

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

Model bilateral agreement on the sharing of confiscated proceeds of crime or property 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 General Assembly,

Recalling Economic and Social Council resolution 2004/24 of 21 July 2004,

Recalling also the United Nations Convention against Transnational Organized Crime¹ and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,²

Recalling further the meeting of the 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, held in Vienna from 26 to 28 January 2005³ with extrabudgetary resources provided for that purpose by the Government of the United States of America,

Convinced that a model bilateral agreement on sharing confiscated proceeds of crime or property could be a useful tool to facilitate greater international cooperation in that area, being one of the principal objectives of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,

Noting the importance of the reference in article 3 of the Model Bilateral Agreement on the Sharing of Confiscated Proceeds of Crime or Property to article 14, paragraph 2, of the United Nations Convention against Transnational Organized Crime, in which it is stated that States parties shall, to the extent

¹ General Assembly resolution 55/25, annex I.

² United Nations, *Treaty Series*, vol. 1582, No. 27627.

³ E/CN.15/2005/7.

permitted by domestic law, give priority consideration to returning the confiscated proceeds of crime or property to the requesting State party so that it can give compensation to the victims of the crime or return such proceeds of crime or property to their legitimate owners,

1. *Expresses its appreciation* to the 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 for having prepared the draft model bilateral agreement on the sharing of confiscated proceeds of crime or property;

2. *Adopts* the Model Bilateral Agreement on the Sharing of Confiscated Proceeds of Crime or Property, annexed to the present resolution, as a useful model that could be of assistance to States interested in negotiating and concluding bilateral agreements to facilitate the sharing of proceeds of crime;

3. *Stresses* that the Model Bilateral Agreement will not prejudice the principles set forth in the United Nations Convention against Corruption⁴ or the development, at a later stage, of any appropriate mechanism to facilitate the implementation of that Convention;

4. *Invites* Member States, in concluding agreements with other States in the area of sharing proceeds of crime pursuant to article 14 of the United Nations Convention against Transnational Organized Crime and article 5 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 or in revising, where necessary or useful, existing bilateral agreements in that area, to take into account the Model Bilateral Agreement;

5. *Requests* the Secretary-General to bring to the attention of Member States the present resolution, together with the Model Bilateral Agreement;

6. *Encourages* Member States to inform the Secretary-General voluntarily of efforts undertaken in the area of sharing confiscated proceeds of crime or property, in particular the establishment of agreements in that area;

7. *Requests* the United Nations Office on Drugs and Crime to convey to the Commission on Crime Prevention and Criminal Justice information regarding efforts undertaken by Member States in the area of sharing confiscated proceeds of crime or property;

8. *Also requests* the United Nations Office on Drugs and Crime to provide to Member States, at their request, technical assistance and advice, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,⁵ to give effect to the arrangements to be made pursuant to agreements to be negotiated on the basis of the Model Bilateral Agreement.

⁴ General Assembly resolution 58/4, annex.

⁵ This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

Annex

Model Bilateral Agreement on the Sharing of Confiscated Proceeds of Crime or Property⁶

Agreement between the Government of _____
and
the Government of _____
regarding the sharing of confiscated
proceeds of crime or property

*The Government of _____ and the Government
of _____ (hereinafter referred to as “the Parties”),*

Recalling the United Nations Convention against Transnational Organized Crime,⁷ in particular its article 12, paragraph 1, and articles 13 and 14,

Recalling also the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,⁸ in particular article 5, paragraphs 1, 4 and 5,

Recognizing that this Agreement should not prejudice the principles set forth in the United Nations Convention against Corruption⁹ or the development, at a later stage, of any appropriate mechanism to facilitate the implementation of that Convention,

Reaffirming that nothing in the provisions of this Agreement should prejudice in any way the provisions and the principles on international cooperation set forth in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the United Nations Convention against Transnational Organized Crime, and that this Agreement is intended to enhance the effectiveness of international cooperation envisioned in those Conventions,

Considering [reference to a treaty on mutual legal assistance if one exists between the Parties],

Desiring to create an appropriate framework for sharing confiscated proceeds of crime or property,

Have agreed as follows:

Article 1 Definitions

For the purposes of this Agreement:

⁶ The present model agreement may be useful for the implementation of other relevant instruments developed in multilateral forums to which the parties to the agreement may also be parties, such as the International Convention for the Suppression of the Financing of Terrorism (General Assembly resolution 54/109, annex) and the Forty Recommendations of the Financial Action Task Force against Money Laundering.

⁷ General Assembly resolution 55/25, annex I.

⁸ United Nations, *Treaty Series*, vol. 1582, No. 27627

⁹ General Assembly resolution 58/4, annex.

(a) The terms “proceeds of crime”, “confiscation” and “property” shall be understood as defined in article 2 of the United Nations Convention against Transnational Organized Crime and article 1 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

(b) “Cooperation” shall mean any assistance described in articles 13, 16, 18-20, 26 and 27 of the United Nations Convention against Transnational Organized Crime or article 5, paragraph 4, and articles 6, 7, 9-11 and 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, as well as cooperation between entities foreseen in article 7 of the United Nations Convention against Transnational Organized Crime, which has been given by one Party and which has contributed to, or facilitated, confiscation of proceeds of crime or property.

Article 2

Scope of application

This Agreement is intended solely for the purposes of mutual assistance between the Parties.

Article 3

Circumstances in which confiscated proceeds of crime or property [may] [shall] be shared

Where a Party is in possession of confiscated proceeds of crime or property and has cooperated with, or received cooperation from, the other Party, it [may] [shall] share such proceeds of crime or property with the other Party, in accordance with this Agreement, without prejudice to the principles enumerated in article 14, paragraphs 1, 2 and 3 (a), of the United Nations Convention against Transnational Organized Crime and article 5, paragraph 5 (b) (i), of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.¹⁰

Article 4

Requests for sharing confiscated proceeds of crime or property

1. A request for sharing confiscated proceeds of crime or property shall be made within a time limit to be agreed between the Parties, shall set out the circumstances of the cooperation to which it relates and shall include sufficient details to identify the case, the confiscated proceeds of crime or property and the agency or agencies involved or such other information as may be agreed between the Parties.

Option 1

[2. On receipt of a request for sharing confiscated proceeds of crime or property made in accordance with the provisions of this article, the Party where confiscated proceeds of crime or property are located shall consider, in consultation with the other Party, whether to share such proceeds of crime or property, as set out in article 3 of this Agreement.]

¹⁰ It may be necessary to insert a specific provision in the agreement regarding the return of works of art of archaeological objects that have been purchased or exported illegally from their country of origin.

Option 2

[2. On receipt of a request for sharing confiscated proceeds of crime or property made in accordance with the provisions of this article, the Party where confiscated proceeds of crime or property are located shall share with the other Party such proceeds of crime or property, as set out in article 3 of this Agreement.]

Article 5

Sharing of confiscated proceeds of crime or property

Option 1

[1. Where a Party proposes to share confiscated proceeds of crime or property with the other Party, it shall:

(a) Determine, at its discretion and in accordance with its domestic law and policies, the proportion of the confiscated proceeds of crime or property to be shared, which, in its view, corresponds to the extent of the cooperation afforded by the other Party; and

(b) Transfer a sum equivalent to that proportion set forth in subparagraph (a) above to the other Party in accordance with article 6 of this Agreement.

2. In determining the amount to transfer, the Party holding the confiscated proceeds of crime or property may include any interest and appreciation that has accrued on the confiscated proceeds of crime or property and may deduct reasonable expenses incurred in investigations, prosecution or judicial proceedings leading to the confiscation of the proceeds of crime or property.]

Option 2

[1. In sharing confiscated proceeds of crime or property in accordance with this Agreement:

(a) The proportion of the confiscated proceeds of crime or property to be shared shall be determined by the Parties on a *quantum meruit* basis or on any other reasonable basis agreed upon by the Parties;

(b) The Party holding the confiscated proceeds of crime or property shall transfer a sum equivalent to that proportion set forth in subparagraph (a) above to the other Party in accordance with article 6 of this Agreement.

2. In determining the amount to transfer, the Parties shall agree on any issues related to interest and appreciation that has accrued on the confiscated proceeds of crime or property and the deduction of reasonable expenses incurred in investigations, prosecution or judicial proceedings leading to the confiscation of the proceeds of crime or property.]

3. The Parties agree that it may not be appropriate to share where the value of the confiscated proceeds of crime or property is *de minimis*, subject to previous consultations between them.

Article 6

Payment of shared proceeds of crime or property

1. Unless the Parties agree otherwise, any sum transferred pursuant to article 5, paragraph 1 (b), of this Agreement shall be paid:

(a) In the currency of the Party where the proceeds of crime or property are located; and

(b) By means of an electronic transfer of funds or by cheque.

2. Payment of any such sum shall be made:

(a) In any case in which the Government of _____ is receiving payment, to [*identify the pertinent office or designated account as specified in the request*];

(b) In any case in which the Government of _____ is receiving payment, to [*identify the pertinent office or designated account as specified in the request*]; or

(c) To such other recipient or recipients as the Party receiving payment may from time to time specify by notification for the purposes of this article.

Article 7

Terms of transfer

1. In making the transfer, the Parties recognize that all right or title to and interest in the transferred proceeds of crime or property have already been adjudicated and that no further judicial proceedings are necessary to complete the confiscation. The Party transferring the proceeds of crime or property assumes no liability or responsibility for the proceeds of crime or property once they have been transferred and relinquishes all right or title to and interest in the transferred proceeds of crime or property.¹¹

2. Unless otherwise agreed, where a Party transfers confiscated proceeds of crime or property pursuant to article 5, paragraph 1 (b), of this Agreement, the other Party shall use the proceeds of crime or property for any lawful purpose at its discretion.

Article 8

Channels of communication

All communications between the Parties pursuant to the provisions of this Agreement shall be conducted through [*the central authorities designated pursuant to article [...] of the treaty on mutual legal assistance referred to in the preamble to the agreement*] or by the following:

(a) For the Government of _____, by the Office of _____;

(b) For the Government of _____, by the Office of _____; or

¹¹ Where the domestic law of a State requires it to sell confiscated proceeds of crime or property and only permits it to share funds, this provision may be unnecessary.

(c) By such other nominees as the Parties, for their own part, may from time to time specify by notification for the purposes of this article.

Article 9
Territorial application

This Agreement shall apply [*if applicable, designate any territories to which the agreement should be extended for each Government*].

Article 10
Amendments

This Agreement may be amended when both Parties have agreed in writing to such amendment.

Article 11
Consultations

The Parties shall consult promptly, at the request of either Party, concerning the interpretation, application or implementation of this Agreement, either generally or in relation to a particular case.

Article 12
Entry into force

This Agreement shall enter into force upon signature by both Parties or upon notification by the Parties that the necessary internal procedures have been completed.¹²

Article 13
Termination of the Agreement

Either Party may terminate this Agreement, at any time, by giving written notice to the other Party. Termination shall become effective [...] months after receipt of the notice. The provisions shall, however, continue to apply in relation to confiscated proceeds of crime or property to be shared under this Agreement.

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

Done in duplicate at [*location*], this _____ day of _____,
_____.

For the Government of
_____:

For the Government of
_____:

[*Signature*] _____

[*Signature*] _____

¹² This may be upon signature, ratification, publication in a legal gazette or by other means.

Draft resolution II

Eleventh United Nations Congress on Crime Prevention and Criminal Justice

The General Assembly,

Emphasizing the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950,

Acknowledging that the United Nations congresses on crime prevention and criminal justice, as major intergovernmental forums, have influenced national policies and practices and promoted international cooperation in this field by facilitating the exchange of views and experience, mobilizing public opinion and recommending policy options at the national, regional and international levels,

Recalling its resolution 46/152 of 18 December 1991, in the annex to which Member States affirmed that the United Nations congresses on crime prevention and criminal justice should be held every five years and should provide a forum for, inter alia, the exchange of views between States, intergovernmental and non-governmental organizations and individual experts representing various professions and disciplines, the exchange of experiences in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice,

Recalling also its resolution 57/270 B of 23 June 2003, on the integrated and coordinated implementation of and follow-up to the outcomes of major United Nations conferences and summits in the economic and social fields, in which it stressed that all countries should promote policies consistent and coherent with the commitments of the major United Nations conferences and summits, emphasized that the United Nations system had an important responsibility to assist Governments to stay fully engaged in the follow-up to and implementation of agreements and commitments reached at the major United Nations conferences and summits and invited its intergovernmental bodies to further promote the implementation of the outcomes of the major United Nations conferences and summits,

Recalling further its resolution 59/151 of 20 December 2004, in which it called upon the Eleventh United Nations Congress on Crime Prevention and Criminal Justice to formulate concrete proposals for further follow-up and action, paying particular attention to practical arrangements relating to the effective implementation of the international legal instruments pertaining to transnational organized crime, terrorism and corruption and technical assistance activities relating thereto, and requested 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,

Bearing in mind the United Nations Millennium Declaration,¹³ adopted by the Heads of State and Government at the Millennium Summit of the United Nations on 8 September 2000, in which Heads of State and Government resolved to strengthen respect for the rule of law in international as well as in national affairs, 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 peacebuilding and reconstruction, to take concerted action against international terrorism and accede as soon as possible to all the relevant international conventions, to redouble their efforts to implement their commitment to counter the world drug problem and to intensify their collective efforts to fight transnational crime in all its dimensions, including trafficking as well as smuggling in human beings and money-laundering,

Taking note of the report of the High-level Panel on Threats, Challenges and Change entitled “A more secure world: our shared responsibility”¹⁴ and the recommendations contained therein, as well as the report of the Secretary-General entitled “In larger freedom: towards development, security and human rights for all”¹⁵ and the proposals contained therein,

Recalling Economic and Social Council decision 2004/242 of 21 July 2004, in which the Council decided that the prominent theme for the fourteenth session of the Commission on Crime Prevention and Criminal Justice should be “Conclusions and recommendations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice”,

Having considered the report of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice¹⁶ and the related recommendations made by the Commission on Crime Prevention and Criminal Justice at its fourteenth session,

1. *Expresses its satisfaction* with the results achieved by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, including the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,¹⁷ adopted at the high-level segment of the Eleventh Congress;

2. *Takes note with appreciation* of the report of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice,¹⁸ which contains the results of the Eleventh Congress, including the conclusions and recommendations made at the workshops and at the high-level segment held during the Eleventh Congress;

3. *Endorses* the Bangkok Declaration adopted by the Eleventh Congress, as approved by the Commission on Crime Prevention and Criminal Justice;

4. *Invites* Governments to take into consideration the Bangkok Declaration and the recommendations adopted by the Eleventh Congress in formulating legislation and policy directives and to make all efforts, where appropriate, to

¹³ General Assembly resolution 55/2.

¹⁴ A/59/565 and Corr.1.

¹⁵ A/59/2005.

¹⁶ A/CONF.203/18.

¹⁷ A/CONF.203/18, chap. I, resolution 1.

¹⁸ A/CONF.203/18.

implement the principles contained therein, taking into account the economic, social, legal and cultural specificities of their respective States;

5. *Invites* Member States to identify areas covered in the Bangkok Declaration where further tools and training manuals based on international standards and best practices are needed, and to submit that information to the Commission on Crime Prevention and Criminal Justice so that it may take it into account when considering potential areas of future activity of the United Nations Office on Drugs and Crime;

6. *Requests* the Secretary-General to distribute the report of the Eleventh Congress, including the Bangkok Declaration, to Member States, intergovernmental organizations and non-governmental organizations, so as to ensure that its recommendations are disseminated as widely as possible, and to seek proposals by Member States for ways and means of ensuring appropriate follow-up to the Bangkok Declaration for consideration and action by the Commission on Crime Prevention and Criminal Justice at its fifteenth session;

7. *Notes* that the Governments of a number of States have offered to host the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, to be held in 2010, and requests the United Nations Office on Drugs and Crime to engage in consultations with the Governments concerned and to report thereon to the Commission on Crime Prevention and Criminal Justice;

8. *Expresses its profound gratitude* to the people and Government of Thailand for the warm and generous hospitality extended to the participants of the Eleventh Congress and for the excellent facilities provided for the Congress;

9. *Requests* the Secretary-General to submit to it, at its sixty-first session, a report on the implementation of the present resolution.

Draft resolution III

Action against transnational organized crime: protection of witnesses

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,

Concerned about the negative political, economic and social implications of the activities of organized criminal groups and the possible expansion of such activities,

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

Determined to facilitate the testimony of witnesses in order to ensure prosecution of those who participate in or profit from transnational organized crime, and thus to prevent the provision of safe havens for such persons,

Reaffirming the growing recognition of the key role of witnesses in criminal proceedings, especially in cases involving organized crime, and the need to encourage their collaboration and to provide them with effective protection from retaliation or intimidation,

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;¹⁹

2. *Encourages* Member States to exchange their experiences with, and information on, action taken to provide effective protection for witnesses in criminal proceedings involving transnational and national organized crime and for their relatives and all other persons close to them;

3. *Requests* the Secretary-General to pay special attention, within the framework of technical assistance activities, to the issue of the protection of witnesses, in order to enable Member States to establish effective witness protection programmes;

4. *Also requests* the Secretary-General to convene, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,²⁰ an open-ended intergovernmental group of experts, the composition of which should reflect equitable geographical representation and the diversity of legal systems, to exchange experiences and put forward suggestions and recommendations with regard to protecting witnesses and encouraging them to collaborate in the judicial process, taking into account ongoing work in that area.

Draft resolution IV

International cooperation in the fight against transnational organized crime

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

¹⁹ E/CN.15/2005/6.

²⁰ This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

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 resolutions 59/157 of 20 December 2004, entitled “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”, and 59/159 of 20 December 2004, entitled “Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity”,

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, including regional and subregional cooperation, against transnational organized crime,

Taking note of the proposals of the Secretary-General on strengthening the United Nations Office on Drugs and Crime contained in his report entitled “In larger freedom: towards development, security and human rights for all”,²¹

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;²²

2. *Welcomes* the entry into force of the United Nations Convention against Transnational Organized Crime,²³ of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,²⁴ of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,²⁵ and 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;²⁶

3. *Notes* that the first session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime was held in Vienna

²¹ A/59/2005.

²² E/CN.15/2005/6.

²³ General Assembly resolution 55/25, annex I.

²⁴ General Assembly resolution 55/25, annex II.

²⁵ General Assembly resolution 55/25, annex III.

²⁶ General Assembly resolution 55/255, annex.

from 28 June to 9 July 2004, and looks forward to the second session of the Conference of the Parties, to be held in Vienna from 10 to 21 October 2005;

4. *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 disseminate the legislative guides as widely as possible;

5. *Urges* all States and relevant regional economic integration organizations that have not done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto as soon as possible;

6. *Also urges* all States and relevant regional economic integration organizations to take all necessary measures to improve international cooperation, including regional and subregional cooperation, in criminal matters, especially extradition and mutual legal assistance, in accordance with their international obligations;

7. *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;

8. *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 to the United Nations Convention against Transnational Organized Crime in accordance with its mandate;

9. *Requests* the United Nations Office on Drugs and Crime, building on the experience gained from the preparation of the legislative guides, to consult with the Conference of the Parties to the United Nations Convention against Transnational Organized Crime concerning the preparation of manuals and other tools to facilitate the implementation of the Convention and the Protocols thereto;

10. *Also requests* the United Nations Office on Drugs and Crime, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,²⁷ to continue to assist States, upon request, with capacity-building in the area of ratification as well as implementation of the Convention and its Protocols, in particular through

²⁷ This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

international cooperation in criminal matters, including extradition and mutual legal assistance;

11. *Requests* the Secretary-General to transmit to it the reports of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime;

12. *Also 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 sixty-first session.

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 elimination 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,²⁸

Recalling its resolution 58/4 of 31 October 2003, in which it adopted the United Nations Convention against Corruption and urged all States and competent regional economic integration 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, from 9 to 11 December 2003,²⁹

Recalling its resolution 59/155 of 20 December 2004, entitled "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",

²⁸ General Assembly resolution 55/59, annex.

²⁹ See A/CONF.205/2.

Noting with appreciation the initiative of the States that have made financial contributions to the United Nations Crime Prevention and Criminal Justice Fund to facilitate the ratification and implementation of the United Nations Convention against Corruption by developing countries and by countries with economies in transition,

1. *Takes note with appreciation* of the report of the Secretary-General on the United Nations Convention against Corruption;³⁰

2. *Welcomes* the signing of the United Nations Convention against Corruption by a large number of Member States and the ratification of the Convention by an increasing number of Member States, which reflects the high level of commitment on the part of the international community to the purpose of the Convention;

3. *Urges* Member States that have not yet done so 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 to facilitate its effective implementation;

4. *Also urges* Member States to promote a culture of integrity and accountability in both the public sector and the private sector, and calls upon them to adopt measures to facilitate the recovery and return of assets that are consistent with the principles of the United Nations Convention against Corruption;

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

6. *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 United Nations Convention against Corruption, 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;

7. *Also requests* the Secretary-General, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,³¹ to finalize the legislative guide for the United Nations Convention against Corruption and, building on the experience gained in the preparation of the guide, to consider preparing manuals and other tools to facilitate implementation of the Convention;

8. *Further 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.

³⁰ E/CN.15/2005/9.

³¹ This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

Draft resolution VI

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 all General Assembly and Security Council resolutions on terrorism,

Welcoming the adoption and the forthcoming opening for signature of the International Convention for the Suppression of Acts of Nuclear Terrorism,³²

Taking note with appreciation of the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, adopted at the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, which expresses the hope that the ongoing negotiation of the draft comprehensive convention on international terrorism will be concluded as soon as possible and recognizes that arriving at a possible definition of terrorism is one of the key issues to be resolved,³³

Recalling its resolution 59/46 of 2 December 2004, in which it reiterated that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them,

Stressing the need for Member States to ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular the Charter of the United Nations and international human rights, refugee and humanitarian law,

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

Recalling Security Council resolution 1566 (2004) of 8 October 2004, and reaffirming the obligation of States to cooperate fully in the fight against terrorism, especially with those States where or against whose citizens terrorist acts are committed, in accordance with their obligations under international law, in order to find, deny safe haven to and bring to justice, on the basis of the principle to extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or commission of terrorist acts or provides safe havens,

Mindful also that acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations,

³² General Assembly resolution 59/290, annex.

³³ A/CONF.203/18, chap. I, resolution 1.

Reaffirming its unequivocal condemnation of terrorism in all its forms and manifestations, wherever and by whomsoever committed,

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

Deeply concerned that acts of terrorism continue to be perpetrated, endangering the lives and well-being of individuals worldwide, and expressing its deepest sympathy and condolences to the victims of terrorist attacks and their families,

Noting the establishment of a working group pursuant to Security Council resolution 1566 (2004),

Recalling its resolution 59/153 of 20 December 2004, in which it, inter alia, reaffirmed the importance of the work of the United Nations Office on Drugs and Crime in the fulfilment of its mandate in crime prevention and criminal justice, including to contribute to preventing and combating terrorism, and its resolution 59/159 of 20 December 2004, in which it requested the Office to intensify its efforts to provide technical assistance, upon request, in preventing and combating terrorism, by facilitating the implementation of the universal conventions and protocols related to terrorism, including training of judicial and prosecutorial personnel, working in coordination with the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate,

Mindful of its resolution 59/46 of 2 December 2004, in which it welcomed the continuing efforts of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime to assist States to become parties to and to work towards implementing the relevant international conventions and protocols related to terrorism,

Recalling that the Security Council, in its resolution 1535 (2004) of 26 March 2004, recognized the need for the Counter-Terrorism Committee, where appropriate, to visit States, with the consent of the States concerned, and to engage in a detailed discussion to monitor the implementation of Council resolution 1373 (2001) of 28 September 2001, and that such visits should be conducted, when appropriate, in close cooperation with relevant international, regional and subregional organizations and other United Nations bodies, including the United Nations Office on Drugs and Crime, in particular with its Terrorism Prevention Branch, taking special care of the assistance that might be available to address States' needs,

Welcoming the initiative by the Secretary-General to establish a task force in his Office for the coordination of the counter-terrorism efforts of the Secretariat,

Welcoming also the adoption of Commission on Human Rights resolution 2005/80, especially the appointment, for a period of three years, of a special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,

1. *Commends* the United Nations Office on Drugs and Crime for its contributions towards preventing and combating terrorism through the provision of technical assistance to States, upon request, in close consultation with the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate, for the implementation of Security Council resolution 1373 (2001) of 28 September 2001, in particular for promotion of the ratification of, accession to and implementation of the universal conventions and protocols related to terrorism, as well as for its continuing close cooperation with international, regional and subregional organizations, and requests the Office to continue such work with international organizations, in particular specialized agencies and other relevant entities of the United Nations system;

2. *Welcomes* the holding of regional and subregional workshops in San José, Tashkent, Port Louis, Praia and Lisbon to follow up on technical assistance activities conducted by the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in 2003 and 2004 by further familiarizing 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 emphasizes the need for close cooperation, in that context, between the Terrorism Prevention Branch and the Counter-Terrorism Committee, the Counter-Terrorism Committee Executive Directorate and the Office of Legal Affairs of the Secretariat, as appropriate;

3. *Welcomes also* the holding of a subregional workshop in Zagreb from 7 to 9 March 2005, which resulted in the Zagreb Declaration on International Cooperation on Counter-Terrorism, Corruption and the Fight against Transnational Organized Crime,³⁴ and encourages the Terrorism Prevention Branch, in coordination with the Counter-Terrorism Committee and within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,³⁵ to continue to ensure proper follow-up to its technical assistance activities, in cases where such follow-up is requested by Member States;

4. *Calls upon* Member States that have not yet done so to consider becoming parties to and to implement the universal conventions and protocols related to terrorism as a matter of urgency and, where appropriate, to request assistance to that end from the United Nations Office on Drugs and Crime and relevant international, regional and subregional organizations, in coordination with the Counter-Terrorism Committee;

5. *Takes note* of the legislative assistance tools developed by the United Nations Office on Drugs and Crime, and requests the Office, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,³⁶ to finalize the draft guide for legislative incorporation and implementation of the universal

³⁴ A/59/754-S/2005/197, annex.

³⁵ This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

³⁶ This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

instruments against terrorism and to develop it further to serve as a training tool when providing assistance to States, upon request, in capacity-building for the implementation of the universal instruments related to terrorism;

6. *Urges* Member States to strengthen, to the greatest extent possible, international cooperation in order to prevent and combat terrorism, including, when necessary, entering into bilateral treaties on extradition and mutual legal assistance within the framework of the relevant Security Council resolutions, as well as the universal conventions and protocols related to terrorism and other relevant United Nations resolutions and in accordance with the Charter of the United Nations and international law, and to ensure adequate training of all relevant personnel in executing international cooperation, and calls upon Member States to request assistance to that end from the United Nations Office on Drugs and Crime and relevant international, regional and subregional organizations, when appropriate;

7. *Requests* the United Nations Office on Drugs and Crime, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,³⁷ to intensify its efforts to provide Member States with technical assistance, upon request, to strengthen international cooperation, including in international, national, regional and subregional forums, in preventing and combating terrorism through the facilitation of the implementation of the universal conventions and protocols related to terrorism, in particular through training in the judicial and prosecutorial fields in the proper implementation of the universal conventions and protocols related to terrorism, with particular emphasis on the need to coordinate such work with the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate;

8. *Recognizes* the role of fair and effective criminal justice systems within the overall framework of the rule of law as an integral component of any strategy to counter terrorism, and requests the United Nations Office on Drugs and Crime, whenever appropriate, to take into account in its technical assistance programme to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law with a view to facilitating the effective implementation of the universal conventions and protocols related to terrorism and relevant Security Council resolutions;

9. *Notes* the discussions during the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, on its agenda item entitled “International cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of the United Nations Office on Drugs and Crime”, and requests the Secretariat to take into account any existing links between terrorism and other forms of crime and to pursue an integrated, comprehensive approach in the delivery of technical assistance, emphasizing the transversal relevance of international cooperation;

10. *Urges* Member States to consider the early signing and ratifying of the International Convention for the Suppression of Acts of Nuclear Terrorism,³⁸ and

³⁷ This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

³⁸ General Assembly resolution 59/290, annex.

requests the United Nations Office on Drugs and Crime, upon request, to promote in the course of its technical assistance activities the speedy ratification and full implementation of that Convention;

11. *Expresses its appreciation* to all Member States that have supported the technical assistance activities of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, and invites all Member States to consider making voluntary financial contributions, in-kind contributions or both;

12. *Requests* the Secretary-General to report to it at its sixty-first session on the implementation of the present resolution.

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

Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

The Economic and Social Council,

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,

Recalling also its resolution 2004/27 of 21 July 2004 on guidelines on justice for child victims and witnesses of crime, in which it requested the Secretary-General to convene an intergovernmental expert group in order to develop guidelines on justice in matters involving child victims and witnesses of crime,

Recalling further 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, annexed to the resolution,

Recalling the provisions of the Convention on the Rights of the Child, adopted by the General Assembly by 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 by its resolution 54/263 of 25 May 2000, in particular article 8 thereof,

Recognizing that justice for child victims and witnesses of crime must be assured while safeguarding the rights of accused persons,

Recognizing also that children who are victims and witnesses are particularly vulnerable and need special protection, assistance and support appropriate to their age, level of maturity and unique needs in order to prevent further hardship and trauma that may result from their participation in the criminal justice process,

Mindful of the serious physical, psychological and emotional consequences of crime and victimization for child victims and witnesses, in particular in cases involving sexual exploitation,

Mindful also of the fact that the participation of child victims and witnesses in the criminal justice process is necessary for effective prosecutions, in particular where the child victim may be the only witness,

Recognizing the efforts of the International Bureau for Children's Rights in laying the groundwork for the development of guidelines on justice in matters involving child victims and witnesses of crime,

Noting with appreciation the work of the Intergovernmental Expert Group Meeting to Develop Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, held in Vienna on 15 and 16 March 2005, for which extrabudgetary resources were provided by the Government of Canada, and taking note of the report of the Intergovernmental Expert Group,³⁹

Taking note of the report of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, regarding the item entitled "Making standards work: fifty years of standard-setting in crime prevention and criminal justice",

Welcoming the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,⁴⁰ adopted at the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, in particular paragraphs 17 and 33 thereof, in which the importance of providing support and services to witnesses and victims of crime is recognized,

1. *Adopts* the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, annexed to the present resolution, as a useful framework that could assist Member States in enhancing the protection of child victims and witnesses in the criminal justice system;

2. *Invites* Member States to draw, where appropriate, on the Guidelines in the development of legislation, procedures, policies and practices for children who are victims of crime or witnesses in criminal proceedings;

3. *Calls upon* Member States that have developed legislation, procedures, policies or practices for child victims and witnesses to make information available to other States, upon request and where appropriate, and to assist them in developing and implementing training or other activities in relation to the use of the Guidelines;

4. *Calls upon* the United Nations Office on Drugs and Crime to provide technical assistance, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on

³⁹ E/CN.15/2005/14/Add.1.

⁴⁰ A/CONF.203/18, chap. I, resolution 1.

Drugs and Crime,⁴¹ as well as advisory services, to Member States, upon request, to assist them in the use of the Guidelines;

5. *Requests* the Secretary-General to ensure the widest possible dissemination of the Guidelines among Member States, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other international, regional and non-governmental organizations and institutions;

6. *Recommends* that Member States bring the Guidelines to the attention of relevant governmental and non-governmental organizations and institutions;

7. *Invites* the institutes of the United Nations Crime Prevention and Criminal Justice Programme network to provide training in relation to the Guidelines and to consolidate and disseminate information on successful models at the national level;

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

Annex

Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime

I. 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 should be implemented in accordance with relevant national legislation and judicial procedures as well as take into consideration legal, social, economic, cultural and geographical conditions. However, States should constantly endeavour to overcome practical difficulties in the application of the Guidelines.

3. The Guidelines provide a practical framework to achieve the following objectives:

(a) 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 contribute to the implementation of the Convention on the Rights of the Child,⁴² by parties to that Convention;

(b) 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;

⁴¹ This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

⁴² General Assembly resolution 44/25, annex.

(c) 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;⁴³

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

4. In implementing the Guidelines, each jurisdiction should ensure that adequate training, selection and procedures are put in place to protect and 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 children, especially girls.

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.

6. The Guidelines could 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.

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

(c) Recognizing that girls are particularly vulnerable and may face discrimination at all stages of the justice system;

(d) Reaffirming that every effort must be made to prevent victimization of children, including, among other things, through implementation of the Guidelines for the Prevention of Crime;⁴⁴

(e) Cognizant that children who are victims and witnesses may suffer additional hardship if mistakenly viewed as offenders when they are in fact victims and witnesses;

(f) 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

⁴³ General Assembly resolution 40/34, annex.

⁴⁴ Economic and Social Council resolution 2002/13, annex.

Abuse of Power sets forth principles to provide victims with the right to information, participation, protection, reparation and assistance;

(g) 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;

(h) Recognizing the efforts of the International Bureau for Children's Rights in laying the groundwork for the development of guidelines on justice for child victims and witnesses of crime;

(i) 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;

(j) Recalling that justice for child victims and witnesses of crime must be assured while safeguarding the rights of accused and convicted offenders;

(k) 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.

III. Principles

8. As stated in international instruments and in particular the Convention on the Rights of the Child as reflected in the work of the Committee on the Rights of the Child, and 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:

(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*. While the rights of accused and convicted offenders should be safeguarded, 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, subject to national procedural law, the right to express his or her views, opinions and beliefs freely, 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 according to his or her abilities, age, intellectual maturity and evolving capacity.

IV. Definitions

9. Throughout these 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 or are responsible for addressing the needs of children in the justice system and for whom these 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, where appropriate, defence lawyers; diplomatic and consular staff; domestic violence programme staff; judges; court staff; law enforcement officials; medical and mental health professionals; and social workers;

(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 balances the child’s right to protection and that takes into account the child’s individual needs and views.

V. 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.

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 these Guidelines should be conducted in a child-sensitive manner in a suitable environment that accommodates the special needs of the child, according to his or her abilities, age, intellectual maturity and evolving capacity. They should also take place in a language that the child uses and understands.

VI. 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's, parent's or legal guardian's race, colour, gender, 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 certain cases, special services and protection will need to be instituted to take account of gender and the different nature of specific offences against children, such as sexual assault involving children.

18. Age should not be a barrier to a child's right to participate fully in the justice process. Every child should be treated as a capable witness, subject to examination, and his or her testimony should not be presumed invalid or untrustworthy by reason of the child's age alone as long as his or her age and maturity allow the giving of intelligible and credible testimony, with or without communication aids and other assistance.

VII. The right to be informed

19. Child victims and witnesses, their parents or guardians and legal representatives, from their first contact with the justice process and throughout that process, should be promptly and adequately informed, to the extent feasible and appropriate, of, inter alia:

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

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

(e) The availability of protective measures;

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

(g) 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.

20. In addition, child victims, their parents or guardians and legal representatives should be promptly and adequately informed, to the extent feasible and appropriate, of:

(a) 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;

(b) 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.

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

21. 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, including by:

(a) Ensuring that child victims and where appropriate witnesses are consulted on the matters set forth in paragraph 19 above;

(b) Ensuring 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;

(c) Giving due regard to the child's views and concerns and, if they are unable to accommodate them, explain the reasons to the child.

IX. The right to effective assistance

22. 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 40-42 below. This may include assistance and support services such as financial, legal, counselling, health, social and educational 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 him or her to participate effectively at all stages of the justice process.

23. In assisting child victims and witnesses, professionals should make every effort to coordinate support so that the child is not subjected to excessive interventions.

24. 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.

25. Professionals should develop and implement measures to make it easier for children to testify or give evidence 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) Where appropriate, to appoint guardians to protect the child's legal interests.

X. The right to privacy

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

27. 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.

28. Measures should be taken to protect children from undue exposure to the public by, for example, excluding the public and the media from the courtroom during the child's testimony, where permitted by national law.

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

29. 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.

30. 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 that trials take place as soon as practical, 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 in the same location, 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 appropriate notification system to ensure the child goes

to court only when necessary and other appropriate measures to facilitate the child's testimony.

31. 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 video recording;

(b) To 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: 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 ensure that child victims and witnesses are questioned in a child-sensitive manner and allow for the exercise of supervision by judges, facilitate testimony and reduce potential intimidation, for example by using testimonial aids or appointing psychological experts.

XII. The right to safety

32. 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.

33. Professionals 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.

34. 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 and appropriate, giving child victims and witnesses protection by the police or other relevant agencies and safeguarding their whereabouts from disclosure.

XIII. The right to reparation

35. Child victims 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.

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

37. 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 enforcement of reparation orders and payment of reparation before fines.

XIV. The right to special preventive measures

38. 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 recurring victimization or offending.

39. 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.

XV. Implementation

40. Adequate training, education and information should be made available to professionals, working with child victims and witnesses with a view to improving and sustaining specialized methods, approaches and attitudes in order to protect and deal effectively and sensitively with child victims and witnesses.

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

42. 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 indicate 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, including negative physical and psychological effects, 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 sensitive, 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.

43. Professionals should make every effort to adopt an interdisciplinary and cooperative approach in aiding children by familiarizing themselves with the wide array of available services, such as victim support, advocacy, economic assistance, counselling, education, 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.

44. 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.

45. Professionals should consider utilizing 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.

46. Professionals should be enabled to 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 II

Strengthening the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme in the area of the rule of law and criminal justice reform

The Economic and Social Council,

Recalling General Assembly resolutions 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme and 59/159 of 20 December 2004 on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity,

Recalling also its resolution 2004/25 of 21 July 2004, in which it requested the United Nations Office on Drugs and Crime to consider specific practical strategies to assist in promoting the rule of law, and encouraged the Office 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,

Recalling further the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,⁴⁵ adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000, and the plans of action for the implementation of the Vienna Declaration,⁴⁶ and welcoming the progress made by Member States in implementing the Vienna Declaration and its plans of action,

Recalling the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,⁴⁷ adopted at the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005,

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

Conscious also of the commitment expressed in the Bangkok Declaration to the development and maintenance of fair and efficient criminal justice institutions, including the humane treatment of all those in pre-trial and correctional facilities, in accordance with applicable international standards,

Welcoming the commitment expressed in the Bangkok Declaration to strengthening the legal and financial framework for providing support to victims of crime and terrorism, to promoting access to justice, to considering the provision of legal aid, to facilitating training for prison officials, prosecutors, the judiciary and other relevant professional groups, taking into account the United Nations standards and norms in crime prevention and criminal justice, to reviewing the adequacy of standards and norms in relation to prison management and prisoners, to ensuring that the problems of HIV/AIDS are addressed in pre-trial and correctional facilities, to further developing restorative justice policies, procedures and programmes that include alternatives to prosecution and to ensuring the provision of services to child victims and children in conflict with the law, in particular those deprived of their liberty,

Taking note of the report of the High-level Panel on Threats, Challenges and Change entitled “A more secure world: our shared responsibility”,⁴⁸

Taking note also of the report of the Secretary-General entitled “In larger freedom: towards development, security and human rights for all”,⁴⁹

⁴⁵ General Assembly resolution 55/59, annex.

⁴⁶ General Assembly resolution 56/261, annex.

⁴⁷ A/CONF.203/18, chap. I, resolution 1.

⁴⁸ A/59/565 and Corr.1.

Recognizing that effective criminal justice systems can only be developed based on the rule of law and that the rule of law itself requires the protection of effective criminal justice measures,

Recognizing also that effective criminal justice systems based on the rule of law are a prerequisite for combating transnational organized crime, trafficking in human beings, terrorism, corruption and other forms of transnational and domestic criminal activity,

1. *Emphasizes* the role of the United Nations Office on Drugs and Crime in developing and maintaining expertise on the rule of law in criminal justice systems and in providing advice and assistance on issues relating to criminal justice and the rule of law, where appropriate, to Member States, other United Nations entities and intergovernmental organizations at their request;

2. *Reaffirms* the importance of the United Nations Crime Prevention and Criminal Justice Programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice and in assisting Member States in developing and maintaining fair and efficient criminal justice institutions, including through comprehensive and integrated approaches to criminal justice reform;

3. *Invites* relevant entities of the United Nations system, including the United Nations Development Programme, as well as the World Bank and other international funding agencies, to increase their cooperation and coordination with United Nations entities concerned with supporting the rule of law, including the United Nations Office on Drugs and Crime, in order to promote a more integrated approach to the provision of assistance for building capacity in crime prevention and criminal justice, and in cooperation in criminal matters of a transnational character, as a contribution to the establishment and strengthening of the rule of law;

4. *Reaffirms* the role of the United Nations Office on Drugs and Crime in responding to requests from Member States for technical cooperation, advisory services and other forms of assistance in the field of crime prevention and criminal justice, including in the area of criminal justice reform and reconstruction of national criminal justice systems, and recognizes the need to continue to enhance the provision of assistance in that field to Member States, upon request, in particular to least developed countries, developing countries, countries with economies in transition and countries emerging from conflict;

5. *Invites* all States to support the operational activities of the United Nations Crime Prevention and Criminal Justice Programme, through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund or through voluntary contributions in direct support of such activities, including, where appropriate, for the provision of technical assistance for the implementation of the commitments entered into at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005;

6. *Expresses its appreciation* to non-governmental organizations and other relevant sectors of civil society for their support for the United Nations Crime

⁴⁹ A/59/2005.

Prevention and Criminal Justice Programme, and stresses the necessity to strengthen the role of civil society in criminal justice reform efforts;

7. *Encourages* the United Nations Office on Drugs and Crime to continue providing assistance to Member States, upon request, in particular to least developed countries, developing countries and countries with economies in transition, as well as to countries emerging from conflict, taking into account the leading role of other United Nations entities, such as the Department of Peacekeeping Operations of the Secretariat and the United Nations Development Programme in that area, in reinforcing the rule of law through technical cooperation, advisory services and other forms of assistance in the field of crime prevention and criminal justice reform and reconstruction of national criminal justice systems;

8. *Also encourages* the United Nations Office on Drugs and Crime to continue developing tools and training manuals on criminal justice reform, based on international standards and best practices;

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

Draft resolution III

Action to promote effective crime prevention

The Economic and Social Council,

Recalling the guidelines for cooperation and technical assistance in the field of urban crime, annexed to its resolution 1995/9 of 24 July 1995, and the Guidelines for the Prevention of Crime, annexed to its resolution 2002/13 of 24 July 2002,

Recalling also its resolutions 2003/26 of 22 July 2003 and 2004/31 of 21 July 2004, on the prevention of urban crime,

Taking note of the report of the Secretary-General entitled “Action to promote effective crime prevention”⁵⁰ and the report of the Executive Director of the United Nations Office on Drugs and Crime entitled “Development, security and justice for all”,⁵¹

Mindful of the importance given to prevention in the United Nations Convention against Transnational Organized Crime⁵² and the Protocols thereto⁵³ and the recognition in the Guidelines for the Prevention of Crime that crime prevention strategies should, where appropriate, take account of the links between local crime problems and transnational organized crime,

Recalling the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,⁵⁴ adopted at the high-level

⁵⁰ E/CN.15/2005/15.

⁵¹ E/CN.7/2005/6-E/CN.15/2005/2.

⁵² General Assembly resolution 55/25, annex I.

⁵³ General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.

⁵⁴ A/CONF.203/18/chap. I, resolution 1.

segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005,

Bearing in mind that the Bangkok Declaration recognizes that comprehensive and effective crime prevention strategies can significantly reduce crime and victimization and urges that such strategies be further developed and implemented at the local, national and international levels, taking into account, inter alia, the Guidelines for the Prevention of Crime,

Bearing in mind also that the Bangkok Declaration stresses the need to strengthen international cooperation in order to create an environment conducive to the fight against crime, including by promoting growth and sustainable development and eradicating poverty and unemployment through effective and balanced development strategies and crime prevention policies, and to consider measures to prevent the expansion of urban crime, including by improving international cooperation and capacity-building for law enforcement and the judiciary in that area and by promoting the involvement of local authorities and civil society, all of which would contribute to strengthening the rule of law,

Recalling the recommendations set out in the report of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice,⁵⁵ which, inter alia, stress the need for well-integrated, knowledge-based approaches, focusing on the most vulnerable areas and groups, and recognize the links between drugs and crime, including local, and transnational organized crime,

Acknowledging the range of approaches to crime prevention, and stressing the importance of exchanging knowledge and sharing successful practices within and between developing countries, developed countries and countries with economies in transition,

Mindful of the eighth World Conference on Injury Prevention and Safety Promotion, to be held in Durban, South Africa, from 2 to 5 April 2006, which is being organized jointly by the University of South Africa, the Medical Research Council of South Africa and the Foundation for Professional Development and co-sponsored by the World Health Organization, and the World Urban Forum III, to be convened by the United Nations Human Settlements Programme in Vancouver, Canada, from 19 to 23 June 2006, both of which will provide an opportunity to exchange knowledge on crime prevention involving the health, urban development and justice sectors,

Noting that the forthcoming regional crime prevention forum for non-governmental organizations from Central and Eastern Europe which is being organized in Vienna on 27 and 28 October 2005 by the Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations, in conjunction with the United Nations Office on Drugs and Crime, will address current problems and activities concerning the prevention of urban crime, human trafficking and corruption,

1. *Calls upon* Member States, intergovernmental and non-governmental organizations, local authorities and civil society to further develop and implement effective crime prevention strategies at national, regional and local levels that take

⁵⁵ A/CONF.203/18.

into account, where appropriate, inter alia, the Guidelines for the Prevention of Crime;⁵⁶

2. *Invites* Member States, the United Nations Office on Drugs and Crime, institutes and other entities of the United Nations Crime Prevention and Criminal Justice Programme network, the United Nations Human Settlements Programme and other intergovernmental and non-governmental organizations to support a more integrated approach to building capacity in crime prevention and criminal justice and to promote crime prevention cooperation as a contribution to the establishment and strengthening of the rule of law;

3. *Requests* the United Nations Office on Drugs and Crime, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,⁵⁷ to continue to undertake action pursuant to Economic and Social Council resolution 2004/28 of 21 July 2004 in relation to gathering information on standards and norms in crime prevention and criminal justice, given the importance of this as a platform for the exchange of information and successful practices in crime prevention, and calls upon Member States to make voluntary contributions to that end;

4. *Also requests* the United Nations Office on Drugs and Crime to pay due attention to crime prevention, with a view to achieving a balanced approach between crime prevention and criminal justice responses, to further developing initiatives on crime prevention, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,⁵⁸ and to promoting such work, where appropriate, with relevant international development organizations involved with sustainable livelihood;

5. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its sixteenth session on progress made in relation to its actions on gathering information in respect of Member States and their crime prevention practices in order to promote effective crime prevention strategies.

Draft resolution IV

Strengthening reporting on crime

The Economic and Social Council,

Aware that regular collection and analysis of relevant information on crime may prove an invaluable tool for policymaking, technical cooperation and law enforcement,

Noting with appreciation the work of the United Nations Office on Drugs and Crime in the regular collection of information on crime trends and the operations of criminal justice systems in pursuance of General Assembly resolution 3021 (XXVII)

⁵⁶ Economic and Social Council resolution 2002/13, annex.

⁵⁷ This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

⁵⁸ This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

of 18 December 1972 on crime prevention and control and Economic and Social Council resolution 1984/48 of 25 May 1984 on crime prevention and criminal justice in the context of development, which resulted in the conducting of eight United Nations surveys on crime trends and operations of criminal justice systems, as well as the important contribution of the United Nations congresses on crime prevention and criminal justice as a forum for discussion and presentation of their findings,

Recalling General Assembly resolution 59/159 of 20 December 2004 on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity, in which the Assembly called upon the Secretary-General to strengthen the United Nations Office on Drugs and Crime by providing it with the resources necessary for the full implementation of its mandate in crime prevention and criminal justice, including the preparation of an updated publication on world crime trends,

Recalling also its resolution 1997/27 of 21 July 1997 on strengthening the United Nations Crime Prevention and Criminal Justice Programme with regard to the development of crime statistics and the operations of criminal justice systems, in which it urged Member States to take action for the improvement of crime and criminal justice statistics and to provide support to the participation in the international surveys on victims of crime through extrabudgetary resources,

Considering the need to improve responses to crime, as emphasized in the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,⁵⁹ adopted at the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005,

Noting with appreciation the work done by the United Nations Office on Drugs and Crime and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network in the area of trends in crime and justice,

1. *Recommends* that the Secretary-General convene an open-ended expert group, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,⁶⁰ to consider ways and means of improving crime data collection, research and analyses with a view to enhancing the work of the United Nations Office on Drugs and Crime and other relevant international entities, in particular the United Nations Interregional Crime and Justice Research Institute, as appropriate, to enhance international cooperation and law enforcement;

2. *Invites* Member States to make voluntary contributions to support the work of the open-ended expert group;

3. *Requests* the Secretary-General to submit the results of the meeting of the open-ended expert group to the Commission on Crime Prevention and Criminal Justice at its fifteenth session.

⁵⁹ A/CONF.203/18, chap. I, resolution 1.

⁶⁰ This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

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

The Economic and Social Council decides:

(a) To request the Secretary-General to continue collecting relevant data and information, in consultation with Governments, in particular through the analysis of questionnaires submitted by them, as well as with specialized agencies and intergovernmental and non-governmental organizations, on capital punishment and the safeguards guaranteeing protection of the rights of those facing the death penalty,⁶¹ and to invite Governments and relevant organizations to provide the requested information;

(b) To request the Secretary-General to prepare additional quinquennial reports on the subject, pursuant to General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 and Economic and Social Council resolutions 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1989/64 of 24 May 1989, 1990/51 of 24 July 1990, 1995/57 of 28 July 1995 and 1996/15 of 23 July 1996, also for the consideration of the Commission on Crime Prevention and Criminal Justice and, upon request, the Commission on Human Rights.

Draft decision II

Round Table for Africa: crime and drugs as impediments to security and development in Africa: strengthening the rule of law

The Economic and Social Council, recalling its resolution 2004/32 of 21 July 2004, entitled "Implementation of technical assistance projects in Africa by the United Nations Office on Drugs and Crime", in particular paragraph 5 of that resolution, decides to request the Secretary-General:

(a) To mandate the United Nations Office on Drugs and Crime to organize, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the United Nations Office on Drugs and Crime,⁶² and in coordination with the African Union and interested Member States, the Round Table for Africa for interested Member States, relevant agencies and institutes providing technical assistance to African States and promoting South-South cooperation;

⁶¹ Economic and Social Council resolution 1984/50, annex.

⁶² This new language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

(b) To mandate the United Nations Office on Drugs and Crime to convene the Round Table for Africa, which in principle should be held before the end of 2005.

Draft decision III

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

The Economic and Social Council:

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its fourteenth session;⁶³

(b) Approves the provisional agenda and documentation for the fifteenth session of the Commission as set out below, on the understanding that intersessional meetings will be held in Vienna to finalize the items to be included in the provisional agenda and the documentation requirements for the fifteenth session.

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

1. Election of officers

(Legislative authority: Economic and Social Council resolution 2003/31)

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 decisions 1997/232 and 2005/... [E/CN.15/2005/L.1/Add.1])

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 and 1999/23)

Report of the Secretary-General on the rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, including in post-conflict reconstruction

(Legislative authority: Economic and Social Council resolution 2004/25)

Report of the open-ended expert group on ways and means of improving crime data collection, research and analysis with a view to enhancing the work of the

⁶³ *Official Records of the Economic and Social Council, 2005, Supplement No. 10 (E/2005/30).*

United Nations Office on Drugs and Crime and other relevant international bodies

(Legislative authority: Economic and Social Council resolution 2005/...[E/CN.15/2005/L.10])

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)

Report of the Board of Trustees of the United Nations Interregional Crime and Justice Institute

(Legislative authority: Economic and Social Council decision 1989/56)

4. Thematic discussion

Documentation

Note by the Secretariat (as required)

5. Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

Documentation

Report of the Secretary-General on the follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

(Legislative authority: General Assembly resolution 60/... [E/CN.15/2005/L.4/Rev.1])

6. International cooperation in combating transnational crime

Documentation

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

(Legislative authority: General Assembly resolutions 57/168, 58/169, 59/157 and 60/... [E/CN.15/2005/L.6/Rev.1])

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, 59/155 and 60/... [E/CN.15/2005/L.11])

Report of the Secretary-General on preventing, combating and punishing trafficking in human organs

(Legislative authority: General Assembly resolution 59/156)

Report of the Secretary-General on the study on fraud, the criminal misuse and falsification of identity and related crimes

(Legislative authority: Economic and Social Council resolution 2004/26)

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, 59/153 and 60/... [E/CN.15/2005/L.12/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 United Nations standards and norms in crime prevention and criminal justice

(Legislative authority: Economic and Social Council resolutions 1992/22 and 2004/28)

Report of the Secretary-General on protection against trafficking in cultural property

(Legislative authority: Economic and Social Council resolution 2004/34)

Report of the Secretary-General on combating the spread of HIV/AIDS in criminal justice pre-trial and correctional facilities

(Legislative authority: Economic and Social Council resolution 2004/35)

9. Strategic management and programme questions

Documentation

Report on the intersessional work of the bureau of the Commission on Crime Prevention and Criminal Justice.

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

Note by the Secretary-General on the proposed strategic framework of the period 2008-2009 (as required)

Note by the Secretariat on nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Institute (as required)

10. Provisional agenda for the sixteenth 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 2005/... [E/CN.15/2005/L.1/Add.1])