

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

Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

The General Assembly,

Recalling its resolution 56/119 of 19 December 2001 on the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, in which it stipulated the guidelines in accordance with which, 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,¹ should be held,

Recalling also its resolution 57/170 of 18 December 2002 on the follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,²

Recalling further its resolution 57/171 of 18 December 2002, in which it decided that the main theme of the Eleventh Congress should be “Synergies and responses: strategic alliances in crime prevention and criminal justice”,

Recalling its resolution 58/138 of 22 December 2003, in which it requested the Commission on Crime Prevention and Criminal Justice to accord sufficient time at its thirteenth session to reviewing the progress made in the preparations for the Eleventh Congress, to finalize in good time all the necessary organizational and substantive arrangements and to make its final recommendations, through the Economic and Social Council, to the General Assembly,

Recognizing the significant contributions of the congresses in promoting the exchange of experience in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental and non-governmental organizations and individual experts representing various professions and disciplines,

¹ General Assembly resolution 46/152, annex.

² General Assembly resolution 56/261, annex.

Recognizing also the efforts already made by the Government of Thailand to prepare for the hosting of the Eleventh Congress in Bangkok from 18 to 25 April 2005,

Stressing the importance of undertaking all the preparatory activities for the Eleventh Congress in a timely and concerted manner,

1. *Takes note with appreciation* of the report of the Secretary-General on the preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice;³

2. *Also takes note with appreciation* of the discussion guide⁴ prepared by the Secretary-General, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, for the regional preparatory meetings for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice;

3. *Acknowledges* the relevance of the regional preparatory meetings, which have examined the substantive items of the agenda and the workshop topics of the Eleventh Congress and made action-oriented recommendations⁵ to serve as a basis for the draft declaration to be adopted by the Eleventh Congress;

4. *Requests* the Commission on Crime Prevention and Criminal Justice to begin preparation of a draft declaration at intersessional meetings to be held following its thirteenth session, for submission to the Eleventh Congress at least one month prior to its commencement, taking into account the recommendations of the regional preparatory meetings;

5. *Approves* the draft programme of work for the Eleventh Congress and the documentation related thereto;

6. *Reiterates* its decision, contained in its resolution 58/138 of 22 December 2003, that the high-level segment of the Eleventh Congress shall be held during the last three days of the Congress in order to allow heads of State or Government or government ministers to focus on the main substantive agenda items of the Congress;

7. *Emphasizes* the importance of the workshops to be held during the Eleventh Congress, and invites Member States, intergovernmental and non-governmental organizations and other relevant entities to provide financial, organizational and technical support to the United Nations Office on Drugs and Crime and to the institutes of the United Nations Crime Prevention and Criminal Justice Programme network for the preparations for the workshops, including the preparation and circulation of relevant background material;

8. *Invites* donor countries to cooperate with developing countries to ensure their full participation in the workshops, and encourages States, other entities concerned and the Secretary-General to work together in order to ensure that the workshops focus on the respective issues and achieve practical results, leading to technical cooperation ideas, projects and documents related to enhancing bilateral

³ E/CN.15/2004/11.

⁴ A/CONF.203/PM.1 and Corr.1.

⁵ 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.

and multilateral efforts in technical assistance activities in crime prevention and criminal justice;

9. *Reiterates* its invitation to Governments and relevant intergovernmental and non-governmental organizations to inform the Eleventh Congress about their activities aimed at putting into practice the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,² with a view to providing guidance in the formulation of legislation, policies and programmes in the field of crime prevention and criminal justice at the national and international levels, and, to that end, requests the Secretary-General to compile that information and to prepare a report on the subject to be submitted to the Eleventh Congress for consideration;

10. *Reiterates* its request to the Secretary-General to make available the resources necessary to ensure the participation of the least developed countries in the Eleventh Congress, in accordance with past practice;

11. *Encourages* Governments to make preparations for the Eleventh Congress at an early stage by all appropriate means, including, where appropriate, the establishment of national preparatory committees, with a view to contributing to a focused and productive discussion on the topics and to participating actively in the organization and conduct of the workshops, the submission of national position papers on the various substantive items of the agenda and the encouragement of contributions from the academic community and relevant scientific institutions;

12. *Reiterates* its invitation to Member States to be represented at the Eleventh Congress at the highest possible level, for example by heads of State or Government or government ministers and attorneys general, and to participate actively in the high-level segment;

13. *Requests* the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Eleventh Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups, and to take appropriate measures to encourage the participation of the academic and research community in the Congress;

14. *Encourages* the relevant specialized agencies and programmes of the United Nations system and intergovernmental and non-governmental organizations, as well as other professional organizations, to cooperate with the United Nations Office on Drugs and Crime in the preparations for the Eleventh Congress;

15. *Requests* the Secretary-General to ensure, in collaboration with Member States, a wide and effective programme of public information relating to the preparations for the Eleventh Congress, to the Congress itself and to the follow-up to and implementation of its recommendations;

16. *Welcomes* the appointment, by the Secretary-General of the United Nations, of a Secretary-General and an Executive Secretary of the Eleventh Congress, to perform their functions under the rules of procedure for United Nations congresses on crime prevention and criminal justice;

17. *Requests* the Secretary-General to prepare an overview of the state of crime and criminal justice worldwide for presentation at the Eleventh Congress, in accordance with past practice;

18. *Calls upon* the Eleventh Congress to formulate concrete proposals for further follow-up and action, paying particular attention to practical arrangements related to the effective implementation of the international legal instruments pertaining to transnational organized crime, terrorism and corruption and technical assistance activities related thereto;

19. *Requests* the Commission on Crime Prevention and Criminal Justice at its fourteenth session to give high priority to considering the conclusions and recommendations of the Eleventh Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the General Assembly at its sixtieth session;

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

Draft resolution II

Assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of conferences of States parties

The General Assembly,

Recalling its resolution 55/2 of 8 September 2000, by which it adopted the United Nations Millennium Declaration, in particular paragraph 15 thereof, in which the heads of State and Government undertook to address the special needs of the least developed countries,

Recalling also its resolution 58/228 of 23 December 2003, in particular paragraph 9 thereof, in which it requested the Secretary-General to take appropriate measures, within existing resources and with the full participation of the regional economic commissions and relevant United Nations bodies, to support the participation of the least developed countries in international meetings, as well as in their preparation and consultation processes,

Stressing the need for the effective and timely ratification of the United Nations conventions and protocols related to transnational organized crime, corruption and terrorism and their subsequent implementation,

Recognizing the critical significance of those instruments, which provide a legal framework for strengthening international cooperation, based on mutual commitments by the least developed countries and their development partners to undertake specific action to ensure the full implementation of the provisions of the instruments,

Welcoming the contributions already made by multilateral and bilateral donors to ensure the participation of representatives of least developed countries in the

negotiation of the United Nations Convention against Transnational Organized Crime⁶ and the Protocols thereto,⁷ as well as the United Nations Convention against Corruption,⁸

Emphasizing the importance of the effective participation of all relevant stakeholders from the least developed countries, developing countries and countries with economies in transition in the sessions of the Commission on Crime Prevention and Criminal Justice and in the sessions of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption,

1. *Calls upon* Member States, international organizations and funding institutions to redouble their efforts to increase their voluntary contributions to assist the Secretary-General in covering the cost of travel and daily subsistence allowance for the participation of representatives of least developed countries in the sessions of the Commission on Crime Prevention and Criminal Justice and in the sessions of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption, and requests the Executive Director of the United Nations Office on Drugs and Crime to intensify efforts to ensure the increased participation of representatives of least developed countries in those meetings;

2. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of the present resolution.

Draft resolution III

Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime

The General Assembly,

Recalling its relevant resolutions on the prevention and suppression of terrorism, as well as Security Council resolutions 1269 (1999) of 19 October 1999, 1373 (2001) of 28 September 2001, 1377 (2001) of 12 November 2001 and 1456 (2003) of 20 January 2003,

Recalling also its resolutions 56/1 of 12 September 2001, in which it strongly condemned the heinous acts of terrorism of 11 September 2001 and urgently called for international cooperation to prevent and eradicate acts of terrorism, and 57/27 of 19 November 2002, in which it also condemned those in Bali and Moscow, as well as Security Council resolutions 1450 (2002) of 13 December 2002, 1465 (2003) of 13 February 2003, 1516 (2003) of 20 November 2003 and 1530 (2004) of 11 March

⁶ General Assembly resolution 55/25, annex I.

⁷ General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.

⁸ General Assembly resolution 58/4, annex.

2004, condemning in the strongest terms the bomb attacks in Kikambala, Kenya; Bogota; Istanbul, Turkey; and Madrid, respectively, and expressing its deepest sympathy and condolences to the victims of terrorist attacks and their families,

Condemning the acts of violence perpetrated in many parts of the world against humanitarian personnel and United Nations and its associated personnel, in particular deliberate attacks, which are in violation of international humanitarian law as well as other international law that may be applicable, such as the attack against the headquarters of the United Nations Assistance Mission for Iraq in Baghdad on 19 August 2003,

Recalling its resolutions 58/136 and 58/140 of 22 December 2003, in which it, inter alia, encouraged the activities of the United Nations Office on Drugs and Crime within its mandates in the area of preventing terrorism by providing Member States, upon request, with technical assistance, specifically to implement the universal conventions and protocols related to terrorism, thereby strengthening international cooperation in preventing and combating terrorism, working in close coordination with the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and the Office of Legal Affairs of the Secretariat, as well as with international, regional and subregional organizations and specialized agencies,

Mindful of its resolution 58/81 of 9 December 2003, in which it welcomed the efforts of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognized, in the context of Security Council resolution 1373 (2001), the role of the Branch in assisting States to become parties to and implement the relevant international conventions and protocols related to terrorism,

Recalling Security Council resolution 1535 (2004) of 26 March 2004 to enhance the ability of the Counter-Terrorism Committee to monitor the implementation of Council resolution 1373 (2001),

Recalling also the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,⁹ which emanated from the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,

Noting with appreciation the issuance of the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*¹⁰ in all the official languages of the United Nations, which was reviewed by an expert group hosted by the International Institute of Higher Studies in Criminal Sciences in Siracusa, Italy,

Noting also with appreciation the guidelines for technical assistance within the framework of international cooperation against terrorism, which were formulated and reviewed during an expert group meeting held in Cape Town, South Africa, from 24 to 27 February 2004,

⁹ General Assembly resolution 55/59, annex.

¹⁰ United Nations publication, Sales No. E.04.V.7.

Deeply concerned that acts of international terrorism continue to be perpetrated, endangering the lives and well-being of individuals worldwide, as well as the peace and security of all States,

Reaffirming its unequivocal condemnation of terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter of the United Nations, international law and the relevant international conventions,

Recalling that Member States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and that such measures are adopted in accordance with international law, in particular international human rights, refugee and humanitarian law,

Mindful of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

1. *Commends* the United Nations Office on Drugs and Crime for its work in preventing and combating terrorism through the provision of technical assistance, in close consultation with the Counter-Terrorism Committee, for the implementation of Security Council resolution 1373 (2001), in particular for the promotion of the ratification of, accession to and implementation of the universal conventions and protocols related to terrorism;

2. *Also commends* the efforts of the United Nations Office on Drugs and Crime to reinforce close cooperation with international, regional and subregional organizations, such as the Council of Europe, the International Monetary Fund, the Organization of American States, the Organization for Security and Cooperation in Europe and the World Bank, and the Counter-Terrorism Committee in preventing and combating terrorism, an example of which was the Follow-up Meeting to the United Nations Counter-Terrorism Committee Special Meeting of 6 March 2003, with participants from international, regional and subregional organizations, organized by the Organization for Security and Cooperation in Europe, in close cooperation with the United Nations Office on Drugs and Crime, in Vienna on 11 and 12 March 2004, and which resulted in the Vienna Declaration of 12 March 2004;¹¹

3. *Welcomes* the regional and subregional workshops held in Antalya, Turkey, and in Bamako, Khartoum, London, San José and Vilnius to familiarize national experts and criminal justice officials with the requirements of Security Council resolution 1373 (2001) and the requirements for becoming parties to and implementing the universal conventions and protocols related to terrorism and international cooperation agreements, and encourages the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, in coordination with the Counter-Terrorism Committee and subject to the availability of extrabudgetary resources, to ensure proper follow-up to those workshops, in cases where such follow-up is indicated by the participating States;

¹¹ S/2004/276, annex.

4. *Calls upon* Member States that have not yet done so to become parties to and to implement the universal conventions and protocols related to terrorism as soon as possible and, where appropriate, to request assistance to that end from the United Nations Office on Drugs and Crime, in coordination with the Counter-Terrorism Committee;

5. *Invites* Member States that are not yet parties to those instruments to make use of the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*¹⁰ in their efforts to incorporate the provisions of those instruments into their national legislation, and requests the Secretariat, subject to the availability of extrabudgetary resources, to develop the *Legislative Guide* further as a tool for the provision of technical assistance aimed at the implementation of the universal conventions and protocols related to terrorism;

6. *Requests* the Secretariat to submit the guidelines for technical assistance that were formulated and reviewed during the expert group meeting held in Cape Town, South Africa, from 24 to 27 February 2004, to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice for discussion, with a view to consideration of the guidelines by the Commission on Crime Prevention and Criminal Justice at its subsequent session;

7. *Requests* the United Nations Office on Drugs and Crime to continue to work with international organizations, in particular specialized agencies and other relevant United Nations entities that undertake work that is complementary to that of the Office, in order to enhance synergies;

8. *Urges* Member States to continue working together, including on a regional and bilateral basis and in close cooperation with the United Nations, to prevent and combat acts of terrorism by strengthening international cooperation and technical assistance within the framework of Security Council resolutions 1373 (2001), 1377 (2001) and 1456 (2003), as well as the universal conventions and protocols related to terrorism and Council resolutions 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1390 (2002) of 16 January 2002, 1455 (2003) of 17 January 2003, 1526 (2004) of 30 January 2004 and 1535 (2004) and other relevant United Nations resolutions, and in accordance with the Charter of the United Nations and international law;

9. *Invites* Member States to examine ways and means to reinforce international cooperation in criminal justice matters pertaining to terrorism prevention during the Eleventh United Nations Congress on Crime Prevention and Criminal Justice with a view to enhancing global efforts in the fight against terrorism;

10. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to intensify its efforts to provide technical assistance, upon request, in preventing and combating terrorism through the implementation of the universal conventions and protocols related to terrorism, with particular emphasis on the need to coordinate its work with the Counter-Terrorism Committee and its Executive Directorate, including training judicial and prosecutorial personnel, where appropriate, in the proper implementation of the universal conventions and protocols related to terrorism;

11. *Also requests* the United Nations Office on Drugs and Crime to pursue an integrated, synergistic approach in the delivery of technical assistance to requesting States, taking into account the links that exist between terrorism and other forms of crime;

12. *Expresses its appreciation* to donor countries that have supported the Global Programme against Terrorism, through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund or the United Nations Crime Prevention and Criminal Justice Programme network, and invites all Member States to make voluntary contributions to the Fund in order to allow the United Nations Office on Drugs and Crime to provide technical assistance to requesting Member States;

13. *Calls upon* Member States to strengthen, to the greatest extent possible, international cooperation in order to combat terrorism, including, when necessary, entering into bilateral treaties on extradition and mutual legal assistance;

14. *Recognizes* the need for the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to provide Member States, upon request, and in coordination with the Counter-Terrorism Committee, with technical assistance to strengthen international cooperation, including in international, national, regional and subregional forums, in terrorism-related criminal justice matters in the framework of the universal conventions and protocols and the relevant Security Council resolutions related to terrorism;

15. *Requests* the Secretary-General to convene, subject to the availability of extrabudgetary resources, an expert workshop, taking into account the need for adequate and equitable geographical representation and open to any Member State wishing to participate as an observer, to examine and analyse problems encountered by criminal justice practitioners in affording mutual legal assistance and granting extradition for terrorist offences, with a view to identifying proven and promising practices and possible ways of facilitating international cooperation, taking into account information that Member States may wish to provide;

16. *Also requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

Draft resolution IV

International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims

The General Assembly,

Concerned at the increase in the practice of kidnapping in various countries of the world and at the harmful effects of that crime on victims and their families, and determined to support measures to assist and protect them and to promote their recovery,

Reiterating that the kidnapping of persons under any circumstances and for any purpose constitutes a serious crime and a violation of individual freedom and undermines human rights,

Noting the transnational nature of organized crime and the tendency of organized criminal groups and terrorist groups to expand their illegal operations,

Concerned at the growing tendency of organized criminal groups and terrorist groups to resort to kidnapping, especially for the purpose of extortion, as a method of accumulating capital with a view to consolidating their criminal operations and undertaking other illegal activities, such as trafficking in firearms and drugs, money-laundering and crimes related to terrorism,

Convinced that the links between various illegal activities, including terrorism, and organized crime pose an additional threat to security and the quality of life, hindering economic and social development,

Convinced also that the United Nations Convention against Transnational Organized Crime¹² provides the legal framework necessary for international cooperation in the fight against kidnapping,

Recalling Economic and Social Council resolution 2003/28 of 22 July 2003, entitled "International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims", in which the Council requested the Secretary-General, drawing on extrabudgetary funds or voluntary contributions, to provide technical assistance to States, upon request, to enable them to strengthen their capacity to combat kidnapping, and to submit a progress report on that topic to the Commission on Crime Prevention and Criminal Justice at its thirteenth session,

1. *Vigorously condemns and rejects once again* the practice of kidnapping, under any circumstances and for any purpose, especially when it is carried out by organized criminal groups and terrorist groups;

2. *Reiterates* that organized criminal groups and terrorist groups as well as all perpetrators are responsible for any harm or death that may result from a kidnapping for which they are responsible and should be punished accordingly;

3. *Takes note with appreciation* of the report of the Secretary-General on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims¹³ and of the recommendations presented therein, submitted pursuant to Economic and Social Council resolutions 2002/16 of 24 July 2002 and 2003/28;

4. *Encourages* Member States to continue to foster international cooperation, especially extradition, mutual legal assistance, collaboration between law enforcement authorities and exchange of information, with a view to preventing, combating and eradicating kidnapping;

5. *Calls upon* Member States that have not yet done so, in furtherance of the fight against kidnapping, to strengthen their measures against money-laundering and to engage in international cooperation and mutual assistance in, inter alia, the tracing, detection, freezing and confiscation of proceeds of kidnapping in order to combat organized criminal groups and terrorist groups;

6. *Urges* Member States that have not yet done so to pay special attention to the considerable psychological, social and economic damage associated with

¹² General Assembly resolution 55/25, annex I.

¹³ E/CN.15/2004/7 and Add.1.

kidnapping by adopting legislative, administrative or any other measures to provide appropriate support and assistance to victims and their families;

7. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to prepare a handbook for use by competent authorities of proven and promising practices in the fight against kidnapping, including:

- (a) Measures to prevent the crime of kidnapping that are directed at potential victims;
- (b) Preventive measures aimed at disbanding organized criminal groups and terrorist groups;
- (c) Cooperation or strategic alliances with the private sector;
- (d) Response to and management of crises;
- (e) Identification of the minimum elements that would help States to make adjustments to their domestic legislation with a view to having a common understanding of the crime of kidnapping, which would also help to ascertain reliable trends from a global perspective;
- (f) Development of specialized measures for providing support and assistance to victims and their families;
- (g) Information on national authorities responsible for preventing and combating kidnapping;
- (h) Reporting procedures, rescue operations, information systems and prosecutions;

8. *Also requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to provide technical assistance to States, upon request, to enable them to strengthen their capacity to combat kidnapping, including:

- (a) Training of judges, prosecutors and other law enforcement officials in mechanisms for disbanding criminal organizations and in the use of special investigative techniques for the rescue of kidnapped persons, bearing in mind the particular need to safeguard and protect the victim;
- (b) Review of trends and greater understanding of the problem in order to create a basis for developing policies and strategies against kidnapping.

Draft resolution V

Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption

The General Assembly,

Deeply concerned about the impact of corruption on the political, social and economic stability and development of societies,

Bearing in mind that the prevention and combating of corruption is a common and shared responsibility of the international community, necessitating cooperation at the bilateral and multilateral levels,

Bearing in mind also that the prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, if their efforts to prevent and combat corruption are to be effective,

Reaffirming its support 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,¹⁴

Recalling its resolution 58/4 of 31 October 2003, by which it adopted the United Nations Convention against Corruption and urged all States and competent regional economic organizations to sign and ratify it,

Noting with appreciation the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption, held in Merida, Mexico, in December 2003,

Noting also 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,

1. *Welcomes* the signing of the United Nations Convention against Corruption¹⁵ by a large number of Member States, which signifies the high level of commitment on the part of the international community to the purpose of the Convention;

2. *Urges* Member States to consider signing and ratifying the United Nations Convention against Corruption as soon as possible in order to allow its early entry into force and subsequent implementation;

3. *Encourages* Member States to make adequate voluntary contributions, where appropriate, to the United Nations Crime Prevention and Criminal Justice Fund to provide developing countries and countries with economies in transition the technical assistance they may require to implement the Convention, including assistance for the preparatory measures required for implementation, taking into account article 62 of the Convention;

4. *Requests* the Secretary-General to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the entry into force and implementation of the Convention, 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;

¹⁴ General Assembly resolution 55/59, annex.

¹⁵ General Assembly resolution 58/4, annex.

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

Draft resolution VI

Preventing, combating and punishing trafficking in human organs

The General Assembly,

Recalling its resolution 53/111 of 9 December 1998, by which it established an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea,

Recalling also its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling further its resolution 55/255 of 31 May 2001, by which it adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts, Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,

Concerned about the negative economic and social implications of the activities of organized crime and the possible expansion of such crime, such as trafficking in human organs,

Alarmed at the potential growth of exploitation by criminal groups of human needs, poverty and destitution for the purpose of trafficking in human organs, using violence, coercion and kidnapping, especially kidnapping of children, with a view to exploiting them by means of organ transplant operations,

Noting with concern that trafficking in human organs, wherever it occurs, constitutes a gross violation of the human rights, including the integrity, of its victims,

Convinced of the need to strengthen local, regional and international cooperation in effective prevention and combating of such activities wherever they occur,

Determined to prevent the provision of safe haven to those who participate in or profit from transnational organized crime and to prosecute such persons for the crimes they commit,

Deploring the commercialization of the human body,

1. *Urges* Member States, should they ascertain that such a phenomenon exists in their country, to adopt the necessary measures to prevent, combat and punish the illicit removal of and trafficking in human organs;
2. *Encourages* Member States to exchange experience in and information on preventing, combating and punishing the illicit removal of and trafficking in human organs;
3. *Requests* the Eleventh United Nations Congress on Crime Prevention and Criminal Justice to pay attention to the issue of the illicit removal of and trafficking in human organs;
4. *Requests* the Secretary-General of the United Nations, in collaboration with the States and organizations concerned and subject to the availability of extrabudgetary resources, to prepare a study on the extent of the phenomenon of trafficking in human organs for submission to the Commission on Crime Prevention and Criminal Justice at its fifteenth session.

Draft resolution VII

International cooperation in the fight 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 Protocols thereto

The General Assembly,

Recalling its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling also its resolution 55/255 of 31 May 2001, by which it adopted 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,

Recalling further its resolution 58/135 of 22 December 2003 on international cooperation in the fight 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 Protocols thereto,

Reaffirming its deep concern at the impact of transnational organized crime on the political, social and economic stability and development of societies,

Reaffirming that the adoption of the Convention and the Protocols thereto is a significant development in international criminal law and that they constitute

important instruments for effective international cooperation against transnational organized crime,

1. *Takes note with appreciation* of the report of the Secretary-General on the United Nations Convention against Transnational Organized Crime and the Protocols thereto;¹⁶

2. *Welcomes* the entry into force of the United Nations Convention against Transnational Organized Crime, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;

3. *Commends* the United Nations Office on Drugs and Crime for its work in promoting the ratification of the Convention and the Protocols thereto, including, in particular, the preparation of legislative guides designed to facilitate the ratification and subsequent implementation of those instruments, and invites the Office to finalize the legislative guides and to disseminate them as widely as possible;

4. *Urges* all States and relevant regional economic integration organizations that have not done so to consider ratifying or acceding to 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, as soon as possible;

5. *Urges* all States and relevant regional economic integration organizations to take all necessary measures to improve international cooperation in criminal matters, especially extradition and mutual legal assistance, in accordance with the Convention;

6. *Welcomes* the financial support provided by several donors to promote the entry into force and implementation of the Convention and the Protocols thereto, and encourages Member States to make sufficient voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, as well as contributions in direct support of activities and projects of the United Nations Office on Drugs and Crime, including through contributions to the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, for the provision of technical assistance to developing countries and countries with economies in transition for the implementation of those international legal instruments;

7. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and the Protocols thereto and to discharge its functions as the secretariat of the Conference of the Parties in accordance with its mandate;

8. *Requests* the United Nations Office on Drugs and Crime to continue to assist States, upon request, with capacity-building in the area of international cooperation in criminal matters, in particular extradition and mutual legal assistance;

¹⁶ E/CN.15/2004/5.

9. *Requests* the Secretary-General to report on the implementation of the present resolution in his report on the work of the United Nations Office on Drugs and Crime to be submitted to the General Assembly at its sixtieth 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

Establishment of an intergovernmental expert group to prepare a draft model bilateral agreement on disposal of confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

The Economic and Social Council,

Recalling article 13, paragraph 2, of the United Nations Convention against Transnational Organized Crime,¹⁷ which obliges States parties to the Convention, when requested by other States parties, to take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, of the Convention for the purpose of eventual confiscation, and recalling also article 14, paragraph 3, of the Convention, according to which States parties may give special consideration to concluding agreements on sharing with other States parties such confiscated proceeds of crime,

Recalling also article 5, paragraph 4 (b), of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,¹⁸ which provides for such measures as well,

Aware that requesting States, in pursuing property subject to confiscation located beyond their borders, and States executing requests from other States related to confiscation often incur substantial expenses in investigations, prosecutions or judicial proceedings,

Mindful that an increasing number of States have concluded agreements on sharing confiscated proceeds of crime in order to foster cooperation in matters involving confiscation, for example by defraying case-related expenses,

Determined to strengthen international cooperation in the confiscation and disposal of the proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,

¹⁷ General Assembly resolution 55/25, annex I.

¹⁸ United Nations, *Treaty Series*, vol. 1582, No. 27627.

Recognizing that a model bilateral agreement on sharing confiscated proceeds of crime could facilitate greater international cooperation in this matter and could contribute to the achievement of the objectives of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and that such a model agreement should not prejudice the principles set forth in the United Nations Convention against Corruption¹⁹ or the development, at a later stage, of any appropriate mechanism to facilitate the implementation of that Convention,

1. *Requests* the Secretary-General to convene, subject to the availability of extrabudgetary resources, an open-ended intergovernmental expert group, the composition of which should reflect an equitable geographical representation and a diversity of legal systems, to prepare a draft model bilateral agreement on sharing confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime¹⁷ and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,¹⁸

2. *Accepts with gratitude* the offer of the Government of the United States of America to host the meeting of the open-ended intergovernmental expert group;

3. *Requests* the open-ended intergovernmental expert group, in carrying out its work, to take into account, where appropriate, existing agreements on sharing confiscated proceeds of crime and other relevant instruments developed in multilateral forums;

4. *Requests* the Secretary-General to submit the results of the meeting of the open-ended intergovernmental expert group to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Commission on Crime Prevention and Criminal Justice at its fourteenth session for their consideration.

Draft resolution II

The rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction

The Economic and Social Council,

Bearing in mind that one of the fundamental purposes of the United Nations, as enshrined in the Preamble to the Charter of the United Nations, is to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained,

Recalling the ministerial-level discussion of the Security Council held in September 2003, during which the Council invited all Member States to contribute to enhancing the role of the United Nations in establishing justice and the rule of law in post-conflict societies,

¹⁹ General Assembly resolution 58/4, annex.

Fully aware that the international community is confronted with the problem of conflict and war in certain parts of the world, especially in Africa, Asia and Latin America and the Caribbean,

Concerned about the activities of organized criminal groups engaged in trafficking in human beings, drug trafficking and money-laundering at the national and international levels, and in particular about the destabilizing impact of those activities on national security and peacekeeping and reconstruction efforts,

Recalling the United Nations Millennium Declaration, in which heads of State and Government expressed their resolve to strengthen respect for the rule of law in international as in national affairs, and stated that they would spare no effort to strengthen respect for all internationally recognized human rights and fundamental freedoms, including the right to development, and would support the consolidation of democracy in Africa and assist Africans in their struggle for lasting peace, poverty eradication and sustainable development, thereby bringing Africa into the mainstream of the world economy,²⁰

Bearing in mind that, in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, Member States emphasized that it was the responsibility of each State to establish and maintain a fair, responsible, ethical and efficient criminal justice system and that effective action for crime prevention and criminal justice required 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,²¹

Recalling the plans of action for the implementation of the Vienna Declaration on Crime and Justice, in particular the actions against transnational organized crime, corruption, money-laundering, terrorism and high-technology and computer-related crime and the actions on crime prevention, witnesses and victims of crime, prison overcrowding and alternatives to incarceration, juvenile justice, special needs of women in the criminal justice system, standards and norms and restorative justice,²²

Recalling also the Basic Principles on the Independence of the Judiciary,²³

Stressing that the participants in the Symposium on the Role of Judges in the Promotion and Protection of Human Rights,²⁴ held in Vienna on 24 November 2003, called upon States to ensure that the rule of law and the independence of the judicial system and its functioning were to be preserved, to the extent possible, in conflict situations and that judges and their staff were to be protected from unlawful pressure, which might hinder them from exercising their functions,

Noting the thematic discussions on the “Rule of law and development: the contribution of operational activities in crime prevention and criminal justice” held

²⁰ General Assembly resolution 55/2, paras. 9, 24 and 27.

²¹ General Assembly resolution 55/59, annex, paras. 3 and 13.

²² General Assembly resolution 56/261, annex, sects. I, II and VI-XV.

²³ *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. D.2, annex.

²⁴ E/CN.4/2004/G/26, annex.

at the thirteenth session of the Commission on Crime Prevention and Criminal Justice,

Recalling Commission on Human Rights resolution 2004/43, entitled “Human rights in the administration of justice, in particular juvenile justice”, in which the Commission encouraged all relevant parts of the United Nations system, as well as relevant regional and international intergovernmental and non-governmental organizations, including professional associations, to continue to develop and coordinate their activities in promoting human rights in the administration of justice, in particular juvenile justice, addressing as a matter of priority the needs of judges,

Recalling also the draft resolution entitled “Drug control and related crime prevention assistance for countries emerging from conflict”,²⁵ recommended by the Commission on Narcotic Drugs for adoption by the Economic and Social Council, in which the Council would urge Member States emerging from conflict to give adequate priority to addressing the drug problem and related crime in their post-conflict reconstruction efforts,

Noting with satisfaction the steady progress being made towards restoring peace in a number of conflict zones throughout the world, especially in Africa, Asia and Latin America and the Caribbean,

Noting with appreciation the progress made by the United Nations Office on Drugs and Crime in the implementation of the criminal justice reform programme in Afghanistan, aimed at restoring the rule of law in that post-conflict society,

Recognizing the importance of the rule of law in post-conflict reconstruction and the consolidation of peace,

Noting the leading role of the Department of Peacekeeping Operations of the Secretariat, among other entities, in providing assistance to countries in post-conflict situations,

1. *Requests* the United Nations Office on Drugs and Crime, in coordination with the Department of Peacekeeping Operations of the Secretariat and other relevant entities charged with providing assistance to countries in post-conflict situations, to consider specific practical strategies to assist in promoting the rule of law, especially in countries emerging from conflict, paying particular attention to the most affected countries in Africa and taking an integrated approach to crime prevention and criminal justice reform, with particular emphasis on protecting vulnerable groups, subject to the availability of extrabudgetary resources;

2. *Encourages* the United Nations Office on Drugs and Crime to continue to provide technical assistance and advisory services to Member States upon request in support of criminal justice reform and to incorporate elements concerning the rule of law into such assistance, wherever possible, including in the framework of peacekeeping and post-conflict reconstruction, in coordination with the Department of Peacekeeping Operations and other relevant entities charged with providing assistance to countries in post-conflict situations, drawing on United Nations standards and norms in crime prevention and criminal justice and the United

²⁵ *Official Records of the Economic and Social Council, 2004, Supplement No. 8 (E/2004/28), chap. I, sect. II, draft resolution I.*

Nations Convention against Transnational Organized Crime²⁶ and the Protocols thereto²⁷ and the United Nations Convention against Corruption;²⁸

3. *Invites* the United Nations Office on Drugs and Crime to develop assessment tools for criminal justice reform, including in the framework of peacekeeping and post-conflict reconstruction;

4. *Urges* Member States providing development assistance to countries emerging from conflict to increase, where relevant, their bilateral assistance in crime prevention and criminal justice to those countries;

5. *Invites* the global and regional intergovernmental financial and development institutions, including the World Bank and the International Monetary Fund, to strengthen collaboration with the Department of Peacekeeping Operations, the United Nations Office on Drugs and Crime and other providers of technical assistance in the area of the rule of law and to provide adequate funding for projects in the justice sector;

6. *Invites* the institutes of the United Nations Crime Prevention and Criminal Justice Programme network to include in their work programmes the question of the rule of law with a view to contributing to a better understanding of the links between the rule of law and development and to develop appropriate training materials;

7. *Urges* the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005, to incorporate matters related to the rule of law into its programme of work, where relevant;

8. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on the implementation of the present resolution.

Draft resolution III

International cooperation in the prevention, investigation, prosecution and punishment of fraud, the criminal misuse and falsification of identity and related crimes

The Economic and Social Council,

Concerned at the proliferation of national and transnational cases of fraud and related economic crimes and the involvement of organized criminal groups, modern technologies and the criminal misuse and falsification of identity in such cases,

Convinced that forms of criminal misuse and falsification of identity such as the taking and criminal misuse of personal identifying information and the assumption of false identities constitute a significant and increasing problem related to fraud,

²⁶ General Assembly resolution 55/25, annex I.

²⁷ General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.

²⁸ General Assembly resolution 58/4, annex.

Convinced also that the criminal misuse and falsification of identity is commonly associated with other illicit activities, including money-laundering, of organized criminal groups, corruption and terrorism and that the proceeds of fraud are used to finance such activities,

Concerned that the spread of modern information and communication technologies creates a vast range of new opportunities for fraud and the criminal misuse and falsification of identity, which in turn jeopardizes the legitimate use of such technologies and represents a threat to States seeking to use such technologies for development,

Recalling chapter XI of the report of the United Nations Commission on International Trade Law on its thirty-sixth session,²⁹ in which the Commission considered that it would be useful to conduct a study of forms of commercial fraud and that it might be possible for the Commission on Crime Prevention and Criminal Justice to conduct such a study,

Recalling also the report on the Colloquium on International Commercial Fraud, convened by the United Nations Commission on International Trade Law and held in Vienna from 14 to 16 April 2004,³⁰

1. *Condemns* the perpetration of fraud, the criminal misuse and falsification of identity and other illicit activities supported thereby;

2. *Encourages* Member States that have not already done so:

(a) To prevent, detect, investigate, prosecute and punish fraud and the criminal misuse and falsification of identity through criminal law and other measures;

(b) To take into account the need to prevent and combat fraud and the criminal misuse and falsification of identity in the development and regulation of relevant domestic commercial, financial or other institutions and systems;

(c) To facilitate the identification, tracing, freezing, seizure and confiscation of the proceeds of fraud and the criminal misuse and falsification of identity;

3. *Also encourages* Member States to cooperate with one another in efforts to prevent and combat fraud and the criminal misuse and falsification of identity, including through the United Nations Convention against Transnational Organized Crime³¹ and other appropriate international instruments, and to consider the review of domestic laws on fraud and the criminal misuse and falsification of identity, where necessary and appropriate, to facilitate such cooperation;

4. *Requests* the Secretary-General to convene, in consultation with regional groups and subject to the availability of extrabudgetary resources, an inter-governmental expert group, with representation based on the regional composition of the Commission on Crime Prevention and Criminal Justice and reflecting the diversity of legal systems and open to any Member State wishing to participate as an observer, to prepare a study on fraud and the criminal misuse and falsification of identity, including:

²⁹ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17 (A/58/17)*.

³⁰ A/CN.9/555.

³¹ General Assembly resolution 55/25, annex I.

(a) The nature and extent of fraud and the criminal misuse and falsification of identity;

(b) Domestic and transnational trends in fraud and the criminal misuse and falsification of identity;

(c) The relationship between fraud, other forms of economic crime, the criminal misuse and falsification of identity and other illicit activities, including organized crime, money-laundering and terrorism;

(d) The prevention and control of fraud and the criminal misuse and falsification of identity using commercial and criminal law, criminal justice and other means, and how these can be harmonized;

(e) The particular problems posed by fraud and the criminal misuse and falsification of identity for developing countries and countries with economies in transition;

5. *Requests* the intergovernmental expert group to use the information gained by the study for the purpose of developing useful practices, guidelines or other materials in the prevention, investigation and prosecution of fraud and the criminal misuse and falsification of identity;

6. *Also requests* the intergovernmental expert group, in carrying out its work, to take into consideration the relevant work of the United Nations Commission on International Trade Law and other bodies where relevant and appropriate, bearing in mind the need to avoid duplication;

7. *Invites* Member States to cooperate with and assist the intergovernmental expert group in its work, including by the provision of relevant and appropriate policy, legislative, research and other materials and by the provision of data about the nature and scope of fraud, the criminal misuse and falsification of identity and related problems in each country;

8. *Also invites* Member States to make voluntary contributions in order to support the work of the intergovernmental expert group and to facilitate the participation of experts from developing countries therein;

9. *Invites* the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, under the substantive item entitled "Economic and financial crimes: challenges to sustainable development" and at its Workshop on Measures to Combat Economic Crime, including Money-Laundering, to consider and discuss the issues of fraud and the criminal misuse and falsification of identity, and invites the intergovernmental expert group to take into account the results of those discussions in carrying out its work;

10. *Recommends* that the Secretary-General designate the United Nations Office on Drugs and Crime to serve as secretariat for the intergovernmental expert group, in consultation with the secretariat of the United Nations Commission on International Trade Law;

11. *Requests* the Secretary-General to submit a progress report on the work of the intergovernmental expert group and the plan of work for the study to the Commission on Crime Prevention and Criminal Justice at its fourteenth session and to submit, in a timely manner, a substantive report containing the results of the

study to the Commission at its fifteenth session or, if necessary, at its sixteenth session, for its consideration;

12. *Also requests* the Secretary-General to circulate, in advance, the report on the work of the intergovernmental expert group and the results of the study, including any useful practices, guidelines or other materials, to all Member States in all official languages, in order to seek their views on the results of the study and to reflect any views or concerns expressed in the final report to the Commission on Crime Prevention and Criminal Justice.

Draft resolution IV

Guidelines on justice for child victims and witnesses of crime

The Economic and Social Council,

Recalling General Assembly resolution 40/34 of 29 November 1985, by which the Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

Recalling also the provisions of the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989, in particular articles 3 and 39 thereof, as well as the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by the Assembly in its resolution 54/263 of 25 May 2000, in particular article 8 thereof,

Bearing in mind the relevant provisions of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, annexed to General Assembly resolution 55/59 of 4 December 2000, as well as the plans of action for the implementation of the Vienna Declaration, annexed to Assembly resolution 56/261 of 31 January 2002, in particular the plans of action on witnesses and victims of crime and juvenile justice,

Bearing in mind also the document entitled “A World Fit for Children”, adopted by the General Assembly in its resolution S-27/2 of 10 May 2002,

Recalling 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,

Mindful of the serious physical, psychological and emotional consequences of various forms of crime for the victims, especially child victims,

Recognizing that the participation of child victims and witnesses of crime in the criminal justice process is essential in order to effectively prosecute various forms of crime, including in cases of sexual exploitation of children, trafficking in children and other forms of transnational organized crime where children are often the only witnesses,

Mindful of the public interest in a fair trial based on reliable evidence and also of the susceptibility of child witnesses and victims to suggestion or coercion,

Mindful also of the fact that child victims and witnesses of crime require special protection, assistance and support appropriate to their age, level of maturity and individual special needs in order to prevent additional hardship caused to them as a result of their participation in the criminal justice process,

Emphasizing that United Nations standards and norms in crime prevention and criminal justice contribute to the body of declarations, treaties and other instruments spearheading criminal justice reform in Member States aimed at dealing effectively and humanely with any form of crime and its prevention worldwide,

Noting with appreciation the efforts of the International Bureau for Children's Rights in drawing up guidelines on justice for child victims and witnesses of crime, drafted together with a steering/drafting committee of renowned international experts in the area of child rights, criminal law and victimology,

1. *Requests* the Secretary-General to convene an intergovernmental expert group, with representation based on the regional composition of the Commission on Crime Prevention and Criminal Justice and open to any Member State wishing to participate as an observer, subject to the availability of extrabudgetary resources, in order to develop guidelines on justice in matters involving child victims and witnesses of crime;

2. *Requests* the intergovernmental expert group, within the context of its meeting, to take into consideration any relevant material, including the guidelines on justice for child victims and witnesses of crime drawn up by the International Bureau for Children's Rights, annexed to the present resolution;

3. *Invites* the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, under the substantive item entitled "Making standards work: fifty years of standard-setting in crime prevention and criminal justice", during the Workshop on Enhancing Criminal Justice Reform, including Restorative Justice, and during the ancillary meetings of non-governmental and professional organizations, to consider and discuss the issue of guidelines on justice for child victims and witnesses of crime, and invites the intergovernmental expert group to take into account the results of those discussions in carrying out its work;

4. *Requests* the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice at its fifteenth session for its consideration and action a report on the results of the meeting of the intergovernmental expert group.

Annex

Guidelines on justice for child victims and witnesses of crime drawn up by the International Bureau of Children's Rights

I. Objectives and preamble

A. Objectives

1. The present guidelines on justice for child victims and witnesses of crime set forth good practice based on the consensus of contemporary knowledge and relevant international and regional norms, standards and principles.

2. The guidelines provide a practical framework to achieve the following objectives:

(a) To guide professionals and, where appropriate, volunteers working with child victims and witnesses of crime in their day-to-day practice in the adult and juvenile justice process at the national, regional and international levels, consistent with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;³²

(b) To assist in the review of national and domestic laws, procedures and practices so that these ensure full respect for the rights of child victims and witnesses of crime and fully implement the Convention on the Rights of the Child;³³

(c) To assist Governments, international organizations, public agencies, non-governmental and community based organizations and other interested parties in designing and implementing legislation, policy, programmes and practices that address key issues related to child victims and witnesses of crime;

(d) To assist and support those caring for children in dealing sensitively with child victims and witnesses of crime.

3. Each jurisdiction will need to implement the present guidelines consistent with its legal, social, economic, cultural and geographical conditions. However, the jurisdiction should constantly endeavour to overcome practical difficulties in their application, as the guidelines are, in their entirety, a set of minimum acceptable principles and standards.

4. In implementing the guidelines, each jurisdiction must ensure that adequate training, selection and procedures are put in place to meet the special needs of child victims and witnesses of crime, where the nature of the victimization affects categories of children differently, such as sexual assault of girl children.

5. The guidelines cover a field in which knowledge and practice are growing and improving. They are neither intended to be exhaustive nor to preclude further development, provided it is in harmony with their underlying objectives and principles.

³² General Assembly resolution 40/34, annex.

³³ General Assembly resolution 44/25, annex.

6. The guidelines should also be applied to processes in informal and customary systems of justice such as restorative justice and in non-criminal fields of law including, but not limited to, custody, divorce, adoption, child protection, mental health, citizenship, immigration and refugee law.

B. Considerations

7. The guidelines were developed:

(a) Cognizant that millions of children throughout the world suffer harm as a result of crime and abuse of power and that the rights of those children have not been adequately recognized and that they may suffer additional hardship when assisting in the justice process;

(b) Reaffirming that every effort must be made to prevent victimization of children, particularly through implementation of the Guidelines for the Prevention of Crime;³⁴

(c) Recalling that the Convention on the Rights of the Child sets forth requirements and principles to secure effective recognition of the rights of children and that the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power sets forth principles to provide victims with the right to information, participation, protection, reparation and assistance;

(d) Stressing that all States parties to international and regional instruments have a duty to fulfil their obligations, including the implementation of the Convention on the Rights of the Child and its Protocols;

(e) Recalling international and regional initiatives that implement the principles of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, including the *Handbook on Justice for Victims* and the *Guide for Policy Makers on the Declaration of Basic Principles*, both issued by the United Nations Office for Drug Control and Crime Prevention in 1999;

(f) Recognizing that children are vulnerable and require special protection appropriate to their age, level of maturity and individual special needs;

(g) Considering that improved responses to child victims and witnesses of crime can make children and their families more willing to disclose instances of victimization and more supportive of the justice process;

(h) Recalling that justice for child victims and witnesses of crime must be assured while safeguarding the rights of accused and convicted offenders, including those that focus on children in conflict with the law, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules);³⁵

(i) Bearing in mind the variety of legal systems and traditions, and noting that crime is increasingly transnational in nature and that there is a need to ensure that child victims and witnesses of crime receive equivalent protection in all countries.

³⁴ Economic and Social Council resolution 2002/13, annex.

³⁵ General Assembly resolution 40/33, annex.

C. Principles

8. In order to ensure justice for child victims and witnesses of crime, professionals and others responsible for the well-being of those children must respect the following cross-cutting principles as stated in other international instruments and in particular the Convention on the Rights of the Child,³⁶ as reflected in the work of the Committee on the Rights of the Child:

(a) *Dignity*. Every child is a unique and valuable human being and as such his or her individual dignity, special needs, interests and privacy should be respected and protected;

(b) *Non-discrimination*. Every child has the right to be treated fairly and equally, regardless of his or her or the parent or legal guardian's race, ethnicity, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability and birth or other status;

(c) *Best interests of the child*. Every child has the right to have his or her best interests given primary consideration. This includes the right to protection and to a chance for harmonious development:

(i) *Protection*. Every child has the right to life and survival and to be shielded from any form of hardship, abuse or neglect, including physical, psychological, mental and emotional abuse and neglect;

(ii) *Harmonious development*. Every child has the right to a chance for harmonious development and to a standard of living adequate for physical, mental, spiritual, moral and social growth. In the case of a child who has been traumatized, every step should be taken to enable the child to enjoy healthy development;

(d) *Right to participation*. Every child has the right to express his or her views, opinions and beliefs freely in all matters, in his or her own words, and to contribute especially to the decisions affecting his or her life, including those taken in any judicial processes, and to have those views taken into consideration.

D. Definitions

9. Throughout the present guidelines, the following definitions apply:

(a) "Child victims and witnesses" denotes children and adolescents, under the age of 18, who are victims of crime or witnesses to crime regardless of their role in the offence or in the prosecution of the alleged offender or groups of offenders;

(b) "Professionals" refers to persons who, within the context of their work, are in contact with child victims and witnesses of crime and for whom the present guidelines are applicable. This includes, but is not limited to, the following: child and victim advocates and support persons; child protection service practitioners; child welfare agency staff; prosecutors and defence lawyers; diplomatic and consular staff; domestic violence programme staff; judges; law enforcement officials; medical and mental health professionals; and social workers;

³⁶ General Assembly resolution 44/25, annex.

(c) “Justice process” encompasses detection of the crime, making of the complaint, investigation, prosecution and trial and post-trial procedures, regardless of whether the case is handled in a national, international or regional criminal justice system for adults or juveniles, or in a customary or informal system of justice;

(d) “Child-sensitive” denotes an approach that takes into account the child’s individual needs and wishes.

II. Guidelines on justice for child victims and witnesses of crime

A. The right to be treated with dignity and compassion

10. Child victims and witnesses should be treated in a caring and sensitive manner throughout the justice process, taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity.

11. Every child should be treated as an individual with his or her individual needs, wishes and feelings. Professionals should not treat any child as a typical child of a given age or as a typical victim or witness of a specific crime.

12. Interference in the child’s private life should be limited to the minimum needed at the same time as high standards of evidence collection are maintained in order to ensure fair and equitable outcomes of the justice process.

13. In order to avoid further hardship to the child, interviews, examinations and other forms of investigation should be conducted by trained professionals who proceed in a sensitive, respectful and thorough manner.

14. All interactions described in the present guidelines should be conducted in a child-sensitive and empathetic manner in a suitable environment that accommodates the special needs of the child. They should also take place in a language that the child uses and understands.

B. The right to be protected from discrimination

15. Child victims and witnesses should have access to a justice process that protects them from discrimination based on the child, parent or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability and birth or other status.

16. The justice process and support services available to child victims and witnesses and their families should be sensitive to the child’s age, wishes, understanding, gender, sexual orientation, ethnic, cultural, religious, linguistic and social background, caste, socio-economic condition and immigration or refugee status, as well as to the special needs of the child, including health, abilities and capacities. Professionals should be trained and educated about such differences.

17. In many cases, special services and protection will need to be instituted to take account of the different nature of specific offences against children, such as sexual assault involving girl children.

18. Age should not be a barrier to a child's right to participate fully in the justice process. Every child has the right to be treated as a capable witness and his or her testimony should be presumed valid and credible at trial unless proven otherwise and as long as his or her age and maturity allow the giving of intelligible testimony, with or without communication aids and other assistance.

C. The right to be informed

19. Child victims and witnesses, their families and their legal representatives, from their first contact with the justice process and throughout that process, have the right to be promptly informed of:

(a) The availability of health, psychological, social and other relevant services as well as the means of accessing such services along with legal or other advice or representation, compensation and emergency financial support, where applicable;

(b) The procedures for the adult and juvenile criminal justice process, including the role of child victims and witnesses, the importance, timing and manner of testimony, and ways in which "questioning" will be conducted during the investigation and trial;

(c) The progress and disposition of the specific case, including the apprehension, arrest and custodial status of the accused and any pending changes to that status, the prosecutorial decision and relevant post-trial developments and the outcome of the case;

(d) The existing support mechanisms for the child when making a complaint and participating in the investigation and court proceedings;

(e) The specific places and times of hearings and other relevant events;

(f) The availability of protective measures;

(g) The existing opportunities to obtain reparation from the offender or from the State through the justice process, through alternative civil proceedings or through other processes;

(h) The existing mechanisms for review of decisions affecting child victims and witnesses;

(i) The relevant rights for child victims and witnesses pursuant to the Convention on the Rights of the Child and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

D. The right to express views and concerns and to be heard

20. Professionals should make every effort to enable child victims and witnesses to express their views and concerns related to their involvement in the justice process.
21. Professionals should:
 - (a) Ensure that child victims and witnesses are consulted on the matters set forth in paragraph 19 above;
 - (b) Ensure that child victims and witnesses are enabled to express freely and in their own manner their views and concerns regarding their involvement in the justice process, their concerns regarding safety in relation to the accused, the manner in which they prefer to provide testimony and their feelings about the conclusions of the process.
22. Professionals should give due regard to the child's views and concerns and, if they are unable to accommodate them, should explain the reasons to the child.

E. The right to effective assistance

23. Child victims and witnesses and, where appropriate, family members should have access to assistance provided by professionals who have received relevant training as set out in paragraphs 41-43 below. This includes assistance and support services such as financial, legal, counselling, health and social services, physical and psychological recovery services, and other services necessary for the child's reintegration. All such assistance should address the child's needs and enable them to participate effectively at all stages of the justice process.
24. In assisting child victims and witnesses, professionals should make every effort to coordinate support so that the child is not subjected to excessive interventions.
25. Child victims and witnesses should receive assistance from support persons, such as child victim/witness specialists, commencing at the initial report and continuing until such services are no longer required.
26. Professionals should develop and implement measures to make it easier for children to give evidence and to improve communication and understanding at the pre-trial and trial stages. These measures may include:
 - (a) Child victim and witness specialists to address the child's special needs;
 - (b) Support persons, including specialists and appropriate family members to accompany the child during testimony;
 - (c) Guardians *ad litem* to protect the child's legal interests.

F. The right to privacy

27. Child victims and witnesses should have their privacy protected as a matter of primary importance.

28. Any information relating to a child's involvement in the justice process should be protected. This can be achieved through maintaining confidentiality and restricting disclosure of information that may lead to identification of a child who is a victim or witness in the justice process.

29. Where appropriate, measures should be taken to exclude the public and the media from the courtroom during the child's testimony.

G. The right to be protected from hardship during the justice process

30. Professionals should take measures to prevent hardship during the detection, investigation and prosecution process in order to ensure that the best interests and dignity of child victims and witnesses are respected.

31. Professionals should approach child victims and witnesses with sensitivity, so that they:

(a) Provide support for child victims and witnesses, including accompanying the child throughout his or her involvement in the justice process, when it is in his or her best interests;

(b) Provide certainty about the process, including providing child victims and witnesses with clear expectations as to what to expect in the process, with as much certainty as possible. The child's participation in hearings and trials should be planned ahead of time and every effort should be made to ensure continuity in the relationships between children and the professionals in contact with them throughout the process;

(c) Ensure speedy trials, unless delays are in the child's best interest. Investigation of crimes involving child victims and witnesses should also be expedited and there should be procedures, laws or court rules that provide for cases involving child victims and witnesses to be expedited;

(d) Use child-sensitive procedures, including interview rooms designed for children, interdisciplinary services for child victims integrated under one roof, modified court environments that take child witnesses into consideration, recesses during a child's testimony, hearings scheduled at times of day appropriate to the age and maturity of the child, an on-call system to ensure the child goes to court only when necessary and other appropriate measures to facilitate the child's testimony.

32. Professionals should also implement measures:

(a) To limit the number of interviews. Special procedures for collection of evidence from child victims and witnesses should be implemented in order to reduce the number of interviews, statements, hearings and, specifically, unnecessary contact with the justice process, such as through use of pre-recorded videos;

(b) To avoid unnecessary contacts with the alleged perpetrator, his or her defence team and other persons not directly related to the justice process. Professionals should ensure that child victims and witnesses are protected, if compatible with the legal system and with due respect for the rights of the defence, from being cross-examined by the alleged perpetrator. Wherever possible, and as

necessary, child victims and witnesses should be interviewed, and examined in court, out of sight of the alleged perpetrator, and separate courthouse waiting rooms and private interview areas should be provided;

(c) To use testimonial aids to facilitate the child's testimony. Judges should give serious consideration to permitting the use of testimonial aids to facilitate the child's testimony and to reduce potential for intimidation of the child, as well as exercise supervision and take appropriate measures to ensure that child victims and witnesses are questioned in a child-sensitive manner.

H. The right to safety

33. Where the safety of a child victim or witness may be at risk, appropriate measures should be taken to require the reporting of those safety risks to appropriate authorities and to protect the child from such risk before, during and after the justice process.

34. Child-focused facility staff, professionals and other individuals who come into contact with children should be required to notify appropriate authorities if they suspect that a child victim or witness has been harmed, is being harmed or is likely to be harmed.

35. Professionals should be trained in recognizing and preventing intimidation, threats and harm to child victims and witnesses. Where child victims and witnesses may be the subject of intimidation, threats or harm, appropriate conditions should be put in place to ensure the safety of the child. Such safeguards could include:

(a) Avoiding direct contact between child victims and witnesses and the alleged perpetrators at any point in the justice process;

(b) Using court-ordered restraining orders supported by a registry system;

(c) Ordering pre-trial detention of the accused and setting special "no contact" bail conditions;

(d) Placing the accused under house arrest;

(e) Wherever possible, giving child victims and witnesses protection by the police or other relevant agencies and safeguarding their whereabouts from disclosure.

I. The right to reparation

36. Child victims and witnesses should, wherever possible, receive reparation in order to achieve full redress, reintegration and recovery. Procedures for obtaining and enforcing reparation should be readily accessible and child-sensitive.

37. Provided the proceedings are child-sensitive and respect the present guidelines, combined criminal and reparations proceedings should be encouraged, together with informal and community justice procedures such as restorative justice.

38. Reparation may include restitution from the offender ordered in the criminal court, aid from victim compensation programmes administered by the State and

damages ordered to be paid in civil proceedings. Where possible, costs of social and educational reintegration, medical treatment, mental health care and legal services should be addressed. Procedures should be instituted to ensure automatic enforcement of reparation orders and payment of reparation before fines.

J. The right to special preventive measures

39. In addition to preventive measures that should be in place for all children, special strategies are required for child victims and witnesses who are particularly vulnerable to repeat victimization or offending.

40. Professionals should develop and implement comprehensive and specially tailored strategies and interventions in cases where there are risks that child victims may be victimized further. These strategies and interventions should take into account the nature of the victimization, including victimization related to abuse in the home, sexual exploitation, abuse in institutional settings and trafficking. The strategies may include those based on government, neighbourhood and citizen initiatives.

III. Implementation

A. Professionals should be trained and educated in the present guidelines in order to deal effectively and sensitively with child victims and witnesses

41. Adequate training, education and information should be made available to front-line professionals, criminal and juvenile justice officials, justice system practitioners and other professionals working with child victims and witnesses with a view to improving and sustaining specialized methods, approaches and attitudes.

42. Professionals should be selected and trained to meet the needs of child victims and witnesses, including in specialized units and services.

43. This training should include:

- (a) Relevant human rights norms, standards and principles, including the rights of the child;
- (b) Principles and ethical duties of their office;
- (c) Signs and symptoms that point to evidence of crimes against children;
- (d) Crisis assessment skills and techniques, especially for making referrals, with an emphasis placed on the need for confidentiality;
- (e) Impact, consequences and trauma of crimes against children;
- (f) Special measures and techniques to assist child victims and witnesses in the justice process;
- (g) Cross-cultural and age-related linguistic, religious, social and gender issues;

- (h) Appropriate adult-child communication skills;
- (i) Interviewing and assessment techniques that minimize any trauma to the child while maximizing the quality of information received from the child;
- (j) Skills to deal with child victims and witnesses in a sympathetic, understanding, constructive and reassuring manner;
- (k) Methods to protect and present evidence and to question child witnesses;
- (l) Roles of, and methods used by, professionals working with child victims and witnesses.

B. Professionals should cooperate in the implementation of the present guidelines so that child victims and witnesses are dealt with efficiently and effectively

44. Professionals should make every effort to adopt an interdisciplinary approach in aiding children by familiarizing themselves with the wide array of available services, such as victim support, advocacy, economic assistance, counselling, health, legal and social services. This approach may include protocols for the different stages of the justice process to encourage cooperation among entities that provide services to child victims and witnesses, as well as other forms of multidisciplinary work that includes police, prosecutor, medical, social services and psychological personnel working in the same location.

45. International cooperation should be enhanced between States and all sectors of society, both at the national and international levels, including mutual assistance for the purpose of facilitating collection and exchange of information and the detection, investigation and prosecution of transnational crimes involving child victims and witnesses.

C. The implementation of the guidelines should be monitored

46. Professionals should utilize the present guidelines as a basis for developing laws and written policies, standards and protocols aimed at assisting child victims and witnesses involved in the justice process.

47. Professionals should periodically review and evaluate their role, together with other agencies in the justice process, in ensuring the protection of the rights of the child and the effective implementation of the present guidelines.

Draft resolution V

United Nations standards and norms in crime prevention and criminal justice

The Economic and Social Council,

Recalling the United Nations Millennium Declaration, contained in General Assembly resolution 55/2 of 8 September 2000, in which the Assembly resolved to

strengthen respect for the rule of law in international as in national affairs and to make the United Nations more effective in maintaining peace and security by giving it the resources and tools it needed for conflict prevention, peaceful resolution of disputes, peacekeeping, post-conflict peace-building and reconstruction,

Mindful of the report of 21 August 2000 of the Panel on United Nations Peace Operations³⁷ and the discussions on justice and the rule of law held by the Security Council,

Noting the leading role of the Department of Peacekeeping Operations of the Secretariat, among other entities, in providing assistance to countries in post-conflict situations,

Recognizing the critical importance of incorporating crime prevention and criminal justice components into post-conflict reconstruction, poverty alleviation and socio-economic development programmes in order to ensure economic progress and good governance,

Mindful of the importance for Member States and intergovernmental and non-governmental organizations to use and apply United Nations standards and norms in crime prevention and criminal justice as important international principles in developing an efficient and fair criminal justice system, in particular in circumstances where the basic tenets of the rule of law are ineffective or absent or in post-conflict reconstruction,

Recalling its resolution 1993/34 of 27 July 1993, in particular section III, paragraph 7 (c) thereof, in which it requested the Secretary-General to commence without delay a process of information-gathering to be undertaken by means of surveys, such as reporting systems, and contributions from other sources,

Recalling also its resolution 2002/15 of 24 July 2002, in which it reaffirmed the importance of United Nations standards and norms in crime prevention and criminal justice, including in the framework of peacekeeping and post-conflict reconstruction,

Recalling further its resolution 2003/30 of 22 July 2003, in which it decided to group United Nations standards and norms in crime prevention and criminal justice into four categories for the purpose of targeted collection of information, in order to better identify the specific needs of Member States and to provide an analytical framework with a view to improving technical cooperation,

Reaffirming the important role of intergovernmental and non-governmental organizations in contributing to the effective use and application of United Nations standards and norms in crime prevention and criminal justice,

Desirous of reforming and streamlining the current process of information-gathering with regard to the application of United Nations standards and norms in crime prevention and criminal justice, in order to make it more efficient and cost-effective,

Wishing to streamline the provision of technical assistance in the use and application of United Nations standards and norms in crime prevention and criminal justice,

³⁷ A/55/305-S/2000/809.

1. *Takes note* of the report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice;³⁸
2. *Also takes note* of the report of the Intergovernmental Expert Group Meeting on United Nations Standards and Norms in Crime Prevention and Criminal Justice;³⁹
3. *Notes* the work undertaken by the Intergovernmental Expert Group Meeting on United Nations Standards and Norms in Crime Prevention and Criminal Justice, held in Vienna from 23 to 25 March 2004;
4. *Expresses its gratitude* to the Government of Canada for its financial support in the organization of the Intergovernmental Expert Group Meeting and to the European Institute for Crime Prevention and Control, affiliated with the United Nations, for assisting in the preparation of the information-gathering instruments for the first category of United Nations standards and norms in crime prevention and criminal justice;
5. *Takes note* of the instruments for gathering information on United Nations standards and norms related primarily to persons in custody, non-custodial sanctions and juvenile and restorative justice, as revised by the Intergovernmental Expert Group Meeting;
6. *Requests* the Secretary-General to forward the information-gathering instruments referred to in paragraph 5 above to Member States, intergovernmental and non-governmental organizations and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other United Nations entities for their comments;
7. *Also requests* the Secretary-General to review the information-gathering instruments referred to in paragraph 5 above on the basis of the comments received and, following that review, to present the revised instruments to an intersessional meeting of the Commission on Crime Prevention and Criminal Justice for approval;
8. *Invites* Member States to reply to the information-gathering instruments and to indicate their needs for technical assistance in the areas covered by the standards and norms referred to in paragraph 5 above;
9. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on the use and application of the United Nations standards and norms referred to in paragraph 5 above, in particular as regards:
 - (a) The difficulties encountered in the application of the United Nations standards and norms in crime prevention and criminal justice;
 - (b) Ways in which technical assistance can be provided to overcome those difficulties;
 - (c) Useful practices in addressing persisting and emerging challenges in crime prevention and criminal justice;

³⁸ E/CN.15/2004/9.

³⁹ E/CN.15/2004/9/Add.1.

10. *Invites* Member States to strengthen the human and financial resources available to the United Nations Office on Drugs and Crime in order to enable the Office to better assist States in conducting seminars, workshops, training programmes and other activities aimed at promoting the use and application of the United Nations standards and norms in crime prevention and criminal justice;

11. *Requests* the Secretary-General to assist Member States, upon request, subject to the availability of extrabudgetary resources, in the use and application of United Nations standards and norms in crime prevention and criminal justice through the development and implementation of technical assistance projects aimed at criminal justice reform;

12. *Requests* the United Nations Office on Drugs and Crime to continue to work with the Department of Peacekeeping Operations of the Secretariat and other relevant entities responsible for providing assistance to countries in post-conflict situations and, subject to the availability of extrabudgetary resources, to strengthen its capacity to provide technical assistance and advisory services to post-conflict reconstruction efforts by utilizing the instruments for gathering information on United Nations standards and norms in crime prevention and criminal justice to obtain data that will assist in integrating a crime prevention and criminal justice component into those activities;

13. *Requests* the Secretary-General to keep the development of legal, institutional and practical arrangements for international cooperation under review, through appropriate mechanisms such as, subject to the availability of extrabudgetary resources, the revision of the manuals on extradition and mutual legal assistance and preparation of model laws, in order to make international cooperation and technical assistance more effective;

14. *Invites* the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005, under the agenda item "Making standards work: fifty years of standard-setting in crime prevention and criminal justice", to address the issues raised in the present resolution with a view to consolidating and making more effective the action of United Nations and other intergovernmental and non-governmental organizations in this field;

15. *Requests* the Secretary-General to convene a meeting of intergovernmental experts, with representation based on the regional composition of the Commission on Crime Prevention and Criminal Justice and open to observers, subject to the availability of extrabudgetary resources, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to design information-gathering instruments on the following categories of United Nations standards and norms:

(a) Standards and norms related to legal, institutional and practical arrangements for international cooperation, wherever feasible;

(b) Standards and norms related primarily to crime prevention and victim issues;

16. *Also requests* the Secretary-General to forward the information-gathering instruments referred to in paragraph 15 above to Member States, intergovernmental and non-governmental organizations and the institutes of the United Nations Crime

Prevention and Criminal Justice Programme network and other United Nations entities for their comments;

17. *Further requests* the Secretary-General to review the information-gathering instruments referred to in paragraph 15 above, on the basis of the comments received, and to present those instruments, together with his report on progress made in their preparation, to the Commission on Crime Prevention and Criminal Justice at its sixteenth session.

Draft resolution VI

Strengthening international cooperation and technical assistance in combating money-laundering

The Economic and Social Council,

Bearing in mind the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,⁴⁰ the International Convention for the Suppression of the Financing of Terrorism,⁴¹ the United Nations Convention against Transnational Organized Crime⁴² and the United Nations Convention against Corruption,⁴³

Taking into account the activities of the Financial Action Task Force on Money Laundering, in particular its Forty Recommendations and eight Special Recommendations on Terrorist Financing, and those of similar regional bodies, such as the Egmont Group of Financial Intelligence Units,

Considering that multilateral action against the contemporary global phenomenon of transnational organized crime and its unlawful activities, including in particular trafficking in drugs, arms and human beings, money-laundering, corruption and the financing of terrorism, is important and involves shared responsibility and coordinated action by States in order to obtain greater coherence in conformity with relevant multilateral instruments,

Recognizing that the laundering of the proceeds of crime has spread internationally and in that way has become a worldwide threat to the stability and security of financial and commercial systems, including governmental structures, and that finding a solution to the problems stemming from organized crime and the proceeds of crime requires joint measures on the part of the international community,

Stressing the need for sufficient harmonization of the legislation of States as to allow for a satisfactory level of coordination of their efforts for the prevention, control, investigation and suppression of money-laundering, including money-laundering related to the financing of terrorism and other criminal activities,

Recognizing that effective action against money-laundering requires strengthened international cooperation and the use of systems that facilitate

⁴⁰ United Nations, *Treaty Series*, vol. 1582, No. 27627.

⁴¹ General Assembly resolution 54/107, annex.

⁴² General Assembly resolution 55/25, annex I.

⁴³ General Assembly resolution 58/4, annex.

collaboration and the exchange of information among the competent authorities in the States concerned,

Recognizing also the strategic need for States to possess an infrastructure suited to the conduct of financial analyses and investigations for a coordinated fight against money-laundering and the financing of transnational organized crime and of terrorism, using national, regional and international strategies,

Recognizing further the work carried out by the United Nations Office on Drugs and Crime, especially the Global Programme against Money-Laundering, as a centre for coordination and provision of technical assistance in that regard,

Reiterating the importance of establishing national plans or strategies for combating the laundering of the proceeds of crime,

1. *Urges* Member States that have not yet done so to strengthen their capacity to prevent, control, investigate and suppress serious crimes related to money-laundering, including money-laundering related to the financing of terrorism and, in general, any criminal action connected with transnational organized crime;

2. *Also urges* Member States that have not yet done so to establish financial intelligence units or to strengthen those already in existence and to provide them with the administrative, legal and technical resources needed to make progress in their work, with a view to enhancing their capacity to prevent, detect and control money-laundering, including money-laundering related to the financing of terrorism;

3. *Recommends* to Member States that they hold consultations with the United Nations Office on Drugs and Crime and other relevant bodies when drafting legislation against money-laundering in order to ensure that it is in conformity with applicable international instruments and relevant standards;

4. *Requests* the United Nations Office on Drugs and Crime to continue its work against money-laundering, subject to the availability of extrabudgetary resources and in cooperation with relevant regional and international organizations participating in activities designed to give effect to applicable international instruments and relevant standards for combating money-laundering, through the provision to Member States, upon request, of training, advisory assistance and long-term technical assistance, bearing in mind, inter alia, the Forty Recommendations and eight Special Recommendations on Terrorist Financing of the Financial Action Task Force on Money Laundering and the work of similar regional bodies;

5. *Encourages* Member States and the relevant international organizations to contribute to the mobilization of resources in order to strengthen the capacity of the United Nations Office on Drugs and Crime to provide technical assistance.

Draft resolution VII

Second World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice

The Economic and Social Council,

Recalling its resolutions on the use and application of United Nations standards and norms in crime prevention and criminal justice, especially in relation to the Guidelines on the Role of Prosecutors,⁴⁴

Stressing the important role that law enforcement and criminal justice professionals, in particular prosecutors, should play in the implementation of the United Nations Convention against Transnational Organized Crime⁴⁵ and the Protocols thereto,⁴⁶ the United Nations Convention against Corruption⁴⁷ and the twelve international legal instruments against terrorism,

Emphasizing the significance of promoting international cooperation in criminal matters, to which prosecutors can make a major contribution,

Aware of the outcome of the first World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice, held in Guatemala from 2 to 5 February 2004, and the adoption of its declaration, which contains important recommendations for future action,

1. *Welcomes* the initiative of Qatar to act as host to the second World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice, to be held in Doha in November 2005;

2. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources for that purpose, to assist the Government of Qatar in the preparation and substantive servicing of the Summit;

3. *Invites* the Summit to ensure that its programme is targeted to further strengthening international cooperation in criminal matters, taking into account the crucial role of prosecutors in enhancing law enforcement cooperation under the rule of law;

4. *Calls upon* the Summit to ensure that its conclusions and recommendations make a substantive contribution to the work of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime,⁴⁵ as well as to advance the ratification process of the United Nations Convention against Corruption⁴⁷ and the universal instruments against terrorism;

5. *Requests* the Secretary-General to bring the conclusions and recommendations of the Summit to the attention of the Commission on Crime Prevention and Criminal Justice.

⁴⁴ *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), chap. I, sect. C.26, annex.

⁴⁵ General Assembly resolution 55/25, annex I.

⁴⁶ General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.

⁴⁷ General Assembly resolution 58/4, annex.

Draft resolution VIII

Prevention of urban crime

The Economic and Social Council,

Recalling its resolution 2003/26 of 22 July 2003 on the prevention of urban crime, by which it requested all relevant United Nations organizations and bodies and international financial institutions to give appropriate consideration to the inclusion of urban crime prevention and law enforcement projects in their assistance programmes,

Recalling also the Declaration on Cities and Other Human Settlements in the New Millennium, adopted by the General Assembly in its resolution S-25/2 of 9 June 2001, which reaffirmed that the Istanbul Declaration on Human Settlements⁴⁸ and the Habitat Agenda⁴⁹ would remain the basic framework for sustainable human settlement development in the years to come,

Concerned about the seriousness of violent crimes in cities all over the world, which generates a fear of crime and has an impact on sustainable economic development, the quality of life and human rights,

Recalling that it had requested the United Nations Office on Drugs and Crime and the United Nations Human Settlements Programme to prepare proposals for the provision of technical assistance in the area of crime prevention in accordance with the Guidelines for the Prevention of Crime,⁵⁰ including through capacity-building and training,

Recalling also that the United Nations Human Settlements Programme and the United Nations Office on Drugs and Crime have explored areas of mutual interest in order to collaborate in the betterment of good urban governance with a view to achieving the goals and targets of the United Nations Millennium Declaration,⁵¹ including linking urban safety and urban governance, developing a conceptual understanding and tools in relation to the role of local authorities in crime prevention, examining local manifestations of transnational organized crime and developing new forms of justice, policing and policies targeting groups at risk, in particular children, youth and women,

Taking note of the memorandum of understanding between the United Nations Office on Drugs and Crime and the United Nations Human Settlements Programme with the aim of establishing a framework for collaboration, and noting that bilateral consultations have taken place and a programme of work has been developed,

Noting the progress made by Member States to establish effective policies and programmes in urban crime prevention, and encouraging increased sharing of experience,

⁴⁸ *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution I, annex I.

⁴⁹ *Ibid.*, annex II.

⁵⁰ Economic and Social Council resolution 2002/13, annex.

⁵¹ General Assembly resolution 55/2.

1. *Welcomes* the initiative of the United Nations Human Settlements Programme to collaborate with the United Nations Office on Drugs and Crime on technical assistance in relation to crime prevention, including the links between local and transnational organized crime, through operational projects, joint workshops and the compilation of useful practices and guidelines;
2. *Welcomes also* the fact that due attention will be given to the issue of urban crime at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice in the Workshop on Strategies and Best Practices for Crime Prevention, in particular in relation to Urban Crime and Youth at Risk;
3. *Takes note* of the Safer Cities Programme of the United Nations Human Settlements Programme, and encourages municipalities to join the related network;
4. *Welcomes* the initiative by the United Nations Office on Drugs and Crime to establish, for developing countries, a database of good and promising practices in the area of urban crime prevention, in coordination with the United Nations Human Settlements Programme and the relevant institutes of the United Nations Crime Prevention and Criminal Justice Programme network;
5. *Encourages* the United Nations Office on Drugs and Crime to develop its knowledge and tools pertaining to the role of local authorities in the prevention of crime through the development of specific measures targeting groups at risk, in particular children and youth;
6. *Invites* Member States to make or increase voluntary contributions, as appropriate, to the United Nations Crime Prevention and Criminal Justice Fund, as well as to make or increase contributions in direct support of activities and projects, including through contributions to the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, in order to strengthen further the capacity of the United Nations Office on Drugs and Crime to provide technical assistance;
7. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to provide technical assistance to States, upon request, in collaboration with other relevant entities, in the area of urban crime prevention;
8. *Calls once again* on all relevant United Nations organizations and bodies and international financial institutions to give appropriate consideration to the inclusion of urban crime prevention and law enforcement projects in their programmes of assistance.

Draft resolution IX

Implementation of technical assistance projects in Africa by the United Nations Office on Drugs and Crime

The Economic and Social Council,

Recalling the United Nations Millennium Declaration, in which heads of State and Government pledged to support the consolidation of democracy in Africa and to assist Africans in their struggle for lasting peace, poverty eradication and

sustainable development, thereby bringing Africa into the mainstream of the world economy,⁵²

Concerned at the fact that Africa has in recent years become a significant zone of transit, trafficking and abuse of drugs and trafficking in firearms and human beings, and bearing in mind that a number of African countries are facing post-conflict instability,

Welcoming the report of the Executive Director of the United Nations Office on Drugs and Crime, entitled "Development, security and justice for all",⁵³ in which it was underlined that drug abuse and trafficking, organized crime, corruption, terrorism and the spread of HIV/AIDS had all impeded sustainable development in Africa,

Mindful of the difficulties encountered by the United Nations Office on Drugs and Crime in the implementation of its projects in Africa,

1. *Reaffirms* that recent developments in Africa call for particular attention, especially in the fight against drugs and crime;

2. *Expresses its appreciation* to donor countries that have supported projects related to drug and crime issues on the African continent through their voluntary contributions to the United Nations Office on Drugs and Crime and invites them to continue their efforts, and invites other potential donor countries to provide similar support;

3. *Welcomes* the efforts of the United Nations Office on Drugs and Crime to improve the implementation of its projects in Africa, both at headquarters and in the field, and encourages the Office to continue those efforts;

4. *Requests* the United Nations Office on Drugs and Crime to produce a concept paper to analyse the current situation with respect to major drug and crime issues affecting the African continent and to propose policy directives, strategies and priority focus to gain support for assistance to Africa;

5. *Also requests* the United Nations Office on Drugs and Crime, in coordination with the African Union and interested Member States and subject to the availability of extrabudgetary resources, to promote an exchange of views, based on the results of the concept paper, by organizing an appropriate special event among interested Member States, relevant agencies and institutes providing technical assistance to Africa as well as those promoting South-South cooperation, in order:

(a) To discuss ways of reducing impediments to economic growth and sustainable development caused by widespread criminality, such as drug trafficking, organized crime and corruption;

(b) To ensure that appropriate responses to drug and crime issues are incorporated as core elements within bilateral and multilateral development assistance policies in the context of the New Partnership for Africa's Development and other relevant initiatives;

⁵² General Assembly resolution 55/2, para. 27.

⁵³ E/CN.7/2004/9-E/CN.15/2004/2.

(c) To explore ways of maximizing existing resources, including official development assistance, that could lead to improvements in the tackling of drugs and crime issues and to the strengthening of criminal justice institutions;

6. *Requests* Member States in the African region where projects are being implemented to mobilize national stakeholders and to make every effort to facilitate the implementation of such projects;

7. *Invites* Member States to promote synergies between technical assistance provided by the United Nations Office on Drugs and Crime and bilateral and regional cooperation activities in the African region, in particular in the context of the New Partnership for Africa's Development;

8. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of the present resolution.

Draft resolution X

Strengthening the technical cooperation capacity of the Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime

The Economic and Social Council,

Recalling the United Nations Millennium Declaration, in which heads of State and Government resolved to take concerted action against international terrorism and to accede as soon as possible to all the relevant international conventions, as well as to intensify efforts to fight transnational crime in all its dimensions, including trafficking as well as smuggling of migrants and money-laundering,⁵⁴

Reaffirming the values and principles enshrined in the United Nations Millennium Declaration, thereby emphasizing the importance of international cooperation and coordination among Member States in the fight against crime, in order to achieve sustainable development, improved quality of life, democracy and human rights,

Recalling the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,⁵⁵ adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and endorsed by the General Assembly in its resolution 55/59 of 4 December 2000, as well as the plans of action for its implementation,⁵⁶

Recalling also General Assembly resolution 58/140 of 22 December 2003, on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity,

⁵⁴ General Assembly resolution 55/2, para. 9.

⁵⁵ General Assembly resolution 55/59, annex.

⁵⁶ General Assembly resolution 56/261, annex.

Recalling further its resolution 2003/25 of 23 July 2003, on international cooperation, technical assistance and advisory services in crime prevention and criminal justice,

Welcoming the entry into force of the United Nations Convention against Transnational Organized Crime,⁵⁷ as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime⁵⁸ and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, supplementing the United Nations Convention against Transnational Organized Crime,⁵⁹

Recognizing the importance of the entry into force 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,⁶⁰

Welcoming the adoption and opening for signature of the United Nations Convention against Corruption,⁶¹

Recognizing that these important new instruments of international cooperation require the United Nations Office on Drugs and Crime to respond to an increasing number of requests for technical assistance in the area of crime prevention and criminal justice reform,

Expressing its appreciation to those Member States which have provided extrabudgetary funds in 2003, thus allowing the United Nations Office on Drugs and Crime to carry out a large number of advisory services and technical assistance activities in least developed countries, developing countries, countries with economies in transition and countries in post-conflict situations,

1. *Commends* the United Nations Office on Drugs and Crime for assisting Member States by responding to an increasing number of requests for advisory services and technical assistance in the implementation of projects, including with respect to the strengthening of institutional capacity, training in drafting of legislation and of law enforcement and criminal justice personnel and awareness-raising activities, in particular for parliamentarians, as well as in the development of national policies and promotion of legislative reform;

2. *Recognizes* the expansion of the technical assistance activities of the United Nations Office on Drugs and Crime, including additional interregional advisory services, and encourages international, regional and national funding agencies, as well as international financial institutions, to support the technical cooperation activities and interregional advisory services of the United Nations Office on Drugs and Crime;

⁵⁷ General Assembly resolution 55/25, annex I.

⁵⁸ General Assembly resolution 55/25, annex II.

⁵⁹ General Assembly resolution 55/25, annex III.

⁶⁰ General Assembly resolution 55/255, annex.

⁶¹ General Assembly resolution 58/4, annex.

3. *Encourages* relevant entities of the United Nations system, including the United Nations Development Programme, the World Bank and the International Monetary Fund, as well as other international and regional organizations, to strengthen their cooperation with the United Nations Office on Drugs and Crime, in order to ensure that, as appropriate, technical assistance activities in the field of crime prevention and criminal justice, in particular to combat organized crime, corruption, trafficking in persons and terrorism and its financing, are properly brought into the mainstream of their respective programmes, so as to ensure that expertise available at the Office related to crime prevention and criminal justice is fully utilized and that duplication of efforts is avoided;

4. *Reiterates* the need to have adequate resources available to further operationalize the activities of the United Nations Office on Drugs and Crime, taking into account the recently adopted integrated approach to drugs and crime;

5. *Invites* Member States to cooperate at the bilateral level with the least developed and developing countries and at the multilateral level with the United Nations and other international organizations within the framework of the United Nations Convention against Transnational Organized Crime;⁵⁷

6. *Also invites* Member States to make or increase voluntary contributions, as appropriate, to the United Nations Crime Prevention and Criminal Justice Fund, as well as contributions in direct support of activities and projects of the United Nations Office on Drugs and Crime, in order to strengthen further the capacity of the Office to provide advisory services and technical assistance;

7. *Encourages* recipient Member States that are in a position to do so to contribute to the activities of the United Nations Office on Drugs and Crime by providing the necessary infrastructure, as well as human and financial resources, for projects to be implemented in partnership with the Office;

8. *Requests* the Secretary-General to enhance further the resources available within the existing overall budgetary framework of the United Nations for operational activities and, in particular, the interregional advisory services of the United Nations Office on Drugs and Crime under section 23, Regular programme of technical cooperation,⁶² of the regular budget of the United Nations;

9. *Also requests* the Secretary-General to make all possible efforts, including appeals to donors in the private sector, mobilization of resources and fund-raising, to increase extrabudgetary resources, including general-purpose funds, bearing in mind the need to safeguard the independence and international character of the United Nations Office on Drugs and Crime.

Draft resolution XI

Protection against trafficking in cultural property

The Economic and Social Council,

Emphasizing the importance for States of protecting and preserving their cultural heritage in accordance with the Convention on the Means of Prohibiting and

⁶² A/58/6 (Sect. 23).

Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,⁶³ and other relevant instruments such as the 1995 Unidroit Convention on Stolen or Illegally Exported Cultural Objects and the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols,

Reaffirming its resolution 2003/29 of 22 July 2003, entitled “Prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property”,

Recalling General Assembly resolution 58/17 of 3 December 2003, entitled “Return or restitution of cultural property to the countries of origin”,

Recalling also the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which was welcomed by the General Assembly in its resolution 45/121 of 14 December 1990,

Noting with appreciation the Cairo Declaration on the Protection of Cultural Property, made at the international conference celebrating the fiftieth anniversary of the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, held in Cairo from 14 to 16 February 2004, as well as its relevant recommendations,

Alarmed by the fact that organized criminal groups are involved in trafficking in stolen cultural property and that the international trade in looted, stolen or smuggled cultural property is estimated at several billion United States dollars per year,

Stressing that the entry into force of the United Nations Convention against Transnational Organized Crime⁶⁴ is expected to create a new impetus in international cooperation to counter and curb transnational organized crime, which will in turn lead to innovative and broader approaches to dealing with the various manifestations of such crime, including trafficking in movable cultural property,

Expressing the need to enhance or to establish, as appropriate, standards for the restitution and return of movable property forming part of the cultural heritage of peoples after it has been stolen or trafficked and for its protection and preservation,

1. *Takes note with appreciation* of the report of the Secretary-General on the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property;⁶⁵

2. *Welcomes* international, regional and national initiatives for the protection of cultural property, in particular the work of the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental

⁶³ United Nations, *Treaty Series*, vol. 823, No. 11806.

⁶⁴ General Assembly resolution 55/25, annex I.

⁶⁵ E/CN.15/2004/10 and Add.1.

Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation;

3. *Requests* the Secretary-General to direct the United Nations Office on Drugs and Crime, in close cooperation with the United Nations Educational, Scientific and Cultural Organization and subject to the availability of extrabudgetary resources, to convene an expert group meeting to submit relevant recommendations to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on protection against trafficking in cultural property, including ways of making more effective the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property;

4. *Encourages* Member States asserting state ownership of cultural property to consider means of issuing statements of such ownership with a view to facilitating the enforcement of property claims in other States;

5. *Urges* Member States to continue to strengthen international cooperation and mutual assistance in the prevention and prosecution of crime against movable property that forms part of the cultural heritage of peoples, as well as to ratify and implement the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property⁶³ and the other relevant conventions;

6. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on the implementation of the present resolution.

Draft resolution XII

Combating the spread of HIV/AIDS in criminal justice* pre-trial and correctional facilities

The Economic and Social Council,

Alarmed at the continuing spread of the HIV/AIDS epidemic in pre-trial and correctional facilities,

Recalling its resolution 1997/36 of 21 July 1997 on international cooperation for the improvement of prison conditions and its resolution 1999/27 of 28 July 1999 on penal reform,

Reaffirming its resolution 2002/15 of 24 July 2002 on United Nations standards and norms in crime prevention and criminal justice, in section II of which it invited Member States to undertake the necessary efforts to solve the problem of prison overcrowding,

Recalling General Assembly resolution 56/261 of 31 January 2001 on the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,⁶⁶ in particular the plans of action on crime prevention, on prison overcrowding and alternatives to

* The term "pre-trial and correctional facilities" as used in the present text refers to the criminal justice aspect indicated in the title of the resolution.

⁶⁶ General Assembly resolution 55/59, annex.

incarceration, on juvenile justice and on the special needs of women in the criminal justice system,

Recalling also the objectives related to HIV/AIDS contained in the United Nations Millennium Declaration,⁶⁷

Welcoming the Declaration of Commitment on HIV/AIDS⁶⁸ adopted by the General Assembly at its twenty-sixth special session, on HIV/AIDS, in June 2001,

Acknowledging that HIV/AIDS is primarily, but not exclusively, a public health issue governed by the World Health Organization and coordinated by the Joint United Nations Programme on HIV/AIDS, combining the efforts of the nine co-sponsoring agencies and programmes within the United Nations system, which formulate and coordinate policy responses to this global problem,

Taking into account that, within that framework, specific vulnerable groups, such as prisoners, merit particular attention and, as such, the United Nations Office on Drugs and Crime has an important role within the framework of its mandate in questions of standards and norms related to pre-trial and correctional facilities,

Recalling Commission on Narcotic Drugs resolutions 45/1 and 46/2 on strengthening strategies regarding the prevention of HIV/AIDS in the context of drug abuse, as well as its resolution 47/2 on prevention of HIV/AIDS among drug users,

Recalling also Commission on Human Rights resolution 2003/47 on the protection of human rights in the context of HIV/AIDS, in which the Commission urged Member States to ensure that their prison policies and practices respect human rights in the context of HIV/AIDS, prohibit HIV/AIDS-related discrimination and promote effective programmes for the prevention of HIV/AIDS in pre-trial and correctional facilities,

Recalling further the concerns of the Commission on Human Rights, reflected in its resolution 2004/26 on access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria,

Mindful of the fact that the physical and social conditions associated with imprisonment may facilitate the spread of HIV/AIDS in pre-trial and correctional facilities, and thus in society,

Deeply concerned at the potential role of pre-trial and correctional facilities as multipliers or “incubators” of the HIV/AIDS epidemic, as the findings of the report of the United Nations Development Programme entitled *Reversing the Epidemic: Facts and Policy Options*⁶⁹ suggest,

Underlining the importance of the Standard Minimum Rules on the Treatment of Prisoners⁷⁰ as guidelines for operating secure, safe and orderly pre-trial and

⁶⁷ General Assembly resolution 55/2.

⁶⁸ General Assembly resolution S-26/2, annex.

⁶⁹ United Nations Development Programme, *Reversing the Epidemic: Facts and Policy Options* (Bratislava, 2004).

⁷⁰ *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.

correctional facilities, providing meaningful activities for prisoners, monitoring general prison conditions, ensuring an effective complaint system and providing for basic prisoner rights, including the right to adequate health care,

1. *Recognizes* that measures are needed to address overcrowding and to curb violence in pre-trial and correctional facilities;

2. *Invites* Member States to consider, where appropriate and in accordance with national legislation, the use of alternatives to imprisonment, as well as early release for prisoners with advanced AIDS;

3. *Recognizes* that effective HIV/AIDS prevention, care and treatment strategies require behavioural changes and increased availability of and non-discriminatory access to HIV/AIDS prevention, care and treatment, as well as increased research and development;

4. *Recognizes also* that prisoners have the right to adequate health care and that access to qualified medical personnel should be ensured;

5. *Suggests* that appropriate training should be given to managers and warders of pre-trial and correctional facilities to enable them to deal better with HIV/AIDS;

6. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to work in coordination with the United Nations Joint Programme on HIV/AIDS, the World Health Organization and other relevant United Nations entities to collect information and analyse the situation of HIV/AIDS in pre-trial and correctional facilities, with a view to providing Governments with programmatic and policy guidance, within its mandate in relation to standards and norms concerning such facilities, building on lessons learned and taking into account existing guidelines and recommendations from previous and ongoing activities in various regions of the world;

7. *Encourages* the United Nations Office on Drugs and Crime, within its mandate in relation to standards and norms concerning pre-trial and correctional facilities, to offer advice and expertise to the United Nations Joint Programme on HIV/AIDS, the World Health Organization and other relevant United Nations entities in order to ensure that the particular problems of HIV/AIDS in such facilities are adequately addressed;

8. *Invites* Member States to make voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, in direct support of activities and projects of the United Nations Office on Drugs and Crime related to prevention of HIV/AIDS in pre-trial and correctional facilities;

9. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on the implementation of the present resolution.

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

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

Draft decision I

Report of the Commission on Crime Prevention and Criminal Justice on its thirteenth session and provisional agenda and documentation for its fourteenth session

The Economic and Social Council:

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its thirteenth session;⁷¹

(b) Decides that the prominent theme for the fourteenth session of the Commission shall be “Conclusions and recommendations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice”;

(c) Approves the provisional agenda and documentation for the fourteenth session, on the understanding that intersessional meetings will be held in Vienna, at no additional cost, to finalize the items to be included in the provisional agenda and the documentation requirements for the fourteenth session, as well as a shorter duration for the fourteenth session, on an exceptional and non-precedental basis.

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

A. Provisional agenda

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Work of the United Nations Office on Drugs and Crime.
4. Consideration of the conclusions and recommendations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice.
5. Follow-up to the action plans for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century.
6. International cooperation in combating transnational crime.
7. Strengthening international cooperation and technical assistance in preventing and combating terrorism.
8. Use and application of United Nations standards and norms in crime prevention and criminal justice.
9. Strategic management and programme questions: programme questions.
10. Provisional agenda for the fifteenth session of the Commission.

B. Documentation

1. Election of officers
(Legislative authority: Economic and Social Council resolution 2003/31)

⁷¹ *Official Records of the Economic and Social Council, 2004, Supplement No. 10 (E/2004/30).*

2. Adoption of the agenda and organization of work

Documentation

Provisional agenda, annotations and proposed organization of work

(Legislative authority: rules 5 and 7 of the rules of procedure of the functional commissions of the Economic and Social Council and Council resolution 1992/1 and decision 1997/232)

3. Work of the United Nations Office on Drugs and Crime

Documentation

Report of the Executive Director on the work of the United Nations Office on Drugs and Crime

(Legislative authority: General Assembly resolution 57/170 and Economic and Social Council resolutions 1992/22, 1999/23 and 2004/... [E/CN.15/2004/L.20/Rev.1])

Report of the Secretary-General on the implementation of technical assistance projects in Africa by the United Nations Office on Drugs and Crime

(Legislative authority: Economic and Social Council resolution 2004/... [E/CN.15/2004/L.16/Rev.1])

Report of the Secretary-General on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network

(Legislative authority: Economic and Social Council resolutions 1992/22, 1994/21 and 1999/23)

4. Consideration of the conclusions and recommendations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

Documentation

Report of the Secretary-General on the conclusions and recommendations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

(Legislative authority: General Assembly resolutions 56/119, 57/170, 57/171, 58/138 and 59/... [E/CN.15/2004/L.3/Rev.1])

5. Follow-up to the action plans for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

6. International cooperation in combating transnational crime

Documentation

Report of the Secretary-General on international cooperation in combating transnational crime

(Legislative authority: General Assembly resolutions 57/168, 57/169 and 59/... [E/CN.15/2004/L.20/Rev.1])

Report on the meeting of the open-ended intergovernmental expert group to prepare a draft model bilateral agreement on sharing confiscated proceeds of

crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

(Legislative authority: Economic and Social Council resolution 2004/... [E/CN.15/2004/L.2/Rev.1])

Report of the Secretary-General on strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking

(Legislative authority: General Assembly resolution 58/137)

Report of the Secretary-General on the United Nations Convention against Corruption

(Legislative authority: General Assembly resolutions 40/243, 55/61, 56/186, 56/260, 57/169 and 59/... [E/CN.15/2004/L.12/Rev.1])

Report of the Secretary-General on illicit trafficking in protected species of wild flora and fauna

(Legislative authority: Economic and Social Council resolution 2003/27)

Report of the Secretary-General on progress made by the intergovernmental expert group convened to prepare a study on fraud, the criminal misuse and falsification of identity and related crimes

(Legislative authority: Economic and Social Council resolution 2004/... [E/CN.15/2004/L.6/Rev.1])

Note by the Secretariat on the study on the functioning of extradition and mutual legal assistance through existing mechanisms, including bilateral, regional and multilateral agreements or arrangements

(Legislative authority: General Assembly resolution 58/135)

7. Strengthening international cooperation and technical assistance in preventing and combating terrorism

Documentation

Report of the Secretary-General on strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime

(Legislative authority: General Assembly resolutions 58/136 and 59/... [E/CN.15/2004/L.8/Rev.1])

8. Use and application of United Nations standards and norms in crime prevention and criminal justice

Documentation

Report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice

(Legislative authority: Economic and Social Council resolutions 1992/22 and 2003/30)

Report of the Secretary-General on action to promote effective crime prevention

(Legislative authority: Economic and Social Council resolution 2002/13)

Report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty

(Legislative authority: Economic and Social Council resolutions 1745 (LIV), 1986/10, 1989/64, 1990/51 and 1995/57)

9. Strategic management and programme questions

Programme questions

Documentation

Report of the Secretary-General on assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of conferences of States parties

(Legislative authority: General Assembly resolution 59/... [E/CN.15/2004/L.5/Rev.1])

Report on the intersessional work of the bureau of the Commission on Crime Prevention and Criminal Justice, including on its experience with regard to the adherence of Member States to the procedural requirements for the submission of draft proposals

(Legislative authority: Economic and Social Council resolution 2003/31, para. 2)

Note by the Secretary-General on the proposed programme budget for the period 2006-2007

Note by the Secretary-General on the medium-term plan for the period 2002-2005 and the proposed strategic framework for the period 2006-2009

10. Provisional agenda for the fifteenth 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 decisions 2002/238 and 2004/... [E/CN.15/2004/L.1/Add.8/Rev.1])

Draft decision II

Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

The Economic and Social Council decides to endorse the appointment, by the Commission on Crime Prevention and Criminal Justice at its thirteenth session, of Ann-Marie Begler (Sweden) and Elizabeth G. Verville (United States of America) to

the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.