

## 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**

#### **Strengthening the United Nations Crime Prevention and Criminal Justice Programme and the role of the Commission on Crime Prevention and Criminal Justice as its governing body**

*The General Assembly,*

*Recalling* its resolution 46/152 of 18 December 1991, in which it approved the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme, according to which the United Nations Trust Fund for Social Defence<sup>1</sup> was renamed the United Nations Crime Prevention and Criminal Justice Fund and became an integral part of the Programme,

*Recalling also* its resolution 55/25 of 15 November 2000, in which it decided that, until the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided otherwise, the account referred to in article 30 of the Convention<sup>2</sup> would be operated within the United Nations Crime Prevention and Criminal Justice Fund,

*Recalling further* its resolution 58/4 of 31 October 2003, in which it decided that, until the Conference of the States Parties to the United Nations Convention against Corruption decided otherwise, the account referred to in article 62 of the Convention<sup>3</sup> would be operated within the United Nations Crime Prevention and Criminal Justice Fund,

*Taking note* of the Secretary-General's bulletin on the organization of the United Nations Office on Drugs and Crime,<sup>4</sup> by which the Secretary-General decided that the United Nations Office on Drugs and Crime would be established to implement the Organization's drug programme and crime programme in an integrated manner and that the Executive Director would be responsible for all the activities of the Office, as well as its administration,

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<sup>1</sup> See Economic and Social Council resolution 1086 B (XXXIX).

<sup>2</sup> Resolution 55/25, annex I.

<sup>3</sup> Resolution 58/4, annex.

<sup>4</sup> ST/SGB/2004/6.

*Considering* that, starting from the biennium 2004-2005, a consolidated budget for the United Nations Office on Drugs and Crime has been prepared, including budgets for its drug and crime programmes,

*Considering also* that the Commission on Crime Prevention and Criminal Justice, in accordance with the procedures established by the General Assembly in its resolution 41/213 of 19 December 1986 and relevant subsequent resolutions, already provides its views and guidance on the proposed biennial programme plan and on the crime programme, which forms the basis for the formulation of the proposed programme budget for the next biennium and whose narrative part is subsequently considered by the Commission,

*Noting* the delegation of authority for the management of the United Nations Crime Prevention and Criminal Justice Fund from the Secretary-General to the Director-General of the United Nations Office at Vienna,

*Considering* that it would be opportune to grant the Commission on Crime Prevention and Criminal Justice the same powers with respect to the United Nations Crime Prevention and Criminal Justice Fund as the Commission on Narcotic Drugs has with respect to the Fund of the United Nations International Drug Control Programme,

1. *Authorizes* the Commission on Crime Prevention and Criminal Justice, as the principal United Nations policymaking body on crime prevention and criminal justice issues, to approve, on the basis of the proposals of the Executive Director of the United Nations Office on Drugs and Crime, bearing in mind the comments and recommendations of the Advisory Committee on Administrative and Budgetary Questions, the budget of the United Nations Crime Prevention and Criminal Justice Fund, including its administrative and programme support costs budget, other than expenditures borne by the regular budget of the United Nations, without prejudice to the powers of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, as provided for in that Convention,<sup>5</sup> and to the powers of the Conference of the States Parties to the United Nations Convention against Corruption, as provided for in that Convention;<sup>6</sup>

2. *Requests* the Advisory Committee on Administrative and Budgetary Questions to submit its comments and recommendations on the biennial consolidated budget for the United Nations Office on Drugs and Crime to the Commission on Crime Prevention and Criminal Justice;

3. *Requests* the Commission on Crime Prevention and Criminal Justice to report to the Economic and Social Council in 2007 on how it plans to carry out those administrative and financial functions;

4. *Requests* the Secretary-General to promulgate financial rules for the United Nations Crime Prevention and Criminal Justice Fund.

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<sup>5</sup> Resolution 55/25, annex I.

<sup>6</sup> Resolution 58/4, annex.

## Draft resolution II

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

*The General Assembly,*

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

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

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

*Convinced* that any linkage of various illegal activities involving kidnapping poses an additional threat to quality of life and hinders economic and social development,

*Convinced also* that the United Nations Convention against Transnational Organized Crime<sup>7</sup> provides a legal framework when necessary for international cooperation with a view to preventing, combating and eradicating kidnapping,

*Recalling* its resolution 59/154 of 20 December 2004, entitled “International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims”, in which it requested the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to prepare a manual, for use by competent authorities, of proven and promising practices in the fight against kidnapping,

*Acknowledging* the financial and technical contributions made by Member States to the preparation of the manual,

1. *Vigorously condemns and rejects once again* the offence of kidnapping, under any circumstances and for any purpose;
2. *Notes with satisfaction* the publication of the operational manual against kidnapping prepared pursuant to its resolution 59/154, and expresses its appreciation to the intergovernmental group of experts entrusted with the preparation of the manual;
3. *Encourages* Member States to continue to foster international cooperation, especially extradition, mutual legal assistance, collaboration between

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<sup>7</sup> Resolution 55/25, annex I.

law enforcement authorities and exchange of information, with a view to preventing, combating and eradicating kidnapping;

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

5. *Also calls upon* Member States to take measures intended to provide adequate assistance and protection to victims of kidnapping and their families;

6. *Invites* Member States, once they have considered the operational manual, to consider the possibility of using it in their national efforts to combat kidnapping, and 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 Office,<sup>8</sup> to provide to Member States, upon request, technical assistance and advice in implementing the provisions of the manual;

7. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Commission on Crime Prevention and Criminal Justice at its sixteenth session on the implementation of the present resolution, and thereafter, to share its report with the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

## **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**

#### **United Nations standards and norms in crime prevention**

*The Economic and Social Council,*

*Taking note* of General Assembly resolution 56/261 of 31 January 2002, entitled “Plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century”, in particular of section VIII of the plans of action, relating to action in the context of crime prevention to implement the relevant commitments undertaken in the Vienna Declaration,<sup>9</sup>

*Bearing in mind* its resolution 2002/13 of 24 July 2002, in which it accepted the Guidelines for the Prevention of Crime, contained in the annex to that resolution, invited Member States to draw upon those Guidelines, as appropriate, in the development or strengthening of their policies in the field of crime prevention and criminal justice, and requested the Secretary-General to report to the

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<sup>8</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

<sup>9</sup> General Assembly resolution 55/59, annex.

Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of the resolution,

*Recalling* its resolution 2003/26 of 22 July 2003 on prevention of urban crime, in which it encouraged Member States to draw upon the Guidelines for the Prevention of Crime and to share their experience gained in that regard, including in their inputs to the report of the Secretary-General on the Guidelines, and requested the United Nations Office on Drugs and Crime and the United Nations Human Settlements Programme to assist Member States, upon request, to prepare proposals for the provision of technical assistance in the area of crime prevention in accordance with the Guidelines,

*Recalling also* its resolution 2004/31 of 21 July 2004 on prevention of urban crime, in which it welcomed the initiative of the United Nations Office on Drugs and Crime to establish a database of good practices in the area of urban crime prevention, in coordination with the United Nations Human Settlements Programme and the relevant institutes of the United Nations Crime Prevention and Criminal Justice Programme network,

*Taking note* of its resolution 2005/22 of 22 July 2005 on action to promote effective crime prevention, in which it invited Member States, the United Nations Office on Drugs and Crime and other entities to support a more integrated approach to building capacity in crime prevention and to promote crime prevention cooperation as a contribution to the establishment and strengthening of the rule of law, and requested the United Nations Office on Drugs and Crime to continue to undertake action in relation to gathering information on standards and norms in crime prevention and criminal justice, given its importance as a platform for the exchange of information and successful practices in crime prevention, and to pay due attention to crime prevention with a view to achieving a balanced approach between crime prevention and criminal justice responses,

*Recalling* its resolution 2003/30 of 22 July 2003 on United Nations standards and norms in crime prevention and criminal justice, in which it decided to group such standards and norms into categories for the purpose of targeted collection of information, in order to better identify the specific needs of Member States with a view to improving technical cooperation, and in which it called upon Member States, in responding to inquiries on the application of such standards and norms, to focus on identifying difficulties that have been encountered in their application, ways in which technical assistance could overcome those difficulties and desirable practices in prevention and control of crime,

*Recalling also* its resolution 2004/28 of 21 July 2004 on standards and norms in crime prevention and criminal justice, in which it requested the Secretary-General to convene a meeting of intergovernmental experts and, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to design information-gathering instruments on, inter alia, standards and norms related primarily to crime prevention and victim issues,

*Aware* that the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,<sup>10</sup> endorsed by the General Assembly in its resolution 60/177 of 16 December 2005, recognized that

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<sup>10</sup> A/CONF.203/18, chap. I, resolution 1.

comprehensive and effective crime prevention strategies can significantly reduce crime and victimization, and urged that such strategies address the root causes and risk factors of crime and victimization and that they be further developed and implemented at the local, national and international levels, taking into account, as appropriate, inter alia, the Guidelines for the Prevention of Crime,

*Recalling* that concern was expressed in the Bangkok Declaration over the expansion of transnational organized crime and of terrorism,

*Calling attention* to the report entitled “Crime and Drugs as Impediments to Security and Development in Africa: a Programme of Action 2006-2010”, which was endorsed by the Round Table for Africa held in Abuja on 5 and 6 September 2005, hosted by the Government of Nigeria and organized by the United Nations Office on Drugs and Crime, which includes application of the Guidelines for the Prevention of Crime as one potential priority for addressing conventional crime,

*Aware* of the scope for significant reduction in crime and victimization through knowledge-based approaches, technical and financial assistance and cooperation, and of the contribution that effective crime prevention can make in terms of the safety and security of individuals and their property, as well as to the quality of life in communities around the world,

1. *Notes with appreciation* the work of the Intergovernmental Expert Group Meeting on Crime Prevention, held in Vienna from 20 to 22 March 2006;

2. *Expresses its gratitude* to the Government of Canada for its financial support in the organization of the Intergovernmental Expert Group Meeting and to the European Institute for Crime Prevention and Control, affiliated with the United Nations, as well as the International Centre for the Prevention of Crime, associated with the United Nations, for assisting in the preparation of the information-gathering instrument on United Nations standards and norms related primarily to crime prevention;

3. *Approves* the information-gathering instrument for United Nations standards and norms related primarily to crime prevention, contained in the annex to the present resolution, for purposes of dissemination;

4. *Requests* the Secretary-General to forward the information-gathering instrument to Member States;

5. *Invites* Member States to reply to the information-gathering instrument and to include any comments or suggestions they may have in relation to the instrument;

6. *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 Office,<sup>11</sup> to seek information from relevant intergovernmental and non-governmental organizations, within the mandate of the Commission on Crime Prevention and Criminal Justice, and from the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other

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<sup>11</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

relevant United Nations entities with respect to their capacity to provide technical assistance in relation to areas outlined in the information-gathering instrument;

7. *Invites* Member States and other relevant entities to inform the United Nations Office on Drugs and Crime of existing centres and focal points in the area of crime prevention, if applicable, in order to facilitate networking and cooperation, also keeping in mind the invitation to that end contained in the annex to Economic and Social Council resolution 2003/30;

8. *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,<sup>12</sup> an intergovernmental expert group meeting, based on equitable geographical representation and open to observers, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to design an information-gathering instrument in relation to United Nations standards and norms related primarily to victim issues and to study ways and means to promote their use and application, and to report on progress made in that connection to the Commission at its sixteenth session;

9. *Requests* the United Nations Office on Drugs and Crime, when submitting a proposed questionnaire to the Commission on Crime Prevention and Criminal Justice for approval, to provide a report on whether the information being sought could be obtained from existing mechanisms so as to avoid duplication and overlap;

10. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its sixteenth session on the use and application of United Nations standards and norms related primarily to crime prevention, in particular as regards the following:

(a) The difficulties encountered in the application of United Nations standards and norms related primarily to crime prevention;

(b) Ways in which technical assistance can be provided to overcome those difficulties;

(c) Useful practices in addressing existing and emerging challenges in this field;

(d) Suggestions from Member States of ways to further improve the existing standards and norms.

## **Annex**

### **Information-gathering instrument on United Nations standards and norms related primarily to the prevention of crime**

Pursuant to Economic and Social Council resolution 2004/28 of 21 July 2004, the following questionnaire is designed as a tool to collect information to assist in

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<sup>12</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

the preparation of the report of the Secretary-General, in particular as regards the following:

- (a) The difficulties encountered in the application of United Nations standards and norms in crime prevention;
- (b) Ways in which technical assistance can be provided; and
- (c) Useful practices and emerging challenges.

It is not intended to produce a scorecard of how well States are doing. It addresses the main sections of the Guidelines for the Prevention of Crime (Council resolution 2002/13, annex) and, as the case may be, other relevant instruments.

Economic and Social Council resolution 2002/13 of 24 July 2003 on action to promote effective crime prevention accepted the Guidelines for the Prevention of Crime and also requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice on the implementation of that resolution. In the Guidelines, crime prevention refers to “strategies and measures that seek to reduce the risk of crimes occurring” by influencing “their multiple causes” (para. 3). It includes social crime prevention (or prevention through social development), local, community or neighbourhood-based crime prevention, situational crime prevention and measures to prevent recidivism. The definition does not include law enforcement and other criminal justice intervention, even though these may have crime prevention aspects. It is cognizant, however, of the need to take account of “the growing internationalization of criminal activities” (para. 4). When referring to the community, it refers in essence to “the involvement of civil society at the local level” (para. 5).

Other instruments relevant to the prevention of crime include:

- Economic and Social Council resolution 1995/9 of 24 July 1995, the annex to which contains the Guidelines for cooperation and technical assistance in the field of urban crime prevention
- General Assembly resolution 51/60 of 12 December 1996, the annex to which contains the United Nations Declaration on Crime and Public Security

The questionnaire is divided into five sections: structuring crime prevention at the governmental level; crime prevention approaches; implementation issues; international cooperation, networking and technical assistance; and concluding questions. In developing the questionnaire, related paragraphs have been grouped for simplicity and clarity.

## **I. Structuring crime prevention at the government level**

The following paragraphs of the Guidelines for the Prevention of Crime refer to government responsibility, leadership and structures to organize and deliver effective crime prevention:

2. *It is the responsibility of all levels of government [national, regional and local] to create, maintain and promote a context within which relevant governmental*

*institutions and all segments of civil society, including the corporate sector, can better play their part in preventing crime.*

*Government leadership*

*7. All levels of government should play a leadership role in developing effective and humane crime prevention strategies and in creating and maintaining institutional frameworks for their implementation and review.*

*Cooperation/partnerships*

*9. Cooperation/partnerships should be an integral part of effective crime prevention, given the wide-ranging nature of the causes of crime and the skills and responsibilities required to address them. This includes partnerships working across ministries and between authorities, community organizations, non-governmental organizations, the business sector and private citizens.*

*Government structures*

*17. Governments should include prevention as a permanent part of their structures and programmes for controlling crime, ensuring that clear responsibilities and goals exist within government for the organization of crime prevention, by, inter alia:*

- (a) Establishing centres or focal points with expertise and resources;*
- (b) Establishing a crime prevention plan with clear priorities and targets;*
- (c) Establishing linkages and coordination between relevant government agencies or departments;*
- (d) Fostering partnerships with non-governmental organizations, the business, private and professional sectors and the community;*
- (e) Seeking the active participation of the public in crime prevention by informing it of the need for and means of action and its role.*

*Training and capacity-building*

*18. Governments should support the development of crime prevention skills by:*

- (a) Providing professional development for senior officials in relevant agencies;*
- (b) Encouraging universities, colleges and other relevant educational agencies to offer basic and advanced courses, including in collaboration with practitioners;*
- (c) Working with the educational and professional sectors to develop certification and professional qualifications;*
- (d) Promoting the capacity of communities to develop and respond to their needs.*

*Supporting partnerships*

*19. Governments and all segments of civil society should support the principle of partnership, where appropriate, including:*

- (a) *Advancing knowledge of the importance of this principle and the components of successful partnerships, including the need for all of the partners to have clear and transparent roles;*
- (b) *Fostering the formation of partnerships at different levels and across sectors;*
- (c) *Facilitating the efficient operation of partnerships.*

1. Have government bodies in your country taken steps to implement the approach to crime prevention defined in the Guidelines?  
 Yes       No

If the answer is “Yes”, please describe briefly.

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2. In your country, have specific crime prevention policies or strategies been adopted?  
(a) At the national level?  
 Yes       No

If the answer is “Yes”, please indicate the title and date of adoption.

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Has this policy or strategy been enshrined in legislation?

Yes       No

If the answer is “Yes”, please provide the reference and date of adoption.

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- (b) At the regional level?

Yes       No

(c) At the local level?

Yes  No

If the answer to (b) and/or (c) above is "Yes", please specify.

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3. In your country, which government department, ministry or organization at the national level has the responsibility for leadership in crime prevention?

Please specify.

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4. In your country, does the organization or framework of crime prevention include:

(a) A centre or focal point at the national level?

Yes  No

If the answer is "Yes", please cite the name and status of the responsible agency or agencies.

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(b) Centres or focal points at the regional level?

Yes  No

Not applicable

(c) Establishing crime prevention plans with clear priorities?

(i) At the national level?

Yes  Yes, in part

No

- (ii) At the regional level?
- Yes       Yes, in part  
 No       Not applicable
- (iii) At the local level?
- Yes       Yes, in part  
 No
- (d) Establishing linkages and coordination between relevant government agencies and organizations?
- (i) At the national level?
- Yes       Yes, in part  
 No
- (ii) At the regional level?
- Yes       Yes, in part  
 No       Not applicable
- (e) Fostering partnerships with non-governmental organizations, the business, private and professional sectors and the community?
- (i) At the national level?
- Yes       Yes, in part  
 No
- (ii) At the regional level?
- Yes       Yes, in part  
 No       Not applicable
- (iii) At the local level?
- Yes       Yes, in part  
 No
- (f) Seeking the active participation of the general public?
- (i) At the national level?
- Yes       Yes, in part  
 No
- (ii) At the regional level?
- Yes       Yes, in part  
 No       Not applicable

(iii) At the local level?

- Yes       Yes, in part  
 No

(g) A specific role for the police and other institutions performing similar roles?

- Yes       No

If the answer is "Yes", please describe.

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5. In your country, do government bodies support the development of crime prevention skills by:

(a) Providing professional development?

- Yes       No

(b) Encouraging relevant educational institutions to offer basic and advanced courses?

- Yes       No

(c) Working to develop certification and professional qualifications?

- Yes       No

(d) Promoting the capacity of communities to develop and respond to their own needs?

- Yes       No

## II. Crime prevention approaches

Crime prevention as defined in the relevant instruments refers to various approaches generally called social, community-based and situational crime prevention, as well as preventing recidivism.

In respect to social crime prevention, relevant paragraphs of the Guidelines for the Prevention of Crime include:

6. *Crime prevention encompasses a wide range of approaches, including those which:*

*(a) Promote the well-being of people and encourage pro-social behaviour through social, economic, health and educational measures, with a particular emphasis on children and youth, and focus on the risk and protective factors associated with crime and victimization (prevention through social development, or social crime prevention);*

*Socio-economic development and inclusion*

8. *Crime prevention considerations should be integrated into all relevant social and economic policies and programmes, including those addressing employment, education, health, housing and urban planning, poverty, social marginalization and exclusion. Particular emphasis should be placed on communities, families, children and youth at risk.*

*Social development*

24. *Governments should address the risk factors of crime and victimization by:*

*(a) Promoting protective factors through comprehensive and non-stigmatizing social and economic development programmes, including health, education, housing and employment;*

*(b) Promoting activities that redress marginalization and exclusion;*

*(c) Promoting positive conflict resolution;*

*(d) Using education and public awareness strategies to foster a culture of lawfulness and tolerance while respecting cultural identities.*

6. Is the concept of social crime prevention (as defined in paragraph 6 (a) of the Guidelines for the Prevention of Crime) part of your country's crime prevention policy, strategy or programmes?

Yes  No

7. Do your country's crime prevention policies, strategies or programmes include a specific focus on:

(a) Children and youth at risk of victimization or offending?

Yes  No

If the answer is "Yes", please specify.

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(b) Vulnerable groups?

Yes  No

If the answer is "Yes", please specify.

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(c) The different needs of men and women?

Yes  No

If the answer is "Yes", please specify.

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8. Are crime prevention considerations integrated into relevant social and economic policies and programmes?

Yes  No

If the answer is "Yes", please specify.

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9. In your country, do crime prevention policies, strategies or programmes:

(a) Promote protective factors (e.g. staying in school, positive parenting, job training for youth, etc.)?

Yes  No

If the answer is "Yes", please describe briefly.

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(b) Promote activities to redress marginalization or exclusion?

Yes  No

If the answer is "Yes", please describe briefly.

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(c) Promote positive conflict resolution (e.g. mediation, restorative justice, etc.)?

Yes  No

If the answer is "Yes", please describe briefly.

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(d) Use education and public awareness?

Yes  No

If the answer is "Yes", please describe briefly.

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(e) Involve the media?

Yes  No

If the answer is "Yes", please describe briefly.

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In respect of community or locally based crime prevention, relevant paragraphs of the Guidelines for the Prevention of Crime include:

6. *Crime prevention encompasses a wide range of approaches, including those which:*

*(b) Change the conditions in neighbourhoods that influence offending, victimization and insecurity that results from crime by building on the initiatives, expertise and commitment of community members (locally based crime prevention);*

10. Does your country have specific crime prevention policies, strategies or programmes designed to change the conditions that influence offending, victimization and insecurity in neighbourhoods?

Yes  No

If the answer is “Yes”, please specify.

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11. Does your crime prevention policy or strategy include an integrated approach to address the multiple risk and protective factors in highly vulnerable neighbourhoods or communities?

Yes       No

If the answer is “Yes”, please specify.

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In respect of situational crime prevention, relevant paragraphs of the Guidelines for the Prevention of Crime include:

6. *Crime prevention encompasses a wide range of approaches, including those which:*

*(c) Prevent the occurrence of crimes by reducing opportunities, increasing risks of being apprehended and minimizing benefits, including through environmental design, and by providing assistance and information to potential and actual victims (situational crime prevention);*

*Situational prevention*

26. *Governments and civil society, including, where appropriate, the corporate sector, should support the development of situational crime prevention programmes by, inter alia:*

*(a) Improved environmental design;*

*(b) Appropriate methods of surveillance that are sensitive to the right to privacy;*

*(c) Encouraging the design of consumer goods to make them more resistant to crime;*

*(d) Target “hardening” without impinging upon the quality of the built environment or limiting free access to public space;*

*(e) Implementing strategies to prevent repeat victimization.*

12. Does your country have specific situational crime prevention policies, strategies or programmes to:

(a) Improve environmental design and management?

Yes  No

If the answer is "Yes", please specify.

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(b) Implement appropriate methods of surveillance that are sensitive to privacy?

Yes  No

If the answer is "Yes", please specify.

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(c) Promote target hardening without impinging on the quality of the built environment?

Yes  No

If the answer is "Yes", please specify.

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(d) Encourage the design of crime-resistant consumer goods?

Yes  No

If the answer is "Yes", please specify.

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(e) Implement strategies to prevent repeat victimization?

Yes  No

If the answer is "Yes", please specify.

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In respect of the prevention of recidivism, relevant paragraphs of the Guidelines for the Prevention of Crime include:

6. *Crime prevention encompasses a wide range of approaches, including those which:*

*(d) Prevent recidivism by assisting in the social reintegration of offenders and other preventive mechanisms (reintegration programmes).*

13. In your country, do you have specific policies, strategies or programmes to prevent recidivism by assisting in the social reintegration of offenders and other preventive mechanisms?

Yes  No

If the answer is "Yes", please specify.

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### III. Implementation issues

Sustainability and accountability are important principles to ensure the implementation of effective crime prevention programmes and initiatives. The relevant paragraphs of the Guidelines for the Prevention of Crime are:

1. *There is clear evidence that well-planned crime prevention strategies not only prevent crime and victimization, but also promote community safety and contribute to the sustainable development of countries. Effective, responsible crime prevention enhances the quality of life of all citizens. It has long-term benefits in terms of reducing the costs associated with the formal criminal justice system, as well as other social costs that result from crime. Crime prevention offers opportunities for a humane and more cost-effective approach to the problems of crime.*

*Sustainability/accountability*

*10. Crime prevention requires adequate resources, including funding for structures and activities, in order to be sustained. There should be clear accountability for funding, implementation and evaluation and for the achievement of planned results.*

*Sustainability*

*20. Governments and other funding bodies should strive to achieve sustainability of demonstrably effective crime prevention programmes and initiatives through, inter alia:*

*(a) Reviewing resource allocation to establish and maintain an appropriate balance between crime prevention and the criminal justice and other systems, to be more effective in preventing crime and victimization;*

*(b) Establishing clear accountability for funding, programming and coordinating crime prevention initiatives;*

*(c) Encouraging community involvement in sustainability.*

14. In your country, what measures have been taken to ensure the sustainability of crime prevention policies, strategies and programmes?

Please describe briefly.

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15. In your country, have there been systematic attempts to assess the costs of crime and crime control measures, including crime prevention measures?

Yes       No

If the answer is "Yes", please provide the source of funding and an estimate of the total costs.

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In implementing crime prevention, elements of a rigorous process have been identified. The relevant paragraphs of the Guidelines for the Prevention of Crime are:

*Knowledge base*

11. *Crime prevention strategies, policies, programmes and actions should be based on a broad, multidisciplinary foundation of knowledge about crime problems, their multiple causes and promising and proven practices.*

21. *As appropriate, Governments and/or civil society should facilitate knowledge-based crime prevention by, inter alia:*

(a) *Providing the information necessary for communities to address crime problems;*

(b) *Supporting the generation of useful and practically applicable knowledge that is scientifically reliable and valid;*

(c) *Supporting the organization and synthesis of knowledge and identifying and addressing gaps in the knowledge base;*

(d) *Sharing that knowledge, as appropriate, among, inter alia, researchers, policymakers, educators, practitioners from other relevant sectors and the wider community;*

(e) *Applying this knowledge in replicating successful interventions, developing new initiatives and anticipating new crime problems and prevention opportunities;*

(f) *Establishing data systems to help manage crime prevention more cost-effectively, including by conducting regular surveys of victimization and offending;*

(g) *Promoting the application of those data in order to reduce repeat victimization, persistent offending and areas with a high level of crime.*

*Planning intervention*

22. *Those planning interventions should promote a process that includes:*

(a) *A systematic analysis of crime problems, their causes, risk factors and consequences, in particular at the local level;*

(b) *A plan that draws on the most appropriate approach and adapts interventions to the specific local problem and context;*

(c) *An implementation plan to deliver appropriate interventions that are efficient, effective and sustainable;*

(d) *Mobilizing entities that are able to tackle causes;*

(e) *Monitoring and evaluation.*

*Supporting evaluation*

23. *Governments, other funding bodies and those involved in programme development and delivery should:*

- (a) Undertake short- and longer-term evaluation to test rigorously what works, where and why;
- (b) Undertake cost-benefit analyses;
- (c) Assess the extent to which action results in a reduction in levels of crime and victimization, in the seriousness of crime and in fear of crime;
- (d) Systematically assess the outcomes and unintended consequences, both positive and negative, of action, such as a decrease in crime rates or the stigmatization of individuals and/or communities.

16. In your country, is the use of knowledge-based crime prevention strategies, policies or programmes facilitated by:

- (a) Supporting the generation and utilization of useful information and data?  
 Yes       No

If the answer is "Yes", please describe briefly.

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- (b) Supporting the sharing of useful information and data?  
 Yes       No

If the answer is "Yes", please describe briefly.

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- (c) Promoting the application of useful information and data to reduce repeat victimization, persistent offending and high crime areas?  
 Yes       No

If the answer is "Yes", please describe briefly.

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17. In your country, do the crime prevention policies, strategies or programmes promote a planning process that includes:

(a) A systematic analysis of crime problems, their causes and risk factors and consequences, in particular at the local level?

Yes  No

If the answer is "Yes", please describe briefly.

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(b) A plan that draws on the most appropriate approaches and adapts interventions to the specific local problems and local context?

Yes  No

If the answer is "Yes", please describe briefly.

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(c) An implementation plan to deliver efficient, effective and sustainable interventions?

Yes  No

If the answer is "Yes", please describe briefly.

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(d) Mobilizing entities that are able to tackle causes?

Yes  No

If the answer is "Yes", please describe briefly.

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(e) Monitoring and evaluation?

Yes  No

If the answer is "Yes", please describe briefly.

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18. In your country, do the crime prevention policies, strategies or programmes include:

(a) Undertaking evaluation to test rigorously what works?

Yes  No

If the answer is "Yes", please describe briefly.

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(b) Undertaking cost-benefit analyses?

Yes  No

If the answer is "Yes", please describe briefly.

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(c) Assessing reduction in crime, victimization and fear of crime?

Yes  No

If the answer is "Yes", please describe briefly.

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(d) Assessing outcomes and unintended consequences?

Yes  No

If the answer is “Yes”, please describe briefly.

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19. Has an evaluation of components or specific activities of your country’s national crime prevention policy or strategy been undertaken?

Yes  No

If the answer is “Yes”, please describe briefly.

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The Guidelines for the Prevention of Crime recognize the links between local and transnational organized crime and the need to prevent organized crime. The relevant paragraphs of the Guidelines are:

*Interdependency*

*13. National crime prevention diagnoses and strategies should, where appropriate, take account of links between local criminal problems and international organized crime.*

*Prevention of organized crime*

*27. Governments and civil society should endeavour to analyse and address the links between transnational organized crime and national and local crime problems by, inter alia:*

*(a) Reducing existing and future opportunities for organized criminal groups to participate in lawful markets with the proceeds of crime, through appropriate legislative, administrative or other measures;*

*(b) Developing measures to prevent the misuse by organized criminal groups of tender procedures conducted by public authorities and of subsidies and licences granted by public authorities for commercial activity;*

*(c) Designing crime prevention strategies, where appropriate, to protect socially marginalized groups, especially women and children, who are vulnerable to the action of organized criminal groups, including trafficking in persons and smuggling of migrants.*

*Links between transnational and local crime*

*31. Member States should collaborate to analyse and address the links between transnational organized crime and national and local crime problems.*

20. In your country, do crime prevention policies, strategies or programmes assess the potential links between local and national crime problems and transnational organized crime?

Yes       No

If the answer is “Yes”, please describe briefly.

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21. In your country, do the crime prevention policies, strategies or programmes include:

(a) Measures to reduce opportunities for organized criminal groups to participate in lawful markets?

Yes       No

If the answer is “Yes”, please describe briefly.

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(b) Measures to prevent the misuse of public tender procedures, subsidies and licences?

Yes       No

If the answer is “Yes”, please describe briefly.

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- (c) Measures to protect socially marginalized groups, especially women and children, who are vulnerable to exploitation by organized criminal groups, including preventing trafficking in persons and the smuggling of migrants?

Yes       No

If the answer is “Yes”, please describe briefly.

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#### **IV. International cooperation, networking and technical assistance**

Member States are encouraged to facilitate international cooperation and develop networks for the exchange of practices and knowledge. The relevant paragraphs of the Guidelines for the Prevention of Crime include:

*Technical assistance*

29. Member States and relevant international funding organizations should provide financial and technical assistance, including capacity-building and training, to developing countries and countries with economies in transition, communities and other relevant organizations for the implementation of effective crime prevention and community safety strategies at the regional, national and local levels. In that context, special attention should be given to research and action on crime prevention through social development.

*Networking*

30. Member States should strengthen or establish international, regional and national crime prevention networks with a view to exchanging proven and promising practices, identifying elements of their transferability and making such knowledge available to communities throughout the world.

*Prioritizing crime prevention*

32. The Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat, the United Nations Crime Prevention and Criminal Justice Programme network of affiliated and associated institutes and other relevant United Nations entities should include in their priorities crime prevention as set out in these Guidelines, set up a coordination mechanism and establish a roster of experts to undertake needs assessment and to provide technical advice.

*Dissemination*

33. *Relevant United Nations bodies and other organizations should cooperate to produce crime prevention information in as many languages as possible, using both print and electronic media.*

22. Does your country participate in international networks for the exchange of information and knowledge on crime prevention policies, strategies or programmes?

Yes       No

If the answer is "Yes", please specify.

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23. What are the main obstacles to your country participating in international networking?

Please describe.

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24. Please identify guides, toolkits, compendiums or manuals of crime prevention practices from your country that can be shared with other countries.

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25. Does your country need technical assistance in any area of crime prevention?

Yes       No

26. Is your country able to provide technical assistance in any area of crime prevention?

Yes       No

If the answer to questions 25 and/or 26 is “Yes”, please mark the appropriate box(es) below:	<i>Need technical assistance</i>	<i>Can provide technical assistance</i>
(a) Including prevention as a permanent part of government structures (para. 17)		
(b) Government support for the development of crime prevention skills (para. 18)		
(c) Government and civil society support of partnerships (para. 19)		
(d) Social crime prevention (paras. 6 (a), 8 and 24)		
(e) Locally based or neighbourhood crime prevention (para. 6 (b))		
(f) Situational crime prevention (paras. 6 (c) and 26)		
(g) Prevention of recidivism (para. 6 (d))		
(h) Sustainability and accountability of crime prevention (paras. 1, 10 and 20)		
(i) Knowledge-based crime prevention (paras. 11 and 21)		
(j) Planning interventions (para. 22)		
(k) Monitoring and evaluation (para. 23)		
(l) Assessing the links between local crime problems and transnational organized crime (paras. 13, 27 and 31)		
(m) Of the areas identified, is there a priority? If so, please identify.		

## V. Concluding questions

27. What are some of the main lessons your country has derived from national experience in implementing crime prevention policies, strategies and programmes?

Please describe.

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28. What are the main challenges in your country for delivering effective crime prevention?

Please describe.

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#### Draft resolution II

### **Implementation of the Programme of Action, 2006-2010, on strengthening the rule of law and the criminal justice systems in Africa**

*The Economic and Social Council,*

*Recalling* the United Nations Millennium Declaration,<sup>13</sup> in which Heads of State and Government pledged to support the consolidation of democracy in Africa and to assist Africans in their struggle for lasting peace, poverty eradication and sustainable human development,

*Recalling also* 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,

*Recalling further* General Assembly resolution 60/1 of 16 September 2005 on the 2005 World Summit Outcome, in particular paragraph 68 on meeting the special needs of Africa,

*Recalling* its resolution 2004/32 of 21 July 2004 and decision 2005/248 of 22 July 2005 on the implementation of technical assistance projects in Africa by the United Nations Office on Drugs and Crime, in which it requested the Office to organize a special event among interested Member States, relevant agencies and institutes providing technical assistance to Africa, as well as those promoting South-South cooperation,

*Recalling also* General Assembly resolution 60/175 of 16 December 2005, in which the Assembly took note of the comprehensive Programme of Action, 2006-2010, that emanated from the Round Table for Africa held in Abuja on 5 and 6 September 2005 pursuant to Economic and Social Council decision 2005/248,

*Recalling further* decision EX.CL/Dec.169 (VI), adopted by the Executive Council of the African Union at its sixth ordinary session and endorsed by the Assembly of Heads of State and Government at its fourth ordinary session, held in Abuja in January 2005,

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<sup>13</sup> General Assembly resolution 55/2.

*Recognizing* the important role of the New Partnership for Africa's Development,<sup>14</sup> the African Peer Review Mechanism and its implementation process,

*Welcoming* the Paris Declaration on Aid Effectiveness, adopted at the Paris High-level Forum, held from 28 February to 2 March 2005, by the attending ministers of developed and developing countries, together with heads of bilateral and multilateral development institutions,

*Welcoming also* the adoption by the European Council of the EU Strategy for Africa: towards a Euro-African pact to accelerate Africa's development,<sup>15</sup>

*Taking note* of the report of the Secretary-General entitled "In larger freedom: towards development, security and human rights for all",<sup>16</sup>

1. *Welcomes* the publication in June 2005 of the study by the United Nations Office on Drugs and Crime entitled *Crime and Development in Africa*;

2. *Welcomes also* the outcome of the Round Table for Africa on Crime and Drugs as Impediments to Security and Development in Africa: Strengthening the Rule of Law, hosted by the Government of Nigeria in Abuja on 5 and 6 September 2005, embodied in the comprehensive Programme of Action, 2006-2010, aimed at strengthening the rule of law and the criminal justice systems in Africa;

3. *Expresses its appreciation* to the Government of Nigeria for hosting the Round Table for Africa, to the Governments of France and the United Kingdom of Great Britain and Northern Ireland and other development partners for their financial and related support for the meeting, as well as to the United Nations Office on Drugs and Crime for organizing the event;

4. *Invites* all African States and regional and subregional institutions to mainstream crime and drug control measures in their national and regional development strategies, to mobilize all national stakeholders and to make every effort to allocate national resources for the implementation of the Programme of Action;

5. *Invites* the Chairman of the Commission on Crime Prevention and Criminal Justice to notify the Commission of the African Union of the need for its member States to endorse the Programme of Action, 2006-2010, to support its implementation and to review regularly the progress made;

6. *Invites* the Commission of the African Union to present the Programme of Action, 2006-2010, to the next Summit of Heads of State and Government of the African Union for its endorsement;

7. *Invites* bilateral and multilateral aid agencies and financial institutions to review as appropriate their funding policies for development assistance and to consider including a crime prevention and criminal justice component in such assistance;

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<sup>14</sup> A/57/304, annex.

<sup>15</sup> SEC (2005) 1255.

<sup>16</sup> A/59/2005.

8. *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 Office,<sup>17</sup> to support the implementation of the Programme of Action, 2006-2010, in cooperation with all African States, the African Union and other regional organizations, in particular in the context of the New Partnership for Africa's Development;<sup>18</sup>

9. *Invites* relevant entities of the United Nations system, including the United Nations Development Programme, the World Bank and other international funding agencies, to increase further their interaction with the United Nations Office on Drugs and Crime in supporting the implementation of the Programme of Action, 2006-2010, and to integrate crime prevention and drug control measures into their development programmes;

10. *Invites* Member States to make adequate voluntary contributions for the implementation of the Programme of Action, 2006-2010;

11. *Requests* the Executive Director of 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 Office,<sup>19</sup> to devote high priority to the implementation of the Programme of Action, 2006-2010, and to present a progress report to the Commission on Crime Prevention and Criminal Justice at its seventeenth session, in 2008.

### **Draft resolution III**

## **Providing technical assistance for prison reform in Africa and the development of viable alternatives to imprisonment**

*The Economic and Social Council,*

*Recalling* the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977,<sup>20</sup> the Basic Principles for the Treatment of Prisoners<sup>21</sup> and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),<sup>22</sup>

*Having regard* to the regional efforts in the promotion of basic rights of prisoners, as considered by the Pan-African Conference on Penal and Prison Reform in Africa, held in Ouagadougou from 18 to 20 September 2002, and the Latin American Conference on Penal Reform and Alternatives to Imprisonment, held in

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<sup>17</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

<sup>18</sup> A/57/304, annex.

<sup>19</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

<sup>20</sup> *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A; and Economic and Social Council resolution 2076 (LXII).

<sup>21</sup> General Assembly resolution 45/111, annex.

<sup>22</sup> General Assembly resolution 45/110, annex.

San José from 6 to 8 November 2002, and pursued by the African Union and the Organization of American States, as well as the Asian Conference on Prison Reform and Alternatives to Imprisonment, held in Dhaka from 12 to 14 December 2002,

*Recalling* its resolutions 1997/36 of 21 July 1997, on international cooperation for the improvement of prison conditions, in which it took note of the Kampala Declaration on Prison Conditions in Africa, annexed to the resolution; 1998/23 of 28 July 1988, on international cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing, in which it took note of the Kadoma Declaration on Community Service, contained in annex I to that resolution; and 1999/27 of 28 July 1999, on penal reform, in which it took note of the Arusha Declaration on Good Prison Practice, annexed to the resolution,

*Recalling also* its resolutions 2004/25 of 21 July 2004, on the rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction, and 2005/21 of 22 July 2005, on 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,

*Recalling in particular* its resolution 2004/35 of 21 July 2004, on combating the spread of HIV/AIDS in criminal justice pre-trial and correctional facilities, and deeply concerned at the spread of HIV/AIDS in pre-trial and correctional facilities in Africa and the risks posed to society as a whole, especially in situations of overcrowding in prisons,

*Noting* the Conference on Legal Aid in Criminal Justice: the Role of Lawyers, Non-Lawyers and Other Service Providers in Africa, held in Lilongwe from 22 to 24 November 2004,

*Recalling* the commitments undertaken by Member States in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century<sup>23</sup> to contain the growth and overcrowding of prison populations in pre-trial and correctional facilities by promoting, as appropriate, safe and effective alternatives to incarceration and national and international actions recommended to implement and follow up on the Declaration as contained in the plan of action on prison overcrowding and alternatives to incarceration<sup>24</sup> and in the Bangkok Declaration: Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice<sup>25</sup> 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 Programme of Action, 2006-2010, on strengthening the rule of law and the criminal justice systems in Africa, adopted by the Round Table for Africa, held in Abuja on 5 and 6 September 2005, in particular the actions on penal reform, alternative and restorative justice, HIV/AIDS in prisons, reduction of the backlog of cases and prison overcrowding and vulnerable groups,

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<sup>23</sup> General Assembly resolution 55/59, annex.

<sup>24</sup> General Assembly resolution 56/261, annex, paras. 31-33.

<sup>25</sup> A/CONF.203/18, chap. I, resolution I.

*Taking into account* the diverse views concerning imprisonment, especially for prisoners serving short sentences, and the cost of imprisonment to society as a whole,

*Recognizing* the serious problems posed by prison overcrowding and the potential threat to the rights of prisoners in many Member States, in particular in many African States,

*Alarmed* at the proportion of prisoners detained for long periods of time without being charged or sentenced and without access to legal advice and assistance in many African countries,

*Recognizing* that providing for effective alternatives to imprisonment in policy and practice is a viable long-term solution to prison overcrowding,

*Recognizing also* that community-based alternatives can provide for rehabilitation of offenders in a more efficient and cost-effective manner than imprisonment and that examples of good practices in reducing imprisonment can be found at the African level,

*Recognizing further* the need to enhance HIV/AIDS prevention efforts in pre-trial and correctional facilities in Africa,

*Recognizing* the particular needs of women and girls in prisons and children detained with their mothers, as also the needs of persons with mental illness and the physically challenged, and the need for Governments to design specific responses in that regard,

*Emphasizing* that efforts to ease prison overcrowding require sustained efforts and resources at all levels of the criminal justice system, such as law enforcement institutions, prosecution and legal aid services, judiciary, case and court management and prison management,

*Recognizing* the impact of the action of civil society organizations in improving prison conditions and in respecting the rights of prisoners,

1. *Notes* the progress made by Member States in meeting the commitments mentioned above and recent efforts to ease prison overcrowding taken by some Member States;
2. *Encourages* Member States implementing criminal justice and prison reforms to promote the participation of civil society organizations in that endeavour and to cooperate with them;
3. *Welcomes* the 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,<sup>26</sup> and the information contained therein with regard to penal reform activities in Member States and in the United Nations Office on Drugs and Crime;
4. *Also welcomes* the report of the Secretary-General on combating the spread of HIV/AIDS in criminal justice pre-trial and correctional facilities;<sup>27</sup>

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<sup>26</sup> E/CN.15/2006/3.

<sup>27</sup> E/CN.15/2006/15.

5. *Notes with appreciation* the designation in the 2005 publication entitled *UNAIDS Technical Support Division of Labour* of the United Nations Office on Drugs and Crime as the lead agency among the co-sponsors of the Joint United Nations Programme on HIV/AIDS on matters relating to HIV/AIDS in prisons;

6. *Welcomes* the work of the United Nations Office on Drugs and Crime in providing advisory services and technical assistance to Member States in the area of HIV/AIDS in prisons, in particular the development of the toolkit on HIV/AIDS in prison settings, which offers guidance to senior policymakers, prison managers, prison staff and prison health-care workers, and encourages the Office, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office,<sup>28</sup> to continue its work in that area, in partnership with other members of the Joint United Nations Programme on HIV/AIDS;

7. *Invites* Member States to develop and adopt measures and guidelines, where appropriate and in accordance with national legislation and relevant international instruments, including the international conventions related to drugs, to ensure that the particular challenges of HIV/AIDS in pre-trial and correctional facilities are adequately addressed;

8. *Notes with appreciation* the accomplishments of the United Nations Office on Drugs and Crime in developing tools and manuals on penal reform, in particular the handbooks on alternatives to imprisonment and restorative justice;

9. *Welcomes* the efforts undertaken by the United Nations Office on Drugs and Crime focusing on providing long-term sustainable technical assistance in the area of penal reform to Member States in post-conflict situations, in particular in Africa, in cooperation with the Department of Peacekeeping Operations of the Secretariat, and the increased synergy between the two entities;

10. *Invites* 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 Office,<sup>29</sup> to develop further tools and training manuals, based on international standards and best practices, in the area of penal reform and alternatives to imprisonment, in particular in the areas of prison management, legal advice and assistance and the special needs in prison of women and children, as well as of persons with mental illness and the physically challenged;

11. *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 Office,<sup>30</sup> in cooperation with relevant partners, to continue to provide advisory services and technical assistance to Member States, upon request, in the area of penal reform, including restorative justice, alternatives to imprisonment, HIV/AIDS in prisons and the special needs of women and girls in prisons;

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<sup>28</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

<sup>29</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

<sup>30</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

12. *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 Office,<sup>31</sup> to develop a programme of technical assistance for Africa in penal reform and provision of alternatives to imprisonment, building on the commitments made at the Round Table for Africa and in its Programme of Action, 2006-2010;

13. *Invites* Member States, international financial institutions and private donors to provide support to the activities above, through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund or through voluntary contributions in direct support of such activities;

14. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice at its seventeenth session, in 2008.

#### **Draft resolution IV**

### **Strengthening basic principles of judicial conduct**

*The Economic and Social Council,*

*Recalling* the Charter of the United Nations, in which Member States affirm, inter alia, their determination to establish conditions under which justice can be maintained to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms without any discrimination,

*Recalling also* the Universal Declaration of Human Rights, which enshrines in particular the principles of equality before the law, of the presumption of innocence and of the right to a fair and public hearing by a competent, independent and impartial tribunal established by law,

*Recalling further* the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,<sup>32</sup> which both guarantee the exercise of those rights, and that the International Covenant on Civil and Political Rights further guarantees the right to be tried without undue delay,

*Recalling* the United Nations Convention against Corruption,<sup>33</sup> which in its article 11 obliges States parties, in accordance with the fundamental principles of their legal systems and without prejudice to judicial independence, to take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary, including rules with respect to the conduct of members of the judiciary,

*Convinced* that corruption of members of the judiciary undermines the rule of law and affects public confidence in the judicial system,

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

<sup>32</sup> General Assembly resolution 2200 A (XXI), annex.

<sup>33</sup> General Assembly resolution 58/4, annex.

*Convinced also* that the integrity, independence and impartiality of the judiciary are essential prerequisites for the effective protection of human rights and economic development,

*Recalling* General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985, in which the Assembly endorsed the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Milan from 26 August to 6 September 1985,<sup>34</sup>

*Recalling also* the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Cairo from 29 April to 8 May 1995,<sup>35</sup> concerning the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of criminal justice,

*Recalling further* that in 2000 the Centre for International Crime Prevention of the Secretariat invited a group of chief justices of the common law tradition to develop a concept of judicial integrity, consistent with the principle of judicial independence, which would have the potential to have a positive impact on the standard of judicial conduct and to raise the level of public confidence in the rule of law,

*Recalling* the second meeting of the Judicial Group on Strengthening Judicial Integrity, held in 2001 in Bangalore, India, at which the chief justices recognized the need for universally acceptable standards of judicial integrity and drafted the Bangalore Principles of Judicial Conduct,<sup>36</sup>

*Recalling also* that the Judicial Group on Strengthening Judicial Integrity thereafter conducted extensive consultations with judiciaries of more than eighty countries of all legal traditions, leading to the endorsement of the Bangalore Principles of Judicial Conduct by various judicial forums, including a Round Table Meeting of Chief Justices, held in The Hague on 25 and 26 November 2002, which was attended by senior judges of the civil law tradition as well as judges of the International Court of Justice,

*Recalling further* Commission on Human Rights resolution 2003/43, on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, in which the Commission took note of the Bangalore Principles of Judicial Conduct and brought those principles to the attention of Member States, relevant United Nations organs and intergovernmental and non-governmental organizations for their consideration,

*Recalling* Commission on Human Rights resolution 2003/39 on the integrity of the judicial system, in which the Commission emphasized the integrity of the judicial system as an essential prerequisite for the protection of human rights and for ensuring that there was no discrimination in the administration of justice,

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<sup>34</sup> See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

<sup>35</sup> See A/CONF.169/16/Rev.1, chap. I, resolution 1, sect. III.

<sup>36</sup> E/CN.4/2003/65, annex.

1. *Invites* Member States, consistent with their domestic legal systems, to encourage their judiciaries to take into consideration the Bangalore Principles of Judicial Conduct, annexed to the present resolution, when reviewing or developing rules with respect to the professional and ethical conduct of members of the judiciary;
2. *Emphasizes* that the Bangalore Principles of Judicial Conduct represent a further development and are complementary to the Basic Principles on the Independence of the Judiciary, endorsed by the General Assembly in its resolutions 40/32 and 40/146;
3. *Acknowledges* the important work carried out by the Judicial Group on Strengthening Judicial Integrity under the auspices of the United Nations Office on Drugs and Crime, as well as other international and regional judicial forums that contribute to the development and dissemination of standards and measures to strengthen judicial independence, impartiality and integrity;
4. *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 Office<sup>37</sup> and in particular through its Global Programme against Corruption, to continue to support the work of the Judicial Group on Strengthening Judicial Integrity;
5. *Expresses appreciation* to Member States that have made voluntary contributions to the United Nations Office on Drugs and Crime in support of the work of the Judicial Group on Strengthening Judicial Integrity;
6. *Invites* Member States to make voluntary contributions, as appropriate, to the United Nations Crime Prevention and Criminal Justice Fund to support the Judicial Group on Strengthening Judicial Integrity, and to continue to provide, through the Global Programme against Corruption, technical assistance to developing countries and countries with economies in transition, upon request, to strengthen the integrity and capacity of their judiciaries;
7. *Also invites* Member States to submit to the Secretary-General their views regarding the Bangalore Principles of Judicial Conduct and to suggest revisions, as appropriate;
8. *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 Office,<sup>38</sup> to convene an open-ended intergovernmental expert group, in cooperation with the Judicial Group on Strengthening Judicial Integrity and other international and regional judicial forums, to develop a technical guide to be used in providing technical assistance aimed at strengthening judicial integrity and capacity, as well as a commentary on the Bangalore Principles of Judicial Conduct, taking into account the views expressed and the revisions suggested by Member States;

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

<sup>38</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

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

## Annex

### **Bangalore Principles of Judicial Conduct**

WHEREAS the Universal Declaration of Human Rights recognizes as fundamental the principle that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of rights and obligations and of any criminal charge,

WHEREAS the International Covenant on Civil and Political Rights<sup>39</sup> guarantees that all persons shall be equal before the courts and that in the determination of any criminal charge or of rights and obligations in a suit at law, everyone shall be entitled, without undue delay, to a fair and public hearing by a competent, independent and impartial tribunal established by law,

WHEREAS the foregoing fundamental principles and rights are also recognized or reflected in regional human rights instruments, in domestic constitutional, statutory and common law, and in judicial conventions and traditions,

WHEREAS the importance of a competent, independent and impartial judiciary to the protection of human rights is given emphasis by the fact that the implementation of all the other rights ultimately depends upon the proper administration of justice,

WHEREAS a competent, independent and impartial judiciary is likewise essential if the courts are to fulfil their role in upholding constitutionalism and the rule of law,

WHEREAS public confidence in the judicial system and in the moral authority and integrity of the judiciary is of the utmost importance in a modern democratic society,

WHEREAS it is essential that judges, individually and collectively, respect and honour judicial office as a public trust and strive to enhance and maintain confidence in the judicial system,

WHEREAS the primary responsibility for the promotion and maintenance of high standards of judicial conduct lies with the judiciary in each country,

AND WHEREAS the Basic Principles on the Independence of the Judiciary<sup>40</sup> are designed to secure and promote the independence of the judiciary and are addressed primarily to States,

THE FOLLOWING PRINCIPLES are intended to establish standards for ethical conduct of judges. They are designed to provide guidance to judges and to

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<sup>39</sup> General Assembly resolution 2200 A (XXI), annex.

<sup>40</sup> See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

afford the judiciary a framework for regulating judicial conduct. They are also intended to assist members of the executive and the legislature, and lawyers and the public in general, to better understand and support the judiciary. These principles presuppose that judges are accountable for their conduct to appropriate institutions established to maintain judicial standards, which are themselves independent and impartial, and are intended to supplement and not to derogate from existing rules of law and conduct that bind the judge.

### **Value 1 Independence**

#### *Principle*

Judicial independence is a prerequisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.

#### *Application*

- 1.1. A judge shall exercise the judicial function independently on the basis of the judge's assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influences, inducements, pressures, threats or interference, direct or indirect, from any quarter or for any reason.
- 1.2. A judge shall be independent in relation to society in general and in relation to the particular parties to a dispute that the judge has to adjudicate.
- 1.3. A judge shall not only be free from inappropriate connections with, and influence by, the executive and legislative branches of government, but must also appear to a reasonable observer to be free therefrom.
- 1.4. In performing judicial duties, a judge shall be independent of judicial colleagues in respect of decisions that the judge is obliged to make independently.
- 1.5. A judge shall encourage and uphold safeguards for the discharge of judicial duties in order to maintain and enhance the institutional and operational independence of the judiciary.
- 1.6. A judge shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence in the judiciary, which is fundamental to the maintenance of judicial independence.

### **Value 2 Impartiality**

#### *Principle*

Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is made.

#### *Application*

- 2.1. A judge shall perform his or her judicial duties without favour, bias or prejudice.
- 2.2. A judge shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary.

2.3. A judge shall, as far as is reasonable, so conduct himself or herself as to minimize the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.

2.4. A judge shall not knowingly, while a proceeding is before, or could come before, the judge, make any comment that might reasonably be expected to affect the outcome of such proceeding or impair the manifest fairness of the process, nor shall the judge make any comment in public or otherwise that might affect the fair trial of any person or issue.

2.5. A judge shall disqualify himself or herself from participating in any proceedings in which the judge is unable to decide the matter impartially or in which it may appear to a reasonable observer that the judge is unable to decide the matter impartially. Such proceedings include, but are not limited to, instances where:

(a) The judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;

(b) The judge previously served as a lawyer or was a material witness in the matter in controversy; or

(c) The judge, or a member of the judge's family, has an economic interest in the outcome of the matter in controversy;

provided that disqualification of a judge shall not be required if no other tribunal can be constituted to deal with the case or, because of urgent circumstances, failure to act could lead to a serious miscarriage of justice.

### **Value 3 Integrity**

#### *Principle*

Integrity is essential to the proper discharge of the judicial office.

#### *Application*

3.1. A judge shall ensure that his or her conduct is above reproach in the view of a reasonable observer.

3.2. The behaviour and conduct of a judge must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

### **Value 4 Propriety**

#### *Principle*

Propriety, and the appearance of propriety, are essential to the performance of all of the activities of a judge.

#### *Application*

4.1. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

- 4.2. As a subject of constant public scrutiny, a judge must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, a judge shall conduct himself or herself in a way that is consistent with the dignity of the judicial office.
- 4.3. A judge shall, in his or her personal relations with individual members of the legal profession who practise regularly in the judge's court, avoid situations that might reasonably give rise to the suspicion or appearance of favouritism or partiality.
- 4.4. A judge shall not participate in the determination of a case in which any member of the judge's family represents a litigant or is associated in any manner with the case.
- 4.5. A judge shall not allow the use of the judge's residence by a member of the legal profession to receive clients or other members of the legal profession.
- 4.6. A judge, like any other citizen, is entitled to freedom of expression, belief, association and assembly, but, in exercising such rights, a judge shall always conduct himself or herself in such a manner as to preserve the dignity of the judicial office and the impartiality and independence of the judiciary.
- 4.7. A judge shall inform himself or herself about the judge's personal and fiduciary financial interests and shall make reasonable efforts to be informed about the financial interests of members of the judge's family.
- 4.8. A judge shall not allow the judge's family, social or other relationships improperly to influence the judge's judicial conduct and judgement as a judge.
- 4.9. A judge shall not use or lend the prestige of the judicial office to advance the private interests of the judge, a member of the judge's family or of anyone else, nor shall a judge convey or permit others to convey the impression that anyone is in a special position improperly to influence the judge in the performance of judicial duties.
- 4.10. Confidential information acquired by a judge in the judge's judicial capacity shall not be used or disclosed by the judge for any other purpose not related to the judge's judicial duties.
- 4.11. Subject to the proper performance of judicial duties, a judge may:
- (a) Write, lecture, teach and participate in activities concerning the law, the legal system, the administration of justice or related matters;
  - (b) Appear at a public hearing before an official body concerned with matters relating to the law, the legal system, the administration of justice or related matters;
  - (c) Serve as a member of an official body, or other government commission, committee or advisory body, if such membership is not inconsistent with the perceived impartiality and political neutrality of a judge; or
  - (d) Engage in other activities if such activities do not detract from the dignity of the judicial office or otherwise interfere with the performance of judicial duties.
- 4.12. A judge shall not practise law while the holder of judicial office.

4.13. A judge may form or join associations of judges or participate in other organizations representing the interests of judges.

4.14. A judge and members of the judge's family shall neither ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by the judge in connection with the performance of judicial duties.

4.15. A judge shall not knowingly permit court staff or others subject to the judge's influence, direction or authority to ask for, or accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done in connection with his or her duties or functions.

4.16. Subject to law and to any legal requirements of public disclosure, a judge may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality.

## **Value 5 Equality**

### *Principle*

Ensuring equality of treatment to all before the courts is essential to the due performance of the judicial office.

### *Application*

5.1. A judge shall be aware of, and understand, diversity in society and differences arising from various sources, including but not limited to race, colour, sex, religion, national origin, caste, disability, age, marital status, sexual orientation, social and economic status and other like causes ("irrelevant grounds").

5.2. A judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice towards any person or group on irrelevant grounds.

5.3. A judge shall carry out judicial duties with appropriate consideration for all persons, such as the parties, witnesses, lawyers, court staff and judicial colleagues, without differentiation on any irrelevant ground, immaterial to the proper performance of such duties.

5.4. A judge shall not knowingly permit court staff or others subject to the judge's influence, direction or control to differentiate between persons concerned, in a matter before the judge, on any irrelevant ground.

5.5. A judge shall require lawyers in proceedings before the court to refrain from manifesting, by words or conduct, bias or prejudice based on irrelevant grounds, except such as are legally relevant to an issue in proceedings and may be the subject of legitimate advocacy.

## **Value 6 Competence and diligence**

### *Principle*

Competence and diligence are prerequisites to the due performance of judicial office.

### *Application*

- 6.1. The judicial duties of a judge take precedence over all other activities.
- 6.2. A judge shall devote the judge's professional activity to judicial duties, which include not only the performance of judicial functions and responsibilities in court and the making of decisions, but also other tasks relevant to the judicial office or the court's operations.
- 6.3. A judge shall take reasonable steps to maintain and enhance the judge's knowledge, skills and personal qualities necessary for the proper performance of judicial duties, taking advantage for that purpose of the training and other facilities that should be made available, under judicial control, to judges.
- 6.4. A judge shall keep himself or herself informed about relevant developments of international law, including international conventions and other instruments establishing human rights norms.
- 6.5. A judge shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.
- 6.6. A judge shall maintain order and decorum in all proceedings before the court and be patient, dignified and courteous in relation to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity. The judge shall require similar conduct of legal representatives, court staff and others subject to the judge's influence, direction or control.
- 6.7. A judge shall not engage in conduct incompatible with the diligent discharge of judicial duties.

### **Implementation**

By reason of the nature of judicial office, effective measures shall be adopted by national judiciaries to provide mechanisms to implement these principles if such mechanisms are not already in existence in their jurisdictions.

### **Definitions**

In this statement of principles, unless the context otherwise permits or requires, the following meanings shall be attributed to the words used:

“Court staff” includes the personal staff of the judge, including law clerks;

“Judge” means any person exercising judicial power, however designated;

“Judge's family” includes a judge's spouse, son, daughter, son-in-law, daughter-in-law and any other close relative or person who is a companion or employee of the judge and who lives in the judge's household;

“Judge's spouse” includes a domestic partner of the judge or any other person of either sex in a close personal relationship with the judge.

## Draft resolution V

### International cooperation in the fight against corruption

*The Economic and Social Council,*

*Reiterating its deep concern* about the impact of corruption on the political, social and economic stability and development of societies,

*Convinced* that a comprehensive and multidisciplinary approach is required to prevent and combat corruption effectively and recognizing the need for closer coordination and cooperation among States and other relevant entities in this regard,

*Recalling* General Assembly resolution 58/4 of 31 October 2003, in which the Assembly adopted the United Nations Convention against Corruption, and reaffirming that the Convention constitutes a significant development in international law and an important instrument for effective and multidimensional international cooperation against corruption,

*Recalling also* that, in the 2005 World Summit Outcome document,<sup>41</sup> Heads of State and Government urged all States that had not yet done so to consider becoming parties to the relevant international conventions on organized crime and corruption and, following their entry into force, to implement them effectively, including by incorporating the provisions of those conventions into national legislation and by strengthening criminal justice systems,

*Recalling further* General Assembly resolution 60/207 of 22 December 2005, on preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption,

*Welcoming* the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,<sup>42</sup> 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, in which Member States stated that the proper management of public affairs and public property and the rule of law were essential to the prevention and control of corruption, and recognized that, in order to curb corruption, it was necessary to promote a culture of integrity and accountability in both the public and the private sector,

*Welcoming also* the Programme of Action, 2006-2010, for Africa, adopted by the Round Table for Africa, held in Abuja on 5 and 6 September 2005, in which the need to prevent and combat corruption in Africa is highlighted,

*Recalling* its resolution 2005/18 of 22 July 2005, on 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,

*Noting* the regional conventions on corruption and the work already done by regional organizations on this issue,

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<sup>41</sup> See General Assembly resolution 60/1.

<sup>42</sup> A/CONF.203/18, chap. I, resolution 1.

1. *Takes note with appreciation* of the report of the Secretary-General on the United Nations Convention against Corruption;<sup>43</sup>
2. *Welcomes* the entry into force on 14 December 2005 of the United Nations Convention against Corruption,<sup>44</sup> and urges Member States from all regions of the world and relevant economic integration organizations that have not yet done so to consider ratifying or acceding to the Convention as soon as possible in order to facilitate its effective implementation;
3. *Looks forward* to the first session of the Conference of the States Parties to the United Nations Convention against Corruption, to be held in December 2006, and, taking into account article 63 of the Convention, urges Member States to contribute to the successful outcome of the Conference;
4. *Calls upon* all Member States to hold intensive consultations and make proposals for the preparation of the Conference of the States Parties to the United Nations Convention against Corruption, including by open-ended consultations facilitated by 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 Office,<sup>45</sup> and without prejudice to the mandate and work of the Conference of the States Parties;
5. *Stresses* the value of participation at the Conference of the States Parties to the United Nations Convention against Corruption of experts on specific aspects of the Convention, including representatives of preventive anti-corruption bodies, and encourages Member States to facilitate the participation of such experts at the Conference of the States Parties;
6. *Commends* the United Nations Office on Drugs and Crime for its work in promoting the ratification of the United Nations Convention against Corruption, and looks forward to the finalization and dissemination of the legislative guide designed to facilitate the ratification and subsequent implementation of the Convention;
7. *Requests* the United Nations Office on Drugs and Crime, building on the experience gained in the preparation of the legislative guide and work done by others, including by the members of the International Group for Anti-Corruption Coordination, to continue its collaboration with the United Nations Interregional Crime and Justice Research Institute in its ongoing efforts to prepare a technical guide aimed specifically at supporting practitioners in the implementation of the Convention;
8. *Urges* all Member States, consistent with the United Nations Convention against Corruption, to abide by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and the rejection of corruption;
9. *Notes with appreciation* the financial support provided by several donors to facilitate capacity-building in the fight against corruption, and encourages

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<sup>43</sup> E/CN.15/2006/9.

<sup>44</sup> General Assembly resolution 58/4, annex.

<sup>45</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

Member States to continue to make voluntary contributions to promote the implementation of the United Nations Convention against Corruption, through the United Nations Crime Prevention and Criminal Justice Fund or in direct support of such activities and initiatives;

10. *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 United Nations Convention against Corruption and to discharge its functions as the secretariat of the Conference of the States Parties in accordance with its mandate;

11. *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 Office,<sup>46</sup> and in particular through its Global Programme against Corruption, to continue to assist States, upon request, with sustainable capacity-building focused on the promotion of the implementation of the United Nations Convention against Corruption;

12. *Welcomes* the efforts made by the United Nations Office on Drugs and Crime to cooperate with others, within its mandate, in the field of preventing and combating corruption, and encourages the Office to increase further such cooperation;

13. *Invites* relevant entities of the United Nations system and international financial institutions and regional and national funding agencies to increase their support to and their interaction with the United Nations Office on Drugs and Crime in order to benefit from synergies and avoid duplication of effort and to ensure that, as appropriate, activities aimed at preventing and combating corruption are considered in their sustainable development agenda and that the expertise of the Office is fully utilized;

14. *Expresses its appreciation* to individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, for their active participation in the prevention of and the fight against corruption;

15. *Calls for* international cooperation to prevent and combat corrupt practices and the transfer of assets of illicit origin, as well as for asset recovery consistent with the principles of the United Nations Convention against Corruption, in particular its chapter V;

16. *Encourages* Member States to consider utilizing the public awareness materials offered by the United Nations Office on Drugs and Crime and to engage in special activities, including, if appropriate, with relevant sectors of civil society, in particular on International Anti-Corruption Day, on 9 December, in order to focus on the problem of corruption;

17. *Requests* the Secretary-General, if the Conference of the States Parties to the United Nations Convention against Corruption so decides, to make available to the Commission on Crime Prevention and Criminal Justice, for its information, the reports of the Conference;

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<sup>46</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

18. *Also 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 and thereafter to share its report with the Conference of the States Parties to the United Nations Convention against Corruption.

#### **Draft resolution VI**

### **Strengthening the rule of law and the reform of criminal justice institutions, including in post-conflict reconstruction**

*The Economic and Social Council,*

*Recalling* the recommitment made by Heads of State and Government in the 2005 World Summit Outcome document,<sup>47</sup>

*Recalling also* General Assembly resolution 60/159 of 16 December 2005 on human rights in the administration of justice,

*Welcoming* the emphasis on the rule of law in the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,<sup>48</sup> 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, in which Member States recognized the importance of upholding the rule of law and good governance and, as appropriate, the importance of further developing restorative justice policies, procedures and programmes, and expressed their commitment 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,

*Recognizing* the system-wide efforts within the United Nations towards strengthening activities to promote the rule of law, including the establishment of the Peacebuilding Commission, the planned establishment of a rule of law assistance unit and the work of the Rule of Law Focal Point Network,

*Recalling* its resolution 2004/25 of 21 July 2004 on the rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction,

*Recalling also* its resolution 2005/21 of 22 July 2005 on 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, in which it recognized that effective criminal justice systems could only be developed based on the rule of law and that the rule of law itself required the protection of effective criminal justice measures,

*Recalling further* all relevant resolutions of the Commission on Human Rights, including its resolution 2004/43, on human rights in the administration of justice, in particular juvenile justice, in which the Commission stressed the special need for national capacity-building in the field of the administration of justice, in particular

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<sup>47</sup> See General Assembly resolution 60/1.

<sup>48</sup> A/CONF.203/18, chap. I, resolution 1.

to establish and maintain stable societies and the rule of law in post-conflict situations, through reform of the judiciary, the police and the penal system, as well as juvenile justice reform,

*Bearing in mind* the need to establish and strengthen the rule of law as an essential element of reconstruction efforts, in order to support the emergence of stable social, political and economic structures and to protect human rights in the administration of justice,

*Acknowledging* that United Nations standards and norms in crime prevention and criminal justice are important tools for establishing fair and effective criminal justice systems enshrined in the rule of law and that their use and application in the provision of technical assistance should be enhanced, as appropriate,

*Mindful* of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity,

*Noting with appreciation* the work on juvenile justice and the cooperation through the United Nations Coordination Panel on Technical Advice and Assistance in Juvenile Justice to develop common indicators, tools and manuals, to share information and to pool capacities and interests in order to increase the effectiveness of programme implementation, and taking note of the publication entitled "Protecting the rights of children in conflict with the law",

*Welcoming* the efforts by some Member States to provide assistance to countries in the areas of the rule of law and criminal justice institutions through bilateral or multilateral channels,

1. *Takes note* of the 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;<sup>49</sup>

2. *Notes* the progress made by the United Nations Office on Drugs and Crime in the development of a comprehensive set of assessment tools for criminal justice, in cooperation with the Department of Peacekeeping Operations of the Secretariat and other relevant entities, and encourages the Office, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office,<sup>50</sup> to continue to develop tools and training manuals on criminal justice reform, where appropriate, in cooperation with others, and to disseminate them widely;

3. *Encourages* 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 Office,<sup>51</sup> while recognizing the importance of avoiding duplication between and ensuring proper coordination with relevant United Nations entities, to further develop its comprehensive programme in strengthening the rule of law and the reform of criminal justice institutions with a continued focus on

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<sup>49</sup> E/CN.15/2006/3.

<sup>50</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

<sup>51</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

vulnerable groups, such as women and children, countries with economies in transition and countries in post-conflict situations and the need for capacity-building at the field office level, and to develop innovative approaches and partnerships in that area;

4. *Also encourages* 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 Office,<sup>52</sup> to continue to provide long-term sustainable technical assistance in the area of criminal justice reform to Member States in post-conflict situations, in cooperation with the Department of Peacekeeping Operations and other relevant entities, and to increase synergies between the involved agencies;

5. *Invites* 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 Office,<sup>53</sup> to provide its expertise, where appropriate and upon request, to the Peacebuilding Commission, the rule of law assistance unit, in the ongoing work of the Rule of Law Focal Point Network and other relevant entities;

6. *Invites* Member States to provide resources to the United Nations Office on Drugs and Crime in order for it to continue to provide assistance, upon request, to Member States in long-term sustainable criminal justice reform and also to make use of technical assistance offered in that area by the Office and other United Nations entities;

7. *Invites* relevant entities of the United Nations system, including the World Bank, as well as organizations such as the Organization for Security and Cooperation in Europe, to increase their cooperation and coordination with the 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 the area of the rule of law and criminal justice reform and to further explore joint projects in that area;

8. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its seventeenth session, in 2008, on the implementation of the present resolution.

#### **Draft resolution VII**

### **Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice**

*The Economic and Social Council,*

*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,

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<sup>52</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

<sup>53</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

*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 that field by facilitating the exchange of views and experience, mobilizing public opinion and recommending policy options at the national, regional and international levels,

*Noting* General Assembly resolution 56/201 of 21 December 2001, on the triennial policy review of operational activities for development of the United Nations system, and Economic and Social Council resolution 2003/3 of 11 July 2003, on the progress in the implementation of Assembly resolution 56/201, in which the Council recommended that all organizations of the United Nations development system consider lessons learned and their dissemination as a specific required component of their activities; and emphasized the importance of evaluation of operational activities of the United Nations system in order to enhance their effectiveness and impact, and called upon the Secretary-General to integrate a stronger focus on lessons learned, results and outcome into future reports,

*Recalling* General Assembly resolution 57/270 B of 23 June 2003, in which the Assembly 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,

*Recalling also* General Assembly resolution 59/151 of 20 December 2004, in which the Assembly requested the Secretary-General to ensure proper follow-up to the resolution and to report thereon, through the Commission on Crime Prevention and Criminal Justice, to it at its sixtieth session,

*Recalling further* General Assembly resolution 60/177 of 16 December 2005, in which the Assembly endorsed the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,<sup>54</sup> adopted at the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and approved by the Commission on Crime Prevention and Criminal Justice at its fourteenth session and subsequently by the Economic and Social Council in its resolution 2005/15 of 22 July 2005,

*Bearing in mind* General Assembly resolution 60/175 of 16 December 2005, on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity, and the role of the United Nations Office on Drugs and Crime in the implementation of the measures outlined in the Bangkok Declaration,

*Bearing in mind also* the United Nations Millennium Declaration,<sup>55</sup> 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

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

<sup>55</sup> General Assembly resolution 55/2.

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,

*Bearing in mind further* General Assembly resolution 60/1 of 16 September 2005, by which the Assembly adopted the 2005 World Summit Outcome,

*Recognizing* that capturing lessons learned can be a valuable management tool for future planning and programmes and provide feedback to effect future improvement, and helps develop effective and informed policies,

1. *Takes note* of the report of the Secretary-General on the follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice;<sup>56</sup>

2. *Reiterates its invitation* to Governments to implement the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice<sup>57</sup> and the recommendations adopted by the Eleventh Congress in formulating legislation and policy directives and taking all other relevant measures, taking into account the economic, social, legal and cultural specificities of their respective States;

3. *Invites* Member States, in a spirit of common and shared responsibility, as acknowledged in the Bangkok Declaration, to improve international cooperation in the fight against crime and terrorism, at the multilateral, regional and bilateral levels, in areas including extradition and mutual legal assistance within the framework of existing relevant legal instruments;

4. *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 Office,<sup>58</sup> to convene an intergovernmental group of experts with equitable geographical representation to discuss the Eleventh Congress and previous congresses in order to accumulate and consider lessons learned from prior congresses with a view to developing a methodology for capturing lessons learned for future congresses, and to submit a report of its work to the Commission on Crime Prevention and Criminal Justice at its sixteenth session for its consideration;

5. *Welcomes* the offer of the Government of Thailand to act as host to the intergovernmental group of experts;

6. *Reiterates its request* to 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 Office,<sup>59</sup> to engage in consultations with the Governments that have offered to host the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, to be held in 2010, and to report thereon to the Commission on Crime Prevention and Criminal Justice at its sixteenth session.

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<sup>56</sup> E/CN.15/2006/7.

<sup>57</sup> A/CONF.203/18, chap. I, resolution 1.

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

<sup>59</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

**Draft resolution VIII**

**Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking**

*The Economic and Social Council,*

*Recalling* the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,<sup>60</sup>

*Taking note* of guideline 8, Special measures for the protection and support of child victims of trafficking, contained in the report of the United Nations High Commissioner for Human Rights,<sup>61</sup>

*Recalling* the Convention on the Rights of the Child,<sup>62</sup> and noting the entry into force of the Optional Protocol to that Convention on the sale of children, child prostitution and child pornography,<sup>63</sup>

*Recalling also* the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182), which prohibits forced or obligatory labour of all people under the age of 18,

*Recalling further* paragraphs 4 and 13 of the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,<sup>64</sup> 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,

*Recalling* the United Nations Convention against Transnational Organized Crime<sup>65</sup> and, in particular, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing that Convention,<sup>66</sup>

*Recalling also* General Assembly resolution 58/137 of 22 December 2003, on strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking,

*Recalling further* the note by the United Nations System Chief Executives Board for Coordination on joint action to curb transnational crime,<sup>67</sup>

*Condemning* trafficking in persons as an abhorrent form of modern-day slavery and as an act that is contrary to universal human rights,

*Decrying* the treatment of human beings as commodities to be bartered, bought or sold by traffickers, in particular exploiters,

<sup>60</sup> General Assembly resolution 40/34, annex.

<sup>61</sup> See E/2002/68/Add.1.

<sup>62</sup> General Assembly resolution 44/25, annex.

<sup>63</sup> General Assembly resolution 54/263, annex II.

<sup>64</sup> A/CONF.203/18, chap. I, resolution 1.

<sup>65</sup> General Assembly resolution 55/25, annex I.

<sup>66</sup> General Assembly resolution 55/25, annex II.

<sup>67</sup> CEB/2005/HLCF/IX/CRP.7, annex A.

*Deeply concerned* at the worldwide occurrence of trafficking in persons for the purpose of exploitation of all kinds by transnational organized criminal groups, many of which are also involved in other forms of illegal activity, including trafficking in firearms, money-laundering, drug trafficking and corruption,

*Profoundly alarmed* by the fact that trafficking in persons is a growing and profitable trade in most parts of the world, aggravated by, inter alia, poverty, armed conflict, inadequate social and economic conditions and demand in the illicit labour and sex markets,

*Expressing dismay* at the ability of criminal networks to avoid punishment while preying on the vulnerabilities of their victims,

*Noting* the distinctions and interlinkages between the two criminal behaviours of trafficking in persons, as set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and of smuggling of migrants, as set forth in the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,<sup>68</sup>

*Convinced* of the urgent need for broad and concerted international cooperation among all Member States, especially among related countries of origin, transit and destination, employing a multidisciplinary, balanced and global approach, including adequate technical assistance, in order to prevent and combat trafficking in persons,

*Recognizing* that broad international cooperation between Member States, especially among related countries of origin, transit and destination, and relevant intergovernmental and non-governmental organizations and other members of civil society is essential to counter effectively the threat of trafficking in persons,

*Convinced* that civil society, including non-governmental organizations, can play a role in raising awareness, in reducing existing and future opportunities for victimization in the field of trafficking and in assisting Governments in promoting the protection of victims through comprehensive and non-stigmatizing social and appropriate economic assistance to victims, including in the areas of health, education, housing and employment,

*Welcoming* efforts of Member States, in particular countries of origin, transit and destination, to raise awareness of the seriousness of the crime of trafficking and of its various forms, as well as of the role of the public in preventing victimization and assisting victims of trafficking,

*Bearing in mind* the establishment of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in accordance with article 32 of the Convention, which has now taken up its work in that area,

*Noting* the thematic discussion on trafficking in human beings, especially women and children, held by the Commission on Crime Prevention and Criminal Justice at its twelfth session,<sup>69</sup> and the panel discussion on human trafficking held

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<sup>68</sup> General Assembly resolution 55/25, annex III.

<sup>69</sup> *Official Records of the Economic and Social Council, 2005, Supplement No. 10 (E/2005/30)*, chap. II.

by the Human Security Network on 17 October 2005 as a side event during the second session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime,

1. *Urges* Member States that have not done so to consider taking measures to ratify or accede to the United Nations Convention against Transnational Organized Crime,<sup>70</sup> the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing that Convention,<sup>71</sup> and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;<sup>72</sup>

2. *Urges* all Member States:

(a) To criminalize trafficking in persons;

(b) To promote cooperation among law enforcement authorities in combating trafficking in persons;

(c) To ensure the security and control of travel or identity documents;

(d) To establish the offence of trafficking in persons as a predicate offence for money-laundering offences;

3. *Invites* Member States to adopt measures, in accordance with their domestic law, *inter alia*:

(a) To fight sexual exploitation with a view to abolishing it, by prosecuting and punishing those who engage in that activity, not including the victims of trafficking for the purpose of sexual exploitation;

(b) To raise awareness, especially through training, among criminal justice officials and others, as appropriate, of the needs of victims of trafficking and of the crucial role of victims in detecting and prosecuting that crime by, *inter alia*:

(i) Investigating all cases reported by victims, preventing further victimization and, in general, treating victims with respect;

(ii) Treating victims and witnesses with sensitivity throughout criminal judicial proceedings, in accordance with articles 24 and 25 of the United Nations Convention against Transnational Organized Crime and article 6, paragraph 2, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, where applicable;

4. *Also invites* Member States to adopt measures, in accordance with their domestic law, *inter alia*:

(a) To provide assistance and protection to victims of trafficking in persons, including measures to permit victims of trafficking to remain in their territory temporarily or permanently, as appropriate;

(b) To promote the legislative and other measures necessary to establish a wide range of assistance, including legal, psychological, medical and social

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<sup>70</sup> General Assembly resolution 55/25, annex I.

<sup>71</sup> General Assembly resolution 55/25, annex II.

<sup>72</sup> General Assembly resolution 54/263, annex II.

assistance to the actual victims of trafficking, subject to the determination of the existence of victimization;

(c) To provide humane treatment for all victims of trafficking, taking into account their age, gender and particular needs, in accordance with article 6, paragraphs 3 and 4, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, where applicable;

(d) To assist in the reintegration of victims of trafficking into society;

(e) To develop guidelines for the protection of victims of trafficking before, during and after criminal proceedings, as appropriate;

5. *Urges* Member States to employ a comprehensive approach to combating trafficking in persons, incorporating law enforcement efforts and the protection of victims and preventive measures, including measures against activities that derive profit from the exploitation of victims of trafficking and, where appropriate, the confiscation and seizure of the proceeds of trafficking;

6. *Calls upon* Member States to collaborate with a view to preventing trafficking in persons, including for the purpose of sexual exploitation, through:

(a) Improved technical cooperation to strengthen local and national institutions aimed at preventing trafficking in persons, especially women and children, in countries of origin;

(b) Information campaigns on the techniques and methods of traffickers, programmes of education aimed at prospective targets, including those who create the demand, as well as vocational training in social skills and assistance in the reintegration of victims of trafficking into society;

(c) A focus on regions in post-conflict situations and regions of natural disaster, where patterns of human trafficking are increasingly recognized as a serious problem, and the early incorporation of measures to combat trafficking, including the training and establishment of standards of behaviour of military and civilian personnel involved in peacekeeping operations;

(d) Encouraging Member States to participate in regional forums as a means to develop practical strategies to combat trafficking in persons and to protect victims;

7. *Urges* Member States to take measures against trafficking in persons, especially women and children, that are consistent with internationally recognized principles of non-discrimination and that respect the human rights and fundamental freedoms of victims;

8. *Invites* Member States to set up mechanisms for coordination and collaboration between governmental and non-governmental organizations and other members of civil society, with a view to responding to the immediate needs of victims of trafficking;

9. *Also invites* Member States to allocate appropriate resources for victim services, public awareness campaigns and law enforcement activities directed at eliminating trafficking and exploitation and to foster international cooperation, including adequate technical assistance and capacity-building programmes, to

improve the ability of Member States to take effective measures against trafficking in persons;

10. *Encourages* Member States to examine the role of the exploitation of the prostitution of others in encouraging trafficking in persons;

11. *Also encourages* Member States to adopt legislative or other measures to reduce the demand that fosters all forms of trafficking in persons, including by cooperating with non-governmental organizations and civil society and by raising public awareness of how all forms of exploitation degrade their victims and the related risks of trafficking in persons, especially women and children;

12. *Further encourages* Member States to take measures, including raising public awareness, to discourage and reduce, especially among men, the demand that fosters sexual exploitation as well as other forms of human trafficking, in accordance with article 9, paragraph 5, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, where applicable;

13. *Encourages* Member States to target the link between trafficking in persons for purposes of all forms of exploitation and other types of crime;

14. *Encourages* the United Nations Office on Drugs and Crime to continue its close cooperation and coordination with relevant international and regional organizations, non-governmental organizations and other members of civil society;

15. *Requests* the United Nations Office on Drugs and Crime to continue to promote the ratification of, and to assist, upon request, Member States in the implementation of, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office;<sup>73</sup>

16. *Also requests* the United Nations Office on Drugs and Crime to organize a meeting on technical assistance for Member States in order to coordinate, with due regard to the work of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, the work of agencies and bodies of the United Nations system, as well as other relevant intergovernmental organizations, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office;<sup>74</sup>

17. *Encourages* Member States to make voluntary contributions to further strengthen and support the United Nations Office on Drugs and Crime and its Global Programme against Trafficking in Human Beings, in particular in the area of technical assistance activities;

18. *Requests* the Secretary-General to report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice at its seventeenth session and thereafter to share its report with the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

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<sup>73</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

<sup>74</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

**Draft resolution IX**

**International Permanent Observatory on Security Measures during Major Events**

*The Economic and Social Council,*

*Recognizing* the increasing importance of major events, such as large-scale sporting events, including Olympic Games, high-level summits and other mass events such as national and religious festivals,

*Recognizing also* the principle of freedom of assembly,

*Mindful* of the fact that, owing to their scale and/or high visibility, major events can be a target for unlawful activities, including for terrorism, and can be exploited by organized criminal groups for their illegal activities,

*Mindful also* that major events offer opportunities for host countries to strengthen their capacity to manage security,

*Aware* of the need to share information, in full respect of the principle of data protection, on possible threats to the security of major events and to exchange experience and proven practices in addressing such threats,

*Welcoming* the establishment by the United Nations Interregional Crime and Justice Research Institute of the International Permanent Observatory on Security Measures during Major Events,

*Noting with appreciation* the work done by the United Nations Interregional Crime and Justice Research Institute in the framework of the Observatory, such as the development of relevant analytical tools and the organization of expert meetings in China, Italy, Norway, Portugal, the Russian Federation, Spain and the United States of America,

1. *Encourages* Member States, in particular those planning major events in the coming years, to strengthen their cooperation, including in the framework of the International Permanent Observatory on Security Measures during Major Events, by sharing knowledge of possible threats to major events and relevant practices related to security during such events;

2. *Invites* the United Nations Interregional Crime and Justice Research Institute, subject to the availability of extrabudgetary resources, to continue and expand its work on the Observatory, including by providing technical assistance and advisory services on security during major events to Member States upon request;

3. *Invites* Member States to make voluntary and in-kind contributions to the United Nations Interregional Crime and Justice Research Institute for the continuation and expansion of the activities of the Observatory, and invites the Institute to mobilize funds from the private sector for such activities;

4. *Requests* the Secretary-General to bring the present resolution to the attention of Member States.

**Draft resolution X**

**Crime prevention and criminal justice responses to violence against women and girls**

*The Economic and Social Council,*

*Recalling* that, at the 2005 World Summit held at United Nations Headquarters from 14 to 16 September 2005, Heads of State and Government underscored the importance of eliminating all forms of discrimination and violence against women and girls,<sup>75</sup>

*Recalling also* the Beijing Declaration and the Platform for Action<sup>76</sup> adopted by the Fourth World Conference on Women, held in Beijing from 4 to 15 September 1995, and, in particular, the determination of Governments to prevent and eliminate all forms of violence against women and girls,

*Bearing in mind* that, in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, 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,<sup>77</sup> Member States committed themselves to taking into account and addressing, within the United Nations Crime Prevention and Criminal Justice Programme, as well as within national crime prevention and criminal justice strategies, any disparate impact of programmes and policies on women and men,

*Recalling* that, in the plans of action for the implementation of the Vienna Declaration,<sup>78</sup> specific national and international measures on the special needs of women as criminal justice practitioners, victims, prisoners and offenders were recommended,

*Recalling also* that 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,<sup>79</sup> emphasized the importance of promoting the interests of victims of crime, including taking account of their gender,

*Reaffirming* General Assembly resolution 52/86 of 12 December 1997, on crime prevention and criminal justice measures to eliminate violence against women, in which the Assembly adopted the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, and called upon the Commission on Crime Prevention and Criminal Justice to continue to consider the elimination of violence against women within the training and technical assistance efforts of the United Nations Crime Prevention and Criminal Justice Programme,

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<sup>75</sup> See General Assembly resolution 60/1.

<sup>76</sup> *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

<sup>77</sup> General Assembly resolution 55/59.

<sup>78</sup> General Assembly resolution 56/261, annex.

<sup>79</sup> A/CONF.203/18, chap. I, resolution 1.

*Noting* Security Council resolution 1325 (2000) of 30 October 2000, on women, peace and security, in which the Council recognized the serious impact of armed conflict and resulting violence directed against women in such situations,

*Recalling* its resolution 1996/12 of 23 July 1996, on the elimination of violence against women, in which it urged Member States to review or monitor legislation and legal principles, procedures, policies and practices relating to criminal matters to determine if they had an adverse or negative impact on women and, if they had such an impact, to modify them in order to ensure that women were treated fairly by the criminal justice system,

*Recalling also* its resolution 2005/20 of 22 July 2005, in which it adopted the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, which contain a gender perspective,

*Reaffirming* its resolution 2005/21 of 22 July 2005, on strengthening the rule of law and the reform of criminal justice institutions, in which it encouraged the United Nations Office on Drugs and Crime to continue to develop tools and training manuals on criminal justice reform, based on international standards and best practices,

*Noting* previous and ongoing work of the United Nations Office on Drugs and Crime in the area of violence against women and children,

*Noting also* the Workshop on Violence against Women in the Twenty-first Century, organized by the Government of France, the United Nations and the Organization for Security and Cooperation in Europe in Paris on 28 and 29 April 2005,

*Recognizing* the challenge of developing effective criminal justice initiatives targeting violence against women and girls, in particular in the area of designing appropriate law enforcement responses in developing countries and countries with societies in transition, which would ensure the protection of victims while guaranteeing that perpetrators are effectively prosecuted and held accountable for their acts,

*Noting* the progress made by the independent expert in preparing the study on violence against children, requested by the General Assembly in its resolution 57/190 of 18 December 2002, which will pay particular attention to the situation of girls, and the contribution of the United Nations Office on Drugs and Crime to that study,

*Welcoming* the in-depth study on all forms of violence against women requested by the General Assembly in its resolution 58/185 of 22 December 2003 and looking forward to its publication, and also welcoming the contribution of the United Nations Office on Drugs and Crime to that study in the form of the co-sponsoring, with the Division for the Advancement of Women of the Secretariat, of an expert group meeting held in May 2005 on good practices in combating and eliminating violence against women,

*Expressing concern* at the high levels of violence against women and girls in many societies,

1. *Urges* Member States to consider, to the utmost extent possible, using the Model Strategies and Practical Measures on the Elimination of Violence against

Women in the Field of Crime Prevention and Criminal Justice<sup>80</sup> in developing and undertaking strategies and practical measures to eliminate violence against women and in promoting women's equality within the criminal justice system;

2. *Strongly encourages* Member States to promote an active and visible policy for integrating a gender perspective into the development and implementation of policies and programmes in the field of crime prevention and criminal justice in order to assist with the elimination of violence against women and girls;

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 Office,<sup>81</sup> and invites the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network to consider providing assistance, upon request, to Member States in the area of crime prevention and criminal justice responses to violence against women and girls, in cooperation with other relevant entities of the United Nations system, and to integrate the elimination of violence against women and girls into their training and technical assistance efforts, including their crime prevention activities;

4. *Welcomes* the development by the United Nations Office on Drugs and Crime of a handbook for law enforcement officials on effective responses to violence against women, and encourages the Office, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office,<sup>82</sup> to continue to develop tools and training manuals on criminal justice reform, with a gender perspective and targeting the special needs of women in the criminal justice system, including women in prison settings;

5. *Also welcomes* the work already carried out by the United Nations Office on Drugs and Crime in providing assistance to victims of violence, in particular women and children, by setting up one-stop centres and supporting non-governmental organizations active in that area, and invites the Office, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office,<sup>83</sup> to draw on its experience to expand such activities;

6. *Invites* Member States to provide resources to the United Nations Office on Drugs and Crime to enable it to provide effective assistance to Member States in the area of crime prevention and criminal justice responses to violence against women and girls;

7. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its seventeenth session, in 2008, on the implementation of the present resolution.

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<sup>80</sup> General Assembly resolution 52/86, annex.

<sup>81</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

<sup>82</sup> This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

<sup>83</sup> This 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 Commission on Crime Prevention and Criminal Justice on its fifteenth session and provisional agenda and documentation for its sixteenth session**

The Economic and Social Council:

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

(b) Approves the provisional agenda and documentation for the sixteenth session as set out below, on the understanding that at its intersessional meetings the Commission will examine and finalize the provisional agenda and documentation, taking into account the proposal contained in annex XIV to the report of the Commission on its fifteenth session (see also chapter IX, paragraph 177).

#### **Provisional agenda and documentation for the sixteenth session of the Commission on Crime Prevention and Criminal Justice**

##### **A. Provisional agenda**

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. World crime trends and responses: general overview and activities of the United Nations Office on Drugs and Crime.
4. Thematic discussion: "Globalization and economic crime, with particular emphasis on money-laundering and the financing of terrorism".
5. Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice.
6. International cooperation in combating transnational crime:
  - (a) United Nations Convention against Transnational Organized Crime and the Protocols thereto;
  - (b) United Nations Convention against Corruption.
7. Strengthening international cooperation and technical assistance in preventing and combating terrorism.
8. Use and application of United Nations standards and norms in crime prevention and criminal justice.
9. Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice.

10. Policy directives for the crime programme of the United Nations Office on Drugs and Crime.
11. Strengthening the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body.
12. Administrative and budgetary questions.
13. Provisional agenda for the seventeenth session.
14. Adoption of the report of the Commission on its sixteenth session.

**B. Documentation**

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 2005/249)
3. World crime trends and responses: general overview and activities of the United Nations Office on Drugs and Crime  
*Documentation*  
Note by the Executive Director on world crime trends and responses  
Report of the Executive Director on the work of the United Nations Office on Drugs and Crime  
(Legislative authority: General Assembly resolution 57/170 and Economic and Social Council resolutions 1992/22, 1999/23 and ... [E/CN.15/2006/L.1/Add.1])  
Report of the Secretary-General on 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  
(Legislative authority: Economic and Social Council resolution 2005/21)  
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)  
Note by the Secretary-General transmitting the report of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute  
(Legislative authority: Economic and Social Council decision 1989/56)

4. Thematic discussion: “Globalization and economic crime, with particular emphasis on money-laundering and the financing of terrorism”

*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 60/177 and Economic and Social Council resolution ... [E/CN.15/2006/L.8/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 60/175)

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 60/175)

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)

Report of the Executive Director on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims

(Legislative authority: Economic and Social Council resolution ... [E/CN.15/2006/L.14/Rev.1])

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 60/175)

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, 2004/28, 2005/22 and ... [E/CN.15/2006/L.2/Rev.2])

Report of the Secretary-General on strengthening basic principles of judicial conduct

(Legislative authority: Economic and Social Council resolution ... [E/CN.15/2006/L.5/Rev.1])

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

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

9. Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice

*Documentation*

Note by the Secretary-General on the follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice

(Legislative authority: Economic and Social Council resolution ... [E/CN.15/2006/L.8/Rev.1])

10. Policy directives for the crime programme of the United Nations Office on Drugs and Crime

*Documentation*

Note by the Secretary-General on the strategic framework for 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 Research Institute (as required)

11. Strengthening the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body

*Documentation*

Report of the Secretary-General on strengthening the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body

(Legislative authority: Economic and Social Council resolution ... [E/CN.15/2006/L.12/Rev.1])

12. Administrative and budgetary questions

*Documentation*

Report of the Executive Director on the United Nations Office on Drugs and Crime: consolidated budget outline for 2008-2009

Report of the Advisory Committee on Administrative and Budgetary Questions on the consolidated budget outline for 2008-2009 for the United Nations Office on Drugs and Crime

(Legislative authority: Economic and Social Council resolution ... [E/CN.15/2006/L.12/Rev.1])

13. Provisional agenda for the seventeenth session

(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 2005/249)

14. Adoption of the report of the Commission on its sixteenth session

**Draft decision II**

**Appointment of a member of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute**

The Economic and Social Council decides to endorse the appointment, by the Commission on Crime Prevention and Criminal Justice at its fifteenth session, of Michèle Ramis-Plum (France) to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.