

Chapter I

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

A. Draft resolution 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 resolution for adoption by the General Assembly:

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

The General Assembly,

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

Stressing again the need to strengthen international, regional and subregional cooperation to effectively prevent and combat terrorism, in particular by enhancing the national capacity of States through the provision of technical assistance,

Reaffirming the commitments undertaken by Member States and recalling all aspects of the United Nations Global Counter-Terrorism Strategy, adopted by the General Assembly in its resolution 60/288 of 8 September 2006,

Recalling its resolution 62/272 of 5 September 2008, in which it called upon Member States, the United Nations and other appropriate international, regional and subregional organizations to step up their efforts to implement the Strategy in an integrated manner and in all its aspects, and reaffirmed the need to enhance international cooperation in countering terrorism,

Recalling also its resolution 63/195 of 18 December 2008, in which it requested the United Nations Office on Drugs and Crime to enhance its technical assistance to Member States, upon request, to strengthen international cooperation in preventing and combating terrorism,

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 terrorism and relevant United Nations resolutions, and requests the Office, within its mandate, to continue to enhance its efforts in that regard, in close coordination with the Counter-Terrorism Committee and the Counter-Terrorism Implementation Task Force;

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, within its

mandate, to reinforce the provision of technical assistance to Member States, upon request, for the ratification and legislative incorporation of those international legal instruments and for the building of capacity to implement them;

3. *Urges* Member States to strengthen, to the greatest extent possible, international cooperation in order to prevent and combat terrorism, including, when appropriate, by entering into bilateral and multilateral 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, within its mandate, to provide technical assistance to Member States, upon request, to that end;

4. *Recognizes* the importance of the development and maintenance of fair and effective criminal justice systems, 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, 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;

5. *Requests* the United Nations Office on Drugs and Crime, within its mandate, to intensify its efforts to continue to systematically develop specialized legal knowledge in the area of counter-terrorism and pertinent thematic areas of relevance to the mandates of the Office and to provide, upon request, technical assistance for building the capacity of Member States to ratify and implement the international conventions and protocols related to terrorism, especially through the preparation of technical tools and publications and the training of criminal justice officials, and requests the Office to report to the Commission on Crime Prevention and Criminal Justice at its nineteenth and twentieth sessions on the activities of the Office in that regard;

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

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 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;¹

8. *Requests* the Secretary-General to provide the United Nations Office on Drugs and Crime with sufficient resources to carry out activities within its mandate,

¹ General Assembly resolution 60/288.

including in the area of counter-terrorism, and, in the context of the strategy for the period 2008-2011 for the Office,² to assist Member States, upon request, in the implementation of the relevant elements of the United Nations Global Counter-Terrorism Strategy;

9. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-fifth session a 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

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

The Economic and Social Council,

Concerned about the serious threats posed by economic fraud and identity-related crime and by other illicit activities that those forms of crime support,

Concerned also about the exploitation of new information, communications and commercial technologies by perpetrators of economic fraud and identity-related crime and about the threats that such exploitation poses to commerce and to those technologies and their users,

Concerned further about the short- and long-term impact of economic fraud and identity-related crime,

Convinced of the need to have in place appropriate and effective domestic powers to detect and investigate, prosecute and punish economic fraud and identity-related crime, as well as mechanisms for promoting international cooperation to prevent and combat such forms of crime, and recognizing the close relationship between identity-related crime and information and communications technologies,

Convinced also of the need to develop comprehensive, multifaceted and coherent strategies and measures to counter such forms of crime, including both reactive and preventive measures,

Convinced further of the importance of partnerships and synergy among public and private sector entities and civil society in developing such strategies and measures,

Convinced further of the need to explore the development of appropriate and timely support and services for victims of economic fraud and identity-related crime,

² Economic and Social Council resolution 2007/12, annex.

Bearing in mind the need to respect the human rights of persons related to their identity and the need to protect identities and related documents and information from inappropriate disclosure and criminal misuse, consistent with national and international human rights obligations,³ including individual privacy rights,

Bearing also in mind the conclusions and recommendations of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity,⁴ convened pursuant to Economic and Social Council resolution 2004/26 of 21 July 2004,

Recalling that, in its resolution 2004/26, 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,

Reaffirming the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto⁵ and of the United Nations Convention against Corruption⁶ in terms of preventing and combating economic fraud and identity-related crime,

Taking note of the Convention on Cybercrime,⁷ currently the only international treaty specifically addressing computer-related fraud, computer-related forgery and other forms of cybercrime that may contribute to the perpetration of economic fraud, identity-related crime, money-laundering and other related illicit activities,

Recalling that, in its resolution 2007/20 of 26 July 2007, it requested the United Nations Office on Drugs and Crime to provide, upon request and subject to the availability of 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 were in place,

1. *Takes note* of the report of the Secretary-General on international cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime,⁸ which contains information on the efforts of reporting Member States to implement Economic and Social Council resolution 2007/20 of 26 July 2007 and on their strategies for responding to the problems posed by such forms of crime;

2. *Also takes note* of the thematic discussion of the Commission on Crime Prevention and Criminal Justice at its eighteenth session on the theme "Economic fraud and identity-related crime";

³ Including, as appropriate, those contained in the Universal Declaration of Human Rights (General Assembly resolution 217 A (III), art. 6), the International Covenant on Civil and Political Rights (Assembly resolution 2200 A (XXI), annex, art. 16) and the Convention on the Rights of the Child (United Nations, *Treaty Series*, vol. 1577, No. 27531, art. 7).

⁴ E/CN.15/2007/8 and Add.1-3.

⁵ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

⁶ *Ibid.*, vol. 2349, No. 42146.

⁷ Council of Europe, *European Treaty Series*, No. 185.

⁸ E/CN.15/2009/2 and Corr.1.

3. *Acknowledges* the efforts of the United Nations Office on Drugs and Crime to establish, in consultation with the United Nations Commission on International Trade Law, a core group of experts on identity-related crime and bring together on a regular basis representatives from Governments, private sector entities, international and regional organizations and academia to pool experience, develop strategies, facilitate further research and agree on practical action against identity-related crime;

4. *Takes note* of the work of the core group of experts on identity-related crime at its meetings held in Courmayeur, Italy, on 29 and 30 November 2007 and in Vienna on 2 and 3 June 2008 and from 20 to 22 January 2009;

5. *Welcomes* the initiative of the International Criminal Police Organization (INTERPOL), the United Nations Office on Drugs and Crime and the Government of Austria, with the support of the European Anti-Fraud Office and other partners, to work collaboratively towards the establishment of an international anti-corruption academy and looks forward to the academy becoming fully operational in the shortest possible time and contributing to the building of capacity in the area of countering economic fraud and identity-related crime, as well as corruption;

6. *Encourages* Member States, taking into account the recommendations of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity,⁹ convened pursuant to Economic and Social Council resolution 2004/26 of 21 July 2004:

(a) To combat economic fraud and identity-related crime by ensuring adequate investigative powers and, where appropriate, by reviewing and updating the relevant laws;

(b) To develop and maintain adequate law enforcement and investigative capacity to keep abreast of and deal with new developments in the exploitation of information, communications and commercial technologies in economic fraud and identity-related crime, including websites and other online forums used to facilitate trafficking in identity information or documents, such as passports, driving licences or national identity cards;

(c) To consider, where appropriate, the establishment of new offences and the updating of existing offences in response to the evolution of economic fraud and identity-related crime, bearing in mind the advantages of common approaches to criminalization, where feasible, in facilitating efficient and effective international cooperation;

(d) To strengthen international cooperation to prevent and combat economic fraud and identity-related crime, in particular by making full use of the relevant international legal instruments;

(e) To develop an approach for the collection of comparable data on the nature and extent of identity-related crime, including, where feasible, from the victim's perspective, that would allow the sharing of data among appropriate law enforcement entities and provide a central source of data at the national level on the nature and extent of identity-related crime, taking due account of national law;

⁹ E/CN.15/2007/8 and Add.1-3.

(f) To study, at the national level, the specific short- and long-term impact of economic fraud and identity-related crime on society and on victims of such forms of crime and develop strategies or programmes to combat those forms of crime;

(g) To adopt useful practices and efficient mechanisms for supporting and protecting victims of economic fraud and identity-related crime and, to that effect, enable effective cooperation between public and private sector entities through computer emergency response teams or other mechanisms providing an emergency response capability to public and private organizations requiring technical support and advice during periods of electronic attack or other network security incidents;¹⁰

7. *Requests* the United Nations Office on Drugs and Crime, in consultation with Member States and taking into account relevant intergovernmental organizations and, in accordance with the rules and procedures of the Economic and Social Council, experts from academic institutions, relevant non-governmental organizations and the private sector, to collect, develop and disseminate:

(a) Material and guidelines on the typology of identity-related crime and on relevant criminalization issues to assist Member States, upon request, in the establishment of new identity-based criminal offences and the modernization of existing offences, taking into account the pertinent work of other intergovernmental organizations engaged in related matters;

(b) Technical assistance material for training, such as manuals, compilations of useful practices or guidelines or scientific, forensic or other reference material for law enforcement officials and prosecution authorities in order to enhance their expertise and capacity to prevent and combat economic fraud and identity-related crime;

(c) A set of useful practices and guidelines to assist Member States in establishing the impact of such crimes on victims;

(d) A set of material and best practices on public-private partnerships to prevent economic fraud and identity-related crime;

8. *Also requests* the United Nations Office on Drugs and Crime to provide technical assistance, including legal expertise, upon request to Member States in reviewing or updating their laws dealing with economic fraud and identity-related crime in order to ensure that appropriate legislative responses are in place;

9. *Further requests* the United Nations Office on Drugs and Crime to make available to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fifth session and the Conference of the States Parties to the United Nations Convention against Corruption at its third session the text of the present resolution and the outcome of the thematic discussion on economic fraud and identity-related crime held at the eighteenth session of the Commission on Crime Prevention and Criminal Justice, with a view to promoting the full use of the relevant provisions of those instruments to prevent and combat identity-related crime;

10. *Further requests* the United Nations Office on Drugs and Crime to continue its efforts, in consultation with the United Nations Commission on

¹⁰ A/CONF.203/14, para. 34.

International Trade Law, to promote mutual understanding and the exchange of views between public and private sector entities on issues related to economic fraud and identity-related crime, with the aim of facilitating cooperation between various stakeholders from both sectors through the continuation of the work of the core group of experts on identity-related crime, the composition of which should respect the principle of equitable geographical distribution, and to report on the outcome of its work to the Commission on Crime Prevention and Criminal Justice on a regular basis;

11. *Invites* Member States and other donors to provide extrabudgetary resources to support the work set out in paragraphs 7 and 10 of the present resolution;

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

Draft resolution II

Support for the development and implementation of the regional programmes of the United Nations Office on Drugs and Crime

The Economic and Social Council,

Recalling General Assembly resolution 63/195 of 18 December 2008, entitled “Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity”,

Recalling also the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime,¹¹ which provides a clear framework for the work of the Office,

1. *Welcomes* the adoption by the United Nations Office on Drugs and Crime of a regional approach for programming based on consultation and partnership at the national and regional levels and focused on ensuring that the Office responds in a sustainable and coherent manner to the priorities of Member States;

2. *Notes* the activities of the United Nations Office on Drugs and Crime aimed at achieving a stronger working relationship with other entities of the United Nations system, including the Department of Peacekeeping Operations of the Secretariat, the United Nations Development Programme and the World Bank;

3. *Welcomes* the recent outcomes of the ministerial and expert meetings held for the subregions of East Africa, West Africa, East Asia and the Pacific and the Caribbean, at which programmes were discussed and agreement was reached on the way forward;

4. *Looks forward* to receiving the outcomes of the subregional meetings for Central America and South-Eastern Europe that will be held in the near future;

¹¹ Economic and Social Council resolution 2007/12, annex.

5. *Encourages* Member States from other subregions to engage with the United Nations Office on Drugs and Crime in the preparation of similar subregional programmes;

6. *Expresses its appreciation* to Governments that have hosted regional conferences and expert group meetings and to Governments that have provided financial support to make those conferences and meetings possible;

7. *Requests* the United Nations Office on Drugs and Crime to continue to make every effort to ensure an effective process of consultation for the regional programmes and to ensure that such programmes are distributed as widely as possible;

8. *Also requests* the United Nations Office on Drugs and Crime to enhance, in a coordinated manner, its efforts to provide technical assistance and advisory services for the implementation of regional programmes;

9. *Encourages* all Member States to draw, where appropriate, upon the regional programmes of the United Nations Office on Drugs and Crime and the technical assistance activities outlined therein in the development of national legislation, procedures, policies and strategies to strengthen criminal justice systems and related institutions;

10. *Invites* all Member States, as well as subregional and regional institutions, to mainstream measures to counter organized crime, corruption and illicit drug trafficking in their national and regional development strategies, in accordance with the relevant international conventions, and to make every effort to allocate resources for the implementation of those measures;

11. *Encourages* bilateral and multilateral aid agencies and financial institutions to support the implementation of the regional programmes of the United Nations Office on Drugs and Crime;

12. *Invites* relevant entities of the United Nations system, including the Department of Peacekeeping Operations, the United Nations Development Programme and the World Bank, as well as other international agencies and organizations, to continue coordinating with the United Nations Office on Drugs and Crime in order to support the implementation of the regional programmes of the Office and to integrate crime prevention and drug control measures in their development programmes;

13. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to give high priority to the implementation of the regional programmes of the Office and to report on progress made on such implementation to the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice at their sessions to be held in the first half of 2011.

Draft resolution III

International cooperation to prevent, combat and eliminate kidnapping and to provide assistance to victims of kidnapping

The Economic and Social Council,

Concerned about the increased number of kidnappings in various countries of the world and about the harmful effects of that crime both on victims and on their families, and determined to support measures to assist and protect victims of kidnapping and their families and to promote their recovery,

Reiterating that kidnapping under any circumstances and for any purpose constitutes a serious crime and a violation of individual freedom that undermines human rights and may have a negative impact on the economies, development and security of States,

Concerned about the growing tendency of organized criminal groups and, in certain circumstances, terrorist groups to resort to kidnapping, especially for the purpose of extortion, with a view to consolidating their criminal operations and undertaking other illegal activities, such as trafficking in firearms or drugs, money-laundering or trafficking in persons,

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

Convinced also that the United Nations Convention against Transnational Organized Crime,¹² the applicable provisions of the relevant terrorism conventions and the other applicable provisions of relevant multilateral and bilateral agreements provide the legal framework necessary for international cooperation to prevent, combat and eliminate kidnapping and that, in order to achieve that objective, it is necessary to create opportunities for dialogue among States and for the exchange of experiences and good practices in combating kidnapping,

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

Acknowledging the financial and technical contributions made by Member States to the preparation of that handbook,

Recalling General Assembly resolution 61/179 of 20 December 2006, in which the Assembly noted with satisfaction the publication of an operational manual against kidnapping, prepared pursuant to its resolution 59/154, and invited Member States to consider the possibility of using the manual in their national efforts to combat kidnapping,

¹² United Nations, *Treaty Series*, vol. 2225, No. 39574.

1. *Vigorously condemns and rejects once again* the offence of kidnapping, under any circumstances and for any purpose;
2. *Encourages* Member States to continue to foster international cooperation, especially extradition, mutual legal assistance, collaboration between law enforcement authorities and the exchange and joint analysis of information, with a view to preventing, combating and eliminating kidnapping, including by denying kidnapers the benefit of substantive concessions;
3. *Calls upon* Member States that have not yet done so, in furtherance of the fight against kidnapping, to establish kidnapping as a predicate offence for money-laundering and to engage in international cooperation and mutual assistance in, inter alia, the tracing, detection, freezing and confiscation of proceeds of kidnapping;
4. *Also calls upon* Member States, consistent with their obligations as parties to the relevant international conventions, to fully implement the provisions of those conventions, in accordance with the fundamental principles of their legal systems, by permitting extradition when any one of the bases of jurisdiction provided for in any one of those conventions is asserted by a requesting State;
5. *Encourages* Member States to take such measures as they deem appropriate, including measures to raise awareness, to ensure that judges, judicial officials, prosecutors and others in the criminal justice system are aware of the obligations of parties to the relevant international conventions and that they understand the utility of those conventions as a vital tool for assisting States in the administration of justice, particularly in the prosecution of kidnapping cases;
6. *Also encourages* Member States to take measures intended to provide adequate assistance and protection to victims of kidnapping and their families, including measures addressing their rights and legal interests;
7. *Invites* Member States to consider using the operational manual against kidnapping prepared pursuant to General Assembly resolution 59/154 of 20 December 2004 in their national efforts to combat kidnapping, and requests the United Nations Office on Drugs and Crime to continue to provide, within its mandate, Member States, upon request, with technical assistance and advice in implementing the manual;
8. *Requests* the United Nations Office on Drugs and Crime, in coordination with other relevant entities, to provide technical assistance to Member States, upon request, to enable them to strengthen their capacity to combat kidnapping, including by:
 - (a) Providing training for judges, judicial officials, prosecutors and law enforcement officials to promote their understanding of processes and mechanisms available for disbanding criminal organizations, including training in the use of special investigative techniques for the rescue of kidnapped persons, bearing in mind the particular need to safeguard and protect victims of kidnapping;
 - (b) Reviewing trends and enhancing understanding of the problem in order to create a basis for developing policies and strategies against kidnapping;

(c) Organizing practical courses or workshops for the exchange of experiences and best practices in combating kidnapping, in collaboration with international or regional organizations;

9. *Invites* Member States and other donors to contribute resources for the above-mentioned purposes;

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

Draft resolution IV

Improving the collection, reporting and analysis of data to enhance knowledge on trends in specific areas of crime

The Economic and Social Council,

Convinced of the importance of relevant United Nations indicators and instruments for the collection and analysis of accurate, reliable and comparable data on all relevant aspects of specific crime issues,

Recognizing the urgent need to improve the quality, scope and completeness of data concerning international crime trends and specific crime issues for the purpose of developing evidence-based policies for crime prevention and the operation of criminal justice systems,

Recalling that, in its resolution 1992/22 of 30 July 1992, it reaffirmed the request of the General Assembly to the Secretary-General to take the necessary measures to enable the United Nations crime prevention and criminal justice programme to continue and improve the surveys of crime trends and the operation of criminal justice systems carried out periodically as a means of obtaining and providing a cross-nationally updated picture of patterns and dynamics of crime in the world,

Bearing in mind the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,¹³ in which Member States declared their intention to improve responses to crime and terrorism nationally and internationally by collecting and sharing information on crime and welcomed the work done by the United Nations Office on Drugs and Crime and by the institutes of the United Nations Crime Prevention and Criminal Justice Programme network in the area of trends in crime and justice,

Bearing also in mind the recommendations and conclusions of the expert group on crime statistics convened pursuant to Economic and Social Council resolutions 1996/11 of 23 July 1996, 1997/27 of 21 July 1997 and 2005/23 of 22 July 2005,

Noting the systems for the collection of data and information on criminal justice already in place at the regional and international levels, including the delinquency observatories, and convinced of the importance of avoiding duplication,

¹³ General Assembly resolution 60/177, annex.

Underscoring the importance of improving data collection tools in order to ensure a simple and more efficient process, thus encouraging and motivating a greater number of Member States to submit the required information on time and ensuring a more representative assessment, at the international level, of all relevant aspects of specific crime issues,

Recognizing the importance of building the capacity of Member States to collect and report such information,

Recognizing also the importance of the work of the United Nations Office on Drugs and Crime in the regular collection of information through the United Nations Survey on Crime Trends and Operations of Criminal Justice Systems pursuant to General Assembly resolution 3021 (XXVII) of 18 December 1972 on crime prevention and control and Economic and Social Council resolution 1984/48 of 25 May 1984 on crime prevention and criminal justice in the context of development,

1. *Invites* Member States to strengthen their efforts to review and improve data collection tools in order to obtain an objective, scientific, balanced and transparent assessment of emerging trends in specific areas of crime;

2. *Also invites* Member States to share information on the progress made and the obstacles encountered in fostering the exchange among States of information related to crime and to the function of the criminal justice system;

3. *Requests* the United Nations Office on Drugs and Crime to establish an open-ended intergovernmental expert working group, to be convened at least once between sessions of the Commission on Crime Prevention and Criminal Justice, to prepare recommendations on the improvement of tools for the collection of relevant crime data, in particular the United Nations Survey on Crime Trends and Operations of Criminal Justice Systems, and of the collection, collation, analysis and reporting processes, in support of the ongoing work of the Office in that area, invites Member States and other donors to provide extrabudgetary resources for that purpose in accordance with the rules and procedures of the United Nations and notes that the working group should base its work on, inter alia, the following general considerations:

(a) The need to simplify and improve the reporting system of the United Nations Survey on Crime Trends and Operations of Criminal Justice Systems in order to encourage more Member States to report, in a coordinated and integrated way, on their efforts, achievements and challenges in specific areas of crime and provide information relating to the nature and extent of challenges posed by transnational crime;

(b) The need to avoid duplication of efforts to the extent possible by taking into account existing reporting procedures, including those of relevant regional and international bodies;

(c) The need for accurate, reliable and internationally comparable data on all relevant aspects of specific crime issues, bearing in mind the value of comparing those data with previously collected data, including from surveys on victimization, where possible;

(d) The possibility of using for the United Nations Survey on Crime Trends and Operations of Criminal Justice Systems a shorter, annual questionnaire containing a core set of questions;

(e) The possibility of including in such a core survey on crime trends and operations of criminal justice systems thematic modules reflecting the theme or themes of the thematic discussions of the Commission on Crime Prevention and Criminal Justice;

(f) The importance of learning from the experience acquired by the United Nations Office on Drugs and Crime through the data collection mechanisms established in respect of the United Nations Convention against Transnational Organized Crime and the Protocols thereto¹⁴ and the United Nations Convention against Corruption,¹⁵ including in relation to the use of modern technologies, where feasible;

4. *Invites* relevant international and regional organizations, upon request, to provide to the United Nations Office on Drugs and Crime information on their experiences in collecting crime-related data;

5. *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 nineteenth session, a report on the activities of the above-mentioned expert working group;

6. *Requests* the Secretary-General, in coordination with the Statistical Commission, to report to the Commission on Crime Prevention and Criminal Justice, at its twentieth session, on the implementation of the present resolution.

Draft resolution V

Supporting national and international efforts for child justice reform, in particular through improved coordination in technical assistance

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights,¹⁶ which states, in its article 25, that children are entitled to special care and assistance,

Recalling also the Convention on the Rights of the Child,¹⁷ in particular its article 37, in which States parties to the Convention agreed to ensure that, inter alia, the deprivation of liberty of persons under the age of eighteen should be used only as a measure of last resort, and recalling also article 40 of the Convention,

Recalling further the numerous other United Nations standards and norms in the area of child justice, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),¹⁸ the United Nations

¹⁴ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

¹⁵ *Ibid.*, vol. 2349, No. 42146.

¹⁶ General Assembly resolution 217 A (III).

¹⁷ United Nations, *Treaty Series*, vol. 1577, No. 27531.

¹⁸ General Assembly resolution 40/33, annex.

Rules for the Protection of Juveniles Deprived of their Liberty,¹⁹ the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines)²⁰ and the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime,²¹

Recalling further General Assembly resolutions 62/158 of 18 December 2007 and 63/241 of 24 December 2008, Commission on Human Rights resolution 2004/43 and Human Rights Council resolutions 7/29 and 10/2,

Noting the adoption by the Committee on the Rights of the Child of general comment No. 10 (2007) on children's rights in juvenile justice,²²

Noting also the guidance note of the Secretary-General on the United Nations approach to justice for children, of September 2008, and the report of the independent expert for the United Nations study on violence against children,²³ in particular the recommendations contained therein concerning children in care and justice systems,

Recalling its resolution 1997/30 of 21 July 1997, in which it welcomed the Guidelines for Action on Children in the Criminal Justice System, contained in the annex thereto, and invited the Secretary-General to consider establishing a coordination panel on technical advice and assistance in juvenile justice,

Recalling also its resolution 2007/23 of 26 July 2007 on child justice reform,

Welcoming the report of the Secretary-General on the support of national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination,²⁴

Noting that, according to that report, some States have reported on the implementation of effective measures to reduce the use of imprisonment and pretrial detention for juveniles in conflict with the law, while many States still use deprivation of liberty as the rule rather than an exception,

Noting also the increased specialization of institutions and professionals and the provision of appropriate training and retraining in this area and the development of diversion, restorative justice and alternatives to detention programmes reported by Member States, and encouraging other States to adopt such programmes,

Acknowledging with satisfaction the work of the Interagency Panel on Juvenile Justice and of its members, the Department of Peacekeeping Operations of the Secretariat, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime, the United Nations Children's Fund, the United Nations Development Programme, the United Nations Interregional Crime and Justice Research Institute, the Committee on the Rights of the Child and a number of non-governmental organizations, in particular the coordination of the provision of technical advice and assistance in the area of child justice and the active participation of civil society in that work,

¹⁹ General Assembly resolution 45/113, annex.

²⁰ General Assembly resolution 45/112, annex.

²¹ Economic and Social Council resolution 2005/20, annex.

²² CRC/C/GC/10.

²³ A/61/299.

²⁴ E/CN.15/2009/12.

Bearing in mind that the United Nations approach to justice for children contained in the guidance note of the Secretary-General of September 2008 aims at full application of United Nations standards and norms for all children who come into contact with justice and related systems as victims, witnesses or alleged offenders or in other circumstances where judicial intervention is needed,

1. *Urges* Member States to pay particular attention to or increase the attention paid to the issue of child justice and to take into consideration applicable international instruments and, as appropriate, applicable United Nations standards and norms for the treatment of children in conflict with the law, in particular juveniles deprived of their liberty, and child victims and witnesses of crimes, taking into account also the age, 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 dealing, in particular, with preventing child involvement in crime, ensuring access to legal assistance, especially for those children with scarce resources, and reducing the use and the duration of juvenile detention, especially at the pretrial stages, including through the use of diversion, restorative justice and alternatives to detention; the reintegration of children in conflict with the law into their communities; and child-sensitive procedures for all children in contact with the justice system;

3. *Also invites* Member States and their relevant institutions to adopt, where appropriate, a comprehensive approach to child justice reform, including through policy reform; legal reform; the establishment of data collection and information management systems; the strengthening of institutional capacity, including with regard to social workers and providers of legal assistance, awareness-building and monitoring; and the establishment of child-sensitive procedures and institutions;

4. *Encourages* Member States, where appropriate, to conduct scientific research in relation to children in conflict with the law, in such areas as their social environment and other risk factors, and measures for their social rehabilitation and integration into society;

5. *Invites* Member States, as appropriate, to make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and by its members and to seek technical advice and assistance in the area of child justice from the members of the Panel in order to design, implement and monitor comprehensive child justice policies;

6. *Encourages* Member States and international funding agencies to provide adequate resources to the secretariat of the Interagency Panel on Juvenile Justice and to the members of the Panel so that they may continue to provide enhanced technical assistance, upon request, to Member States, in particular to those having expressed a need for technical assistance pursuant to Economic and Social Council resolution 2007/23 of 26 July 2007;

7. *Invites* the members of the Interagency Panel on Juvenile Justice to continue providing assistance to Member States, upon request and subject to the availability of resources, in the area of child justice, including by following up on the recommendations contained in the United Nations study on violence against

children²⁵ and setting up national data collection and criminal justice information systems with regard to children in conflict with the law, using as a guide the *Manual for the Measurement of Juvenile Justice Indicators*;²⁶

8. *Encourages* the members of the Interagency Panel on Juvenile Justice to further increase their cooperation, to share information and to pool their capacities and resources in order to increase the effectiveness of programme implementation, including through, when appropriate, joint programming, and the development of common tools and awareness-raising;

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

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

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

Draft decision I

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

The Economic and Social Council:

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

(b) Decides that the prominent theme for the nineteenth session of the Commission will be “Protection against illicit trafficking in cultural property”;

(c) Decides also that the prominent theme for the twentieth session of the Commission will be “Protecting children in a digital age: the misuse of technology in the abuse and exploitation of children”, unless the Commission decides otherwise at its reconvened eighteenth session, taking into account that Member States may submit other proposals for the thematic discussion;

(d) Takes note of the proposal to have “New and emerging forms of transnational organized crime, including environmental crime” as the prominent theme for the twenty-first session of the Commission;

(e) Strongly urges Member States to submit draft resolutions one month prior to the opening of each session of the Commission, and reiterates its call that draft resolutions be accompanied by such information as the intended scope, a proposed timetable for implementation, identification of resources available and other relevant information, in accordance with the annex to Commission resolution 4/3;

²⁵ A/61/299.

²⁶ United Nations publication, Sales No. 07.V.7.

(f) Approves the provisional agenda and documentation for the nineteenth session of the Commission set out below, as well as a five-day duration for the nineteenth session, on an exceptional and non-precedential basis.

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

Provisional agenda

1. Election of officers.
2. Adoption of the agenda and other organizational matters.

Documentation

Provisional agenda and annotations

3. Thematic discussion on protection against illicit trafficking in cultural property.

Documentation

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

Note by the Secretariat (*as required*)

4. 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) Ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;
 - (b) Ratification and implementation of the United Nations Convention against Corruption;
 - (c) Ratification and implementation of the international instruments to prevent and combat terrorism;
 - (d) Other crime prevention and criminal justice matters;
 - (e) Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations Crime Prevention and Criminal Justice Programme network, non-governmental organizations and other bodies.

Documentation

Report of the Executive Director of the United Nations Office on Drugs and Crime on international cooperation to prevent, combat and eliminate kidnapping and to provide assistance to victims of kidnapping

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 the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network

5. World crime trends and emerging issues and responses in the field of crime prevention and criminal justice.

Documentation

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

Note by the Secretariat (*as required*)

6. Consideration of the conclusions and recommendations of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice.

Documentation

Report of the Secretary-General on the Twelfth United Nations Congress on Crime Prevention and Criminal Justice

7. 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 supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings

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

8. Strategic management, budgetary and administrative questions:

- (a) Work of the working group on governance and finance;

- (b) Directives on policy and budgetary issues for the United Nations crime prevention and criminal justice programme.

Documentation

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

Reports of the Executive Director (*as required*)

Notes by the Secretariat (*as required*)

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

Note by the Secretariat transmitting the report of the working group on governance and finance

9. Provisional agenda for the twentieth session of the Commission.
10. Other business.
11. Adoption of the report of the Commission on its nineteenth 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 reappointment of Elizabeth Verville (United States of America) and the appointments of Stuart Page (Australia) and Alexander Vladimirovich Zmeyevskiy (Russian Federation) by the Commission on Crime Prevention and Criminal Justice, at its eighteenth session, to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

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

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

Resolution 18/1

Supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings

The Commission on Crime Prevention and Criminal Justice,

Recalling the United Nations standards and norms in crime prevention and criminal justice related primarily to the treatment of prisoners, in particular the Standard Minimum Rules for the Treatment of Prisoners,²⁷ the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners,²⁸ the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment²⁹ and the Basic Principles for the Treatment of Prisoners,³⁰

Recalling also the United Nations standards and norms in crime prevention and criminal justice related primarily to alternatives to imprisonment, in particular the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)³¹ and the basic principles on the use of restorative justice programmes in criminal matters,³²

Recalling further General Assembly resolution 58/183 of 22 December 2003, in which the Assembly invited Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to

²⁷ *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

²⁸ Economic and Social Council resolution 1984/47, annex.

²⁹ General Assembly resolution 43/173, annex.

³⁰ General Assembly resolution 45/111, annex.

³¹ General Assembly resolution 45/110, annex.

³² Economic and Social Council resolution 2002/12, annex.

devote increased attention to the issue of women in prison, including the children of women in prison, with a view to identifying the key problems and the ways in which those problems could be addressed,

Mindful of General Assembly resolution 61/143 of 19 December 2006, in which the Assembly urged States, inter alia, to take positive measures to address structural causes of violence against women and to strengthen prevention efforts that addressed discriminatory practices and social norms, including with regard to women needing special attention in the development of policies to address violence, such as women in institutions or in detention,

Recalling General Assembly resolution 63/241 of 24 December 2008, in which the Assembly called upon all States to give attention to the impact of parental detention and imprisonment on children and, in particular, to identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment,

Taking into consideration the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,³³ in which Member States committed themselves, inter alia, to the development of action-oriented policy recommendations based on the special needs of women as prisoners and offenders, and the plans of action for the implementation of the Vienna Declaration,³⁴

Calling attention to the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,³⁵ as it relates specifically to women in detention and in custodial and non-custodial settings,

Having taken note of the initiative of the United Nations High Commissioner for Human Rights to designate the week from 6 to 12 October 2008 as Dignity and Justice for Detainees Week, which placed particular emphasis on the human rights of women and girls,

Aware of the fact that many existing prison facilities worldwide were designed primarily for male prisoners, whereas the number of women prisoners has increased significantly over the years,

Considering that women prisoners are one of the vulnerable groups that have specific needs and requirements,

Recognizing that the specific needs of women prisoners should be considered in the treatment of those women in order to facilitate their reintegration into society,

Recognizing also the impact that the imprisonment of women has on the families, including the children, of those women and the need to take this into consideration in the treatment of women prisoners and in the formulation of relevant policies and programmes,

Taking note with appreciation of the development by the United Nations Office on Drugs and Crime of the *Handbook for Prison Managers and Policymakers on Women and Imprisonment*,³⁶

³³ General Assembly resolution 55/59, annex.

³⁴ General Assembly resolution 56/261, annex.

³⁵ General Assembly resolution 60/177, annex.

Welcoming the invitation contained in Human Rights Council resolution 10/2 to governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote greater attention to the issue of women and girls in prison, including issues relating to the children of women in prison, with a view to identifying and addressing the gender-specific aspects and challenges related to this problem,

1. *Notes with appreciation* the work of the expert round-table meeting on the development of rules for the treatment of women prisoners and non-custodial measures for women offenders organized by the Government of Thailand and held in Bangkok from 2 to 6 February 2009;

2. *Invites* Member States to take into consideration the specific needs and circumstances of women in detention and in custodial and non-custodial settings when developing relevant legislation, procedures, policies and action plans;

3. *Urges* Member States that have developed legislation, procedures, policies or practices regarding the treatment of women in detention and in custodial and non-custodial settings to make information on those initiatives available to other States, upon request and where appropriate, and assist them in developing and implementing training or other activities relating to such legislation, procedures, policies or practices;

4. *Encourages* Member States to collect, maintain, analyse and publish data on women in detention and in custodial and non-custodial settings for the purpose of enhancing correctional policies and best practices;

5. *Requests* the United Nations Office on Drugs and Crime to provide technical assistance and advisory services to Member States, upon request, in order to develop legislation, procedures, policies and practices for women in prison and on alternatives to imprisonment for women offenders;

6. *Also requests* the United Nations Office on Drugs and Crime to increase its cooperation with other relevant United Nations offices and entities and intergovernmental and regional organizations, as well as non-governmental organizations, in the provision of relevant assistance to Member States;

7. *Urges* Member States to provide the United Nations Office on Drugs and Crime with adequate financial resources to support the technical assistance activities mentioned in the present resolution;

8. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to convene in 2009 an open-ended intergovernmental expert group meeting to develop, consistent with the Standard Minimum Rules for the Treatment of Prisoners³⁷ and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),³⁸ supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings, and invites Member States and other donors to provide extrabudgetary contributions for that purpose, in accordance with the rules and procedures of the United Nations;

³⁶ United Nations publication, Sales No. E.08.IV.4.

³⁷ *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

³⁸ General Assembly resolution 45/110, annex.

9. *Welcomes* the offer by the Government of Thailand to act as host to the expert group meeting;

10. *Requests* the expert group meeting to draw upon the results of the work of the expert round-table meeting on the development of rules for the treatment of women prisoners and non-custodial measures for women offenders held in Bangkok from 2 to 6 February 2009;

11. *Also requests* the expert group meeting to submit the outcome of its work to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Salvador, Brazil, from 12 to 19 April 2010;

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

Resolution 18/2

Civilian private security services: their role, oversight and contribution to crime prevention and community safety

The Commission on Crime Prevention and Criminal Justice,

Recalling the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,³⁹ in which Member States emphasized that effective action for crime prevention and criminal justice requires the involvement, as partners and actors, of Governments, national, regional, interregional and international institutions, intergovernmental and non-governmental organizations and various segments of civil society, including the mass media and the private sector, as well as the recognition of their respective roles and contributions,

Recalling also the Guidelines for the Prevention of Crime, adopted by the Economic and Social Council in its resolution 2002/13 of 24 July 2002 and based in part on the principle that cooperation and partnerships ought to be an integral part of effective crime prevention, given the wide-ranging nature of the causes of crime and the skills and responsibilities required to address them, and that this includes partnerships working across ministries and between authorities, community organizations, non-governmental organizations, the business sector and private citizens,

Recalling further that the Guidelines for the Prevention of Crime state that it is the responsibility of all levels of government to create, maintain and promote a context within which relevant governmental institutions and all segments of civil society, including the corporate sector, can better play their part in preventing crime,

Recalling further the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,⁴⁰ adopted at the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, in which Member States recognized the role of individuals and groups outside the public sector, such

³⁹ General Assembly resolution 55/59, annex.

⁴⁰ General Assembly resolution 60/177, annex.

as civil society, non-governmental organizations and community-based organizations, in contributing to the prevention of and the fight against crime and terrorism and encouraged the adoption of measures to strengthen this role within the rule of law,

Emphasizing that States have primary responsibility for public order, safety and security,

Noting that, in some cases, civilian private security services may, in the course of their duties, contribute to protection for private citizens and commercial and non-commercial entities, where applicable, consistent with national legislation,

Also noting that, in some States, civilian private security services cooperate with and assist the police and may contribute to crime prevention and community safety consistent, where applicable, with national legislation,

Further noting that some civilian private security services may operate nationally and may also seek to operate internationally,

Further noting that, while many States have established mechanisms to regulate civilian private security services, the level of government oversight nevertheless varies widely,

Further noting the importance of effective oversight of civilian private security services by competent State authorities to ensure that they are not compromised or misused by criminal elements, including organized criminal groups,

1. *Invites* Governments to examine the role played on their territory by civilian private security services, assessing, where applicable and consistent with their national laws and administrative policies, the contribution of such services to crime prevention and community safety, and to determine whether national legislation provides adequate oversight and to share their experiences in this regard with other Member States and with the United Nations Office on Drugs and Crime;

2. *Decides* to establish an ad hoc open-ended intergovernmental expert group, inviting experts from academia and the private sector to become members of that group in accordance with the rules and regulations of the Economic and Social Council, to study the role of civilian private security services and their contribution to crime prevention and community safety and to consider, inter alia, issues relating to their oversight by competent State authorities, and invites Member States and other donors to provide extrabudgetary contributions in accordance with the rules and procedures of the United Nations;

3. *Welcomes* the offer of the Government of the United Arab Emirates to act as host to a meeting of the above-mentioned expert group;

4. *Requests* the United Nations Office on Drugs and Crime to prepare a report on the implementation of the present resolution for consideration by the Commission on Crime Prevention and Criminal Justice at its twentieth session.

Resolution 18/3

Improving the governance and financial situation of the United Nations Office on Drugs and Crime

The Commission on Crime Prevention and Criminal Justice,

Recalling its decision 17/2,

Recalling also the report of the Executive Director on the financial issues and difficulties faced by the United Nations Office on Drugs and Crime in implementing its mandates and an initial assessment of the ways and means of improving the financial situation,⁴¹ the report of the Office of Internal Oversight Services on the inspection of programme management and administrative practices in the United Nations Office on Drugs and Crime⁴² and the financial report and audited financial statements for the biennium ended 31 December 2007 and the report of the Board of Auditors on the United Nations Office on Drugs and Crime,⁴³

Reaffirming the role of the Commission on Crime Prevention and Criminal Justice as the principal policymaking organ of the United Nations on matters of international crime prevention and criminal justice and as the governing body of the crime programme of the United Nations Office on Drugs and Crime,

Noting with concern the financial challenges of the United Nations Office on Drugs and Crime as set out in the report of the Executive Director on the implementation of the consolidated budget for the biennium 2008-2009 for the Office,⁴⁴ in particular the shortfall in general-purpose funding,

1. *Adopts* the recommendations of the open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime, contained in the annex to the present resolution, subject to the provisions of the present resolution;

2. *Decides* to establish a standing open-ended intergovernmental working group on governance and finance, whose mandate shall be in effect until the session of the Commission to be held in the first half of 2011, at which time the Commission shall carry out a thorough review of the functioning of the working group and consider the extension of its mandate;

3. *Emphasizes* that the working group, in its formal and informal meetings, should be a forum for dialogue among Member States and between Member States and the Secretariat on the development of the programmes of the United Nations Office on Drugs and Crime;

4. *Recommends*, with regard to the recommendation contained in paragraph 10 of the report of the Secretariat on the recommendations of the open-ended intergovernmental working group on improving the governance and financial

⁴¹ E/CN.7/2008/11–E/CN.15/2008/15.

⁴² MECD-2006-003.

⁴³ *Official Records of the General Assembly, Sixty-third Session, Supplement No. 5I (A/63/5/Add.9).*

⁴⁴ E/CN.7/2009/11–E/CN.15/2009/11.

situation of the United Nations Office on Drugs and Crime,⁴⁵ through the Economic and Social Council, that the General Assembly, as part of the budget process for the biennium 2010-2011, should reallocate available resources in such a way that reconvened sessions of the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice can be held back to back in the second half of each year, in order to consider the reports of and recommendations proposed by the working group;

5. *Decides* that the working group shall hold at least two formal meetings, one in the third quarter of 2009 and one in the first quarter of 2010, and that the dates of those and possible additional informal meetings shall be determined by the co-chairpersons of the working group in consultation with the Secretariat;

6. *Requests* that the relevant documentation be provided to the working group in a timely manner and approves the provisional agenda of the working group as follows:

1. Consolidated budget for the biennium 2010-2011 for the United Nations Office on Drugs and Crime.
2. Governance and financial situation of the Office.
3. Evaluation and oversight.
4. Other matters.

7. *Decides* that the work of the working group shall be based on existing documents of the United Nations, including the thematic and regional programmes of the United Nations Office on Drugs and Crime, as well as on briefings by the Secretariat and additional information provided by the Secretariat in the form of conference room papers, in order to be cost-effective;

8. *Requests* the Secretariat to provide the necessary assistance to facilitate the work of the working group, bearing in mind the limited resources available to the Secretariat;

9. *Calls upon* Member States to engage, within the framework of the working group, in a pragmatic, result-oriented, efficient and cooperative manner, in order to achieve the common objective of strengthening the performance and effectiveness of the United Nations Office on Drugs and Crime.

Annex

Recommendations of the open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime

1. The working group made recommendations to the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice in the areas indicated below.

⁴⁵ E/CN.7/2009/10–E/CN.15/2009/10.

Creating a standing, open-ended working group on governance and finance

2. The two commissions should establish a standing, open-ended working group on governance and finance that should submit to the commissions recommendations on administrative, programmatic and financial matters within the areas of their respective mandates.
3. The commissions should maintain their present role as decision-making bodies of the United Nations Office on Drugs and Crime (UNODC) and should fulfil their important normative and governing functions. Consequently, no formal decisions should be adopted by the working group, as that would remain the prerogative of the commissions. At their sessions held in the first half of the year, the commissions should adopt the annual work programme for the working group.
4. The functions of the working group should include considering:
 - (a) The implementation by UNODC of:
 - (i) The strategy for the period 2008-2011 for UNODC⁴⁶ and any subsequent strategies that may be adopted in the future;
 - (ii) Programmes and initiatives, including on cross-cutting policy issues, in particular thematic programmes;
 - (iii) Resolutions and decisions of the commissions and relevant resolutions of the General Assembly and the Economic and Social Council;
 - (iv) Recommendations of the working group;
 - (b) Programme 13 of the proposed biennial programme plan and the consolidated budget for UNODC;
 - (c) Oversight and evaluation policy and reports by external and internal oversight and evaluation mechanisms of the United Nations, such as the Independent Evaluation Unit, the Office of Internal Oversight Services and the Joint Inspection Unit;
 - (d) The audited financial statements, including the report of the External Auditor;
 - (e) Ways and means of achieving stable, adequate and predictable funding for UNODC;
 - (f) Any other matter that the commissions may refer to it.
5. The working group should serve as a mechanism for open-ended consultations among the Secretariat, States receiving technical assistance and donors with a view to the reinforcement of such technical assistance and to the funding of UNODC and its programmes.
6. The working group should have the following terms of reference:
 - (a) It should be open-ended;
 - (b) It should be participatory and driven by Member States;

⁴⁶ Economic and Social Council resolution 2007/12, annex.

(c) It should operate and prepare its recommendations by consensus, in accordance with the rules of procedure of the functional commissions of the Economic and Social Council;

(d) It should meet regularly, holding at least two formal meetings a year. For the scheduling of those meetings and of additional informal meetings and to ensure the efficient functioning of the working group, particular attention should be given to the following three elements:

(i) The calendar for the preparation of the proposed biennial programme plan and the proposed consolidated budget for UNODC;

(ii) The availability of oversight and evaluation reports of the United Nations;

(iii) The availability of conference services;

(e) It should be led by co-chairpersons jointly nominated by the extended bureaux of the two commissions and endorsed in plenary meeting. The co-chairpersons should act in their personal capacities and should hold office for a period of one year. The commissions may decide to renew that mandate, in accordance with the rules of procedure of the functional commissions of the Economic and Social Council and with established practice of those subsidiary bodies regarding the election of officers.

7. The Secretariat should provide the following services to ensure the effective functioning of the working group:

(a) Make meeting rooms available;

(b) Distribute to Member States, at least 10 working days before a meeting of the working group, the relevant documentation requested by the commissions or by the working group;

(c) Make available, during formal meetings, interpretation services and translations of the supporting documentation into all the official languages of the United Nations.

8. The two commissions should reallocate available resources in such a way that reconvened sessions of the two commissions could be held back to back in the second half of each year, in order to consider the reports of and recommendations proposed by the working group.

9. The proposed terms of reference for the working group should be reviewed by the two commissions.

Improving the governing role and functioning of the commissions

10. The agendas of the annual sessions of the commissions should be restructured to place governance issues, including budget and funding matters, in a more prominent position. This should be done by:

(a) Ensuring that the report and recommendations of the working group are dealt with under the appropriate agenda item of each commission's session;

(b) Ensuring observance of the rules and procedures for reports presented to the commissions by the Secretariat, including that such reports should not be removed from the agenda unless the commissions have acted upon them;

(c) Utilizing existing meeting resources more effectively, for instance by using the Friday afternoon preceding each commission's session, if not required for the allotted purpose of consultations on draft resolutions, to discuss governance and financial issues;

(d) Appealing to Member States to consider limiting the number of resolutions considered at each commission session, including through consolidation or the establishment of agreed periods (for instance, two-year cycles).

Evaluation

11. The General Assembly should be invited to review the current administrative structure and funding of the Independent Evaluation Unit with a view to enhancing the Unit's independence and functional efficiency.

12. Reports of the Independent Evaluation Unit should be delivered to Member States in a timely manner, with the UNODC management response being provided subsequently. The evaluation reports should be presented automatically to the commissions for consideration.

Measures to improve the funding situation of the United Nations Office on Drugs and Crime

13. UNODC should adopt and implement a thematic approach for the formulation of operational programmes and the provision of voluntary contributions, within the framework of the priorities established in the strategy for the period 2008-2011 for UNODC. Member States should further discuss how that approach could be promoted and supported.

14. UNODC should in general provide more transparent, result-based and outcome-oriented reporting in order to enhance Member States' confidence in and political ownership of UNODC activities and convince donors to maintain or increase their flexible contributions, including to general-purpose funds.

15. UNODC should continue to align, within the strategic framework of the United Nations for the period 2010-2011,⁴⁷ the consolidated budget for UNODC with the strategy for the period 2008-2011 for UNODC, thereby ensuring integrated planning and budgeting as a basis for better result-based reporting to Member States and compliance with their policy directives.

16. Member States should be encouraged to commit a share of their contributions to general-purpose funding, to maintain a sustainable balance between general-purpose funds and special-purpose funds and to introduce flexibility into a funding system that is driven mostly by earmarked contributions.

17. Member States should be encouraged to commit themselves to making, on a voluntary basis, biennial indicative pledges for general-purpose and special-purpose contributions, aligned with the UNODC biennial budget cycle, in order to enhance the predictability and stability of funding for UNODC.

⁴⁷ *Official Records of the General Assembly, Sixty-third Session, Supplement No. 6 (A/63/6/Rev.1).*

18. Member States and UNODC should discuss ways and means of broadening the donor base through a fund-raising strategy that would encourage any new donors to contribute to general-purpose funding.

19. With a view to improving the financial sustainability of the UNODC field office network, Member States should discuss ways to encourage host countries to make voluntary contributions to the regular operating costs of country and programme offices.

Workplan to further improve the efficiency and funding situation of the United Nations Office on Drugs and Crime

20. The working group should consider concrete ways and means of further improving the efficiency and funding of UNODC, including the possibility of proposing to the two commissions a workplan in this regard.

21. Such an exercise should be conducted in cooperation with the Secretariat with the aim of creating a better common understanding among Member States of the financial situation of UNODC. The findings should be presented to both commissions, together with a set of recommendations on improving the efficiency and financial situation of UNODC, for further consideration by the commissions at their sessions to be held in the first half of 2010.

22. In addition, Member States are invited to consider within the framework 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 the feasibility of establishing funding mechanisms that would effectively address the funding of activities related to the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto⁴⁸ and the United Nations Convention against Corruption.⁴⁹

Resolution 18/4

Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors

The Commission on Crime Prevention and Criminal Justice,

Stressing the important role that criminal justice professionals, in particular prosecutors, should play in the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,⁵⁰ the United Nations Convention against Corruption⁵¹ 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,

⁴⁸ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

⁴⁹ *Ibid.*, vol. 2349, No. 42146.

⁵⁰ *Ibid.*, vols. 2225, 2237, 2241 and 2326, No. 39574.

⁵¹ *Ibid.*, vol. 2349, No. 42146.

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

Recalling its resolution 16/5, entitled “Third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors”,

1. *Expresses* appreciation to the Government of Romania for having organized the Third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, held in Bucharest on 24 and 25 March 2009;

2. *Takes note* of the conclusions and recommendations of the Third World Summit;⁵²

3. *Welcomes* the decision of the Government of Romania to set up and maintain in Bucharest a secretariat to service the World Summit of Attorneys General, Prosecutors General and Chief Prosecutors;

4. *Also welcomes* the initiative of the Government of Chile to act as host to the Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, in 2011;

5. *Requests* the United Nations Office on Drugs and Crime to assist the Government of Chile in the preparations for the Fourth World Summit and invites Member States and other donors to provide extrabudgetary contributions for those purposes in accordance with the rules and procedures of the United Nations.

Resolution 18/5

Follow-up to the Ministerial Conference on Illicit Drug Trafficking, Transnational Organized Crime and Terrorism as Challenges for Security and Development in the Caribbean

The Commission on Crime Prevention and Criminal Justice,

Noting with satisfaction the commitments contained in the Political Declaration on Combating Illicit Drug Trafficking, Organized Crime, Terrorism and Other Serious Crime in the Caribbean, which was adopted by ministers of Antigua and Barbuda, Barbados, Belize, Cuba, the Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago at the Ministerial Conference on Illicit Drug Trafficking, Transnational Organized Crime and Terrorism as Challenges for Security and Development in the Caribbean, held in Santo Domingo from 17 to 20 February 2009,

Concerned about transnational organized crime, drug trafficking and related offences and the fact that local crime is increasing and taking new forms, owing in part to the geographical location of the Caribbean as a transit area between countries that are major producers of illicit drugs and those that are major consumers of such drugs,

⁵² E/CN.15/2009/18.

Bearing in mind the provisions of the United Nations Convention against Transnational Organized Crime and the Protocols thereto⁵³ and the United Nations Convention against Corruption,⁵⁴

Taking note with concern of the information contained in the report on crime, violence and development with respect to trends, costs and policy options in the Caribbean, prepared by the United Nations Office on Drugs and Crime and the World Bank in 2007, in which it is stated that the high rates of crime and violence in the subregion have direct effects on human welfare and, in the long run, on economic growth and social development and that the drug trade is undoubtedly an important contributing factor to crime and violence in the subregion,

Reaffirming the principle of shared responsibility as the basis for a comprehensive, broad, balanced and sustainable approach to combating transnational organized crime,

Recognizing the determination and efforts of the States of the Caribbean to combat drug trafficking, transnational organized crime and terrorism individually, bilaterally and multilaterally,

Recognizing also the work of the United Nations Office on Drugs and Crime in preparing the Political Declaration adopted in Santo Domingo and the action plan for the Caribbean,

1. *Encourages* the implementation of the Political Declaration on Combating Illicit Drug Trafficking, Organized Crime, Terrorism and Other Serious Crime in the Caribbean, adopted in Santo Domingo on 19 February 2009;

2. *Supports* the implementation of the action plan for the Caribbean and the establishment of the Santo Domingo partnership monitoring mechanism as a technical assistance project facilitating periodic consultations and strategic thinking between partners at the expert and policy levels, in order to jointly discuss, identify and set in motion coordinated actions to stem organized criminal activities, in particular the increasing flow of illicit drugs smuggled through the Caribbean, and to address the drug abuse situation in countries of the subregion;

3. *Requests* the United Nations Office on Drugs and Crime to prepare, as soon as possible, a draft of the Santo Domingo partnership monitoring mechanism for approval by the States having signed the Political Declaration adopted in Santo Domingo and for submission to partners active at the subregional, regional and international levels in order to seek support for its implementation and financing;

4. *Also requests* the United Nations Office on Drugs and Crime to facilitate mobilization of the resources necessary for effective implementation of the action plan for the Caribbean and the Santo Domingo partnership monitoring mechanism;

5. *Urges* Member States, in accordance with the principle of shared responsibility, to provide voluntary contributions and technical assistance, in accordance with the rules and procedures of the United Nations, for the implementation of the Santo Domingo partnership monitoring mechanism;

⁵³ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

⁵⁴ *Ibid.*, vol. 2349, No. 42146.

6. *Invites* financial institutions and intergovernmental, non-governmental and international organizations to provide financial and technical assistance, including consultation services, in order to support the States of the Caribbean in their efforts to counter illicit drugs, organized crime, terrorism and financial crime;

7. *Encourages* the United Nations Office on Drugs and Crime to implement or strengthen, as the case may be, similar mechanisms at the subregional level with the States of Central America, North America and South America with a view to joining forces in combating organized crime, drug trafficking and terrorism;

8. *Requests* the United Nations Office on Drugs and Crime to provide periodic updates on the implementation of the present resolution.

Decision 18/1

Guidelines for the thematic discussions of the Commission on Crime Prevention and Criminal Justice

At its 14th meeting, on 24 April 2009, the Commission on Crime Prevention and Criminal Justice:

(a) Decided that the discussion on the prominent theme at its nineteenth session would have a duration of one day and would be based on a discussion guide including a list of questions to be addressed by participants, such guide to be prepared by the Secretariat in the six official languages of the United Nations not later than one month in advance of the session;

(b) Urged Member States and regional groups to put forward their nominations for panellists not later than two months in advance of each session of the Commission and decided that the panellists would be selected one month in advance of the session, bearing in mind that five seats on the podium would be allocated to the regional groups;

(c) Decided that independent experts, such as private sector representatives and academics, may be invited, pursuant to the rules of procedure of the Economic and Social Council, to contribute to the thematic discussions of the Commission, taking into account, inter alia, regional considerations and legal frameworks;

(d) Decided also that the guidelines for the thematic discussions of the Commission would be as follows:

(i) Each thematic discussion should be moderated under the authority of the Chairperson and the bureau of the Commission and should be conducted under the Chairperson's authority as set out in the rules of procedure of the functional commissions of the Economic and Social Council;

(ii) Introductory presentations by panellists should be brief, not exceeding 10 minutes, and panellists should be encouraged to share their presentations in advance;

(iii) Participants should be prepared to focus on the theme and subthemes agreed upon by the Commission in order to allow for a dynamic and interactive exchange during the thematic discussion;

- (iv) In their statements, speakers should touch upon national experiences of their Governments in relation to the subthemes. Within the framework of the rules of procedure applicable to the Commission, the views of intergovernmental and non-governmental organizations would be welcome;
- (v) Statements by participants should be limited to a maximum of five minutes;
- (vi) The moderator should intervene to enforce time limits and should keep a list of speakers but may use his or her discretion to select speakers according to the thrust of the discussion;
- (vii) At the end of the thematic discussion, the Chairperson should prepare a summary including the most salient points discussed.

Decision 18/2

Additional documents on improving the governance and financial situation of the United Nations Office on Drugs and Crime

At its 14th meeting, on 24 April 2009, the Commission on Crime Prevention and Criminal Justice decided, on an exceptional basis, to request the Secretariat to prepare as official documents for the eighteenth session of the Commission:

(a) A note transmitting the report of the open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime;⁵⁵

(b) A note on the financial situation of the United Nations Office on Drugs and Crime based on the presentation made on 20 April 2009 by the Director of the Division for Management of the United Nations Office at Vienna and the United Nations Office on Drugs and Crime.⁵⁶

⁵⁵ To be issued as E/CN.15/2009/21.

⁵⁶ To be issued as E/CN.15/2009/22.