

## 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**

#### **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**

*The General Assembly,*

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

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

*Recalling* its 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, 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 into future reports a stronger focus on lessons learned, results and outcome,

*Recalling also* its resolution 57/270 B of 23 June 2003, in which it 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 further* its resolution 60/177 of 16 December 2005, in which it endorsed the Bangkok Declaration on Synergies and Responses: Strategic Alliances

in Crime Prevention and Criminal Justice,<sup>1</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,

*Recalling further* Economic and Social Council resolution 2006/26, in which the Council requested the United Nations Office on Drugs and Crime to convene an intergovernmental group of experts 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, and welcomed the offer of the Government of Thailand to act as host to the intergovernmental group of experts,

*Recalling further* its resolution 56/119 of 19 December 2001 on the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders,

*Considering that*, pursuant to its resolutions 415 (V) of 1 December 1950 and 46/152 of 18 December 1991, the Twelfth United Nations Congress on Crime Prevention and Criminal Justice is to be held in 2010,

1. *Takes note* of the report of the meeting of the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice, held in Bangkok from 15 to 18 August 2006, and endorses the conclusions and recommendations of the Intergovernmental Group of Experts;<sup>2</sup>

2. *Reiterates its invitation* to Member States to implement the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice<sup>3</sup> and the recommendations adopted by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice in formulating legislation and policy directives, where appropriate;

3. *Encourages* Member States to consider utilizing the reporting checklist developed by the Government of Thailand on implementation of the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, as a useful self-assessment tool in their reporting on the follow-up to the Eleventh Congress;

4. *Requests* the Secretary-General to facilitate the organization of regional preparatory meetings, including meetings of the least developed countries, for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice;

5. *Also requests* the Secretary-General to prepare, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, a discussion guide for the regional preparatory meetings for the Twelfth Congress, for consideration and approval by the Commission on Crime Prevention

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<sup>1</sup> Resolution 60/177, annex.

<sup>2</sup> E/CN.15/2007/6, paras. 35-47.

<sup>3</sup> Resolution 60/177, annex.

and Criminal Justice, and invites Member States to be actively involved in that process;

6. *Accepts with gratitude* the offer of the Government of [...] to act as host to the Twelfth Congress, and requests the Secretary-General to initiate consultations with the Government and to report on them to the Commission on Crime Prevention and Criminal Justice at its seventeenth session;

7. *Decides* that the duration of the Twelfth Congress should not exceed eight days, including pre-Congress consultations;

8. *Invites* Member States to be represented at the Twelfth Congress at the highest possible level, for example, by Heads of State or Government, government ministers or attorneys-general, to make statements on the theme and topics of the Twelfth Congress and to participate in interactive round tables;

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

10. *Reiterates its request* to the Secretary-General to provide the United Nations Office on Drugs and Crime with the necessary resources, within the overall appropriations of the programme budget for the biennium 2008-2009, for the preparations for the Twelfth Congress and to ensure that adequate resources are provided in the programme budget for the biennium 2010-2011 to support the holding of the Twelfth Congress;

11. *Requests* the Secretary-General to make available the necessary resources for the participation of the least developed countries in the regional preparatory meetings for the Twelfth Congress and in the Congress itself, in accordance with past practice;

12. *Requests* the Commission on Crime Prevention and Criminal Justice, at its seventeenth session, to finalize the programme for the Twelfth Congress and to make its final recommendations on the theme, the organization of round tables and workshops to be held by panels of experts, through the Economic and Social Council, to the General Assembly;

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

## **Draft resolution II**

### **Technical assistance for implementing the international conventions and protocols related to terrorism**

*The General Assembly,*

*Recalling* all General Assembly and Security Council resolutions related to technical assistance in countering terrorism,

*Stressing* the essential need to strengthen international, regional and subregional cooperation to effectively prevent and suppress terrorism in all its forms

and manifestations, committed by whomever, whenever and for whatever purposes, in particular by enhancing the national capacity of Member States through the provision of technical assistance,

*Reaffirming* all aspects of the United Nations Global Counter-Terrorism Strategy, adopted by the General Assembly in its resolution 60/288 on 8 September 2006,

*Acknowledging* that, in the Strategy, Member States resolved to implement all relevant General Assembly and Security Council resolutions related to terrorism,

*Stressing* the importance of the institutionalization of the Counter-Terrorism Implementation Task Force within the Secretariat in order to ensure overall coordination and coherence of the counter-terrorism efforts of the United Nations system, with the aim of providing technical assistance to Member States,

*Mindful* that, in the Strategy, Member States encouraged the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, to enhance, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions,

*Bearing in mind* that, in the Strategy, Member States encouraged the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and the International Criminal Police Organization to enhance cooperation with States to help them to comply fully with international norms and obligations to combat money-laundering and the financing of terrorism,

*Bearing in mind also* that in the Strategy, Member States encouraged relevant regional and subregional organizations to create or strengthen counter-terrorism mechanisms or centres and encouraged, where consistent with its existing mandate, the United Nations Office on Drugs and Crime, in cooperation with the Counter-Terrorism Committee and its Executive Directorate, to facilitate the provision of cooperation and assistance to that end,

*Recalling* its resolution 61/181 of 20 December 2006, in which it invited all States to increase their support to the operational activities of the United Nations Crime Prevention and Criminal Justice Programme through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund or through voluntary contributions in direct support of such activities,

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

*Appreciating* the efforts recently undertaken by the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime to maximize the efficiency of its technical assistance by providing it in the official languages of the United Nations,

*Noting with appreciation* initiatives to facilitate the implementation of the Strategy, such as the Symposium on Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy, held in Vienna on 17 and 18 May 2007 and organized by the Government of Austria, in cooperation with the Executive Office of the Secretary-General and the United Nations Office on Drugs and Crime,

1. *Commends* the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, for providing, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions, and requests the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to continue its efforts in that regard;

2. *Urges* Member States that have not yet done so to consider becoming parties without delay to the existing international conventions and protocols related to terrorism, and requests the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to provide legislative assistance to Member States, upon request, and to facilitate the implementation of those instruments;

3. *Urges* Member States to strengthen international cooperation, to the greatest extent possible, in order to prevent and suppress terrorism, including, when necessary, by entering into bilateral treaties on extradition and mutual legal assistance, within the framework of the international conventions and protocols related to terrorism and relevant United Nations resolutions, and in accordance with international law, including the Charter of the United Nations, and to ensure adequate training of all relevant personnel in executing international cooperation, and requests the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to provide assistance to Member States, upon request, to that end;

4. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to intensify its efforts to provide Member States with technical assistance, upon request, to strengthen international cooperation in preventing and suppressing terrorism by facilitating the implementation of the international conventions and protocols related to terrorism, in particular by training criminal justice officials on the implementation of those international instruments, such as through specialized training sessions and specialized technical tools and publications, in close coordination with the Counter-Terrorism Committee and its Executive Directorate and the Counter-Terrorism Implementation Task Force;

5. *Recognizes* the importance of the development and maintenance of fair and effective criminal justice systems, including the humane treatment of all those in pre-trial and correctional facilities, in accordance with applicable international law as a fundamental basis of any strategy to counter terrorism, and requests the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, whenever appropriate, to take into account in its technical assistance programme to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law;

6. *Requests* the United Nations Office on Drugs and Crime, in coordination with the Counter-Terrorism Committee and its Executive Directorate, to continue to work with international organizations and relevant entities of the United Nations system, as well as with regional and subregional organizations, in the delivery of technical assistance, whenever appropriate and within its mandate, specifically, to

enhance legal cooperation, good practices and legal training in the area of counter-terrorism;

7. *Expresses* its appreciation to all Member States that have supported the technical assistance activities of the United Nations Office on Drugs and Crime, including through financial contributions, and invites all Member States to consider making additional voluntary financial contributions, as well as providing in-kind support, especially in view of the need for the enhanced and effective delivery of technical assistance to assist Member States with the implementation of relevant provisions of the United Nations Global Counter-Terrorism Strategy;<sup>4</sup>

8. *Requests* the Secretary-General to provide the United Nations Office on Drugs and Crime with sufficient resources for its activities, including in the area of counter-terrorism, within its mandate, for assisting Member States in the implementation of the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime;

9. *Requests* the Executive Director to report on expenditure for terrorism prevention activities in the context of the consolidated budget for the biennium 2008-2009 for the United Nations Office on Drugs and Crime, at the reconvened eighteenth session of the Commission on Crime Prevention and Criminal Justice;

10. *Requests* the Secretary-General to submit to it at its sixty-third session a written report on the implementation of the present resolution.

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

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

### **Draft resolution I**

#### **Strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime**

*The Economic and Social Council,*

*Recalling* General Assembly resolution 59/275 of 23 December 2004 on programme planning,

*Recalling* Commission on Narcotic Drugs resolution 48/14, in which the Commission urged the United Nations Office on Drugs and Crime to continue to develop an overarching strategy, in consultation with Member States, for consideration by the Commission, and also urged the Office to ensure that the strategy, as approved by Member States, through the strategic framework, guided the formulation of clearly defined objectives, improved benchmarks and performance indicators that would measure both qualitatively and quantitatively the impact of the work of the Office in full compliance with the relevant resolutions of the General Assembly on result-based budgeting,

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<sup>4</sup> Resolution 60/288.

*Taking into consideration* the deliberations of the Commission on Narcotic Drugs at its forty-ninth session<sup>5</sup> and the Commission on Crime Prevention and Criminal Justice at its fifteenth session<sup>6</sup> concerning progress made on the development of the overarching strategy of the United Nations Office on Drugs and Crime,

*Expressing appreciation* for the extensive consultations held by Member States, including within the framework of the open-ended informal Group of Friends of the Chairmen of the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs, to consider the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime,

*Taking into consideration* draft resolution IV, entitled “Strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime”, recommended by the Commission on Narcotic Drugs at its fiftieth session for adoption by the Economic and Social Council,<sup>7</sup>

*Acknowledging* that the United Nations Office on Drugs and Crime undertook extensive consultations with other United Nations bodies and relevant civil society entities and among its own staff during the preparation of the strategy,

1. *Approves* the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime, contained in the annex to the present resolution;

2. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to incorporate the strategy for the period 2008-2011 into the strategic framework and to present the latter to the relevant intergovernmental bodies, for their consideration and approval;

3. *Stresses* that all action aimed at implementing the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime, especially action involving the participation of relevant civil society entities, shall be undertaken in full consultation with and at the request of the Member States concerned;

4. *Requests* the Executive Director to prepare the consolidated budget for the biennium 2008-2009, as well as for the biennium 2010-2011, for the United Nations Office on Drugs and Crime, based, inter alia, on the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime;

5. *Urges* Member States and other partners to provide sufficient, stable and predictable funding to the United Nations Crime Prevention and Criminal Justice Fund;

6. *Recommends* that a sufficient share of the regular budget of the United Nations be allocated to the United Nations Office on Drugs and Crime to enable it to fulfil its mandates;

7. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to submit to the Commission on Crime Prevention and Criminal Justice at its reconvened sixteenth session a report identifying the medium-term strategy

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<sup>5</sup> *Official Records of the Economic and Social Council, 2006, Supplement No. 8 (E/2006/28), chap. IX.*

<sup>6</sup> *Ibid., Supplement No. 10 and corrigendum (E/2006/30 and Corr.1), chap. VIII.*

<sup>7</sup> E/2007/28, para. 1.

activities projected for the period 2008-2009 and the estimated cost to implement them;

8. *Also requests* the Executive Director to report, through the programme performance report, to the Commission on Crime Prevention and Criminal Justice on progress made in the implementation of the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime;

9. *Requests* the United Nations Office on Drugs and Crime to continue to improve its evaluation mechanisms and project cycle management.

## **Annex**

### **Strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime**

#### **A. Strategy for the period 2008-2011**

1. The mission of the United Nations Office on Drugs and Crime (UNODC) is to contribute to the achievement of security and justice for all by making the world safer from crime, drugs and terrorism.

2. The present strategy translates this vision into a platform for action. It is based on the existing mandates of UNODC and links them to results and does not represent a modification of these mandates. The strategy grew out of extensive consultations with all the stakeholders of the Office.

3. It is built on five premises:

(a) Crime, drugs and terrorism are universal challenges. Effective responses to these threats include national, regional and international responses, based on the principle of shared responsibility;

(b) The United Nations helps define these international responses; becomes custodian of the relevant international legal instruments when adopted; facilitates international cooperation; keeps the world informed about how the problem in question is evolving; and assists Member States, when requested, in building domestic capacity and in translating the multilateral standards into national practice;

(c) An important part of the established mandates of UNODC is to facilitate the ratification and implementation of the relevant international conventions on crime, drugs and terrorism;

(d) UNODC has a comparative advantage to contribute, in compliance with its mandates, to this multilateral response, in particular, in offering:

(i) Normative services: facilitating the effective implementation of existing international legal instruments and their transformation into global norms and, where appropriate, facilitating negotiation of international legal instruments;

(ii) Research and analysis;

(iii) Technical assistance: assisting Member States, upon request, in signing and ratifying relevant international legal instruments and facilitating implementation of these instruments; and providing Member States, upon request, with legislative assistance and facilitating national capacity-building, inter alia, in the area of multilateral standards and norms;

(e) These services must be consistent with, and indeed contribute to, the wider efforts of the United Nations towards peace, security and development.

4. The strategy responds to the following needs, expressed by the many different stakeholders of UNODC:

(a) **The need for more stable, predictable and sufficient funding.** Currently 12 per cent (16.1 million United States dollars) of the UNODC annual budget of US\$ 135.9 million comes from the regular budget of the United Nations. The remaining 88 per cent comes from voluntary contributions of Member States to two separate trust funds. Most of these contributions are earmarked. Although the increase in earmarked contributions represents a vote of confidence in UNODC by Member States, it creates an unstable and unpredictable funding situation, making it difficult to plan even one year ahead. UNODC must grow to respond to the greater demand for its services. The resources provided to UNODC should be commensurate with the mandates and the tasks entrusted to it;

(b) **Given the wide array of mandates, the need to operationalize results within the established mandates of UNODC and in conformity with the Financial Rules and Regulations of the United Nations and the Regulations and Rules Governing Programme Planning;**

(c) **The need to find the right mix of normative, analytical and operational functions within the mandates of the UNODC programmes.** While it is clear that the Office must do all three, the specific mix will vary according to time and place, and to the particular issue being addressed. As custodian of the relevant international treaties and with its accumulated in-house expertise, UNODC has a comparative advantage in helping Member States translate international legal commitments into operational standards and norms;

(d) **The need to improve horizontal integration.** The interrelationship between drugs, crime and terrorism should be reflected, where appropriate and in accordance with established mandates of UNODC, in the work of UNODC in the provision of technical assistance;

(e) **The need to balance expertise between headquarters and the field.** Expertise and presence in the field should be increased, with due regard to project activity, through, among others, various arrangements in partnership with other United Nations entities, while maintaining optimal staffing levels at headquarters;

(f) **The need to specify the results to be achieved, and the resources required for this, to carry out effective programme delivery and to produce these concrete results.** The consolidated biennial budget should become a real tool for the planning and use of human and financial resources required for the effective implementation of the programmes. UNODC should be accountable for delivering results, and all Member States should be able to see how funds are being spent.

5. The UNODC strategy for the period 2008-2011 responds to the needs outlined above and is a joint undertaking of all the stakeholders of UNODC. This joint undertaking applies both to the formulation of this strategy, which has been done, and to its implementation. The means to secure the involvement of all stakeholders in the implementation is the consolidated biennial budget, in full compliance with relevant General Assembly resolutions and financial rules and regulations.

6. In support of the strategy, which will be reflected in the strategic framework and the consolidated biennial budget, UNODC will develop an implementation plan as an internal managerial tool, which will show:

- (a) How each concrete result specified in the strategy will be achieved;
- (b) How much it will cost;
- (c) Where each activity will be carried out (country, region, world);
- (d) Who (in terms of work units) will be responsible for it;
- (e) Which projects will contribute to achieving it;
- (f) What performance indicators will be used to measure its achievement.

7. Actions under this strategy contribute towards the protection and empowerment of those most vulnerable, in particular women and children, and to securing their lives, livelihoods and dignity.<sup>8</sup>

## **B. Objectives and results**

8. UNODC will concentrate on three themes: rule of law; policy and trend analysis; and prevention, treatment and reintegration and alternative development.

### *I. Rule of law*

9. The rule of law is the basis for providing security and justice for all. It is therefore the cornerstone of the work of UNODC. UNODC has assisted in the development of the international instruments on drugs and crime. It is the secretariat and custodian of the drug and crime conventions and protocols. The United Nations Global Counter-Terrorism Strategy,<sup>9</sup> in which Member States expressed their resolve to strongly condemn terrorism in all its forms and manifestations committed by whomever, wherever and for whatever purposes and recognized UNODC as the lead office for the delivery of legal assistance in preventing terrorism.

#### *(a) Main objectives*

10. For the theme of rule of law, the main objectives are as follows:

- (a) To promote, at the request of Member States, effective responses to crime, drugs and terrorism by facilitating the implementation of relevant international legal instruments;*
- (b) To promote, at the request of Member States, effective, fair and humane criminal justice systems through the use and application of United Nations standards and norms in crime prevention and criminal justice.*

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<sup>8</sup> Nothing in this document prejudices the acceptance of concepts that have not been approved by the General Assembly.

<sup>9</sup> General Assembly resolution 60/288.

(b) *Result areas*

11. The result areas are as follows:

*Result area 1.1. Ratification and implementation of conventions and protocols*

- 1.1.1. Universal ratification of the international drug control conventions, the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>10</sup> the United Nations Convention against Corruption<sup>11</sup> and the relevant international conventions and protocols relating to terrorism
- 1.1.2. Improved national capacity for the enactment of domestic legislation in line with the above-mentioned conventions and protocols
- 1.1.3. Improved capacity of national criminal justice systems to implement the provisions of the above-mentioned conventions and protocols
- 1.1.4. High-quality services provided to treaty-based organs and governing bodies related to drugs, crime and terrorism

*Result area 1.2. International cooperation in criminal justice matters*

- 1.2.1. Enhanced capacity for international cooperation against crime, organized crime, corruption, drug trafficking and terrorism
- 1.2.2. Strengthened capacity of Member States to establish comprehensive and effective regimes against money-laundering and financing of terrorism in accordance with the relevant General Assembly resolutions
- 1.2.3. Strengthened capacity of Member States to establish comprehensive and effective regimes against money-laundering related to organized crime, drug trafficking and corruption
- 1.2.4. Enhanced capacity for international cooperation in asset recovery, mutual legal assistance, extradition and other forms of international cooperation in accordance with relevant conventions and protocols and, where appropriate and upon request, assisted by model treaties and agreements
- 1.2.5. Enhanced knowledge of the barriers to and good practices in the implementation of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, in particular, the provisions for international cooperation
- 1.2.6. Enhanced capacity for law enforcement cooperation against crime, organized crime, corruption, drug trafficking, diversion of precursors and terrorism

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<sup>10</sup> General Assembly resolution 55/25, annexes I-III, and resolution 55/255, annex.

<sup>11</sup> General Assembly resolution 58/4, annex.

- 1.2.7. Enhanced capacity to respond effectively utilizing special investigative techniques in the detection, investigation and prosecution of crime, organized crime, corruption and drug trafficking
- 1.2.8. Enhanced capacity to protect witnesses

*Result area 1.3. Criminal justice systems: more accessible, accountable and effective*

- 1.3.1. Enhanced capacity of Member States, particularly States in post-conflict or transitional stages, to develop and maintain accessible and accountable domestic criminal justice systems in accordance with international standards and norms
- 1.3.2. Enhanced capacity to respond to new and emerging forms of crime
- 1.3.3. Improved capacity of national criminal justice systems to use and apply relevant United Nations standards and norms in crime prevention and criminal justice

*Result area 1.4. Terrorism prevention*

- 1.4.1. Increasing awareness of relevant international conventions and protocols relating to terrorism and related United Nations resolutions
- 1.4.2. Enhancing the capacity of Member States to address the legal aspects of countering terrorism as reflected in the United Nations Global Counter-Terrorism Strategy, adopted by the General Assembly
- 1.4.3. Enhanced legal knowledge and expertise of Member States on the issues of terrorism prevention through, inter alia, the holding of training programmes, workshops and seminars

2. *Policy and trend analysis*

12. Effective policy must be based on accurate information. Policy and trend analysis is essential to measuring trends, highlighting problems, learning lessons and evaluating effectiveness. Scientific and forensic findings enrich policy and trend analysis by providing the basis for accurate information in specific areas.

13. Better data and improved national capacity to collect data are needed to support and enhance the international community's responses to crime and illicit drugs. There is also a greater need for counter-terrorism legal analysis in order to carry out technical assistance.

(a) *Main objective*

14. For the theme of policy and trend analysis, the main objective is as follows:

*Enhanced knowledge of thematic and cross-sectoral trends for effective policy formulation, operational response and impact assessment in drugs and crime.*

(b) *Result areas*

15. The result areas are as follows:

*Result area 2.1. Threat and risk analysis*

- 2.1.1. Enhanced knowledge of trends including emerging trends in drug and specific crime issues available to Member States and the international community
- 2.1.2. Enhanced capacity of Member States and the international community to formulate strategic responses to address emerging trends in drugs and crime

*Result area 2.2. Scientific and forensic capacity*

- 2.2.1. Improved scientific and forensic capacity of Member States to meet internationally accepted standards
- 2.2.2. Increased use of scientific information and laboratory data, supported by UNODC, in strategic operations, policy and decision-making

3. *Prevention, treatment and reintegration, and alternative development*

16. Drugs, crime, corruption and terrorism affect the lives of individuals and are major obstacles to sustainable development.

17. Addressing drug abuse and illicit drug production requires a shared responsibility. Prevention, reduction and the elimination of the cultivation of illicit drug crops are integral to achieving sustainable development and require special policies and greater efforts on the part of all Member States. In this regard, alternative development, an important component of a balanced and comprehensive drug control strategy, is intended to create a supportive environment for the implementation of that strategy, in contributing in an integrated way to the eradication of poverty, thus contributing to the attainment of Millennium Development Goals.<sup>12</sup>

(a) *Main objectives*

18. For the theme of prevention, treatment and reintegration and alternative development, the main objectives are as follows:

(a) *Reduction of opportunities and incentives for illicit activities and gains, and reduction of drug abuse, HIV/AIDS (as related to injecting drug abuse, prison settings and trafficking in human beings), criminal activity and victimization with a special focus on women and children, as well as the dissemination of information and successful practices in those areas;*

(b) *Effective prevention campaigns, care and reintegration into society of drug users and offenders, and assistance to victims of crime;*

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<sup>12</sup> A/56/326, annex.

(c) *Foster and strengthen international cooperation based on the principle of shared responsibility in sustainable alternative development, including, where appropriate, preventive alternative development.*

(b) *Result areas*

19. The result areas are as follows:

*Result area 3.1. Community-centred prevention*

- 3.1.1. Enhancing understanding and use of international standards and norms for crime prevention
- 3.1.2. Enhancing understanding and use of balanced demand and supply reduction strategies as a means for reducing the illicit drug problem
- 3.1.3. Creating tools to address youth and violent crime, especially in marginalized urban communities
- 3.1.4. Enhancing national capacity to prevent drug abuse
- 3.1.5. Increasing awareness of human trafficking among relevant authorities, general public and vulnerable groups
- 3.1.6. Increasing awareness among relevant authorities and the general public that smuggling of migrants is a criminal activity and poses serious risks to migrants
- 3.1.7. Expanding the capacity of Member States to foster community-centred drug abuse and crime prevention programmes and, in that context, increased cooperation between UNODC and relevant entities of civil society that are active in such programmes in accordance with relevant international conventions and within the mandates of UNODC

*Result area 3.2. Corruption prevention*

- 3.2.1. Effective development and implementation, by Member States, of preventive anti-corruption policies in compliance with the United Nations Convention against Corruption, through enhancing national capacity
- 3.2.2. Enhancing the capacity of Member States in establishing and strengthening effective, independent anti-corruption bodies in compliance with the United Nations Convention against Corruption
- 3.2.3. Increased awareness at the international level of corruption and its negative impact, as well as wider recognition of the United Nations Convention against Corruption
- 3.2.4. Increased cooperation between UNODC and relevant civil society entities as well as bilateral and multilateral organizations that advance capacities to implement the United Nations Convention against Corruption

- 3.2.5. Enhanced integrity and transparency of criminal justice systems in the context of corruption prevention through enhancing national capacity

*Result area 3.3. HIV/AIDS prevention and care (as related to injecting drug users, prison settings and trafficking in human beings)*

- 3.3.1. Expand Member States' capacity to reduce the spread of HIV/AIDS among injecting drug users, in conformity with relevant international conventions and the established mandates of UNODC
- 3.3.2. Expand Member States' capacity to reduce the spread of HIV/AIDS in prison settings
- 3.3.3. Expanding, in consultation with the Member States concerned, the capacity of relevant entities of civil society to respond to HIV/AIDS among injecting drug users and in prison settings, in accordance with relevant international conventions and the established mandates of UNODC

*Result area 3.4. Alternative development*

- 3.4.1. Enhanced capacity of Member States, upon request, to design and implement sustainable alternative development programmes, including, where appropriate, preventive alternative development programmes, within their broader development context, aimed at preventing, reducing and eliminating the illicit cultivation of opium poppy, coca bush and cannabis
- 3.4.2. Raising awareness of and mainstreaming the issue of alternative development, including, where appropriate, preventive alternative development programmes, among international organizations, international financial institutions and development networks
- 3.4.3. Increased partnerships between UNODC and relevant civil society entities and the private sector that promote Member States' capacity for collaborative activities in alternative development, including, where appropriate, preventive alternative development

*Result area 3.5. Treatment and rehabilitation of drug-dependent persons*

- 3.5.1. Increased Member States' capacity to provide treatment and support services to drug-dependent persons
- 3.5.2. Enhanced knowledge of treatment and rehabilitation for abusers of new and emerging types of drugs and expanded Member States' capacity to respond to the abuse of such drugs
- 3.5.3. Improved well-being, rehabilitation and reintegration into society of people undergoing treatment for drug dependence
- 3.5.4. Increased partnerships with relevant civil society entities that advance Member States' capacities to provide treatment and rehabilitation that are in accordance with the relevant international conventions

*Result area 3.6. Prison reform*

- 3.6.1. Wide application of international standards and norms on the treatment of prisoners
- 3.6.2. Increased capacity to apply international standards on the professional management/operation of prisons
- 3.6.3. Increased capacity to apply international standards and norms on diversions, restorative justice and non-custodial sanctions, where appropriate
- 3.6.4. Increased partnerships with relevant civil society entities that advance Member States' capacities to apply international standards and norms that are in accordance with the relevant international conventions and within the established mandates of UNODC

*Result area 3.7. Juvenile justice*

- 3.7.1. Enhancing capacity of Member States to apply international standards and norms on juvenile justice
- 3.7.2. Increased partnerships between UNODC and relevant civil society entities that advance Member States' capacities to apply international standards and norms on juvenile justice

*Result area 3.8. Assistance to victims*

- 3.8.1. Wider application of international standards and norms on the treatment of victims of crime
- 3.8.2. Strengthened capacity of Member States to implement victim assistance programmes for the most vulnerable segments of society, including women and children
- 3.8.3. Strengthened partnerships between UNODC and relevant civil society entities that advance Member States' capacity to raise awareness of existing standards and norms and their application in the area of victim assistance

**C. Management support**

20. In line with relevant General Assembly resolutions and decisions, including those related to the United Nations reform process, and rules and regulations of the United Nations, this strategy puts particular emphasis on results-based management, budgeting and accountability. The following management support initiatives are guided by General Assembly resolutions, in particular resolutions 55/231 of 23 December 2000, 60/1 of 16 September 2005 and 60/257 and 60/260 of 8 May 2006:

- (a) Improved results-based management:
  - (i) Resources are well aligned with strategic objectives;
  - (ii) Planning, programming and budgetary cycles are aligned;

- (iii) Continuous strengthening of the monitoring and evaluation framework, in particular project cycle management;
- (iv) Improved capacity to apply the lessons learned from evaluation;
- (b) Effective and transparent financial management:
  - (i) Effective and transparent financial management at the project and organizational level, contributing to the overall efficiency of UNODC;
  - (ii) Improved financial reporting and analysis, including risk assessment;
- (c) Motivated staff:
  - (i) Further development of transparent, effective and fair recruitment/placement systems to support a results-based approach;
  - (ii) Performance of staff evaluated on the basis of the achievement of results and the demonstration of required values and competencies;
  - (iii) Due regard shall be paid to the recruitment of staff on as wide a geographical basis as possible;
- (d) Expanded strategic partnerships:
  - (i) Deepening and widening of partnerships including, where appropriate, with relevant civil society entities and the private sector in order to achieve operational synergies and generate a multiplier effect in promoting good practices and achieving the agreed upon results;
  - (ii) Leveraging resources effectively by broadening its resource base by coordinating with development partners and through initiatives such as the United Nations Trust Fund for Human Security;
- (e) Strengthened field capacity:
  - (i) Increase expertise and presence in the field, with due regard to project activity, through, among others, different arrangements in partnership with other United Nations entities, while maintaining optimal staffing levels at headquarters;
  - (ii) Integration of UNODC field capacities into the United Nations country teams where appropriate;
  - (iii) Technical assistance projects in accordance with national and regional priorities within the framework of this strategy and in consultation with the Member States concerned and other development partners;
  - (iv) Country ownership of technical assistance;
  - (v) Consultation with the Member States concerned on the presence of field offices based on consideration of planning, programming and budgetary requirements;
- (f) Innovative information and communications technology:

Effective use of modern information technology services for programmatic, management and reporting purposes;

- (g) Raise the public profile of UNODC activities:
  - (i) Making the achievements of UNODC more visible to both the general public and to the specialized audience of policymakers, practitioners and analysts/researchers;
  - (ii) Effective utilization of both classical and modern information and communication technologies to raise the profile of UNODC;
- (h) Reporting:  
Reporting on the progress of the implementation of the strategy.

## **Draft resolution II**

### **International cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime**

*The Economic and Social Council,*

*Concerned* about substantial increases in the volume, rates of transnational occurrences and range of offences relating to economic fraud and identity-related crime,

*Concerned* about the role played by information, communications and computer technologies in the evolution of economic fraud and identity-related crime,

*Concerned* about the role often played by organized criminal groups and terrorist groups in economic fraud and the use of the substantial proceeds of fraud to finance organized crime, corruption and terrorism,

*Concerned* about the serious threat that economic fraud poses to domestic and international projects relating to sustainable development, economic reform, post-conflict reconstruction and recovery from natural disasters,

*Concerned* about the use of identity-related crime to further the commission of other illicit activities, including economic fraud, crimes relating to migration and international travel, and terrorism,

*Convinced* of the need to enhance the ability to establish, validate and verify the identity of individuals in order to prevent and combat identity-related crime and other offences,

*Bearing in mind* the need to respect human rights and the privacy and other rights of persons in respect of their identities, identity documents and identification information and to protect identities and related documents and information from inappropriate disclosure and criminal misuse,

*Bearing in mind also* the role played by commercial entities and other private sector interests in establishing and using identity for commercial and other non-governmental purposes, and the need for effective collaboration between Governments and the private sector in gathering information about economic fraud and identity-related crime and in developing and implementing effective measures to prevent, investigate and prosecute such crime,

*Bearing in mind further* that the United Nations Convention against Transnational Organized Crime and the Protocols thereto<sup>13</sup> represent a major step forward in the fight against transnational organized crime, including economic fraud, identity-related crime and the other activities of organized criminal groups supported by such offences, being the primary international legal instruments and the basis for actions against organized crime, including criminalization, extradition, mutual legal assistance and law enforcement cooperation, prevention and technical assistance,

*Bearing in mind further* that the United Nations Convention against Corruption<sup>14</sup> represents a major step forward in the fight against corruption, including forms of corruption related to economic fraud and identity-related crime,

*Taking note* of the Council of Europe Convention on Cybercrime,<sup>15</sup> which is an international legal instrument open to ratification or accession by States not members of the Council and which specifically addresses computer-related fraud and computer-related forgery, as well as other forms of cybercrime that may contribute to the commission of economic fraud, identity-related crime, money-laundering or other related illicit activities,

*Recalling* chapter XI of the report of the United Nations Commission on International Trade Law on its thirty-sixth session, in which it was noted that the Commission considered that it would be useful to conduct a study of forms of commercial fraud and was informed that it might be possible for the United Nations Commission on Crime Prevention and Criminal Justice to conduct such a study,<sup>16</sup>

*Taking note* of the report on the seventh meeting of the International Group for Anti-Corruption Coordination, held in Bangkok on 21 and 22 April 2005,

*Recalling* its resolution 2004/26 of 21 July 2004, in which it requested the Secretary-General to convene an intergovernmental expert group to prepare a study on fraud and the criminal misuse and falsification of identity, and to submit a report containing the results of that study to the Commission on Crime Prevention and Criminal Justice at its fifteenth session or, if necessary, at its sixteenth session, for its consideration,

1. *Condemns* the perpetration of economic fraud and identity-related crime;
2. *Notes with appreciation* the work thus far of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity;
3. *Welcomes* the report of the Secretary-General on the results of the second meeting of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity;<sup>17</sup>
4. *Expresses* its gratitude to the Governments of Canada and the United Kingdom of Great Britain and Northern Ireland for their financial support of that work;

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<sup>13</sup> General Assembly resolution 55/25, annexes I-III, and resolution 55/255, annex.

<sup>14</sup> General Assembly resolution 58/4, annex.

<sup>15</sup> Council of Europe, *European Treaty Series*, No. 185.

<sup>16</sup> *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17 (A/58/17)*, para. 241.

<sup>17</sup> E/CN.15/2007/8 and Add.1-3.

5. *Acknowledges* the assistance of Member States and the United Nations Commission on International Trade Law, which provided substantive information for the study, as well as that of the commercial entities that provided information via the United Nations Commission on International Trade Law and the reports of Member States;

6. *Requests* the Secretary-General to disseminate the report as widely as possible, pursuant to the conclusions and recommendations contained in the report;

7. *Encourages* Member States to consider the report and, as appropriate and consistent with their domestic law, national legal framework, including jurisdiction, and relevant international instruments, to avail themselves of its recommendations when developing effective strategies for responding to the problems addressed in the report, bearing in mind that further study may be appropriate;

8. *Also encourages* Member States to consider updating their laws in order to tackle the recent evolution of economic fraud and the use of modern technologies to commit transnational fraud and mass fraud;

9. *Further encourages* Member States to consider establishing or updating, as appropriate, criminal offences for the illicit taking, copying, fabrication and misuse of identification documents and identification information;

10. *Further encourages* Member States to make full use of modern technologies to prevent and combat economic fraud and identity-related crime;

11. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime;<sup>18</sup>

12. *Encourages* Member States to consider acceding to the Council of Europe Convention on Cybercrime,<sup>19</sup> as well as to any other international legal instrument relevant or applicable to economic fraud and identity-related crime;

13. *Also encourages* Member States to take into account the use of terms and the scope of application, pursuant to articles 2 and 3 of the United Nations Convention against Transnational Organized Crime, in establishing or updating, as appropriate, offences relating to the criminal misuse and falsification of identity;

14. *Requests* the United Nations Office on Drugs and Crime to provide, upon request and subject to extrabudgetary resources, legal expertise or other forms of technical assistance to Member States reviewing or updating their laws dealing with transnational fraud and identity-related crime, in order to ensure that appropriate legislative responses to such offences are in place;

15. *Encourages* Member States to take appropriate measures so that their judicial and law enforcement authorities may cooperate more effectively in fighting fraud and identity-related crime, if necessary by enhancing mutual legal assistance and extradition mechanisms, taking into account the transnational nature of such crime and making full use of the relevant international legal instruments, including the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption;<sup>20</sup>

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<sup>18</sup> General Assembly resolution 55/25, annex I.

<sup>19</sup> Council of Europe, *European Treaty Series*, No. 185.

<sup>20</sup> General Assembly resolution 58/4, annex.

16. *Also encourages* Member States to consult and collaborate with appropriate commercial and other private sector entities to the extent feasible, with a view to more fully understanding the problems of economic fraud and identity-related crime and cooperating more effectively in the prevention, investigation and prosecution of such crime;

17. *Encourages* the promotion of mutual understanding and cooperation between public and private sector entities through initiatives aimed at bringing together various stakeholders and facilitating the exchange of views and information among them, and requests the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to facilitate such cooperation, in consultation with the secretariat of the United Nations Commission on International Trade Law, pursuant to Economic and Social Council resolution 2004/26 of 21 July 2004;

18. *Recalls* paragraph 5 of its resolution 2004/26 of 21 July 2004, in which it requested the intergovernmental expert group to use the information gained by the study for the purpose of developing useful practices, guidelines or other materials in the prevention, investigation and prosecution of fraud and the criminal misuse and falsification of identity, and invites Member States to contribute the necessary extrabudgetary resources to permit the conclusion of that work;

19. *Decides* to include “Economic fraud and identity-related crime” as a potential thematic topic for discussion by the Commission on Crime Prevention and Criminal Justice at one of its future sessions;

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

### **Draft resolution III**

## **Information-gathering instrument in relation to United Nations standards and norms in crime prevention and criminal justice**

*The Economic and Social Council,*

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

*Recalling also* its resolution 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 four 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 encountered in their application, ways in which technical assistance could overcome those difficulties and desirable practices in prevention and control of crime,

*Aware* of the collection of information that has taken place in relation to the first three categories of United Nations standards and norms in crime prevention and criminal justice,

*Recalling* its resolution 2006/20 of 27 July 2006 on United Nations standards and norms in crime prevention, in which it requested the Secretary-General to convene an intergovernmental expert group meeting, 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 the second component of the third category of United Nations standards and norms in crime prevention and criminal justice, namely, those 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 on Crime Prevention and Criminal Justice at its sixteenth session,

*Taking note* of General Assembly resolution 40/34 of 29 November 1985, by which the Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,<sup>21</sup>

*Recalling* its resolution 1989/57 of 24 May 1989 on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

*Taking note* of 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,<sup>22</sup> invited Member States to draw, where appropriate, on the Guidelines in the development of legislation, procedures, policies and practices for children who were victims or witnesses in criminal proceedings, and requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its seventeenth session on the implementation of that resolution,

*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 section IX of the plans of action, on action in the context of witnesses and victims of crime to implement the relevant commitments undertaken in the Vienna Declaration,

*Aware* that in the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,<sup>23</sup> Member States recognized the importance of giving special attention to the need to protect witnesses and victims of crime and terrorism, and committed themselves to strengthening, where needed, the legal and financial framework for providing support to such victims, taking into account, inter alia, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

1. *Reiterates* its continued support to the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;<sup>24</sup>

2. *Notes with appreciation* the work of the Meeting of the Intergovernmental Expert Group to Develop an Information-Gathering Instrument on United Nations Standards and Norms Related Primarily to Victim Issues, held in Vienna from 27 to 29 November 2006, in designing an information-gathering instrument in relation to United Nations standards and norms related primarily to

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<sup>21</sup> General Assembly resolution 40/34, annex.

<sup>22</sup> Economic and Social Council resolution 2005/20, annex.

<sup>23</sup> General Assembly resolution 60/177, annex.

<sup>24</sup> General Assembly resolution 40/34, annex.

victim issues and in identifying proposals to foster the use and application of such standards and norms;

3. *Expresses its gratitude* to the Governments of Canada and Germany for their financial support in the organization of the Meeting of the Intergovernmental Expert Group;

4. *Approves* the questionnaire on United Nations standards and norms related primarily to victim issues, contained in the annex to the present resolution, which is designed to identify examples of how individual States use and apply the relevant standards and norms, but such examples are not intended to provide standards of use and application that would necessarily be suitable for all States;

5. *Requests* the Secretary-General to forward the questionnaire to Member States;

6. *Invites* Member States to reply to the questionnaire and to include any comments or suggestions they may have in relation to that instrument;

7. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, 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 relevant United Nations entities with respect to their capacity to provide technical assistance in relation to the areas outlined in the questionnaire;

8. *Requests* the Secretary-General to convene, subject to extrabudgetary resources and subject to the outcome of discussions at the second session of the Conference of the States Parties to the United Nations Convention against Corruption on its information-gathering mechanism, an open-ended intergovernmental meeting of experts, 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 the fourth category of United Nations standards and norms in crime prevention and criminal justice, namely, those related primarily to the independence of the judiciary and the integrity of criminal justice personnel, building on the experience gained from the information-gathering exercises completed to date, in particular in relation to the United Nations Convention against Transnational Organized Crime<sup>25</sup> and the United Nations Convention against Corruption,<sup>26</sup> and ensuring that there is no duplication or overlap between the information-gathering instrument and the work covered by existing mechanisms and working groups;

9. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its eighteenth session on the basis of information gathered using the questionnaire referred to in paragraph 5 above on the use and application of United Nations standards and norms related primarily to victim issues, in particular with regard to the following areas:

(a) Examples of difficulties encountered in the application of United Nations standards and norms related primarily to victim issues;

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

<sup>26</sup> General Assembly resolution 58/4, annex.

(b) Examples of ways in which technical assistance can be provided to overcome those difficulties;

(c) Examples of useful practices in addressing existing and emerging challenges in that field;

(d) Suggestions from Member States on ways to further improve existing standards and norms related primarily to victim issues if Member States add such comments to their responses to the questionnaire.

## **Annex**

### **Questionnaire on United Nations standards and norms related primarily to victim issues**

The purpose of the present questionnaire is not to monitor compliance with standards and norms but, rather, to collect targeted information in order to provide examples of their use and application and potentially identify specific needs, with a view to improving technical cooperation.

Report of the Government of:

\_\_\_\_\_

Date of receipt of questionnaire:

\_\_\_\_\_

Name of authority:

\_\_\_\_\_

Full postal address:

\_\_\_\_\_

Name of person or service to be contacted:

\_\_\_\_\_

Title or position:

\_\_\_\_\_

Telephone number:

\_\_\_\_\_

Fax number:

\_\_\_\_\_

E-mail address:

\_\_\_\_\_

Website (if available):

\_\_\_\_\_

**Part I**

**Legislative measures**

1. Who in your country has responsibility for enacting and implementing legislative measures relating to victims?<sup>27</sup>

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2. Please provide below examples of legislation dealing with victims of crime enacted in your country, including measures to address the needs of special groups of victims (for example, children and victims of terrorism, trafficking, domestic violence, sexual abuse, abuse of power or drug-related crime or other groups of victims).

**General description**

**Title and reference**

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**Date of adoption**

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None

If none, please explain why no such legislative measures have been enacted in your country, then go to question 6.

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<sup>27</sup> “Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power. A person may be considered a victim regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term “victim” also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization. It also means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights (see paras. 1, 2 and 18 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex)).

3. Does your country have legislative measures to address the special situation of child victims?

.....  
 .....

4. What difficulties, if any, have been encountered in the implementation of those legislative measures?

.....  
 .....

5. Do you have any best practices to report that could help other countries? (Please specify.)

.....  
 .....

**Part II**

**Assistance and support to victims**

6. (a) To what extent do victims of crime receive the types of assistance described in the table below?

6. (b) In cases where such assistance is not provided free of charge, is it made available to those who are unable to pay?

<i>Type of assistance</i>	<i>Frequency of receipt of assistance by victims of crime</i>					<i>Assistance available to those unable to pay (tick box)</i>
	Never	Rarely	Sometimes	Usually	Always	
Immediate crisis assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Material support (including financial support)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medical care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Psychological assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Type of assistance</i>	<i>Frequency of receipt of assistance by victims of crime</i>					<i>Assistance available to those unable to pay (tick box)</i>
	<i>Never</i>	<i>Rarely</i>	<i>Sometimes</i>	<i>Usually</i>	<i>Always</i>	
Social assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Educational assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Long-term assistance (rehabilitation, reintegration, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. (a) Do victims of crime in your country have access to State-funded legal assistance throughout the criminal justice process?

Yes  No

7. (b) Is that assistance also available to non-nationals?

Yes  (Please specify.) No

8. To what extent do child victims receive specific assistance measures?

*Never*  *Rarely*  *Sometimes*  *Usually*  *Always*

9. Who are the main providers of these services? (Please tick appropriate box(es).)

Government institutions/agencies   
 Non-governmental organizations   
 Other (please specify)

10. What mechanisms, if any, are in place at the local or national level to coordinate the provision of victim assistance services? (Please specify.)

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11. Are measures in place in your country to facilitate the exchange of information and expertise between governmental and non-governmental agencies dealing with victims?

Yes  No

If the answer is "Yes", please specify.

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12. Has your country adopted national policies and/or standards for the delivery of victim assistance?

Yes  No

If the answer is "Yes", please specify and include the year in which the policies and/or standards were introduced.

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### **Part III**

#### **Information**

##### **A. General information provided to the public**

13. In your country, have any education or information initiatives been undertaken to raise public awareness on the detrimental effects of crime and the needs of victims?

Yes  No

If the answer is "Yes", please provide some examples of successful initiatives.

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**B. Specific information provided to victims**

14. Are the following data or information provided to victims in your country? (If this service is not available in your country, please tick “not applicable”.)

	<i>Never</i>	<i>Rarely</i>	<i>Sometimes</i>	<i>Always</i>	<i>Not applicable</i>
Availability of health, psychological, social and other services, as well as means of accessing such services	<input type="checkbox"/>				
Availability of legal advice	<input type="checkbox"/>				
Cost of legal advice, where relevant	<input type="checkbox"/>				
Availability of legal aid	<input type="checkbox"/>				
Cost of legal aid, where relevant	<input type="checkbox"/>				
How and in which circumstances to obtain protection	<input type="checkbox"/>				
Possibility of obtaining restitution from the offender	<input type="checkbox"/>				
Possibility of obtaining compensation from the State, where applicable	<input type="checkbox"/>				
Possibility of obtaining emergency financial support, where applicable	<input type="checkbox"/>				
Existing opportunities to obtain restitution from the offender and compensation from the State through civil proceedings or other processes	<input type="checkbox"/>				
Custodial status of the offender	<input type="checkbox"/>				
Existing support mechanisms for the victim when making a complaint and participating in the investigation and court proceedings	<input type="checkbox"/>				
Other, please specify	<input type="checkbox"/>				

15. Please indicate whether victims/witnesses are provided with the types of information listed below.

	<i>Victims in general</i>		<i>Child victims*</i>		<i>Child witnesses*</i>	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
The justice process and the victim’s role (status) within it	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Availability of protective measures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Victims in general</i>		<i>Child victims*</i>		<i>Child witnesses*</i>	
	Yes	No	Yes	No	Yes	No
The timing and manner of testimony	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The timing and manner of remedies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The way the questioning will be conducted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The specific locations and times of hearings and other relevant events	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing mechanisms for review of decisions affecting victims	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Progress of proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disposition of the specific case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Apprehension and arrest of the suspect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Custodial status of the accused and any pending changes to that status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prosecutorial decision and post-trial developments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Outcome of the case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other information (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\* This may include, as appropriate, their parents, guardians or legal representatives.

16. Are measures in place to ensure that victims in your country receive the information they need in a language and a manner they understand?

Yes  No

If the answer is "Yes", please specify.

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17. Have measures been undertaken in your country to ensure that information to victims is transmitted in a timely manner?

Yes  No

If the answer is “Yes”, please specify.

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**Part IV**

**Victims in the framework of the justice process<sup>28</sup>**

18. In your country, do the following categories of criminal justice and other officials generally receive specific training on how to deal with victims in general and/or child victims and witnesses<sup>29</sup> (including interviewing, questioning and cross-examination) so as to avoid secondary victimization?<sup>30</sup>

	<i>Victims in general</i>		<i>Child victims and witnesses</i>	
	Yes	No	Yes	No
Police	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lawyers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corrections officials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Immigration officials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medical staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>28</sup> “Justice process” encompasses detection of the crime, making of the complaint, investigation, prosecution and trial and post-trial procedures, regardless of whether the case is handled in a national, international or regional criminal justice system for adults or juveniles, or in a customary or informal system of justice (see para. 9 (c) of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex)).

<sup>29</sup> “Child victims and witnesses” denotes children and adolescents, under the age of 18, who are victims of crime or witnesses to crime regardless of their role in the offence or in the prosecution of the alleged offender or group of offenders (see para. 9 (a) of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime).

<sup>30</sup> “Secondary victimization” refers to the victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim; see United Nations, Office for Drug Control and Crime Prevention, *Handbook on Justice for Victims* (New York, 1999), p. 9.

19. In your country, are support mechanisms widely available to victims in general and/or child victims and witnesses at the stages of the justice process listed below?

	<i>Victims in general</i>		<i>Child victims and witnesses</i>	
	Yes	No	Yes	No
Making of a complaint (reporting a crime)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Investigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Post-trial procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Correctional proceedings (e.g. Parole hearings)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other proceedings (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20. Does your country have in place specific measures to facilitate the testimony of child victims and witnesses (for example, support person, videotape testimony, video-link testimony, use of screens, etc.)?

Yes  No

If the answer is "Yes", please specify.

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21. Does your country have in place measures to facilitate the testimony of other vulnerable victims<sup>31</sup> (for example, support person, videotape testimony, video-link testimony, use of screens, etc.)?

Yes  No

If the answer is "Yes", please specify.

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22. Does your country allow the views and concerns of victims to be presented and considered at appropriate stages of the justice process where their personal interests are affected?

Yes  No

<sup>31</sup> For example, victims of organized crime, victims of human trafficking, victims of terrorism, victims of violence in intimate relationships, victims of violence against women and victims of sexual violence.

If the answer is “Yes”, please provide details.

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23. Does your country allow victims to provide information to the court on the impact the crime has had on them?<sup>32</sup>

Yes  No

If the answer is “Yes”, please provide details.

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#### **Part V**

##### **Informal mechanisms for the resolution of disputes**

24. Does your country allow, when appropriate, the use of informal mechanisms for the resolution of disputes, such as mediation, arbitration, customary justice and indigenous practices, in order to facilitate conciliation and redress for victims?

Yes  No

If the answer is “No”, please go to question 30. If the answer is “Yes”, please provide details.

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25. Is the recourse to informal mechanisms for the resolution of disputes regulated by appropriate guidelines or standards, such as the Basic Principles on the Use of Restorative Justice Programmes in criminal matters?<sup>33</sup>

Yes  No

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<sup>32</sup> In some common law countries, this is done through a “victim impact statement” whereby the victim can fill out a form (often with the assistance of the prosecutor or another authority) in which he or she indicates what impact the offence has had, what property was lost or damaged, what other financial losses resulted and how the event has disrupted his or her life. In other jurisdictions such as civil law countries, victims may be recognized as “partie civile”, thereby enabling them to participate in the proceedings and inform the court of how the offence has affected them physically, mentally or otherwise. See *Handbook on Justice for Victims*, p. 39.

<sup>33</sup> Economic and Social Council resolution 2002/12, annex.

If the answer is “Yes”, please specify.

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26. Is support provided to victims who participate in the above informal mechanisms?

Yes

No

If the answer is “Yes”, please specify the type of support provided and by whom.

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## Part VI

### Privacy

27. Does your country have in place measures to protect the privacy of victims (for example, publication bans, in camera trials)?

Yes

No

If the answer is “Yes”, please specify.

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28. Does your country have in place specific measures to protect the privacy of child victims and witnesses (for example, publication bans, in camera trials)?

Yes

No

If the answer is “Yes”, please specify.

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29. Have guidelines been adopted in your country for/by the media in order to protect the interests of victims and to curtail victimization?

Yes

No

If the answer is “Yes”, please describe.

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30. Have specific guidelines been adopted in your country for/by the media in order to protect the interests of child victims and witnesses and to curtail victimization?

Yes

No

If the answer is “Yes”, please describe.

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## Part VII

### Restitution<sup>34</sup> and compensation<sup>35</sup>

31. Does the law of your country allow the victim (and where appropriate, the family and/or dependants of the victim) to obtain restitution from the offender in the context of criminal proceedings? (Please tick the appropriate box(es).)

Victim

Family of the victim

Dependants of the victim

32. If the law of your country allows for restitution, can it include the following? (Please tick the appropriate box(es).)

Return of property

Reimbursement of expenses incurred

Provision of services

Restoration of rights

Payment for harm or loss suffered

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<sup>34</sup> “Restitution” means that offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights (see para. 8 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power).

<sup>35</sup> “Compensation” means financial compensation provided by the State when compensation is not fully available from the offender or other sources (see para. 12 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power).

Other (please specify)

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33. Does the law of your country recognize restitution orders as an available sentencing option?

Yes

No

34. Does your country have in place appropriate mechanisms to execute restitution orders?

Yes

No

If the answer is "Yes", please describe.

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35. In your country, is there in place a State compensation scheme for victims (and, where appropriate, the family and/or dependants of the victim)? (Please tick appropriate box(es).)

Victims

Family of the victim

Dependants of the victim

If the answer in all three cases is "No", please go to question 45.

If the answer is "Yes", please provide details regarding eligibility (for example, who is entitled to State compensation and for which types of crime).

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36. Is State compensation available to nationals of another country who are victimized in your country?

Yes

No

If the answer is "Yes", is this subject to reciprocity? Please explain.

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37. What kinds of damage qualify for compensation by the State? (Please tick appropriate box(es).)

- Treatment and rehabilitation for physical injuries
- Treatment and rehabilitation for psychological injuries
- Loss of income
- Funeral expenses
- Loss of maintenance for dependents
- Pain and suffering
- Material damages
- Other (please specify)

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38. How is the State compensation scheme funded? (Please tick appropriate box(es).)

- Government funding
- Confiscation of offender's assets
- Fines
- Special tax
- Surcharge
- Seized proceeds of crime
- Other source (please specify)

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39. Does your country offer other types of measure to mitigate the negative effects of crime on victims (for example, memorials, formal apologies)?

Yes  No

If the answer is "Yes", please describe.

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**Part VIII**

**Research and education/prevention campaigns**

40. Please indicate below if any victimization surveys<sup>36</sup> have been conducted in your country in the last 10 years. (Please tick appropriate box(es).)

- |  |                          |
|--|--------------------------|
| Ad hoc victimization survey(s)                                       | <input type="checkbox"/> |
| Periodic victimization survey(s)                                     | <input type="checkbox"/> |
| Continuous victimization survey                                      | <input type="checkbox"/> |
| Multipurpose surveys with the inclusion of a module on victimization | <input type="checkbox"/> |
| Violence against women survey(s)                                     | <input type="checkbox"/> |
| Other (please specify)   | <input type="checkbox"/> |
| None   | <input type="checkbox"/> |

41. Please indicate below if there are plans to conduct new victimization surveys in the near future. (Please tick appropriate box(es).)

- |  |                          |
|--|--------------------------|
| Ad hoc victimization survey(s)                                       | <input type="checkbox"/> |
| Periodic victimization survey(s)                                     | <input type="checkbox"/> |
| Continuous victimization survey                                      | <input type="checkbox"/> |
| Multipurpose surveys with the inclusion of a module on victimization | <input type="checkbox"/> |
| Violence against women survey(s)                                     | <input type="checkbox"/> |
| Other (please specify)   | <input type="checkbox"/> |
| None   | <input type="checkbox"/> |

42. Does your country have in place measures to prevent the victimization of types of victim known to be at high risk (for example, education or prevention campaigns)?

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<sup>36</sup> “Victimization surveys” are large-scale studies that ask randomly sampled members of the population about their experiences with crime.

**Part IX**

**International standards and cooperation**

43. Is the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power available to the general public in the official language(s) of your country?

Yes

No

Please specify.

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44. Are the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime available to the general public in the official language(s) of your country?

Yes

No

Please specify.

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45. Have the professionals<sup>37</sup> who come into contact with victims been made aware of the provisions of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power?

Yes

No

If the answer is “Yes”, please explain how this was done.

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46. Have the professionals who come into contact with child victims and witnesses been made aware of the provisions of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime?

Yes

No

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<sup>37</sup> “Professionals” is used in the broader sense to include volunteers (see Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, para. 9 (b)).

If the answer is “Yes”, please explain how this was done.

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47. Has your country put in place measures to cooperate with other countries in providing assistance and protection to victims of crime?

Yes  No

If the answer is “Yes”, please specify.

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#### **Part X**

##### **Technical assistance**

48. Have you encountered any difficulties in the use and application of United Nations standards and norms related to victims in your country?

Yes  No

If the answer is “Yes”, please provide details.

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49. Are you aware of opportunities for technical assistance in this area that might be available through United Nations agencies?

Yes  No

50. Does your country need technical assistance in the use and application of United Nations standards and norms related primarily to victim issues?

Yes  No

If the answer is “Yes”, please specify.

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51. Is your country in a position to provide technical assistance (for example, sharing of good practices) in the use and application of United Nations standards and norms related primarily to victim issues?

Yes

No

If the answer is “Yes”, please specify.

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#### **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,<sup>38</sup> 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,

*Recalling further* that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights<sup>39</sup> 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 further* the United Nations Convention against Corruption,<sup>40</sup> in article 11 of which States parties are required, 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 adversely affects public confidence in the judicial system,

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

*Recalling* General Assembly resolution 40/32 of 29 November 1985, in which the Assembly endorsed the resolutions adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Milan, Italy, from 26 August to 6 September 1985, including the resolution containing the Basic Principles on the Independence of the Judiciary,<sup>41</sup>

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<sup>38</sup> General Assembly resolution 217 A (III).

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

<sup>40</sup> General Assembly resolution 58/4, annex.

<sup>41</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

*Recalling also* General Assembly resolution 40/146 of 13 December 1985, in which the Assembly welcomed the Basic Principles on the Independence of the Judiciary,

*Recalling further* 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, concerning the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of criminal justice,<sup>42</sup>

*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 further* Economic and Social Council resolution 2006/23 of 27 July 2006, on strengthening basic principles of judicial conduct, in which the Council emphasized that the Bangalore Principles of Judicial Conduct<sup>43</sup> represented a further development and were complementary to the Basic Principles on the Independence of the Judiciary, and invited Member States, consistent with their domestic legal systems, to encourage their judiciaries to take the Bangalore Principles into consideration when reviewing or developing rules with respect to the professional and ethical conduct of members of the judiciary,

1. *Takes note with appreciation* of the report of the Secretary-General on strengthening basic principles of judicial conduct,<sup>44</sup> in particular the progress reported by several Member States on the implementation of the Bangalore Principles of Judicial Conduct;<sup>45</sup>

2. *Invites* Member States, consistent with their domestic legal systems, to continue to encourage their judiciaries to take into consideration the Bangalore Principles of Judicial Conduct when reviewing or developing rules with respect to the professional and ethical conduct of members of the judiciary;

3. *Looks forward* to the imminent finalization of the commentary on the Bangalore Principles of Judicial Conduct and commends the work of the open-ended intergovernmental expert group established pursuant to Economic and Social Council resolution 2006/23 of 27 July 2006 and the Judicial Group on Strengthening Judicial Integrity;

4. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to translate the commentary on the Bangalore Principles of Judicial Conduct into all official languages of the United Nations and to disseminate it to Member States, international and regional judicial forums and appropriate organizations;

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Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

<sup>42</sup> See A/CONF.169/16/Rev.1, chap. I, resolution 1, sect. III.

<sup>43</sup> Economic and Social Council resolution 2006/23, annex.

<sup>44</sup> E/CN.15/2007/12.

<sup>45</sup> Economic and Social Council resolution 2006/23, annex.

5. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources and in line with the recommendations of the intergovernmental expert group, to continue its work aimed at developing a guide on strengthening judicial integrity and capacity and to circulate the guide to Member States for comments;

6. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to convene an open-ended intergovernmental expert group, involving the Judicial Group on Strengthening Judicial Integrity and other international and regional judicial forums, to finalize the guide on strengthening judicial integrity and capacity, taking into account comments received from Member States;

7. *Also requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, in particular through its Global Programme against Corruption, to develop and implement technical cooperation projects and activities aimed at supporting Member States, upon their request, in developing rules with respect to the professional and ethical conduct of the members of the judiciary, as well as in their implementation of the Bangalore Principles of Judicial Conduct;

8. *Further requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to explore the development of technical cooperation projects and activities aimed at strengthening the integrity and capacity of other criminal justice institutions, in particular prosecution services and the police, in cooperation with the initiatives of States and relevant international organizations;

9. *Expresses its appreciation* to Member States that have made voluntary contributions to the United Nations Office on Drugs and Crime in support of its technical cooperation activities aimed at strengthening judicial integrity and capacity, including the promotion of the implementation of the Bangalore Principles of Judicial Conduct;

10. *Invites* Member States to make voluntary contributions, as appropriate, to the United Nations Crime Prevention and Criminal Justice Fund to support the United Nations Office on Drugs and Crime in providing, through its 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, including through the use and application of the Bangalore Principles of Judicial Conduct;

11. *Requests* the Secretariat to submit the Bangalore Principles on Judicial Conduct and the commentary on the Bangalore Principles to the Conference of the States Parties to the United Nations Convention against Corruption at its second session;

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

**Draft resolution V**

**Supporting national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination**

*The Economic and Social Council,*

*Recalling* the Universal Declaration of Human Rights,<sup>46</sup> which entitles children to special care and assistance,

*Recalling* the Convention on the Rights of the Child,<sup>47</sup> in particular articles 37 and 40 of the Convention, which, commit parties to the Convention to, inter alia, using the deprivation of liberty of persons under the age of eighteen only as a measure of last resort,

*Recalling* the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)<sup>48</sup> and other relevant United Nations standards and norms,

*Bearing in mind* that the aim of a child justice system is to ensure that any reaction to children in conflict with the law is always in proportion to the circumstances of both the child and the offence,

*Noting* the high risk of violence and abuse against children in the criminal justice system, as highlighted in the note by the Secretary-General on the rights of the child transmitting the report of the independent expert for the United Nations study on violence against children,<sup>49</sup> submitted to the General Assembly pursuant to Assembly resolution 60/231 of 23 December 2005,

*Alarmed* by the finding of the independent expert, contained in his report, that, in some countries, the majority of children in detention have not been convicted of a crime but are awaiting trial, including together with adults,<sup>50</sup>

*Recalling* its resolution 1997/30 of 21 July 1997, in which it welcomed the Guidelines for Action on Children in the Criminal Justice System,<sup>51</sup> and recommended the establishment of a coordination panel on technical advice and assistance in juvenile justice,

*Noting with satisfaction* the work of the Inter-Agency Coordination Panel on Juvenile Justice, in particular its various publications and its website, as well as the active participation of civil society, together with United Nations agencies, in the work of the Panel,

*Noting* the lessons learned from technical cooperation projects in the area of juvenile justice carried out, inter alia, by the United Nations Office on Drugs and Crime,

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<sup>46</sup> General Assembly resolution 217 A (III).

<sup>47</sup> United Nations, *Treaty Series*, vol. 15777, No. 27531.

<sup>48</sup> General Assembly resolution 40/33, annex.

<sup>49</sup> A/61/299.

<sup>50</sup> A/61/299, paras. 61 and 63.

<sup>51</sup> Economic and Social Council resolution 1997/30, annex.

1. *Urges* Member States to pay particular attention to the issue of child justice and to take into consideration applicable United Nations standards and norms for the treatment of children in conflict with the law, particularly those deprived of their liberty, taking into account also the gender, social circumstances and development needs of such children;
2. *Invites* Member States to adopt, where appropriate, comprehensive national action plans on crime prevention and child justice reform containing, in particular, specific targets with regard to reducing the pre-trial detention and imprisonment of children, including through the use of diversion, restorative justice and alternatives to imprisonment and ensuring that proper detention conditions prevail;
3. *Invites* Member States and their relevant institutions to provide or offer specialized training to criminal justice officers involved in the administration of child justice, including correctional officers, police officers, prosecutors, judges and lawyers, as well as to social workers, in order to raise their awareness of and their conformity with applicable international legal instruments and, as appropriate, relevant standards and norms;
4. *Invites* Member States to make use, as appropriate, of the *Manual for the Measurement of Juvenile Justice Indicators*, prepared jointly by the United Nations Office on Drugs and Crime and the United Nations Children's Fund, and of the measures contained in the publication of the Inter-Agency Coordination Panel on Juvenile Justice entitled *Protecting the Rights of Children in Conflict with the Law*, as well as of the website of the Panel;
5. *Encourages* Member States and international funding agencies to provide adequate resources to, inter alia, the United Nations Office on Drugs and Crime to enable it to carry out technical cooperation projects in the area of child justice;
6. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, and the members of the Inter-Agency Coordination Panel on Juvenile Justice to continue providing assistance to Member States, upon request, in the area of child justice;
7. *Urges* the United Nations Office on Drugs and Crime, within its mandates, taking into consideration the recommendations of the United Nations study on violence against children,<sup>52</sup> to explore ways in which preventing and responding to violence against children can be incorporated into its technical cooperation activities in the area of children and the justice system, taking into account General Assembly resolution 61/146 of 19 December 2006;
8. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to provide technical assistance to Member States, upon request, in order to strengthen national capacities and infrastructure in the area of child justice;
9. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to provide technical assistance to Member States, upon request in setting up national data collection and criminal justice information systems regarding children in conflict with the law, using the *Manual for the Measurement of Juvenile Justice Indicators*;

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<sup>52</sup> A/61/299.

10. *Encourages* the members of the Inter-Agency Coordination Panel on Juvenile Justice to further increase their cooperation, to share information and to pool their capacities and interests in order to increase the effectiveness of programme implementation;

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

#### **Draft resolution VI**

### **International cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa**

*The Economic and Social Council,*

*Recalling* the Universal Declaration of Human Rights,<sup>53</sup> which enshrines the key principles of equality before the law, the presumption of innocence, the right to a fair and public hearing by an independent and impartial tribunal, along with all the guarantees necessary for the defence of anyone charged with a penal offence,

*Recalling also* the International Covenant on Civil and Political Rights,<sup>54</sup> in particular article 14, which states that everyone charged with a criminal offence shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law and to minimum guarantees, including to be tried without undue delay,

*Bearing in mind* the Standard Minimum Rules for the Treatment of Prisoners,<sup>55</sup> approved in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, according to which an untried prisoner shall be allowed to receive visits from his legal adviser,

*Bearing in mind also* the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,<sup>56</sup> principle 11 of which states that a detained person shall have the right to be assisted by counsel as prescribed by law,

*Bearing in mind further* the Basic Principles for the Treatment of Prisoners<sup>57</sup> and the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules),<sup>58</sup>

*Bearing in mind further* the Basic Principles on the Role of Lawyers,<sup>59</sup> in particular principle 1, which states that all persons are entitled to call upon the

<sup>53</sup> General Assembly resolution 217 A (III).

<sup>54</sup> General Assembly resolution 2200 A (XXI), annex.

<sup>55</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>56</sup> General Assembly resolution 43/173, annex.

<sup>57</sup> General Assembly resolution 45/111, annex.

<sup>58</sup> General Assembly resolution 45/110, annex.

<sup>59</sup> *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.3, annex.

assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings,

*Recalling* its resolution 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,<sup>60</sup>

*Recalling also* its resolution 1998/23 of 28 July 1998, on international cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing, in which it noted that the International Conference on Community Service Orders in Africa, held at Kadoma, Zimbabwe, from 24 to 28 November 1997, had adopted the Kadoma Declaration on Community Service,<sup>61</sup>

*Recalling further* its resolution 1999/27 of 28 July 1999, on penal reform, in which it took note of the Arusha Declaration on Good Prison Practice,<sup>62</sup>

*Recalling further* 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, and 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,

*Bearing in mind* the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,<sup>63</sup> especially paragraph 18 of the Declaration, in which Member States are called upon to take steps, in accordance with their domestic laws, to promote access to justice, to consider the provision of legal aid to those who need it and to enable the effective assertion of their rights in the criminal justice system,

*Bearing in mind also* its resolution 2006/21 of 27 July 2006, on the implementation of the Programme of Action, 2006-2010, on strengthening the rule of law and the criminal justice systems in Africa, and its resolution 2006/22 of 27 July 2006, in which it welcomed the Programme of Action, 2006-2010, adopted by the Round Table for Africa, held in Abuja on 5 and 6 September 2005, in particular the actions on penal reform and alternative and restorative justice,

*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 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,

*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,

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<sup>60</sup> Economic and Social Council resolution 1997/36, annex.

<sup>61</sup> Economic and Social Council resolution 1998/23, annex.

<sup>62</sup> Economic and Social Council resolution 1999/27, annex.

<sup>63</sup> General Assembly resolution 60/177, annex.

*Taking note* of the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa, contained in annex I to the present resolution, and the Lilongwe Plan of Action for the implementation of the Declaration, contained in annex II to the present resolution,

*Concerned* at the proportion of suspects and pre-trial detainees detained for long periods of time in many African countries without being charged or sentenced and without access to legal advice or assistance,

*Noting* the prolonged incarceration of suspects and pre-trial detainees without providing them with access to legal aid or to the courts, and concerned that it violates the basic principles of human rights,

*Recognizing* that providing legal aid to suspects and prisoners may reduce the length of time suspects are held at police stations and detention centres, in addition to reducing the prison population, prison overcrowding and congestion in the courts,

*Mindful* that many Member States lack the necessary resources and capacity to provide legal assistance for defendants and suspects in criminal cases,

*Recognizing* the impact of action by civil society organizations in improving access to legal aid in criminal justice and in respecting the rights of suspects and prisoners,

1. *Notes* the progress made by Member States and the recent efforts by some in the provision of legal assistance for defendants and suspects in criminal cases;
2. *Encourages* Member States implementing criminal justice reform to promote the participation of civil society organizations in that endeavour and to cooperate with them;
3. *Commends* the initiation by the United Nations Office on Drugs and Crime of work focused on providing long-term sustainable technical assistance in the area of criminal justice 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;
4. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, 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, development of an integrated plan for the provision of legal assistance including paralegals and similar alternative schemes to provide legal aid for persons in communities, including victims, defendants and suspects at all critical stages in criminal cases, and legislative reforms that guarantee legal representation in accordance with international standards and norms;
5. *Also requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources and in cooperation with the African Institute for the Prevention of Crime and the Treatment of Offenders, to assist African States, upon request, in their efforts at applying the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa;

6. *Further requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to convene an open-ended intergovernmental meeting of experts with interpretation to study ways and means of strengthening access to legal aid in the criminal justice system, as well as the possibility of developing an instrument such as a declaration of basic principles or a set of guidelines for improving access to legal aid in criminal justice systems, taking into account the Lilongwe Declaration and other relevant materials;

7. *Requests* the Commission on Crime Prevention and Criminal Justice to include the issue of penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems as a potential thematic topic for discussion by the Commission at one of its future sessions;

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

## **Annex I**

### **Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa**

At 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, 128 delegates from 26 countries, including 21 African countries, met to discuss legal aid services in the criminal justice systems in Africa. Ministers of State, judges, lawyers, prison commissioners, academics and international, regional and national non-governmental organizations attended the Conference. The three days of deliberations produced the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa (set forth below), which was adopted by consensus at the closure of the Conference with the request that it be forwarded to Governments, the African Commission on Human and Peoples' Rights, the Commission of the African Union and the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok in April 2005, and that it be publicized to national and regional legal aid networks.

#### **Preamble**

Bearing in mind that access to justice depends on the enforcement of rights to due process, to a fair hearing and to legal representation,

Recognizing that the vast majority of people affected by the criminal justice system are poor and have no resources with which to protect their rights,

Further recognizing that the vast majority of ordinary people in Africa, especially in post-conflict societies where there is no functioning criminal justice system, do not have access to legal aid or to the courts and that the principle of equal legal representation and access to the resources and protection of the criminal justice system simply does not exist as it applies to the vast majority of persons affected by the criminal justice system,

Noting that legal advice and assistance in police stations and prisons are absent. Noting also that many thousands of suspects and prisoners are detained for

lengthy periods of time in overcrowded police cells and in inhumane conditions in overcrowded prisons,

Further noting that prolonged incarceration of suspects and prisoners without providing access to legal aid or to the courts violates basic principles of international law and human rights and that legal aid to suspects and prisoners has the potential to reduce the length of time suspects are held in police stations, congestion in the courts, and prison populations, thereby improving conditions of confinement and reducing the costs of criminal justice administration and incarceration,

Recalling the draft resolution on the Charter of Fundamental Rights of Prisoners, recommended by the African Regional Preparatory Meeting for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held at Addis Ababa in March 2004,<sup>64</sup> for endorsement by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok in April 2005,

Mindful that the challenge of providing legal aid and assistance to ordinary people will require the participation of a variety of legal services providers and partnerships with a range of stakeholders and require the creation of innovative legal aid mechanisms,

Noting the 1996 Kampala Declaration on Prison Conditions in Africa,<sup>65</sup> the 1997 Kadoma Declaration on Community Service,<sup>66</sup> the Abuja Declaration on Alternatives to Imprisonment and the 2002 Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa, and mindful that similar measures are needed with respect to the provision of legal aid to prisoners,

Noting with satisfaction the resolutions passed by the African Commission on Human and Peoples' Rights, notably the resolution on the right of recourse and fair trial, adopted in 1992, and the resolution on the right to a fair trial and legal assistance, adopted in 1999, and, in particular, the 2001 Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa,

Commending the practical steps that have been taken to implement these standards through the activities of the African Commission on Human and Peoples' Rights and its Special Rapporteur on Prisons and Conditions of Detention in Africa,

Commending also the recommendation of the African Regional Preparatory Meeting held at Addis Ababa in March 2004 that the African region should prepare and present an African common position to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok in April 2005, and that the Commission of the African Union has agreed to prepare and present that common position to the Congress,

Welcoming the practical measures that have been taken by the Governments and legal aid establishments in African countries to apply these standards in their national jurisdictions, while emphasizing that, notwithstanding these measures,

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<sup>64</sup> A/CONF.203/RPM.3/1 and Corr.1, para. 50.

<sup>65</sup> Economic and Social Council resolution 1997/36, annex.

<sup>66</sup> Economic and Social Council resolution 1998/23, annex I.

there are still considerable shortcomings in the provision of legal aid to ordinary people, which are aggravated by shortages of personnel and resources,

Noting with satisfaction the growing openness of Governments to forging partnerships with non-governmental organizations, civil society and the international community in developing legal aid programmes for ordinary people that will enable increasing numbers of people in Africa, especially in rural areas, to have access to justice,

Commending the recommendations of the African Regional Preparatory Meeting for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice for the introduction and strengthening of restorative justice in the criminal justice system,

*The participants of 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, hereby declare the importance of:*

**1. Recognizing and supporting the right to legal aid in criminal justice.**

All Governments have the primary responsibility to recognize and support basic human rights, including the provision of and access to legal aid for persons in the criminal justice system. As part of this responsibility, Governments are encouraged to adopt measures and allocate funding sufficient to ensure an effective and transparent method of delivering legal aid to the poor and vulnerable, especially women and children, and in so doing empower them to access justice. Legal aid should be defined as broadly as possible to include legal advice, assistance, representation, education and mechanisms for alternative dispute resolution and to include a wide range of stakeholders, such as non-governmental organizations, community-based organizations, religious and non-religious charitable organizations, professional bodies and associations and academic institutions;

**2. Sensitizing all criminal justice stakeholders.** Government officials, including police and prison administrators, judges, lawyers and prosecutors, should be made aware of the crucial role that legal aid plays in the development and maintenance of a just and fair criminal justice system. Since those in control of government criminal justice agencies control access to detainees and to prisoners, they should ensure that the right to legal aid is fully implemented. Government officials are encouraged to allow legal aid to be provided at police stations, in pre-trial detention facilities, in courts and in prisons. Governments should also sensitize criminal justice system administrators to the societal benefits of providing effective legal aid and the use of alternatives to imprisonment. These benefits include elimination of unnecessary detention, speedy processing of cases, fair and impartial trials and the reduction of prison populations;

**3. Providing legal aid at all stages of the criminal justice process.** A legal aid programme should include legal assistance at all stages of the criminal justice process, including investigation, arrest, pre-trial detention, bail hearings, trials, appeals and other proceedings brought to ensure that human rights are protected. Suspects, accused persons and detainees should have access to legal assistance immediately upon arrest and/or detention wherever such arrest and/or detention occurs. A person subject to criminal proceedings should never be prevented from securing legal aid and should always be granted the right to see and

consult with a lawyer, accredited paralegal or legal assistant. Governments should ensure that legal aid programmes provide special attention to persons who are detained without charge or beyond the expiration of their sentences, or who have been held in detention or in prison without access to the courts. Special attention should be given to women and other vulnerable groups, such as children, young people, the elderly, persons with disabilities, persons living with HIV/AIDS, the mentally and seriously ill, refugees, internally displaced persons and foreign nationals;

**4. Recognizing the right to redress for violations of human rights.**

Human rights are enforced when government officials know that they will be held accountable for violations of the law and of basic human rights. Persons who are abused or injured by law enforcement officials or who are not afforded proper recognition of their human rights should have access to the courts and legal representation to redress their injuries and grievances. Governments should provide legal aid to persons who seek compensation for injuries suffered as the result of misconduct by officials and employees of criminal justice systems. This does not exclude other stakeholders from providing legal aid in such cases;

**5. Recognizing the role of non-formal means of conflict resolution.**

Traditional and community-based alternatives to formal criminal justice processes have the potential to resolve disputes without acrimony and to restore social cohesion within the community. These mechanisms also have the potential to reduce reliance upon the police to enforce the law, to reduce congestion in the courts and to reduce the reliance upon incarceration as a means of resolving conflict based upon alleged criminal activity. All stakeholders should recognize the significance of such diversionary measures to the administration of a community-based, victim-oriented criminal justice system and should provide support for such mechanisms provided that they conform to human rights norms;

**6. Diversifying legal aid delivery systems.**

Each country has different capabilities and needs when consideration is given to what kind of legal aid systems to employ. In carrying out its responsibility to provide equitable access to justice for poor and vulnerable people, there are a variety of service delivery options that can be considered. These include Government-funded public defender offices, judicare programmes, justice centres, law clinics and partnerships with civil society and faith-based organizations. Whatever options are chosen, they should be structured and funded in a way that preserves their independence and commitment to those populations most in need. Appropriate coordinating mechanisms should be established;

**7. Diversifying legal aid service providers.**

It has all too often been observed that there are not enough lawyers in African countries to provide the legal aid services required by the hundreds of thousands of persons who are affected by criminal justice systems. It is also widely recognized that the only feasible way of delivering effective legal aid to the maximum number of persons is to rely on non-lawyers, including law students, paralegals and legal assistants. These paralegals and legal assistants can provide access to the justice system for persons subjected to it, assist criminal defendants and provide knowledge and training to those affected by the system that will enable rights to be effectively asserted. An effective legal aid system should employ complementary legal and law-related services by paralegals and legal assistants;

8. **Encouraging pro bono provision of legal aid by lawyers.** It is universally recognized that lawyers are officers of the court and have a duty to see that justice systems operate fairly and equitably. By involving a broad spectrum of the private bar in the provision of legal aid, such services will be recognized as an important duty of the legal profession. The organized bar should provide substantial moral, professional and logistical support to those providing legal aid. Where a bar association, licensing agency or Government has the option of making pro bono provision of legal aid mandatory, this step should be taken. In countries in which a mandatory pro bono requirement cannot be imposed, members of the legal profession should be strongly encouraged to provide pro bono legal aid services;

9. **Guaranteeing sustainability of legal aid.** Legal aid services in many African countries are donor funded and may be terminated at any time. For this reason, there is need for sustainability. Sustainability includes funding, the provision of professional services, establishment of infrastructure and the ability to satisfy the needs of the relevant community in the long term. Appropriate government, private sector and other funding and community ownership arrangements should be established in order to ensure sustainability of legal aid in every country;

10. **Encouraging legal literacy.** Ignorance about the law, human rights and the criminal justice system is a major problem in many African countries. People who do not know their legal rights are unable to enforce them and are subject to abuse in the criminal justice system. Governments should ensure that human rights education and legal literacy programmes are conducted in educational institutions and in non-formal sectors of society, particularly for vulnerable groups such as children, young people, women and the urban and rural poor.

## **Annex II**

### **Lilongwe Plan of Action**

1. The participants recommend the following measures as forming part of a Plan of Action to implement the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa.
2. The document is addressed to Governments and criminal justice practitioners, criminologists, academics and development partners, as well as non-governmental organizations, community-based organizations and faith-based groups active in this area. It is meant to be a source of inspiration for concrete action.

### **Legal aid framework**

#### *Institution-building*

3. Governments should introduce measures:
  - (a) To establish a legal aid institution that is independent of government justice departments, e.g. a legal aid board/commission that is accountable to parliament;
  - (b) To diversify legal aid service providers, adopting an inclusive approach, and enter into agreements with the law society as well as with university law clinics,

non-governmental organizations, community-based organizations and faith-based groups to provide legal aid services;

(c) To encourage lawyers to provide pro bono legal aid services as an ethical duty;

(d) To establish a legal aid fund to administer public defender schemes, to support university law clinics and to sponsor clusters of non-governmental organizations and community-based organizations and others to provide legal aid services throughout the country, especially in the rural areas;

(e) To agree minimum quality standards for legal aid services and clarify the role of paralegals and other service providers by:

(i) Developing standardized training programmes;

(ii) Monitoring and evaluating the work of paralegals and other service providers;

(iii) Requiring all paralegals operating in the criminal justice system to submit to a code of conduct;

(iv) Establishing effective referral mechanisms to lawyers for all these service providers.

#### *Public awareness*

4. Governments should introduce measures:

(a) To incorporate human rights and “rule of law” topics in national educational curricula in accordance with the requirements of the United Nations Decade for Human Rights Education;

(b) To develop a national media campaign focusing on legal literacy in consultation with civil society organizations and media groups;

(c) To sensitize the public and justice agencies on the broadened definition of legal aid and the role that all service providers have to play (through television, radio, the printed media, seminars and workshops);

(d) To institute one day a year as “Legal Aid Day”.

#### *Legislation*

5. Governments should:

(a) Enact legislation to promote the right of everyone to basic legal advice, assistance and education, especially for victims of crime and vulnerable groups;

(b) Enact legislation to establish an independent national legal aid institution accountable to parliament and protected from executive interference;

(c) Enact legislation to ensure the provision of legal aid at all stages of the criminal justice process;

(d) Enact legislation to recognize the role of non-lawyers and paralegals and to clarify their duties;

(e) Enact legislation to recognize customary law and the role non-State justice forums can play in appropriate cases (i.e. where cases are diverted from the formal criminal justice process).

#### *Sustainability*

6. Governments should introduce measures:

(a) To diversify the funding base of legal aid institutions that should be primarily funded by Governments, to include endowment funds by donors, companies and communities;

(b) To identify fiscal mechanisms for channelling funds to the legal aid fund, such as:

(i) Recovering costs in civil legal aid cases where the legal aid litigant has been awarded costs in a matter and channelling such recovered costs into the legal aid fund;

(ii) Taxing any award made in civil legal aid cases and channelling the moneys paid into the legal aid fund;

(iii) Fixing a percentage of the State's criminal justice budget to be allocated to legal aid services;

(c) To identify incentives for lawyers to work in rural areas (e.g. tax exemptions or reductions);

(d) To require all law students to participate in a legal aid clinic or other legal aid community service scheme as part of their professional or national service requirement;

(e) To request the law society to organize regular circuits of lawyers around the country to provide free legal advice and assistance;

(f) To promote partnerships with non-governmental organizations, community-based organizations, faith-based groups and, where appropriate, local councils.

#### **Legal aid in action**

##### *In the police station*

7. Governments should introduce measures:

(a) To provide legal and/or paralegal services in police stations in consultation with the police service, the law society, university law clinics and non-governmental organizations. These services might include:

(i) Providing general advice and assistance at the police station to victims of crime as well as accused persons;

(ii) Visiting police cells or lock-ups (*cachots*);

(iii) Monitoring custody time limits in the police station after which a person must be produced before the court;

(iv) Attending at police interview;

- (v) Screening juveniles for possible diversion programmes;
- (vi) Contacting or tracing parents, guardians or sureties;
- (vii) Assisting with bail from the police station;
- (b) To require the police to cooperate with service providers and advertise these services and how to access them in each police station.

*At court*

8. Governments should introduce measures:
- (a) To draw up rosters for lawyers to attend court on fixed days in consultation with the law society and provide services free of charge;
  - (b) To encourage the judiciary to take a more proactive role in ensuring the defendant is provided with legal aid and able to put his or her case where the person is unrepresented because of indigency;
  - (c) To promote the wider use of alternative dispute resolution and diversion of criminal cases and encourage the judiciary to consider such options as a first step in all matters;
  - (d) To encourage non-lawyers, paralegals and victim support agencies to provide basic advice and assistance and to conduct regular observations of trial proceedings;
  - (e) To conduct regular case reviews to clear case backlogs and petty cases and refer and/or divert appropriate cases for mediation and convene regular meetings of all criminal justice agencies to find local solutions to local problems.

*In prison*

9. Governments should introduce measures to ensure that:
- (a) Magistrates/judges screen the remand caseload on a regular basis to make sure that people are remanded lawfully, that their cases are being expedited and that they are held appropriately;
  - (b) Prison officers, judicial officers, lawyers, paralegals and non-lawyers conduct periodic census to determine who is in prison and whether they are there as a first rather than a last resort;
  - (c) Custody time limits are enacted;
  - (d) Paralegal services are established in prisons. Services should include:
    - (i) Legal education of prisoners so as to allow them to understand the law process and apply this learning in their own case;
    - (ii) Assistance with bail and the identification of potential sureties;
    - (iii) Assistance with appeals;
    - (iv) Special assistance to vulnerable groups, especially to women, women with babies, young persons, refugees and foreign nationals, the aged, the terminally and mentally ill etc.;

(e) Access to prisons for responsible non-governmental organizations, community-based organizations and faith-based groups is not subject to unnecessary bureaucratic obstacles.

*In the village*

10. Governments should introduce measures:

(a) To encourage non-governmental organizations, community-based organizations and faith-based groups to train local leaders on the law and constitution and in particular the rights of women and children, and in mediation and other alternative dispute resolution procedures;

(b) To establish referral mechanisms between the court and village hearings. Such mechanisms might include:

(i) Diversion from the court to the village for the offender to make an apology or engage in a victim-offender mediation;

(ii) Referral from the court to the village to make restitution and/or offer compensation;

(iii) Appeals from the village to the court;

(c) To establish a chief's council, or similar body of traditional leaders, in order to provide greater consistency in traditional approaches to justice;

(d) To record traditional proceedings and provide village hearings ("courts") with the tools for documenting proceedings;

(e) To provide a voice for women in traditional proceedings;

(f) To include customary law in the training of lawyers.

*In post-conflict societies*

11. Governments should introduce measures:

(a) To recruit judges, prosecutors, defence lawyers, police and prison officers in peacekeeping operations and programmes of national reconstruction;

(b) To include the services of national non-governmental organizations, community-based organizations and faith-based groups in the re-establishment of the criminal justice system, especially where the need for speed is paramount;

(c) To consult with traditional, religious and community leaders and identify common values on which peacekeeping should be based.

## **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 sixteenth session and provisional agenda and documentation for its seventeenth session**

The Economic and Social Council:

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

(b) Decides that the prominent theme for the seventeenth session of the Commission will be “aspects of violence against women that pertain directly to the Commission on Crime Prevention and Criminal Justice”;

(c) Approves the provisional agenda and documentation for the seventeenth session set out below on the understanding that the provisional agenda, in particular the topic for the thematic discussion, will be elaborated upon during the intersessional period.

**Provisional agenda and documentation for the seventeenth 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. Thematic discussion on aspects of violence against women that pertain directly to the Commission on Crime Prevention and Criminal Justice.
4. World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice:
  - (a) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime;
  - (b) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption;
  - (c) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the international instruments to prevent and combat terrorism;
  - (d) Other activities in support of the work of the United Nations Office on Drugs and Crime.
5. United Nations congresses on crime prevention and criminal justice:
  - (a) Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice;

- (b) Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice.
- 6. Use and application of United Nations standards and norms in crime prevention and criminal justice.
- 7. Policy directives for 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, including administrative, strategic management and budgetary questions.
- 8. Provisional agenda for the eighteenth session.
- 9. Other business.
- 10. Adoption of the report of the Commission on its seventeenth session.

**B. Documentation**

- 1. Election of officers.
- 2. Adoption of the agenda and organization of work.

*Documentation*

Provisional agenda, annotations and proposed organization of work

- 3. Thematic discussion on aspects of violence against women that pertain directly to the Commission on Crime Prevention and Criminal Justice.

*Documentation*

Note by the Secretariat (as required)

Report of the Secretary-General on crime prevention and criminal justice responses to violence against women and girls

Report of the Executive Director on the implementation of Commission on Crime Prevention and Criminal Justice resolution 16/2, entitled "Effective crime prevention and criminal justice responses to combat sexual exploitation of children"

- 4. World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice.

*Documentation*

Report of the Executive Director

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

Report of the Secretary-General on assistance in implementing the universal conventions and protocols related to terrorism

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

Note by the Secretariat (as required)

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

Report of the Secretary-General on international cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources

Report of the Executive Director on the implementation of Commission on Crime Prevention and Criminal Justice decision 16/1, entitled "Global initiative to fight human trafficking"

Report of the Executive Director on the implementation of Commission on Crime Prevention and Criminal Justice resolution 16/2, entitled "Effective crime prevention and criminal justice responses to combat sexual exploitation of children"

5. United Nations congresses on crime prevention and criminal justice:
  - (a) Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice;
  - (b) Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice.

Report of the Secretary-General on the follow-up to General Assembly resolution 62/[...], entitled "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"

6. 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

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

Report of the Secretary-General on guidelines on justice for child victims and witnesses of crime

Report of the Executive Director on the implementation of the Programme of Action, 2006-2010, on strengthening the rule of law and the criminal justice systems in Africa

Report of the Secretary-General on providing technical assistance for prison reform in Africa and the development of viable alternatives to imprisonment

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

Report of the Secretary-General on crime prevention and criminal justice responses to violence against women and girls

7. Policy directives for 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, including administrative, strategic management and budgetary questions.

#### *Documentation*

Note by the Secretary-General transmitting the report of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

8. Provisional agenda for the eighteenth session of the Commission.
9. Other business.
10. Adoption of the report of the Commission on its seventeenth session.

#### **Draft decision II**

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

The Economic and Social Council decides to endorse the appointment, by the Commission on Crime Prevention and Criminal Justice at its sixteenth session, of Iskander Ghattas (Egypt) and Željko Horvatić (Croatia) to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

#### **Draft decision III**

### **Topic for the thematic discussion of the Commission on Crime Prevention and Criminal Justice at its seventeenth session, in 2008**

The Economic and Social Council:

(a) Takes note of General Assembly resolution 61/143 of 19 December 2006, in particular paragraph 17 of that resolution, in which the Assembly invited a number of United Nations bodies, including the Economic and Social Council and its functional commissions, to discuss, by 2008, within their respective mandates, the question of violence against women in all its forms and manifestations, bearing in mind the recommendations contained in the report of the Secretary-General on the in-depth study on all forms of violence against women,<sup>67</sup> and to set priorities for addressing that issue in their future efforts and work programmes and to transmit the outcome of the discussions to the Secretary-General;

(b) Decides that the topic for the thematic discussion of the Commission on Crime Prevention and Criminal Justice at its seventeenth session, in 2008, shall be the aspects of violence against women that pertain directly to the Commission and that those aspects shall be elaborated upon during the intersessional period, and

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<sup>67</sup> A/61/122 and Add.1 and Corr.1.

requests the United Nations Office on Drugs and Crime to prepare information to guide member States of the Commission in their deliberations.

#### **D. Matters brought to the attention of the Economic and Social Council**

4. The following resolutions and decisions adopted by the Commission are brought to the attention of the Economic and Social Council:

##### **Resolution 16/1**

#### **International cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources**

*The Commission on Crime Prevention and Criminal Justice,*

*Recalling* Economic and Social Council resolutions 2001/12 of 24 July 2001 and 2003/27 of 22 July 2003, concerning illicit trafficking in protected species of wild flora and fauna, and resolutions 2000/35 of 18 October 2000 and 2006/49 of 28 July 2006, concerning the international arrangement on forests,

*Recognizing* the complementary interests of the Commission on Crime Prevention and Criminal Justice, in combating transnational organized crime, and the United Nations Forum on Forests, in promoting sustainable forest management, with respect to forest law enforcement and governance, and wishing to enhance synergies between the two bodies in that regard,

*Aware* that forest products, including timber, wildlife and other forest biological resources, harvested in contravention of national laws are the object of illicit international trafficking, and concerned that such activities have an adverse environmental, social and economic impact in many countries,

*Also aware* that illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, is often perpetrated by individuals and groups, including organized criminal groups that may operate transnationally and that may also be engaged in other illicit activities, and convinced that international cooperation and mutual legal assistance can help prevent, combat and eradicate such trafficking,

*Recognizing* the important potential role in this regard of the United Nations Office on Drugs and Crime, the United Nations Convention against Transnational Organized Crime<sup>68</sup> and the United Nations Convention against Corruption,<sup>69</sup>

1. *Strongly encourages* Member States to take appropriate measures, consistent with their domestic legislation and legal frameworks, to strengthen law enforcement and related efforts to combat individuals and groups, including organized criminal groups, operating within their borders, with a view to preventing, combating and eradicating illicit international trafficking in forest

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

<sup>69</sup> General Assembly resolution 58/4, annex.

products, including timber, wildlife and other forest biological resources, harvested in contravention of national laws;

2. *Strongly encourages* Member States to cooperate at the bilateral, regional and international levels to prevent, combat and eradicate such illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, where appropriate, through the use of international legal instruments such as the United Nations Convention against Transnational Organized Crime<sup>70</sup> and the United Nations Convention against Corruption;<sup>71</sup>

3. *Encourages* Member States to provide information to the United Nations Office on Drugs and Crime regarding their use of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption for those purposes and to share that information with interested Member States with a view to identifying the areas and scope of such cooperation;

4. *Urges* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to invite interested Member States to an open-ended meeting of an expert group:

(a) To exchange information, including law enforcement information, on individuals and groups, including organized criminal groups, and their activities involving illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, as well as on domestic regulations and forest law enforcement;

(b) To identify ways of improving national capabilities to prevent and combat such trafficking;

(c) To identify the needs of Member States for international cooperation and/or technical assistance in order to enhance national capabilities to prevent and combat such trafficking;

5. *Requests* the secretariats of the Commission on Crime Prevention and Criminal Justice and the United Nations Forum on Forests to exchange relevant information on matters related to forest law enforcement and governance and explore ways, as appropriate, to increase synergies;

6. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice at its seventeenth session.

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

<sup>71</sup> General Assembly resolution 58/4, annex.

## Resolution 16/2

### Effective crime prevention and criminal justice responses to combat sexual exploitation of children

*The Commission on Crime Prevention and Criminal Justice,*

*Reaffirming* the obligations of all States to promote and protect the human rights of children and recalling relevant and applicable human rights instruments in that regard,

*Recalling* the Convention on the Rights of the Child<sup>72</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>73</sup>

*Recalling* the United Nations Convention against Transnational Organized Crime<sup>74</sup> and in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,<sup>75</sup>

*Recalling* the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children,<sup>76</sup> held at Stockholm in 1996, and the Yokohama Global Commitment 2001,<sup>77</sup> adopted at the Second World Congress against Commercial Sexual Exploitation of Children, held at Yokohama, Japan, in 2001,

*Recalling* General Assembly resolution 50/145 of 21 December 1995, entitled “Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders”, in which the Assembly endorsed the resolutions adopted by the Ninth Congress, including its resolution 7 of 7 May 1995 on children as victims and perpetrators of crime and the United Nations criminal justice programme,<sup>78</sup>

*Recalling* General Assembly resolution 58/137 of 22 December 2003, entitled “Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking”, and resolution 61/180 of 20 December 2006, entitled “Improving the coordination of efforts against trafficking in persons”,

*Recalling* General Assembly resolution 61/146 of 19 December 2006, entitled “Rights of the child”, in which the Assembly drew attention to the need to address conditions conducive to the spread of sexual exploitation of children,

*Recalling* Economic and Social Council resolution 2002/14 of 24 July 2002, entitled “Promoting effective measures to deal with the issues of missing children and sexual abuse or exploitation of children”, and resolution 2006/27 of

<sup>72</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>73</sup> *Ibid.*, vol. 2171, No. 27531.

<sup>74</sup> General Assembly resolution 55/25, annex I.

<sup>75</sup> General Assembly resolution 55/25, annex II.

<sup>76</sup> A/51/385, annex.

<sup>77</sup> A/S-27/12, annex.

<sup>78</sup> See *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995*, chap. I (A/CONF.169/16).

27 July 2006, entitled “Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking”,

*Recalling* the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182),<sup>79</sup>

*Taking note* of the report of the independent expert for the United Nations study on violence against children,<sup>80</sup>

*Noting with appreciation* the mandate and work of the Special Rapporteur on the sale of children, child prostitution and child pornography,

*Taking note* of the Council of Europe Convention on Cybercrime<sup>81</sup> and instruments addressing sexual exploitation of children,

*Recognizing* that sexual exploitation of children through sexually explicit images of children is a growing international problem, which not only severely harms children when offenders produce and circulate those images but also is linked to other sexual exploitation offences against children,

*Recognizing* that sexual exploitation of children, including the victimization of children through prostitution, as well as child sex trafficking and child sex tourism, where offenders travel to other countries to engage in criminal sexual conduct with children, is also a growing international problem,

*Recognizing* that child sexual exploitation is frequently exacerbated during humanitarian crises,

*Recognizing* that the design and implementation of prevention and response measures should take into account the best interests of the child,

*Concerned* that sexually exploited or abused children are vulnerable to and at greater risk of contracting HIV/AIDS and other infections and diseases, as well as suffering psychological damage,

*Aware* that the elimination of sexual exploitation of children will be facilitated by adopting a holistic and multidisciplinary approach, including crime prevention and a criminal justice response,

*Convinced* of the urgent need for broad and concerted international, regional and subregional cooperation among all Member States, employing a multidisciplinary, balanced and global approach, including adequate technical assistance, in order to prevent and combat sexual abuse or exploitation of children,

*Welcoming* efforts of Member States to raise awareness concerning sexual exploitation of children in its various forms,

*Convinced* that civil society, including non-governmental organizations, also plays an important role in raising awareness and in contributing to the reduction of sexual exploitation of children,

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<sup>79</sup> United Nations, *Treaty Series*, vol. 2133, No. 37245.

<sup>80</sup> A/61/299.

<sup>81</sup> Council of Europe, *European Treaty Series*, No. 185.

*Noting* the thematic discussion on effective crime prevention and criminal justice responses to combat sexual exploitation of children, held by the Commission on Crime Prevention and Criminal Justice at its sixteenth session,

1. *Condemns* all forms of sexual exploitation of children;
2. *Urges* Member States to combat the demand that fosters child sexual exploitation and abuse;
3. *Urges* Member States that have not already done so to consider becoming parties to the Convention on the Rights of the Child<sup>82</sup> and the Optional Protocol to that Convention on the sale of children, child prostitution and child pornography,<sup>83</sup> and urges States parties to fully implement those instruments;
4. *Urges* Member States to adopt legal measures, consistent with their national legislation and relevant international instruments:
  - (a) To ensure that national legislation defines a “child” as a person under 18 years of age, for the purposes of child sexual exploitation offences;
  - (b) To effectively criminalize, prosecute and punish all aspects of sexual exploitation of children;
  - (c) To combat recidivism by promoting appropriate forms of treatment and follow-up for offenders;
  - (d) To enable them to submit to justice or, when appropriate, extradite persons under their jurisdiction for child sexual exploitation crimes and child sex tourism, committed in other countries, enabling those serious crimes to be prosecuted in offenders’ countries of origin, if they do not already have such legislation;
5. *Urges* Member States to be aware that, during humanitarian crises, children are particularly vulnerable to sexual exploitation;
6. *Urges* Member States:
  - (a) To raise awareness, especially through training, among criminal justice officials and others, as appropriate, of the breadth and scope of the child sexual exploitation problem with a view to enhancing Member States’ ability to prevent sexual exploitation of children and to detect, investigate and prosecute offenders;
  - (b) To prevent and combat sexual exploitation and sexual abuse of children by encouraging awareness of child sexual exploitation and sexual abuse among society at large and among people working with children;
7. *Invites* Member States to take appropriate measures, consistent with their international obligations and national legislation, to prevent and make efforts to eliminate the use of mass media and information technologies, including the Internet, to facilitate or to commit child sexual exploitation offences;
8. *Invites* Member States to consider the provision of technical assistance to strengthen the capacity of law enforcement authorities worldwide to combat sexual exploitation of children;

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<sup>82</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>83</sup> *Ibid.*, vol. 2171, No. 27531.

9. *Encourages* Member States to consider the link between conduct involving sexually explicit images of children, including possession of those images, and other child sexual exploitation offences;

10. *Invites* Member States to take appropriate measures to ensure that victims of child sexual exploitation receive adequate protection and support during the investigation and prosecution of crimes involving their victimization so as to minimize the impact on them of the investigative and legal process, and to assist victims in their recovery;

11. *Encourages* Member States to strengthen legal, policy and other measures for reducing sexually abused or exploited children's vulnerability to and greater risk of contracting HIV/AIDS and other infections and diseases, as well as suffering psychological damage, through the elimination of all forms of child sexual exploitation;

12. *Encourages* Member States, consistent with their national legislation and their mutual legal assistance and extradition treaties, to handle effectively and expeditiously requests for mutual legal assistance and extradition relating to crimes involving sexual exploitation of children;

13. *Encourages* Member States to collaborate with a view to preventing and combating child sexual exploitation through:

(a) Improved cooperation to assist in the investigation, with the consent of the requested State, of committed offences where relevant evidence is located abroad, particularly with a view to fostering the exchange of information concerning those offences;

(b) Information campaigns on child sexual exploitation, emphasizing the worldwide scope of the problem and the need for an effective international response;

14. *Invites* Member States to set up mechanisms for coordination, collaboration and support among governmental and non-governmental organizations addressing sexual exploitation of children and to improve those mechanisms where they already exist;

15. *Invites* Member States to work closely with relevant members of the private sector, such as financial institutions, the travel industry and others who may become aware of suspected child sexual exploitation offences, in order to ensure that those suspected offences are reported to law enforcement authorities and investigated;

16. *Encourages* Member States to work closely with Internet service providers to provide appropriate information to law enforcement authorities concerning suspected child exploitation offences, consistent with national legislation, in order to ensure that those suspected offences are investigated;

17. *Requests* the United Nations Office on Drugs and Crime to explore ways and means, within its mandate and subject to extrabudgetary resources, taking into account, inter alia, work done on this issue by other agencies and bodies in the United Nations system, by which it can contribute to effective crime prevention and criminal justice responses to combating sexual exploitation of children;

18. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice at its eighteenth session.

### **Resolution 16/3**

## **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 Commission on Crime Prevention and Criminal Justice,*

*Recalling* General Assembly resolution 61/252, section XI, of 22 December 2006, entitled “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”, in which the Assembly authorized the Commission, 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>84</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>85</sup>

*Recalling also* that the General Assembly, in section XI of its resolution 61/252, requested 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,

*Recalling further* that the General Assembly, in section XI of its resolution 61/252, requested the Commission on Crime Prevention and Criminal Justice to report to it at its sixty-second session, through the Economic and Social Council, on the ways in which it planned to carry out the administrative and financial functions,

*Recalling further* that the General Assembly, in section XI of its resolution 61/252, requested the Secretary-General to promulgate financial rules for the United Nations Crime Prevention and Criminal Justice Fund, in accordance with the Financial Regulations and Rules of the United Nations,<sup>86</sup>

*Recalling further* that the General Assembly, in section XI of its resolution 61/252, decided that, notwithstanding regulations 6.1 and 6.5 of the

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<sup>84</sup> General Assembly resolution 55/25, annex I.

<sup>85</sup> General Assembly resolution 58/4, annex.

<sup>86</sup> ST/SGB/2003/7.

Financial Regulations of the United Nations, the Executive Director of the United Nations Office on Drugs and Crime should maintain the accounts of the Fund and should be responsible for submitting those accounts and related financial statements, no later than 31 March following the end of the financial period, to the Board of Auditors and for submitting financial reports to the Commission on Crime Prevention and Criminal Justice and to the Assembly,

*Bearing in mind* Economic and Social Council resolution 2003/31 of 22 July 2003, entitled “Functioning of the Commission on Crime Prevention and Criminal Justice”,

1. *Decides* to hold a reconvened session immediately following the reconvened session of the Commission on Narcotic Drugs, in odd-numbered years, to consider the budget of the United Nations Crime Prevention and Criminal Justice Fund, including its administrative and programme support costs budget, commencing in 2007;

2. *Also decides* on the following budget cycle for the United Nations Crime Prevention and Criminal Justice Fund, starting in 2007:

(a) The submission of the consolidated budget for the biennium 2008-2009 to the Commission on Crime Prevention and Criminal Justice at a reconvened biennial session, to be held in November 2007;

(b) The submission of the consolidated budget for the biennium 2010-2011 to the Commission at a reconvened session, to be held in November or December 2009;

3. *Decides* that the members of the bureau for its sixteenth session shall remain in office until the end of its reconvened sixteenth session, when it shall elect the members of the bureau for its seventeenth session.

#### **Resolution 16/4**

### **Budget outline for the biennium 2008-2009 for the United Nations Crime Prevention and Criminal Justice Fund**

*The Commission on Crime Prevention and Criminal Justice,*

*Exercising* the administrative and financial functions entrusted to it by the General Assembly in section XI of its resolution 61/252 of 22 December 2006,

*Having considered* the report of the Executive Director on the outline of the consolidated budget for the biennium 2008-2009 for the United Nations Office on Drugs and Crime,<sup>87</sup> and the related recommendations of the Advisory Committee on Administrative and Budgetary Questions,<sup>88</sup>

1. *Notes* that the budget outline is a preliminary estimate of resources;

2. *Decides* that the proposed consolidated budget for the biennium 2008-2009 shall contain provisions for recosting on the basis of the existing methodology;

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<sup>87</sup> E/CN.7/2007/12-E/CN.15/2007/15.

<sup>88</sup> E/CN.7/2007/13-E/CN.15/2007/13.

3. *Agrees* with the following preliminary indicative estimates for the proposed consolidated budget for the biennium 2008-2009:

<i>Item</i>	<i>United States dollars</i>
<b>A. Programmes</b>	
<i>By theme</i>	
Research, analysis and advocacy	704 000
Services for policymaking and treaty adherence	8 456 000
Technical assistance and advice	57 909 000
<b>Total, A</b>	<b>67 069 000</b>
<i>By region</i>	
Africa and the Middle East	32 262 000
South Asia, East Asia and the Pacific	1 961 000
West and Central Asia	11 285 000
Central and Eastern Europe	1 423 000
Latin America and the Caribbean	5 770 000
Global <sup>a</sup>	14 368 000
<b>Total, A</b>	<b>67 069 000</b>
<b>B. Infrastructure</b>	
Field offices	5 480 000
Headquarters	2 903 000
Agencies	1 385 000
<b>Total, B</b>	<b>9 768 000</b>
<b>Grand total (A+B)</b>	<b>76 837 000</b>

<sup>a</sup> Includes all core programmes at headquarters.

4. *Requests* the Executive Director to submit to it at its reconvened sixteenth session a proposed consolidated budget for the biennium 2008-2009 based on the above figures;

5. *Also requests* the Executive Director to prepare the consolidated budget for the biennium 2008-2009, as well as for the biennium 2010-2011, for the United Nations Office on Drugs and Crime based on, inter alia, the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime, as approved in the draft resolution entitled "Strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime", to be adopted by the Economic and Social Council;

6. *Requests* the presentation of the consolidated budget for the biennium 2008-2009, taking fully into account the recommendations contained in paragraph 4 of the report of the Advisory Committee on Administrative and Budgetary Questions;<sup>89</sup>

7. *Invites* the Advisory Committee on Administrative and Budgetary Questions to consider problems associated to the presentation of the consolidated budget in those programmes financed partially through the regular budget, with the

<sup>89</sup> E/CN.7/2007/13-E/CN.15/2007/13.

aim of facilitating comparison with their respective sections in the regular programme budget of the United Nations.

#### **Resolution 16/5**

### **Third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors**

*The Commission on Crime Prevention and Criminal Justice,*

*Stressing* the important role that law enforcement and criminal justice professionals, in particular prosecutors, should play in the implementation of the United Nations Convention against Transnational Organized Crime<sup>90</sup> and the Protocols thereto,<sup>91</sup> the United Nations Convention against Corruption<sup>92</sup> and the universal conventions and protocols relating to terrorism,

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

*Aware* of the outcome of the second World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, held in Doha, Qatar, from 14 to 16 November 2005,

1. *Welcomes* the initiative of Romania to act as host to the third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, to be held in Bucharest in 2008;
2. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to assist the Government of Romania in focusing the theme and controlling the quality of the preparations for the third Summit;
3. *Invites* the third Summit to ensure that its programme is targeted to further strengthen international cooperation in criminal matters, as appropriate, taking into account the crucial role of prosecutors in enhancing such cooperation under the rule of law;
4. *Encourages* the third Summit to use its conclusions and recommendations as an opportunity to make a substantive contribution to the work of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption and to assist the United Nations Office on Drugs and Crime in its mandated work in the area of fighting terrorism;
5. *Invites* the Executive Director of the United Nations Office on Drugs and Crime to bring to the attention of the Commission on Crime Prevention and Criminal Justice the conclusions and recommendations of the third Summit and the results of paragraph 4 above.

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<sup>90</sup> General Assembly resolution 55/25, annex I.

<sup>91</sup> General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.

<sup>92</sup> General Assembly resolution 58/4, annex.

**Decision 16/1**

**Global initiative to fight human trafficking**

The Commission on Crime Prevention and Criminal Justice, stressing the utmost importance of international cooperation against trafficking in persons and welcoming the efforts of the United Nations Office on Drugs and Crime in fighting that form of crime, welcoming in this regard the Global Initiative to Fight Human Trafficking, and expressing its appreciation for the financial contribution of the United Arab Emirates, welcoming also the participation of relevant regional and international organizations and private sector and civil society entities in the Global Initiative to Fight Human Trafficking, stressing the importance of the full involvement of Member States in the Global Initiative to Fight Human Trafficking, and stressing also the role of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in improving the capacity of States parties to combat transnational organized crime and in promoting and reviewing implementation of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime:<sup>93</sup>

(a) Decides that the Global Initiative to Fight Human Trafficking should be guided by Member States;

(b) Decides also that the Commission on Crime Prevention and Criminal Justice shall take a decision on the political aspects of the proposed November 2007 event on the Global Initiative to Fight Human Trafficking, with particular emphasis on its preparatory process, form and possible outcome;

(c) Requests its Chairman to hold informal open-ended intergovernmental consultations and to report to it at one of its intersessional meetings before July 2007 on the outcome of the consultations, in order for it to take the decision referred to in paragraph (b) above;

(d) Requests the Executive Director of the United Nations Office on Drugs and Crime to report to it at its seventeenth session and to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fourth session, on the implementation of the present decision.

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<sup>93</sup> General Assembly resolution 55/25, annexes I and II.