organized Crime

(Legislative authority: draft resolution entitled "Action against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the adopted protocols thereto" (E/CN.15/2001/L.9/Rev.3))

7. Work of the Centre for International Crime Prevention.

Documentation

Report of the Executive Director on the work of the Centre for International Crime Prevention (containing information on progress made on, inter alia, technical cooperation, global programmes, resource mobilization and cooperation with United Nations entities and other bodies)

(Legislative authority: General Assembly resolution 55/64 and Economic and Social Council resolutions 1992/22 and 1999/23)

8. Preparations for the Eleventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Documentation

Report of the Secretary-General on the theme, format and venue of the Eleventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

(Legislative authority: draft resolution entitled "Role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders" (E/CN.15/2001/L.6/Rev.2))

9. Strategic management and programme questions.

(Legislative authority: Commission on Crime Prevention and Criminal Justice resolution 7/1)

10. Provisional agenda for the twelfth session of the Commission.

(Legislative authority: rule 9 of the rules of procedure of the functional commissions of the Economic and Social Council and Council decision 1997/232)

11. Adoption of the report of the Commission on its eleventh session.

Chapter II

Thematic discussion: progress made in global action against corruption