

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:

Draft resolution

Follow-up to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice

The General Assembly,

Recalling its resolution 56/119 of 19 December 2001 on the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, in which it stipulated the guidelines in accordance with which, beginning in 2005, the congresses, pursuant to paragraphs 29 and 30 of the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme,¹ should be held,

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

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

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

¹ General Assembly resolution 46/152, annex.

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

Recalling further its resolution 62/173 of 18 December 2007, in which it endorsed the recommendations made by the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice at its meeting held in Bangkok from 15 to 18 August 2006,²

Recalling its resolution 70/174 of 17 December 2015, in which it endorsed the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, and requested the Commission on Crime Prevention and Criminal Justice to review the implementation of the Doha Declaration under the standing item on its agenda entitled “Follow-up to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice”,

Recalling also its resolution 70/1 of 25 September 2015,

Encouraged by the success of the Thirteenth Congress as one of the largest and most diverse forums for the exchange of views on and experiences in research, law and policy and programme development between States, intergovernmental and non-governmental organizations and individual experts representing various professions and disciplines,

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

1. *Takes note* of the report by the Secretary-General on the follow-up to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice;³

2. *Reiterates* its invitation to Governments to take into consideration the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public

² See E/CN.15/2007/6.

³ E/CN.15/2016/11.

Participation,⁴ adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, when formulating legislation and policy directives and to make every effort, where appropriate, to implement the principles contained therein in conformity with the purposes and principles of the Charter of the United Nations;

3. *Welcomes* the initiative of the Government of Qatar to work with the United Nations Office on Drugs and Crime in ensuring appropriate follow-up to the implementation of the Doha Declaration, and also welcomes the funding agreement signed on 27 November 2015 between the Government of Qatar and the Office;

4. *Invites* Member States to provide their suggestions in relation to the overall theme, the agenda items and the topics for the workshops of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, and requests the Secretary-General to include those suggestions in the report on the follow-up to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fourteenth Congress to be submitted to the Commission on Crime Prevention and Criminal Justice at its twenty-sixth session;

5. *Recommends* that, building on the experience and the success of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, all efforts be made to ensure that the overall theme and the agenda items and workshop topics of the Fourteenth Congress be interrelated and that the agenda items and workshop topics be streamlined and limited in number, and encourages the holding of side events that are focused on and complement the agenda items and workshops;

6. *Requests* the Commission on Crime Prevention and Criminal Justice to approve at its twenty-sixth session the overall theme, the agenda items and the topics for the workshops of the Fourteenth Congress.

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

Restorative justice in criminal matters

The Economic and Social Council,

Recalling its resolution 1999/26 of 28 July 1999, entitled “Development and implementation of mediation and restorative justice measures in criminal justice”, in which the Council requested the Commission on Crime Prevention and Criminal Justice to consider the desirability of formulating United Nations standards in the field of mediation and restorative justice,

Recalling also its resolutions 2000/14 of 27 July 2000 and 2002/12 of 24 July 2002, both entitled “Basic principles on the use of restorative justice programmes in criminal matters”,

⁴ General Assembly resolution 70/174, annex.

*Taking note with appreciation of the Handbook on Restorative Justice Programmes*⁵ prepared by the United Nations Office on Drugs and Crime, which provides an overview of key considerations in the implementation of participatory responses to crime based on a restorative justice approach, and taking note of the efforts made by the United Nations Office on Drugs and Crime in providing capacity-building activities on the use of restorative justice processes, in particular in the context of juvenile justice,

Taking into account the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,⁶

Noting the discussions on restorative justice during the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, under the agenda item entitled “Offenders and victims: accountability and fairness in the justice process”,⁷

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 the action on restorative justice in order to follow up the commitments undertaken in paragraph 28 of the Vienna Declaration,⁸

Taking note also of General Assembly resolution 61/295 of 13 September 2007, and recalling the “United Nations Declaration on the Rights of Indigenous Peoples”,⁹

Taking note further of General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, which includes in Sustainable Development Goal 16 a call for ensuring responsive, inclusive, participatory and representative decision-making at all levels,

Emphasizing that in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, endorsed by the General Assembly in its resolution 65/230 of 21 December 2010, Member States stressed the need to reinforce alternatives to imprisonment, which may include restorative justice,

Emphasizing also that the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, adopted by the General Assembly in its resolution 69/194 of 18 December 2014, recognize that an important and highly effective way of reducing the number of children in contact with the justice system is through diversion measures, restorative justice programmes and the use of non-coercive treatment and education programmes as alternative measures to judicial proceedings, and taking note of the efforts of the United Nations Office on

⁵ United Nations publication, Sales No. E.06.IV.15.

⁶ General Assembly resolution 40/34, annex.

⁷ See *Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, 10-17 April 2000: report prepared by the Secretariat* (United Nations publication, Sales No. E.00.IV.8), chap. V, sect. E.

⁸ General Assembly resolution 55/59, annex.

⁹ General Assembly resolution 61/295, annex.

Drugs and Crime and the United Nations Children's Fund in developing a global programme in this regard,

Noting the discussions on restorative juvenile justice at the World Congress on Juvenile Justice, held in Geneva from 26 to 30 January 2015,

Noting with appreciation General Assembly resolution 70/174 of 17 December 2015, entitled "Thirteenth United Nations Congress on Crime Prevention and Criminal Justice", in which the Assembly endorsed the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, in which Heads of State and Government, Ministers and Representatives of Member States affirmed their endeavour, inter alia, to review or reform their restorative justice and other processes in support of successful reintegration,

Recognizing that the use of restorative justice does not prejudice the right of States to prosecute alleged offenders, that participants in restorative justice processes must be protected by appropriate safeguards and that restorative justice processes should take into account the principle of proportionality and be used only with the free, informed and voluntary consent of the victim and the offender,

Reaffirming our shared commitment to universal respect for and observance of all human rights and fundamental freedoms, and recognizing that restorative justice processes can be adapted to established criminal justice systems and complement those systems, taking into account legal, social, economic and cultural circumstances,

Recognizing the need to ensure that restorative justice processes are gender-sensitive and uphold the rule of law,

Taking into account that restorative justice processes, such as victim-offender mediation, community and family group conferencing, circle sentencing, peacemaking and truth and reconciliation commissions, can contribute to a wide range of beneficial outcomes, including redressing the harm done to the victims, holding offenders accountable for their actions and engaging the community in the resolution of conflict,

1. *Requests* the Secretary-General to seek comments from Member States, relevant intergovernmental and non-governmental organizations, the institutes of the United Nations crime prevention and criminal justice programme network and other relevant stakeholders with experience in restorative justice processes, on the use and application of the basic principles on the use of restorative justice programmes in criminal matters, annexed to its resolution 2002/12 of 24 July 2002, and on national experiences and best practices in using and applying restorative justice processes;

2. *Also requests* the Secretary-General, subject to the availability of extrabudgetary resources, to convene a meeting of restorative justice experts in collaboration with Member States, relevant United Nations entities, including the Permanent Forum on Indigenous Issues, the institutes of the United Nations crime prevention and criminal justice programme network, and other relevant stakeholders with experience in restorative justice processes, in order to review the use and application of the basic principles on the use of restorative justice programmes in

criminal matters, as well as new developments and innovative approaches in the area of restorative justice;

3. *Encourages* Member States, where appropriate, to facilitate restorative justice processes, in accordance with national law, including through the establishment of procedures or guidelines on the conditions for such services;

4. *Also encourages* Member States to assist one another in the exchange of experiences on restorative justice, the development and implementation of research, training or other programmes and activities to stimulate discussion, including through relevant regional initiatives;

5. *Invites* Member States to consider providing technical assistance to developing countries and countries with economies in transition, upon request, including through voluntary contributions to the United Nations Office on Drugs and Crime, to assist them in the development and implementation of restorative justice programmes, where appropriate;

6. *Invites* the United Nations Office on Drugs and Crime to develop training materials on restorative justice and continue to offer training and other capacity-building opportunities in this regard, in particular for practitioners working in the areas of crime prevention and criminal justice, and to make available and disseminate information on successful restorative justice models and practices, in close coordination with the institutes of the United Nations crime prevention and criminal justice programme network;

7. *Requests* the United Nations Office on Drugs and Crime to continue providing advisory services and technical assistance to Member States, upon request, in the area of restorative juvenile justice;

8. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at its session following the meeting of experts referred to in paragraph 2 above, on the outcome of the meeting and on other efforts made in implementing this resolution;

9. *Invites* Member States and other donors to provide extrabudgetary resources for those purposes, in accordance with the rules and procedures of the United Nations.

Draft resolution II

Mainstreaming holistic approaches in youth crime prevention

The Economic and Social Council,

Reaffirming the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,¹⁰ as well as the Convention on the Rights of the Child¹¹ for States parties to that Convention, and recalling other relevant international legal instruments, standards and norms concerning the rights and well-being of the child, including the United Nations Model Strategies and

¹⁰ General Assembly resolution 217 A (III).

¹¹ United Nations, *Treaty Series*, vol. 1577, No. 27531.

Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice,¹²

Recalling the international standards and norms in the area of crime prevention and criminal justice, including the Guidelines for the Prevention of Crime,¹³ and the guidelines for cooperation and technical assistance in the field of urban crime prevention,¹⁴

Mindful of the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),¹⁵ in particular the fundamental principles and the general provisions on prevention contained therein, which, inter alia, place the involvement of children in criminal activities at the core of crime prevention in society and recommend society-wide efforts with a child-centred approach focusing on the well-being of young persons, a comprehensive, multisectoral and multidisciplinary approach to the prevention of the involvement of children in criminal activities and youth crime, and the development of progressive and systematic prevention policies in order to provide opportunities to meet the varying needs of young persons and safeguard their well-being, development, rights and interests,

Mindful also of relevant provisions of the United Nations standards and norms for the treatment of children in conflict with the law, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)¹⁶ and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),¹⁷ and the relevant provisions of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),¹⁸

Emphasizing the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, adopted by the General Assembly in its resolution 69/194 of 18 December 2014, which, in its resolution, stressed the importance of preventing incidents of violence against children and of responding in a timely manner to support child victims of violence, including to prevent their revictimization, and invited Member States to adopt knowledge-based, comprehensive and multisectoral prevention strategies and policies to address the factors that give rise to violence against children and that expose them to the risk of violence,

Welcoming the efforts undertaken by the United Nations Office on Drugs and Crime and Member States to implement the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice,

Welcoming also the adoption by the General Assembly of the outcome document of the United Nations summit for the adoption of the post-2015

¹² General Assembly resolution 69/194, annex.

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

¹⁴ Economic and Social Council resolution 1995/9, annex.

¹⁵ General Assembly resolution 45/112, annex.

¹⁶ General Assembly resolution 40/33, annex.

¹⁷ General Assembly resolution 45/110, annex.

¹⁸ General Assembly resolution 65/229, annex.

development agenda, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”,¹⁹

Emphasizing that the achievement of the 2030 Agenda for Sustainable Development may benefit from support provided by the United Nations Office on Drugs and Crime to Member States in the application and implementation of the United Nations standards and norms in crime prevention and criminal justice, the development and implementation of national crime prevention strategies and action plans and sector-specific projects aimed at the prevention of the involvement of children in criminal activities, youth crime and victimization and violence against women and children, and access to justice and social reintegration of offenders,

Emphasizing also in this context, the relevance of Sustainable Development Goal 16 (“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”) and its targets of significantly reducing all forms of violence, ending abuse, exploitation and violence against children, promoting the rule of law and ensuring equal access to justice for all, and Sustainable Development Goal 11 (“Make cities and human settlements inclusive, safe, resilient and sustainable”), which requires engagement with local authorities to foster community cohesion and personal security through the management and planning of cities and human settlements,

Being aware of the benefit of providing, where necessary, a socially and emotionally safe and supportive environment for the empowerment of young people in order to prevent the recruitment and involvement of youth in any kind of violent crime,²⁰

Recognizing the need to strengthen national, regional and international efforts in developing holistic policies and strategies aimed at preventing the involvement of children in criminal activities,

Recognizing also the importance of integrating crime prevention considerations into all relevant social and economic policies and programmes, placing particular emphasis on communities, families, children and youth, including those in vulnerable situations, and of encouraging partnerships between all appropriate levels of government and relevant stakeholders within civil society in order to strengthen and sustain effective crime prevention strategies, programmes and initiatives, as appropriate, and promote a culture of peace and non-violence,

Recognizing further the need for an integrated and comprehensive approach to countering crime, inter alia, urban crime, by addressing social and economic root causes related to crime and criminal justice,

Recalling General Assembly resolution 67/189 of 20 December 2012, in which the Assembly requested the United Nations Office on Drugs and Crime, within its existing mandate, to continue strengthening the regular collection, analysis and dissemination of accurate, reliable and comparable data and information, and strongly encouraged Member States to share such data and information with the

¹⁹ General Assembly resolution 70/1.

²⁰ See General Assembly resolution 70/254, entitled “Secretary-General’s Plan of Action to Prevent Violent Extremism”.

Office, and noting that States should do so while preserving the best interest of the child,

Recalling also General Assembly resolution 69/195 of 18 December 2014, in which the Assembly stressed the importance of encouraging Member States to develop, as appropriate, comprehensive crime prevention policies based on an understanding of the multiple factors that contribute to crime and to address such factors in a holistic manner, while emphasizing that crime prevention should be an integral element of strategies to foster social and economic development in all States, and recognized the cross-cutting nature of the rule of law, crime prevention and criminal justice and development, recommending that such linkages and interrelationships be properly addressed and further elaborated,

Recalling further its resolution 2015/24 of 21 July 2015, in which the Council recognized the importance and cross-cutting nature of information and statistics in developing and supporting public policies at the national, regional and global levels, as well as in measuring the implementation of relevant international instruments in the field of crime prevention and criminal justice, and requested the United Nations Office on Drugs and Crime to continue to develop, in consultation with Member States, technical and methodological tools to assist countries in producing and disseminating accurate and comparable statistics on crime and criminal justice, and to continue to provide technical assistance, upon request, to Member States in order to enhance their capacity to collect, analyse and report data on crime and criminal justice,

Expressing concern about the large number of children and youth who may or may not be in conflict with the law but who are abandoned, neglected, abused, exploited, exposed to drug abuse and are in marginal circumstances and in general at social risk,

Convinced of the importance of preventing the involvement of children in criminal activities, supporting the rehabilitation of children in conflict with the law and their reintegration into society, protecting child victims and witnesses and other children at risk of such involvement and victimization, including efforts to prevent their revictimization, and addressing the needs of children in vulnerable situations, such as children of incarcerated parents, and convinced also that such holistic crime prevention and criminal justice responses should take into account the human rights and best interests of the child and a gender perspective,

Reaffirming the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,²¹ which emphasizes that education for all children and youth, including the eradication of illiteracy, is fundamental to the prevention of crime and corruption and to the promotion of a culture of lawfulness that supports the rule of law and human rights while respecting cultural identities, and stresses the fundamental role of youth participation in crime prevention efforts,

1. *Urges* Member States to mainstream crime prevention strategies aimed at children and youth with a gender perspective into all relevant social and economic

²¹ General Assembly resolution 63/239, annex.

policies and programmes, including those addressing education, health, civic participation, socioeconomic opportunities, information and communications technology and public safety and security, in order to protect children and youth from social marginalization and exclusion and to reduce their risk of becoming victims or offenders;

2. *Encourages* Member States to conduct further research on the involvement of children and youth in gang-related crime and to exchange, among Member States and with relevant international and regional organizations, experiences and information on effective and relevant crime prevention programmes and policies, in order to address through innovative approaches the impact of urban crime and gang-related crime on children and youth, fostering social inclusion and employment opportunities and aiming at facilitating social reintegration of children and youth;

3. *Welcomes* the deliberations of the Statistical Commission at its forty-sixth session, at which the Commission endorsed the International Classification of Crime for Statistical Purposes as an international statistical standard for the collection of data from both administrative records and statistical surveys and as an analytical tool to elicit specific information on factors driving crime, and invites Member States to continue to support the implementation of the International Classification, as appropriate, in order to improve the quality and availability of statistics on youth crime and the involvement of children in criminal activities;

4. *Calls upon* Member States to develop and implement policies with a view to preventing the involvement of children in criminal activities, promoting the use of alternative measures to judicial proceedings and to detention, where appropriate, such as diversion and restorative justice, and consider adopting reintegration strategies for children and youth in conflict with the law, consistent with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time and that the use of pretrial detention for children, wherever possible, should be avoided, all of which can contribute to the prevention of recidivism;

5. *Encourages* Member States to enhance capacity-building of criminal justice professionals and institutions in the area of crime prevention strategies aimed at children and youth by providing gender- and child-sensitive training to understand, recognize and effectively respond to all forms of deeply distressing or disturbing experiences of children and youth;

6. *Calls upon* the United Nations Office on Drugs and Crime, Member States and relevant international and regional organizations to enhance cooperation and coordination at all levels, including with relevant non-governmental organizations and other relevant stakeholders, in order to better identify, understand, prevent and respond to the involvement of children and youth in criminal activities, and to share information, while preserving the child's best interests, and knowledge and best practices regarding youth crime prevention;

7. *Requests* the United Nations Office on Drugs and Crime, together with the institutes of the United Nations crime prevention and criminal justice programme network, to continue its efforts in promoting, as necessary, the collection, analysis and dissemination of data, disaggregated by sex and age, and

systematic research on particular situations of social risk and exploitation of children and youth in criminal activities in all forms and manifestations;

8. *Encourages* Member States to make full use of the Guidelines for the Prevention of Crime¹³ and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),¹⁵ as appropriate, in the wider context of their national economic and social policies, in order to strengthen gender-sensitive crime prevention strategies aimed at children and youth and criminal justice approaches leading to adequate responses to crime in all its forms and manifestations including emerging forms of crime;

9. *Requests* the United Nations Office on Drugs and Crime to continue providing technical assistance to Member States, upon request, based on national needs and priorities, in the implementation of the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice¹² through the global programme developed in this regard;

10. *Requests* the United Nations Office on Drugs and Crime, in view of its specific mandates in crime prevention and criminal justice and in terrorism prevention, to continue its work on the prevention of the recruitment and exploitation of children and youth by any violent criminal group or terrorist group;

11. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations.

C. Draft decision 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 decision:

Draft decision

Report of the Commission on Crime Prevention and Criminal Justice on its twenty-fifth session and provisional agenda for its twenty-sixth session

The Economic and Social Council:

- (a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its twenty-fifth session;
- (b) Reaffirms Commission decision 21/1 of 27 April 2012;
- (c) Approves the provisional agenda for the twenty-sixth session set out below.

Provisional agenda for the twenty-sixth session of the Commission on Crime Prevention and Criminal Justice

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Strategic management, budgetary and administrative questions:
 - (a) Work of the working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime;
 - (b) Directives on policy and budgetary issues for the United Nations crime prevention and criminal justice programme;
 - (c) Working methods of the Commission;
 - (d) Staff composition of the United Nations Office on Drugs and Crime and other related matters.
4. Thematic discussion on comprehensive and integrated crime prevention strategies: public participation, social policies and education in support of the rule of law.
5. 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.
6. Use and application of United Nations standards and norms in crime prevention and criminal justice.
7. World crime trends and emerging issues and responses in the field of crime prevention and criminal justice.
8. Follow-up to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice.
9. Contributions by the Commission to the work of the Economic and Social Council, in line with General Assembly resolution 68/1, including follow-up, review and implementation of the 2030 Agenda for Sustainable Development.
10. Provisional agenda for the twenty-seventh session of the Commission.

11. Other business.
12. Adoption of the report of the Commission on its twenty-sixth session.

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 25/1

Preventing and combating trafficking in human organs and trafficking in persons for the purpose of organ removal

The Commission on Crime Prevention and Criminal Justice,

Recognizing that, although differences exist between the crimes of trafficking in human organs and trafficking in persons for the purpose of organ removal, both crimes are related to the shortage of human organs used in organ transplantation, which suggests the necessity of preventing and responding to both crimes in an effective and coordinated manner,

Recalling the United Nations Convention against Transnational Organized Crime²² and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,²³

Recognizing that the United Nations Global Plan of Action to Combat Trafficking in Persons,²⁴ inter alia, promotes universal ratification and implementation of the Organized Crime Convention and the Trafficking in Persons Protocol,

Recognizing also the need for a multidisciplinary approach to combating trafficking in human organs and trafficking in persons for the purpose of organ removal,

Recalling General Assembly resolutions 59/156 of 20 December 2004, entitled “Preventing, combating and punishing trafficking in human organs”, and 70/179 of 17 December 2015, entitled “Improving the coordination of efforts against trafficking in persons”,

Recalling also the report of the Secretary-General on preventing, combating and punishing trafficking in human organs,²⁵

Recalling further its resolution 23/2 of 16 May 2014, entitled “Preventing and combating trafficking in human organs and trafficking in persons for the purpose of

²² United Nations, *Treaty Series*, vol. 2225, No. 39574.

²³ *Ibid.*, vol. 2237, No. 39574.

²⁴ General Assembly resolution 64/293.

²⁵ E/CN.15/2006/10.

organ removal”, in which it requested the United Nations Office on Drugs and Crime to conduct a study on trafficking in human organs based on the analysis of information provided by Member States and invited Member States to provide both data and extrabudgetary resources for that purpose,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,²⁶ which reaffirms the commitment by Member States to take immediate and effective measures to, inter alia, eradicate forced labour and end modern slavery and trafficking in persons,

Welcoming also the efforts made at the international, regional and national levels to prevent and combat trafficking in organs and trafficking in persons for the purpose of organ removal,

Taking note of the Agreement on the Cooperation of the Commonwealth of Independent States in Combating Trafficking in Persons, Human Organs and Tissues of 2005, and noting the opening for signature on 25 March 2015 of the Council of Europe Convention against Trafficking in Human Organs,²⁷

Taking note with appreciation of the World Health Organization guiding principles on human cell, tissue and organ transplantation, endorsed by the sixty-third World Health Assembly in its resolution 63.22 of 21 May 2010,

Taking note with appreciation also of the joint study by the United Nations and the Council of Europe in 2009 entitled *Trafficking in Organs, Tissues and Cells and Trafficking in Human Beings for the Purpose of the Removal of Organs*,

Welcoming the United Nations Office on Drugs and Crime assessment toolkit entitled *Trafficking in Persons for the Purpose of Organ Removal*,

Noting with concern that the crimes of trafficking in human organs and trafficking in persons for the purpose of organ removal, wherever they occur, constitute a form of exploitation and an offence against the human dignity of the victims, and condemning the involvement of criminal groups and unethical medical professionals in criminal offences involving the unauthorized removal or implantation of organs and the illicit sale, brokering and purchase and other illicit transactions with respect to human organs, as well as trafficking in persons for the purpose of organ removal, which may, in some cases, affect the integrity and the functioning of health-care systems,

Convinced of the need to strengthen international and regional cooperation, as well as national coordination, for the effective prevention and combating of trafficking in human organs and trafficking in persons for the purpose of organ removal, wherever these crimes occur,

Noting the need to protect living donors by preventing their exploitation by traffickers in human organs,

Emphasizing the importance of respecting and protecting the rights of victims of trafficking in persons for the purpose of organ removal, and of providing assistance as applicable,

²⁶ General Assembly resolution 70/1.

²⁷ *Council of Europe Treaty Series*, No. 216.

Determined, in accordance with relevant national legislation, to investigate, prosecute and punish those who facilitate, engage in, or profit from trafficking in human organs and trafficking in persons for the purpose of organ removal, to prevent the provision of safe haven to those found responsible for these crimes and to implement anti-money-laundering measures to identify and confiscate proceeds of these crimes,

Acknowledging gaps in knowledge about trafficking in human organs and human tissues, fluids and cells and trafficking in persons for the purpose of organ removal, which may entail the need to enhance data collection and research in order to determine the magnitude and scope of the problems of trafficking in human organs and trafficking in persons for the purpose of organ removal,

Recognizing that reliable and verifiable data may contribute to understanding the magnitude and scope of the offence of trafficking in human organs, including the possible involvement of terrorist groups in the crime in some cases, and the possibility that the proceeds of this crime may be used for financing terrorism,

1. *Urges* Member States to prevent and combat trafficking in human organs and to uphold accountability through measures that may include preventing and, in accordance with relevant national legislation, investigating, prosecuting and punishing the unauthorized removal or implantation of organs and the illicit sale, brokering and purchase and other illicit transactions in respect of human organs, as well as trafficking in persons for the purpose of organ removal;

2. *Encourages* Member States to make use of the United Nations Office on Drugs and Crime assessment toolkit entitled *Trafficking in Persons for the Purpose of Organ Removal*;

3. *Also encourages* Member States to consider taking the following measures in accordance with the fundamental principles of their domestic legal systems and national legislation:

(a) Strengthening legislative measures, including by reviewing, developing or amending them, as appropriate, to prevent and combat trafficking in human organs, which may include prosecution for illicit sale, brokering and purchase and other illicit transactions in respect of human organs;

(b) Strengthening regulatory oversight of relevant medical facilities and the medical professionals thereof;

(c) Providing training and capacity-building, when necessary, for law enforcement and border control officials as well as medical professionals to identify potential cases of organ trafficking and trafficking in persons for the purpose of organ removal;

(d) Conducting awareness-raising campaigns aimed at preventing and combating trafficking in human organs by informing the general public, including potential donors and vulnerable members of society, of the risks associated with these crimes and of their rights with respect to organ transplantation;

4. *Further encourages* Member States to share experiences and good practices in and information on preventing, combating and prosecuting trafficking in human organs and its new modalities, as well as trafficking in persons for the purpose of organ removal, including through the United Nations Office on Drugs

and Crime Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal;

5. *Encourages* Member States to strengthen international cooperation in responding to these crimes, as provided for in relevant and applicable law, including domestic and international law;

6. *Requests* the United Nations Office on Drugs and Crime, in carrying out the study on trafficking in human organs requested by the Commission in its resolution 23/2, based on the analysis of information provided by Member States, to engage in a dialogue with relevant intergovernmental international organizations, where appropriate, in close consultation with Member States, to enable it to collect data and analyse instances of human organ trafficking and relevant prosecutions, as well as to collect examples of applicable legislation, while bearing in mind that the data on trafficking in persons for the purpose of organ removal is being gathered for the *Global Report on Trafficking in Persons*, in accordance with General Assembly resolution 70/179 of 17 December 2015;

7. *Also requests* the United Nations Office on Drugs and Crime to solicit, in the context of the study, the views of Member States on the advisability of developing, within the Office, guidelines, including legislative, administrative and regulatory guidelines, on combating trafficking in human organs that may be used by Member States in their domestic jurisdictions;

8. *Further requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to prepare the study for consideration by the Commission on Crime Prevention and Criminal Justice at its twenty-seventh session;

9. *Encourages* Member States to provide, upon request, relevant information to the United Nations Office on Drugs and Crime for the preparation of the study;

10. *Requests* the United Nations Office on Drugs and Crime to provide capacity-building and technical assistance to States, upon request, to assist them in strengthening national capacities to effectively prevent and combat trafficking in persons, including for the purpose of organ removal and, based on the results of the United Nations Office on Drugs and Crime study, trafficking in human organs;

11. *Invites* Member States and other donors to provide extrabudgetary resources for this purpose, in accordance with the rules and procedures of the United Nations.

Resolution 25/2

Promoting legal aid, including through a network of legal aid providers

The Commission on Crime Prevention and Criminal Justice,

Recalling the Universal Declaration of Human Rights,²⁸ which enshrines the key principles of equality before the law and the presumption of innocence, as well as the right to a fair and public hearing by an independent and impartial tribunal, established by law, along with all the guarantees necessary for the defence of anyone charged with a penal offence, other minimum guarantees and the entitlement to be tried without undue delay,

Recalling also the International Covenant on Civil and Political Rights,²⁹ in particular its article 14, which states that everyone charged with a criminal offence shall be entitled to be tried in his or her presence and to defend himself or herself in person or through legal assistance of his or her own choosing or assigned to him or her where the interests of justice so require, in a fair and public hearing by a competent, independent and impartial tribunal established by law,

Recalling further General Assembly resolution 67/187 of 20 December 2012, containing the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, which states that legal aid is an essential element of a fair, humane and efficient criminal justice system that is based on the rule of law and that it is a foundation for the enjoyment of other rights, including the right to a fair trial, as a precondition to exercising such rights and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process,

Recognizing that certain groups are entitled to additional protection or are more vulnerable when involved with the criminal justice system, and noting in that regard that the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems have provided specific provisions for women, children, victims of crime and groups with special needs,

Reaffirming the definitions of “legal aid”, “legal aid provider” and “legal aid service providers” as defined in the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, and in this context recognizing that States employ different models for the provision of legal aid, including public defenders, private lawyers, contract lawyers, pro bono schemes, bar associations, paralegals and others,

Taking note of General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda on Sustainable Development”, which includes under Sustainable Development Goal 16 a call for the promotion of peaceful and inclusive societies for sustainable development, access to justice for all, strengthening relevant national institutions, including through international cooperation, and the building of effective, accountable and inclusive institutions at

²⁸ General Assembly resolution 217 A (III).

²⁹ General Assembly resolution 2200 A (XXI), annex.

all levels, as part of a balanced and integrated approach to achieving sustainable development in its three dimensions: economic, social and environmental,

Bearing in mind General Assembly resolution 70/175 of 17 December 2015, containing the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which underscores the rights of prisoners, including those under arrest, held prior to trial or convicted, to be informed of their right to access to legal advice, including through legal aid schemes, and procedures for making requests or complaints, and be provided with adequate opportunity, time and facilities to be visited by and to communicate and consult with a legal adviser of their own choice or a legal aid provider and have access to effective legal aid,

Recalling General Assembly resolution 65/229 of 21 December 2010, containing the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),

Bearing in mind General Assembly resolution 43/173 of 9 December 1988, containing the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 11 of which states that a detained person shall have the right to defend himself or herself or to be assisted by counsel as prescribed by law,

Recalling the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,³⁰ in which Member States are called on 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,

Recalling also the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,³¹ and noting the need to reduce pretrial detention, where appropriate, and promote increased access to justice and legal defence mechanisms, including during pretrial detention,

Recalling further the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,³² in which Member States are called upon to continue the development of specialized networks of practitioners, including legal aid providers and defence lawyers, to exchange information and share good practices and expertise and to support community initiatives and foster the active participation of citizens in ensuring access to justice for all,

Recalling General Assembly resolution 70/174 of 17 December 2015, entitled “Thirteenth United Nations Congress on Crime Prevention and Criminal Justice”, in which the Assembly requested the Commission on Crime Prevention and Criminal Justice to review the implementation of the Doha Declaration, and invited Governments to take into consideration the Doha Declaration when formulating legislation and policy directives and to make every effort, where appropriate, to

³⁰ General Assembly resolution 60/177, annex.

³¹ General Assembly resolution 65/230, annex.

³² General Assembly resolution 70/174, annex.

implement the principles contained therein in conformity with the purposes and principles of the Charter of the United Nations,

Recalling also Economic and Social Council resolution 2007/24 of 26 July 2007 on international cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa,

Welcoming the publication of *Early Access to Legal Aid in Criminal Justice Processes: A Handbook for Policymakers and Practitioners* and the launch by the United Nations Office on Drugs and Crime of the *Model Law on Legal Aid in Criminal Justice Systems with Commentaries*,

1. *Welcomes* the holding of the first International Conference on Access to Legal Aid in Criminal Justice Systems, in Johannesburg, South Africa, from 24 to 26 June 2014, with the attendance of over 250 legal aid policymakers and practitioners from 67 countries, including representatives of Ministries of Justice, the judiciary, public defender offices and bar associations, as well as legal aid lawyers, community-based paralegals, members of civil society and experts, and takes note of their efforts to discuss common challenges in providing access to effective legal aid services in criminal justice systems and to propose practical and achievable solutions through the Johannesburg Declaration on the Implementation of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems;

2. *Invites* Member States, in line with the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,³² to participate in the second International Conference on Access to Legal Aid in Criminal Justice Systems, to be held in Buenos Aires in November 2016, and in this context requests the United Nations Office on Drugs and Crime to make available any ensuing report to the Commission on Crime Prevention and Criminal Justice;

3. *Encourages* Member States to adopt or strengthen legislative or other measures to ensure effective legal aid, including for victims of crime, consistent with their domestic legislation and in line with the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems;³³

4. *Encourages* Member States, in line with the recommendations in the Johannesburg Declaration on the Implementation of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and consistent with the Doha Declaration and their national legislation, to provide legal aid, where possible, to facilitate the sharing of information and best practices among legal aid providers, making the best possible use of existing information and communication platforms, and to share expertise on the development of national-level indicators for target 16.3 of the Sustainable Development Goals;

5. *Invites* Member States to encourage, in collaboration with other relevant stakeholders as appropriate, the development of national, regional and international specialized networks of legal aid providers to exchange information and share good practices and expertise, including by considering, in the context of deliberations at

³³ General Assembly resolution 67/187, annex.

the second International Conference on Access to Legal Aid in Criminal Justice Systems, potential options for establishing a global virtual network to facilitate legal aid providers at the national, regional and international levels to establish contact;

6. *Encourages* Member States, in line with the Doha Declaration, to collaborate with civil society and other relevant stakeholders to foster the active participation of citizens in ensuring access to justice for all, including awareness of their rights and the provision of legal aid;

7. *Urges* Member States, in line with the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice³⁴ and relevant and applicable international human rights instruments, to ensure that children in contact with the justice system are informed of their rights and have prompt access to legal assistance and, where appropriate, legal aid, during police interrogation and while in police detention, and that they may consult their legal representative freely and fully confidentially;

8. *Also urges* Member States, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),³⁵ to ensure that women in contact with the justice system are informed of their rights and have prompt access to legal assistance and, where appropriate, legal aid, during police interrogation and while in police detention, and that they may consult their legal representative freely and fully confidentially;

9. *Requests* the United Nations Office on Drugs and Crime to work closely with other United Nations agencies to continue to develop and disseminate, subject to the availability of extrabudgetary resources, relevant tools such as best practices, handbooks and training manuals, and to provide advisory services and technical assistance to Member States, upon request, in the area of legal aid, and to continue reporting at future sessions of the Commission on its efforts in this regard;

10. *Invites* Member States and other donors to provide extrabudgetary resources for those purposes, in accordance with the rules and procedures of the United Nations.

³⁴ General Assembly resolution 69/194, annex.

³⁵ General Assembly resolution 65/229, annex.

Resolution 25/3

Strengthening crime prevention in support of sustainable development, including sustainable tourism

The Commission on Crime Prevention and Criminal Justice,

Recalling the declarations adopted by the Twelfth and Thirteenth United Nations Congresses on Crime Prevention and Criminal Justice,^{36,37} in particular their recognition of the importance of effective, fair, humane and accountable crime prevention and criminal justice systems and institutions comprising them as a central component of the rule of law, and their acknowledgement that sustainable development and the rule of law are strongly interrelated and mutually reinforcing,

Mindful of the provisions contained in the Guidelines for the Prevention of Crime,³⁸

Recalling the importance of integrating crime prevention considerations into all relevant social and economic policies and programmes that place particular emphasis on communities, families, children and youth,

Noting that the 2030 Agenda for Sustainable Development adopted by the General Assembly in its resolution 70/1 of 25 September 2015 includes sustainable tourism,

Noting with appreciation the initiatives of States in the sphere of tourism, development and public security, such as the “First regional congress on tourism, development and security for all: a forum for facilitating citizen and tourist security in Central America and the Dominican Republic”, held in San Salvador from 15 to 17 November 2015,

Expressing concern that public spaces, places drawing crowds and tourist settings have been targeted by terrorists,

Taking into account the memorandum of understanding between the United Nations Office on Drugs and Crime and the World Tourism Organization signed in 2012,

Recalling its resolution 22/4 of 26 April 2013, entitled “Enhancing the effectiveness of countering criminal threats to the tourism sector, including terrorist threats, in particular, by means of international cooperation and public-private partnerships”,

Recognizing the impact that organized crime and terrorism have on sustainable development, including sustainable tourism,

³⁶ Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World (General Assembly resolution 65/230, annex).

³⁷ Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation (General Assembly resolution 70/174, annex).

³⁸ Economic and Social Council resolution 2002/13, annex.

Stressing the need for responsible tourism and its beneficial socioeconomic impact on local communities, the economic empowerment of women through tourism, fair tourism, the protection of children against all forms of exploitation in tourism, the prevention of trafficking in human beings and in cultural artefacts, respect for intangible cultural heritage, the protection of tourists as consumers and the provision of unbiased information to tourists,

1. *Encourages* Member States to integrate crime prevention measures into all relevant social and economic policies and programmes, including policies and programmes addressing employment, education and poverty, and into policies to promote sustainable tourism, and to exchange successful experiences and best practices in this regard;

2. *Also encourages* Member States to strengthen their crime prevention strategies in order to contribute to sustainable development, including sustainable tourism, and to adequately respond to criminal and terrorist threats to the tourism sector;

3. *Requests* the United Nations Office on Drugs and Crime, in collaboration with the World Tourism Organization, within their respective mandates to support, upon request, the efforts of States and subregional, regional and international organizations in the implementation of their strategies and activities to strengthen crime prevention and sustainable development, including sustainable tourism;

4. *Also requests* the United Nations Office on Drugs and Crime to report to the Commission at its twenty-seventh session on the implementation of the present resolution;

5. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations.

Decision 25/1

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

At its 7th meeting, on 26 May 2016, the Commission on Crime Prevention and Criminal Justice decided to transmit the report of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute on the major activities of the Institute (E/CN.15/2016/8) to the Economic and Social Council, in accordance with article IV, paragraph 3 (e), of the statute of the Institute (Economic and Social Council resolution 1989/56, annex).