

Chapter I

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

A. Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly:

Draft resolution I

Follow-up to the 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,

Bearing in mind the consultative nature of the United Nations congresses on crime prevention and criminal justice, and their role as a forum for promoting the exchange of experience in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental organizations and individual experts representing various professions and disciplines,

Recalling 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 to stay fully engaged in the follow-up to and implementation of agreements and commitments reached at the major United Nations conferences and summits, and invited its intergovernmental bodies to further promote the implementation of the outcomes of the major United Nations conferences and summits,

¹ General Assembly resolution [46/152](#), annex.

Recalling also 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 further 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,³ adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, 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”, and welcomed with appreciation the offer of the Government of Japan to act as host to the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in 2020,

Reaffirming the commitment expressed by Member States in the Doha Declaration to endeavour to mainstream a gender perspective into their criminal justice systems by developing and implementing national strategies and plans to promote the full protection of women and girls from all acts of violence, including gender-related killing of women and girls, and to promote gender-specific measures as an integral part of their policies on crime prevention, criminal justice and the treatment of offenders, including the rehabilitation and reintegration of women offenders into society, taking into consideration the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),⁴

Recalling its resolution 71/206 of 19 December 2016, in which it requested the Commission to approve at its twenty-sixth session the overall theme, the agenda items and the topics for the workshops of the Fourteenth Congress, recommended that, building on the experience and the success of the Thirteenth Congress, 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 encouraged the holding of side events that were focused on and complemented the agenda items and workshops,

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,

Having considered the report of the Secretary-General on the follow-up to the Thirteenth Congress and preparations for the Fourteenth Congress,⁵

1. *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 Participation,³ adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, when formulating legislation and policy directives

² See [E/CN.15/2007/6](#), chap. IV.

³ General Assembly resolution [70/174](#), annex.

⁴ General Assembly resolution [65/229](#), annex.

⁵ [E/CN.15/2017/11](#).

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;

2. *Welcomes* the work undertaken by the United Nations Office on Drugs and Crime in ensuring appropriate follow-up to the implementation of the Doha Declaration, and also welcomes in that regard the contribution of the Government of Qatar;

3. *Notes* the progress made thus far in the preparations for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice;

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

5. *Also decides* that the main theme of the Fourteenth Congress shall be “Advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda”;

6. *Further decides* that, in accordance with its resolution 56/119, the Fourteenth Congress shall open with a high-level segment, at which States will be invited to be represented at the highest possible level, for example, by Heads of State or Government, Government ministers or attorneys general, and that representatives will be given an opportunity to make statements on the topics of the Congress;

7. *Decides* that, in accordance with its resolution 56/119, the Fourteenth Congress shall adopt a single declaration, to be submitted to the Commission on Crime Prevention and Criminal Justice for its consideration;

8. *Requests* the Secretary-General to encourage the participation of representatives from relevant entities of the United Nations system in the Fourteenth Congress, bearing in mind the main theme, agenda items and workshop topics of the Congress;

9. *Approves* the following provisional agenda for the Fourteenth Congress, finalized by the Commission at its twenty-sixth session:

1. Opening of the Congress.
2. Organizational matters.
3. Comprehensive strategies for crime prevention towards social and economic development.
4. Integrated approaches to challenges facing the criminal justice system.
5. Multidimensional approaches by Governments to promoting the rule of law by, inter alia, providing access to justice for all; building effective, accountable, impartial and inclusive institutions; and considering social, educational and other relevant measures, including fostering a culture of lawfulness while respecting cultural identities, in line with the Doha Declaration.
6. International cooperation and technical assistance to prevent and address all forms of crime:
 - (a) Terrorism in all its forms and manifestations;
 - (b) New and emerging forms of crime.
7. Adoption of the report of the Congress.

10. *Decides* that the following issues shall be considered in workshops within the framework of the Fourteenth Congress:

- (a) Evidence-based crime prevention: statistics, indicators and evaluation in support of successful practices;
- (b) Reducing reoffending: identifying risks and developing solutions;

(c) Education and youth engagement as key to making societies resilient to crime;

(d) Current crime trends, recent developments and emerging solutions, in particular new technologies as means for and tools against crime.

11. *Requests* the Secretary-General, in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, to prepare a discussion guide for the regional preparatory meetings for the Fourteenth Congress and for the Congress itself in a timely manner in order to enable those meetings to be held as early as possible in 2019, and invites Member States to be actively involved in that process;

12. *Also requests* the Secretary-General to facilitate the organization of the regional preparatory meetings and to make available the necessary resources for the participation of the least developed countries in those meetings and in the Fourteenth Congress itself, in accordance with past practice and in consultation with Member States;

13. *Urges* participants in the regional preparatory meetings to examine the substantive items on the agenda and the topics of the workshops of the Fourteenth Congress and to make action-oriented recommendations to serve as a basis for the draft recommendations and conclusions for consideration by the Congress;

14. *Invites* Member States to be represented at the highest possible level at the Fourteenth Congress, for example, by Heads of State or Government, Government ministers or attorneys general, to make statements on the theme and topics of the Congress and to participate actively in the high-level segment;

15. *Calls upon* Member States to play an active role in the Fourteenth Congress by sending legal and policy experts, including practitioners with special training and practical experience in crime prevention and criminal justice;

16. *Emphasizes* the importance of the workshops to be held within the framework of the Fourteenth Congress, and invites Member States, intergovernmental and non-governmental organizations and other relevant entities to provide financial, organizational and technical support to the United Nations Office on Drugs and Crime and the institutes of the United Nations crime prevention and criminal justice programme network for the preparations for the workshops, including the preparation and circulation of relevant background material;

17. *Requests* the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Fourteenth Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups, and to take appropriate measures to encourage the participation of the academic and research community in the Congress, and encourages Member States to actively participate in the above-mentioned meetings, as they provide an opportunity to develop and maintain strong partnerships with the private sector and civil society organizations;

18. *Encourages* Governments to undertake preparations for the Fourteenth Congress at an early stage and by all appropriate means, including, where appropriate, the establishment of national preparatory committees;

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

20. *Requests* the Commission to accord sufficient time at its twenty-seventh session to reviewing the progress made in the preparations for the Fourteenth Congress, to finalize in a timely manner all outstanding organizational and substantive arrangements and to make its recommendations to the General Assembly through the Economic and Social Council;

21. *Requests* the Secretary-General to ensure proper follow-up to the present resolution and to report thereon to the General Assembly through the Commission at its twenty-seventh session.

Draft resolution II

Promoting the practical application of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)

The General Assembly,

Bearing in mind the long-standing concern of the United Nations for the humanization of criminal justice and the protection of human rights, and emphasizing the fundamental importance of human rights in the daily administration of criminal justice and crime prevention,

Recalling its resolution [65/230](#) of 21 December 2010, entitled “Twelfth United Nations Congress on Crime Prevention and Criminal Justice”, in which it requested the Commission on Crime Prevention and Criminal Justice to establish an open-ended intergovernmental expert group to exchange information on best practices, national legislation and existing international law and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflected recent advances in correctional science and best practices,

Mindful of the extensive consultative process culminating in the recommendations of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, a process spanning a period of five years, consisting of technical and expert pre-consultations, meetings in Vienna, Buenos Aires and Cape Town, South Africa, and the active participation and input of Member States from all regions, assisted by representatives of the United Nations crime prevention and criminal justice programme network and other United Nations entities, including the Office of the United Nations High Commissioner for Human Rights, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the United Nations Office on Drugs and Crime, intergovernmental organizations, including the International Committee of the Red Cross, specialized agencies in the United Nations system, including the World Health Organization, and non-governmental organizations and individual experts in the field of correctional science and human rights,

Recalling its resolution [70/175](#) of 17 December 2015, entitled “United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)”, in which it adopted the proposed revision of the Standard Minimum Rules for the Treatment of Prisoners as the United Nations Standard Minimum Rules for the Treatment of Prisoners and approved the recommendation of the Expert Group that the Rules should be known as “the Nelson Mandela Rules”, to honour the legacy of the late President of South Africa, Nelson Rolihlahla Mandela, who spent 27 years in prison in the course of his struggle for global human rights, equality, democracy and the promotion of a culture of peace,

Recalling also that in its resolution [70/175](#), the General Assembly decided to extend the scope of Nelson Mandela International Day, observed each year on 18 July,⁶ to be also utilized in order to promote humane conditions of imprisonment, to raise awareness about prisoners being a continuous part of society and to value the work of prison staff as a social service of particular importance, and to that end invited Member States, regional organizations and organizations of the United Nations system to celebrate the occasion in an appropriate manner,

Recalling further that in the same resolution, it invited the Commission on Crime Prevention and Criminal Justice to consider, at its upcoming sessions,

⁶ See General Assembly resolution [64/13](#).

reconvening the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners for the purpose of identifying the lessons learned, the means to continue to exchange good practices and the challenges faced in the practical application of the Nelson Mandela Rules,

Recalling its resolution [71/188](#) of 19 December 2016, entitled “Human rights in the administration of justice”, in which it welcomed the adoption of the Nelson Mandela Rules, recognized the importance of the principle that, except for those lawful limitations demonstrably necessitated by the fact of incarceration, persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms, and recalled that the social rehabilitation and reintegration of persons deprived of their liberty shall be among the essential aims of the criminal justice system, ensuring, as far as possible, that offenders are able to lead a law-abiding and self-supporting life upon their return to society,

Reaffirming its resolution [71/209](#) of 19 December 2016, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which it called upon Member States to implement, where appropriate, the Nelson Mandela Rules, bearing in mind their spirit and purpose, and encouraged Member States to take relevant measures, as appropriate to their national contexts, to ensure the diffusion, use and application of the United Nations standards and norms in crime prevention and criminal justice, including through the consideration and, where they deemed it necessary, dissemination of manuals and handbooks developed and published by the United Nations Office on Drugs and Crime,

Recalling other United Nations standards and norms in crime prevention and criminal justice related to the treatment of prisoners and to alternatives to imprisonment, in particular the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners,⁷ the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,⁸ the Basic Principles for the Treatment of Prisoners,⁹ the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),¹⁰ the Guidelines for the Prevention of Crime¹¹ and the basic principles on the use of restorative justice programmes in criminal matters,¹²

Bearing in mind the need for vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while they are deprived of their liberty, as called for in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),¹³ the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),¹⁴ the United Nations Rules for the Protection of Juveniles Deprived of their Liberty¹⁵ and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),¹⁶

Mindful of the fact that 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,¹⁷ adopted at the conclusion of the Thirteenth Congress on Crime Prevention and Criminal Justice held in Qatar in April 2015, points to the need to implement and enhance policies for prison inmates that

⁷ Economic and Social Council resolution 1984/47, annex.

⁸ General Assembly resolution [43/173](#), annex.

⁹ General Assembly resolution [45/111](#), annex.

¹⁰ General Assembly resolution [45/110](#), annex.

¹¹ Economic and Social Council resolution 2002/13, annex.

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

¹³ General Assembly resolution [40/33](#), annex.

¹⁴ General Assembly resolution [45/112](#), annex.

¹⁵ General Assembly resolution [45/113](#), annex.

¹⁶ General Assembly resolution [65/229](#), annex.

¹⁷ General Assembly resolution [70/174](#), annex.

focus on education, work, medical care, rehabilitation, social reintegration and the prevention of recidivism, and to consider the development and strengthening of policies to support the families of inmates, as well as to promote and encourage the use of alternatives to imprisonment, where appropriate, and to review or reform our restorative justice and other processes in support of successful reintegration,

Concerned about the negative impact of overcrowding on the enjoyment of human rights by prisoners,

Noting the continuing need to enhance the sharing of information and experiences and technical assistance to improve, where needed, prison conditions and to address different serious challenges such as overcrowding, taking into consideration relevant international standards and norms,

Underscoring that, notwithstanding their non-legally binding nature, the Nelson Mandela Rules represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations and set out what is generally accepted as good principles and practices in the treatment of prisoners and in prison management,

Acknowledging the variety of legal frameworks of Member States and, in that regard, recognizing that Member States may adapt the application of the Nelson Mandela Rules, in accordance with their domestic legal frameworks, as appropriate, bearing in mind the spirit and purposes of the Rules,

Noting with concern the persistence, in various parts of the world, of challenges to the management of prisons consistent with international standards and norms, such as overcrowding, poor prison conditions that may result in serious medical consequences and the presence of prisoners assessed to be of high risk,

1. *Encourages* Member States to endeavour to improve conditions of imprisonment and to promote the practical application of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)¹⁸ as the universally acknowledged and updated minimum standards for the treatment of prisoners, to use the Rules as a guide in the development of prison laws, policies and practices, to continue exchanging good practices and identifying challenges faced in the practical application of the Rules and to share their experiences in dealing with those challenges;

2. *Also encourages* Member States to address overcrowding in detention facilities by taking effective measures, including through enhancing the availability and use of alternatives to pretrial detention and custodial sentences, bearing in mind the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)¹⁰ and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),¹⁶ access to legal aid, mechanisms for crime prevention, early release and rehabilitation programmes and the efficiency as well as the capacity of the criminal justice system;

3. *Welcomes* the formation of the Vienna-based Group of Friends of the Nelson Mandela Rules as an informal and open-ended group of like-minded Member States, and also welcomes the first meeting of the Group, held during the twenty-sixth session of the Commission on Crime Prevention and Criminal Justice, at which the Group decided that the following would be its main purposes:

(a) Maintaining the momentum generated by the adoption of the Nelson Mandela Rules for prison management and reform by raising awareness of the Rules as well as by promoting their practical application worldwide;

(b) Convening expert consultations on priority aspects relating to prison management during future sessions of the Commission on Crime Prevention and Criminal Justice and facilitating common positions, as appropriate;

¹⁸ General Assembly resolution [70/175](#), annex.

(c) Serving as the main support vehicle for the technical assistance delivered by the United Nations Office on Drugs and Crime under its Global Programme on Addressing Prison Challenges;

(d) Facilitating the widest possible involvement of Member States in the yearly celebrations of Nelson Mandela International Day, on 18 July, with the additional objective of promoting humane conditions of imprisonment;

4. *Expresses its gratitude* to the Government of South Africa for having initiated and for assuming the chair of the Group of Friends of the Nelson Mandela Rules, thereby following up on the leadership it provided throughout the review process for the Standard Minimum Rules for the Treatment of Prisoners, including by hosting the last meeting of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners in Cape Town, South Africa, from 2 to 5 March 2015;

5. *Invites* all Member States to consider actively participating in the Group of Friends of the Nelson Mandela Rules in order to create an informal forum for the exchange of views, experiences and challenges with regard to the practical application of the Rules;

6. *Recognizes* that well-managed prisons and the treatment of prisoners consistent with international standards and norms for crime prevention and criminal justice can also contribute to the implementation by Member States of the 2030 Agenda for Sustainable Development¹⁹ and the achievement 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 Sustainable Development Goal 5 (achieve gender equality and empower all women and girls), in particular;

7. *Welcomes with appreciation* the Global Programme on Addressing Prison Challenges, launched by the United Nations Office on Drugs and Crime, and its technical assistance and advisory services, provided to Member States upon request, which focus on the three areas of rationalizing the resort to imprisonment, improving prison conditions and strengthening prison management, and supporting the social reintegration of prisoners upon their release;

8. *Reiterates* that good prison management practices, informed by the international standards and norms for crime prevention and criminal justice, should form the basis for the treatment of all categories of prisoners, and highlights in this regard the value of the Nelson Mandela Rules in addressing the specific challenges of high-risk prisoners;

9. *Welcomes* the technical assistance work carried out by the United Nations Office on Drugs and Crime, in close cooperation with national experts from Member States and with financial support provided by the Government of Germany, on the Nelson Mandela Rules, including the guidance material produced to assist corrections authorities with their application, including on the management of high-risk prisoners;

10. *Welcomes* the financial support provided by the Government of Qatar for the purpose of supporting the implementation of 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 Participation¹⁷ in the form of a technical assistance programme implemented by the United Nations Office on Drugs and Crime, which includes a dedicated component on fostering the rehabilitation and social reintegration of prisoners;

11. *Requests* the United Nations Office on Drugs and Crime to continue ensuring broad dissemination of the Nelson Mandela Rules, to design guidance material and to provide technical assistance and advisory services to Member States,

¹⁹ General Assembly resolution 70/1.

upon request, in the field of penal reform, in order to develop or strengthen penitentiary legislation, procedures, policies and practices consistent with the Rules;

12. *Also requests* the United Nations Office on Drugs and Crime, within its mandate, to facilitate the exchange of information and experiences in relation to the practical implementation of the Nelson Mandela Rules among Member States;

13. *Encourages* Member States to consider allocating adequate human and financial resources to assist in the improvement of prison conditions, including through upgrading and modernizing prison facilities, and the application of the Nelson Mandela Rules, and 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;

14. *Acknowledges* the important role of the United Nations crime prevention and criminal justice programme network, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council in contributing to the dissemination, promotion and practical application of the Nelson Mandela Rules, and invites them to pursue cooperation and joint action.

Draft resolution III

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

The General Assembly,

Recalling all relevant United Nations resolutions on technical and legislative assistance in countering terrorism, especially the most recent ones,²⁰

Reaffirming its resolution [70/291](#) of 1 July 2016, entitled “The United Nations Global Counter-Terrorism Strategy Review”,

Recalling that terrorism in all its forms and manifestations constitutes one of the most serious threats to peaceful and secure societies and that all acts of terrorism are criminal and unjustifiable, regardless of their motivations, whenever and by whomsoever committed and that they are to be unequivocally condemned, especially when they indiscriminately target or injure civilians,

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, based on the needs and priorities identified by requesting States,

Emphasizing the need to address the conditions conducive to the spread of terrorism while fully respecting the fundamental principles and purposes of the Charter of the United Nations and international law,

Recalling the Declaration and Programme of Action on a Culture of Peace²¹ and the Global Agenda for Dialogue among Civilizations,²²

Recalling in particular its resolution [70/177](#) of 17 December 2015, in which it, inter alia, called upon the United Nations Office on Drugs and Crime to continue to provide technical assistance, upon request, for building the capacity of Member States to become party to and implement the international conventions and protocols related to counter-terrorism, including through targeted programmes and the training of relevant criminal justice and law enforcement officials, the development of and

²⁰ General Assembly resolutions [70/148](#), [70/177](#), [70/291](#), [71/151](#) and [71/209](#); and Security Council resolutions [2133 \(2014\)](#), [2178 \(2014\)](#), [2195 \(2014\)](#), [2199 \(2015\)](#), [2253 \(2015\)](#), [2309 \(2016\)](#), [2322 \(2016\)](#), [2341 \(2017\)](#), [2347 \(2017\)](#) and [2349 \(2017\)](#).

²¹ General Assembly resolutions [53/243 A](#) and [B](#).

²² General Assembly resolution [56/6](#).

participation in relevant initiatives and the elaboration of technical tools and publications, in consultation with Member States,

Reiterating all aspects of the United Nations Global Counter-Terrorism Strategy²³ and the need for States to continue to implement the Strategy, as reaffirmed in its resolution [70/291](#),

Recognizing the importance of countering terrorism and preventing violent extremism as and when conducive to terrorism, and in that regard stressing the importance of an integrated and balanced implementation of the United Nations Global Counter-Terrorism Strategy across its four pillars, reaffirming the principal responsibility of Member States to implement the Strategy,

Noting in that regard the need to continue to counter terrorism in all its forms and manifestations, including any existing, growing or potential links, in some cases, between transnational organized crime, illicit drug-related activities, money-laundering and the financing of terrorism, in order to enhance criminal justice responses to those crimes,

Noting with appreciation the ongoing work of the United Nations Office on Drugs and Crime to support Member States in their efforts to prevent and counter terrorism in all its forms and manifestations in the crime prevention and criminal justice context, reiterating that that work needs to be done in close coordination with Member States,

Taking note of the report of the Secretary-General on technical assistance in implementing the international conventions and protocols related to terrorism,²⁴

Reaffirming that terrorism in all its forms and manifestations cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Recognizing the ongoing efforts of the Secretary-General to improve the coordination of the work of United Nations entities on counter-terrorism and to ensure a balanced implementation of all four pillars of the United Nations Global Counter-Terrorism Strategy,

1. *Urges* Member States that have not yet done so to consider becoming parties to the existing international conventions and protocols related to counter-terrorism, and requests the United Nations Office on Drugs and Crime, within its mandate, in close coordination with the relevant entities of the Counter-Terrorism Implementation Task Force, to continue to provide technical assistance to Member States for the ratification and legislative incorporation of those international legal instruments;

2. *Encourages* Member States to continue to promote, at the national level, effective coordination among law enforcement and other relevant entities and authorities responsible for preventing and countering terrorism, and requests the United Nations Office on Drugs and Crime, upon request and within its mandate, to continue to provide technical assistance in that regard;

3. *Urges* Member States to continue to strengthen international coordination and cooperation in order to prevent and counter terrorism in all its forms and manifestations in accordance with international law, including the Charter of the United Nations, to effectively implement relevant international instruments and United Nations resolutions, to consider entering, when appropriate, into treaties on extradition and mutual legal assistance, and to ensure adequate training of all relevant personnel on executing international cooperation activities, and calls upon all States to consider providing the United Nations Office on Drugs and Crime with the contact details of and other relevant information about designated authorities for its repository database;

²³ General Assembly resolution [60/288](#).

²⁴ [E/CN.15/2017/5](#).

4. *Requests* the United Nations Office on Drugs and Crime, within its mandate, to provide technical assistance, upon request, to Member States to those ends, including by continuing and enhancing its assistance related to international legal and judicial cooperation pertaining to countering terrorism, including in criminal matters related to foreign terrorist fighters, and by fostering the development of strong and effective central authorities for international cooperation in criminal matters;

5. *Stresses* the importance of the development and maintenance of effective, fair, humane, transparent and accountable 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 to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law;

6. *Requests* the United Nations Office on Drugs and Crime, within its mandate in the area of countering and preventing terrorism in all its forms and manifestations, to continue to develop specialized legal knowledge and to continue to strengthen the provision of technical assistance to Member States, upon request, on effective measures for criminal justice responses addressing the prevention of terrorism in compliance with all their obligations under international law, in particular human rights, refugee and humanitarian law, in full conformity with human rights and fundamental freedoms;

7. *Calls upon* the United Nations Office on Drugs and Crime to further enhance technical assistance, upon request, for building the capacity of Member States to become party to and implement the international conventions and protocols related to counter-terrorism, including through targeted programmes and the training of relevant criminal justice and law enforcement officials, upon request, to develop their capacity to effectively respond to, prevent, investigate and prosecute terrorist acts, the development of and participation in relevant initiatives and the development of technical tools and publications, within its mandate and in close consultation with Member States;

8. *Requests* the United Nations Office on Drugs and Crime, within its mandate and in collaboration with, when appropriate, the Counter-Terrorism Committee and its Executive Directorate and the Counter-Terrorism Implementation Task Force, to continue to provide assistance to requesting Member States in addressing the threat of foreign terrorist fighters, including returning foreign terrorist fighters, through its capacity-building activities, with regard to enhancing their cooperation, developing relevant measures and developing appropriate criminal justice responses, to prevent the financing, mobilization, travel, recruitment, organization and radicalization of foreign terrorist fighters, to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice, and to develop and implement appropriate criminal justice responses, including prosecution and effective reintegration strategies for returning foreign terrorist fighters, in compliance with relevant obligations under international and domestic law;

9. *Encourages* Member States to further identify, analyse and counter any existing, growing or potential links, in some cases, between transnational organized crime, illicit drug-related activities, money-laundering and the financing of terrorism, in order to enhance criminal justice responses to those crimes, and calls upon the United Nations Office on Drugs and Crime, within its relevant mandates, to support, upon request, the efforts of Member States in that regard;

10. *Calls upon* Member States to strengthen border management to effectively prevent the movements of foreign terrorist fighters and terrorist groups, and requests the United Nations Office on Drugs and Crime to continue to provide technical assistance to that end to requesting States;

11. *Requests* the United Nations Office on Drugs and Crime, within its mandate, to continue to support requesting Member States in the implementation of capacity-building programmes to strengthen crime prevention and criminal justice responses to the destruction of and trafficking in cultural heritage by terrorists;

12. *Also requests* the United Nations Office on Drugs and Crime, within its mandate, to continue to develop its specialized legal knowledge in close consultation with Member States in order to continue to provide assistance to requesting Member States so as to prevent and counter the use of information and communications technology, in particular the Internet and other media, to plan, incite, fund or commit terrorist attacks or recruit those who commit them, and to support those Member States in effectively criminalizing, investigating and prosecuting such acts in accordance with domestic law and applicable international law on due process while fully respecting human rights and fundamental freedoms, including the right to privacy and the freedom of expression, and to encourage the use of the Internet as a tool for countering the spread of terrorism;

13. *Further requests* the United Nations Office on Drugs and Crime to provide, upon request, technical assistance for building the capacity of Member States in the development and implementation of programmes of assistance and support for victims of terrorism in accordance with relevant national legislation, with emphasis on the special needs of women and children;

14. *Requests* the United Nations Office on Drugs and Crime, through its Global Programme on Violence against Children, to continue to support requesting Member States, in accordance with relevant national legislation, in ensuring that children alleged to have, accused of having, or recognized as having infringed the law, particularly those who are deprived of their liberty, as well as child victims and witnesses of crime, are treated in a manner that observes their rights and respects their dignity in accordance with applicable international law, in particular the obligations under the Convention on the Rights of the Child,²⁵ and that relevant measures are taken to effectively reintegrate children formerly associated with armed groups and terrorist groups;

15. *Encourages* the United Nations Office on Drugs and Crime to assist Member States, upon request, in mainstreaming gender perspectives into criminal justice responses to terrorism, in full compliance with human rights law, in order to prevent the recruitment of women and girls as terrorists and promote the full protection of women and girls from any form of exploitation or violence perpetrated by terrorists;

16. *Urges* the United Nations Office on Drugs and Crime, in coordination with the Counter-Terrorism Committee and its Executive Directorate and the Counter-Terrorism Implementation Task Force, to continue to strengthen its cooperation with international organizations and relevant entities of the United Nations system, as well as with international, regional and subregional organizations and arrangements, in the delivery of technical assistance, whenever appropriate, and notes the ongoing joint initiatives developed by the Office with the Counter-Terrorism Committee and its Executive Directorate and the entities of the Counter-Terrorism Implementation Task Force;

17. *Expresses its appreciation* to Member States that have supported the technical assistance activities of the United Nations Office on Drugs and Crime, including through financial contributions, and invites Member States to consider making additional sustainable voluntary financial contributions and providing in-kind support, in particular in view of the need for enhanced and effective delivery of technical assistance to assist Member States with the implementation of the relevant provisions of the United Nations Global Counter-Terrorism Strategy;²³

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

²⁵ United Nations, *Treaty Series*, vol. 1577, No. 27531.

mandate, to assist Member States, upon request, in the implementation of the relevant elements of the United Nations Global Counter-Terrorism Strategy;

19. *Also requests* the Secretary-General to submit to the General Assembly at its seventy-third 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

Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons

The Economic and Social Council,

Reiterating its strong condemnation of trafficking in persons, especially women and children, which constitutes an offence and a serious threat to human dignity and physical integrity, human rights and development, and which requires the implementation of a comprehensive approach that includes measures to prevent it, to prosecute and punish the traffickers and to protect the victims, as well as a criminal justice response commensurate to the serious nature of the offence,

Recalling that trafficking in persons impairs the enjoyment of human rights and fundamental freedoms, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral, regional and bilateral cooperation among countries of origin, transit and destination for its eradication,

Bearing in mind that all States have an obligation to exercise due diligence to prevent trafficking in persons, investigate and punish the perpetrators and protect and assist the victims thereof, and that not doing so impairs the enjoyment of the human rights and fundamental freedoms of those victims,

Recalling all relevant United Nations resolutions and recent special meetings on trafficking in persons held by the main organs of the United Nations with a mandate relating to trafficking in persons that addressed various aspects of the crime,

Recognizing the significance of the United Nations Global Plan of Action to Combat Trafficking in Persons, adopted by the General Assembly in its resolution [64/293](#) of 30 July 2010, and underlining the importance of its full implementation,

Reaffirming that the Global Plan of Action was developed:

(a) To promote universal ratification of the United Nations Convention against Transnational Organized Crime²⁶ and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,²⁷ as well as other relevant international instruments that address trafficking in persons, and to reinforce the implementation of existing instruments against trafficking in persons,

(b) To help Member States to reinforce their political commitments and legal obligations to prevent and combat trafficking in persons,

(c) To promote comprehensive, coordinated and consistent responses at the national, regional and international levels to counter trafficking in persons,

²⁶ United Nations, *Treaty Series*, vol. 2225, No. 39574.

²⁷ *Ibid.*, vol. 2237, No. 39574.

(d) To promote a human rights-based and a gender- and age-sensitive approach to addressing all factors that make people vulnerable to trafficking in persons and to strengthening the criminal justice response, which are necessary to prevent trafficking in persons, protect victims and prosecute perpetrators,

(e) To raise awareness within the United Nations system and also among States and other stakeholders, such as the private sector, civil society organizations and the international and national mass media, and the public at large,

(f) To foster cooperation and coordination among all relevant stakeholders, including Member States, international organizations, civil society organizations and the private sector, and within various entities of the United Nations system, taking into account existing best practices and lessons learned,

Emphasizing the role of the United Nations Office on Drugs and Crime in the implementation of the Global Plan of Action, including as coordinator of the Inter-Agency Coordination Group against Trafficking in Persons,

Recalling that the Inter-Agency Coordination Group against Trafficking in Persons was established to foster cooperation among relevant United Nations agencies and other international organizations involved in combating human trafficking, to promote effective and efficient use of existing resources to increase tangible results in combating human trafficking in countries around the world using, to the extent possible, mechanisms already in place at the regional and national levels, and to share information, experiences and good practices relating to the activities of the partner agencies to counter trafficking with Governments, international and regional organizations, non-governmental organizations and other relevant bodies,

Recognizing that the Inter-Agency Coordination Group against Trafficking in Persons, within its mandate, contributes to the implementation of the Global Plan of Action,

Noting the activities of the working group of the Inter-Agency Coordination Group against Trafficking in Persons,²⁸

Recognizing that the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, established in accordance with the Global Plan of Action, is aimed at providing victims of trafficking in persons with humanitarian, legal and financial aid through established channels of assistance, such as governmental, intergovernmental and non-governmental organizations, and welcoming contributions made to the Trust Fund by States and all other relevant stakeholders,

Welcoming the high-level meeting of the General Assembly held from 13 to 15 May 2013, during its sixty-seventh session, to appraise the progress achieved in the implementation of the Global Plan of Action, which, inter alia, evinced strong political will to step up efforts against trafficking in persons,

Taking note of the decision of the General Assembly, in its resolution [68/192](#) of 18 December 2013, to appraise the progress achieved in the implementation of the Global Plan of Action on a four-year basis, starting at its seventy-second session,

Taking note also of the decision of the General Assembly, in its resolution [70/179](#) of 17 December 2015, to convene, within existing resources, a high-level meeting of the Assembly, at its seventy-second session, to appraise the progress achieved in the implementation of the Global Plan of Action in order to assess achievements, gaps and challenges, including in the implementation of the relevant legal instruments,

Taking note further of the decision of the General Assembly, in its resolution [68/192](#), to designate 30 July as the World Day against Trafficking in

²⁸ See the report of the Secretary-General on improving the coordination of efforts against trafficking in persons ([A/71/119](#)).

Persons, to be observed every year beginning in 2014, while welcoming events held by Member States, United Nations agencies, other international organizations and civil society at the international, regional and national levels to mark the World Day in order to raise awareness of trafficking in persons and the situation of the victims of this crime and for the promotion and protection of their rights,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,²⁹ and recalling targets 5.2, 8.7 and 16.2 of the Sustainable Development Goals, which are relevant to the implementation of the Global Plan of Action,

Reaffirming in this regard the shared commitments of Member States to take measures to eradicate forced labour and end modern slavery and trafficking in persons, in the context of the implementation of the Global Plan of Action,

Recalling the importance of eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, as well as of ending abuse, exploitation, trafficking and all forms of violence against and torture of children, also in support of the implementation of the Global Plan of Action,

Recalling also the continued role of relevant regional, subregional and cross-regional mechanisms and initiatives in combating and eliminating all forms of trafficking in persons, including in the implementation of the Global Plan of Action,

1. *Urges* Member States that have not yet done so to consider ratifying or acceding to, as a matter of priority, the United Nations Convention against Transnational Organized Crime²⁶ and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,²⁷ taking into consideration the central role of those instruments in the fight against trafficking in persons, and also urges States parties to those instruments to implement them effectively;

2. *Urges* Member States and other stakeholders mentioned in the United Nations Global Plan of Action to Combat Trafficking in Persons,³⁰ and invites the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and other relevant international, regional and subregional organizations, within their respective mandates, to continue to contribute to the full and effective implementation of the Global Plan of Action, including by means of strengthening cooperation and improving coordination among themselves in achieving that goal;

3. *Invites* the Working Group on Trafficking in Persons established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider developing recommendations for measures within its mandate that may also further the goals of the Global Plan of Action;

4. *Invites* all Member States, relevant agencies of the United Nations system and other international organizations, as well as civil society, to continue to actively observe annually the World Day against Trafficking in Persons;

5. *Takes note* with appreciation of the publication of the *Global Report on Trafficking in Persons 2016*,³¹ prepared by the United Nations Office on Drugs and Crime pursuant to the Global Plan of Action, looks forward to the next such report, to be produced by the Office in 2018, and requests the Office to continue, in close cooperation and collaboration with Member States, to collect, in a balanced, reliable and comprehensive manner, information on patterns, forms and flows of trafficking in persons at the national, regional and international levels for use in those reports

²⁹ General Assembly resolution 70/1.

³⁰ General Assembly resolution 64/293.

³¹ United Nations publication, Sales No. E.16.IV.6.

and to share best practices and lessons learned from various initiatives and mechanisms;

6. *Requests* the United Nations Office on Drugs and Crime, within its mandate, to continue to integrate the Global Plan of Action into its programmes and activities and to continue to provide, at the national and regional levels, technical assistance to countries, upon their request, aimed at strengthening their ability to effectively implement the Global Plan of Action, the Organized Crime Convention and the Trafficking in Persons Protocol;

7. *Invites* the United Nations Office on Drugs and Crime and other relevant agencies of the United Nations system, within the framework of the Inter-Agency Coordination Group against Trafficking in Persons, to continue to increase the activities of the Group related to the implementation of the Global Plan of Action and, to this end, to incorporate aspects of the 2030 Agenda for Sustainable Development²⁹ relevant to preventing and combating trafficking in persons and to consider how future activities will be coordinated and how the duplication of efforts will be avoided;

8. *Calls upon* all members of the Inter-Agency Coordination Group against Trafficking in Persons, especially those that are not members of its working group, to participate actively in the work of the Group, including at the level of principals;

9. *Invites* all members of the Inter-Agency Coordination Group against Trafficking in Persons, if they have not yet done so, to designate a focal point responsible for efforts to prevent and combat trafficking in persons;

10. *Requests* the United Nations Office on Drugs and Crime, in its capacity as fund manager of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, to continue to encourage contributions by States and all other relevant stakeholders to the Trust Fund;

11. *Welcomes* the adoption of General Assembly resolution [71/287](#) of 4 May 2017 on the modalities, format and organization of the high-level meeting of the General Assembly on the appraisal of the United Nations Global Plan of Action to Combat Trafficking in Persons, to be held on 27 and 28 September 2017, during the seventy-second session of the Assembly;

12. *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;

13. *Recalls* the request made to the Secretary-General by the General Assembly in its resolution [64/293](#) to include a section on the implementation by the United Nations system of the Global Plan of Action, within already existing reporting obligations to the General Assembly under the item on crime prevention and criminal justice.

Draft resolution II

Promoting and encouraging the implementation of alternatives to imprisonment as part of comprehensive crime prevention and criminal justice policies

The Economic and Social Council,

Recalling the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,³² the International Covenant on Civil and Political Rights,³³ the Convention on the Rights of the Child³⁴ and other relevant international legal instruments, as well as standards and norms pertaining to the treatment of offenders,

Recalling that, in 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,³⁵ Member States expressed willingness to promote and encourage the use of alternatives to imprisonment, where appropriate, and to review or reform restorative justice and other processes in support of successful reintegration,

Noting that the availability of alternatives to imprisonment reduces prison overcrowding, promotes the rehabilitation and reintegration of offenders into society, contributes to the building of a safer community in a sustainable manner and supports the achievement of the Sustainable Development Goals,³⁶ in particular Goal 16,

Mindful of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)³⁷ and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),³⁸ which recommend the greater use of non-custodial measures, with adequate safeguards for victims and offenders, including women and girls and other offenders who are vulnerable or come from disadvantaged backgrounds, while outlining key considerations for the proper design and implementation of gender-sensitive non-custodial measures,

Bearing in mind the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice,³⁹ in which it was recognized that the development of alternative non-custodial interventions and effective social reintegration programmes could provide an effective way of reducing the number of children in the justice system as well as reducing the risk of violence against children within the justice system,

Bearing in mind also the basic principles on the use of restorative justice programmes in criminal matters,⁴⁰ in which attention was drawn to the fact that restorative justice could provide an adequate response to crime by ensuring a proper balance between the rights of individual offenders, the rights of victims and the concern of society for public safety and crime prevention,

Bearing in mind further that in the basic principles on the use of restorative justice programmes in criminal matters it is highlighted that restorative justice approaches can provide an opportunity for victims to obtain reparation, feel safer and seek closure, allow offenders to gain insight into the causes and effects of their behaviour and to take responsibility in a meaningful way, and enable communities to understand the underlying causes of crime, to promote community well-being and to prevent crime,

Bearing in mind the principle that the description of offences and of legal defences is reserved for the domestic law of States and that offences are to be prosecuted and punished in conformity with that law,

Mindful of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,⁴¹ in which it is stressed that legal aid could play an important role in facilitating diversion and the use of community-based sanctions and measures, including non-custodial measures,

Taking note of the *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*,⁴² prepared by the United Nations Office on Drugs and Crime, which sets out key considerations in implementing alternatives to imprisonment at each stage of the criminal justice process and strategies for developing alternatives for specific categories of offenders,

Bearing in mind the importance of promoting national sentencing policies, practices or guidelines for the treatment of offenders in which the severity of penalties for offenders is proportionate to the gravity of the offences and in which both mitigating and aggravating circumstances are taken into account, consistent with applicable international law and in accordance with national legislation,

Encouraging the development, adoption and implementation, with due regard for national, constitutional, legal and administrative systems, of alternative or additional measures with regard to conviction or punishment in cases of an appropriate nature, in accordance with applicable international law, including the three international drug control conventions, and taking into account, as appropriate, relevant United Nations standards and rules, such as the Tokyo Rules,

1. *Encourages* Member States, in implementing holistic and comprehensive crime prevention and criminal justice policies, to promote, as appropriate, alternatives to imprisonment, from the pretrial stage to the post-sentencing stage, taking into account the background, gender, age and other specific circumstances of offenders, including their vulnerability, and the objective of their rehabilitation and reintegration into society;

2. *Also encourages* Member States to develop or strengthen, as appropriate, legislative or other measures to promote and encourage the implementation of non-custodial measures and sanctions as alternatives to imprisonment, including through restorative justice and the provision of treatment and rehabilitative programmes for offenders in the community, and further encourages Member States to implement development-oriented interventions for offenders and their local communities that are aimed at addressing the underlying problems leading to offenders' contact with the criminal justice system and facilitating their reintegration into society;

3. *Further encourages* Member States, in promoting alternatives to imprisonment as part of comprehensive crime prevention and criminal justice policies, to continue to take into consideration the importance of the proportionality of sanctions;

4. *Encourages* Member States to build capacity and provide adequate resources for the effective implementation of alternatives to imprisonment, taking into account the potential role of the community, civil society and the private sector, where appropriate, in the provision of legal aid and the treatment, social rehabilitation, reintegration and, as necessary, aftercare of offenders;

³² General Assembly resolution 217 A (III).

³³ General Assembly resolution 2200 A (XXI), annex.

³⁴ United Nations, *Treaty Series*, vol. 1577, No. 27531.

³⁵ General Assembly resolution 70/174, annex.

³⁶ Contained in General Assembly resolution 70/1.

³⁷ General Assembly resolution 45/110, annex.

³⁸ General Assembly resolution 65/229, annex.

³⁹ General Assembly resolution 69/194, annex.

⁴⁰ Economic and Social Council resolution 2002/12, annex.

⁴¹ General Assembly resolution 67/187, annex.

⁴² United Nations publication, Sales No. E.07.XI.2.

5. *Also encourages* Member States to build or enhance the capacity of criminal justice officials and practitioners, including through specialized training to promote better understanding and recognition of specific needs and conditions of offenders, while considering the risks to victims and society;

6. *Further encourages* Member States, in cooperation with academia and civil society, where appropriate and in accordance with domestic law, to promote the monitoring and evaluation of the use of alternatives to imprisonment in order to assess their effectiveness in the rehabilitation and reintegration of offenders;

7. *Calls upon* 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, where appropriate, in order to better understand, identify, develop and implement effective policies on alternatives to imprisonment, in particular through the sharing of information, knowledge and best practices, including with regard to challenges to the implementation of such policies;

8. *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 to promote the collection, analysis and dissemination of statistical data on alternatives to imprisonment and research on relevant policies that relate to the social reintegration of offenders and reduce recidivism;

9. *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 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

Improving the governance and financial situation of the United Nations Office on Drugs and Crime: extension of the mandate of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime

The Economic and Social Council, recalling its decision 2015/234 of 21 July 2015, entitled “Improving the governance and financial situation of the United Nations Office on Drugs and Crime: extension of the mandate of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime”, in which it, inter alia, reaffirmed Commission on Narcotic Drugs resolution 52/13 of 20 March 2009 and Commission on Crime Prevention and Criminal Justice resolution 18/3 of 24 April 2009 and decided to renew the mandate of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime until the part of the sessions of the Commissions to be held in the first half of 2017, at which time the Commissions would carry out a thorough review of the functioning of the working group and consider the extension of its mandate:

(a) Reaffirms the efficiency of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime;

(b) Also reaffirms the role of the Commission on Narcotic Drugs as the principal policymaking organ of the United Nations on matters of international drug

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

(c) Expresses once again its continued concern about the governance and financial situation of the Office, and also expresses its awareness of the continued need to address that situation in a pragmatic, results-oriented, efficient and cooperative manner;

(d) Reaffirms Commission on Narcotic Drugs resolution 52/13 and Commission on Crime Prevention and Criminal Justice resolution 18/3, as well as Commission on Narcotic Drugs resolutions 54/10 of 25 March 2011, 54/17 of 13 December 2011, 56/11 of 15 March 2013 and 58/1 of 17 March 2015, and Commission on Crime Prevention and Criminal Justice resolutions 20/1 of 13 April 2011, 20/9 of 13 December 2011, 22/2 of 26 April 2013 and 24/1 of 22 May 2015, and decides to renew the mandate of the working group until the part of the sessions of the Commissions to be held in the first half of 2021, at which time the Commissions should carry out a thorough review of the functioning of the working group and consider the extension of its mandate;

(e) Decides that the working group should hold formal and informal meetings in line with current practice, and that the dates of those meetings should be determined by the Co-Chairs of the working group, in consultation with the Secretariat;

(f) Requests that the relevant documentation be provided to the working group not later than 10 working days before a meeting;

(g) Reiterates the importance of the development by Member States of an indicative annual workplan, taking into account inputs from the Secretariat, in order to guide the work of the working group, and approves the provisional agenda of the working group as set out below:

1. Biennial consolidated budget for the United Nations Office on Drugs and Crime.
2. Governance and financial situation of the United Nations Office on Drugs and Crime.
3. Human resources management at the United Nations Office on Drugs and Crime.
4. Mainstreaming a gender perspective into the practices, policies and programmes of the United Nations Office on Drugs and Crime.
5. Evaluation and oversight.
6. Other matters.

Draft decision II

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

The Economic and Social Council:

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

(b) Reaffirms Commission decision 21/1 of 27 April 2012;

(c) Approves the provisional agenda for the twenty-seventh session set out below.

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

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. General debate.
4. Strategic management, budgetary and administrative questions:
 - (a) Work of the standing open-ended intergovernmental 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.
5. Thematic discussion on criminal justice responses to prevent and counter cybercrime in all its forms, including through the strengthening of cooperation at the national and international levels.
6. 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.
7. Use and application of United Nations standards and norms in crime prevention and criminal justice.
8. World crime trends and emerging issues and responses in the field of crime prevention and criminal justice.
9. 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.
10. 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.
11. Provisional agenda for the twenty-eighth session of the Commission.
12. Other business.
13. Adoption of the report of the Commission on its twenty-seventh session.

Draft decision III

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

4. The Economic and Social Council decides to endorse the reappointment of Jayantilal Karia (Uganda) and Taous Feroukhi (Algeria) 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

5. 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 26/1

Improving the governance and financial situation of the United Nations Office on Drugs and Crime: recommendations of the standing open-ended intergovernmental working group on 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 resolution 18/3 of 24 April 2009, entitled “Improving the governance and financial situation of the United Nations Office on Drugs and Crime”, in which it decided to establish a standing open-ended intergovernmental working group on governance and finance, in order to achieve the common objective of strengthening the performance and effectiveness of the United Nations Office on Drugs and Crime,

Recalling also Economic and Social Council decision 2009/251 of 30 July 2009, entitled “Frequency and duration of the reconvened sessions of the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice”, in which the Council decided that, starting in 2010, the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice would hold reconvened sessions on an annual basis in the second half of the year, in order to be able, pursuant to Commission on Narcotic Drugs resolution 52/13 of 20 March 2009 and Commission on Crime Prevention and Criminal Justice resolution 18/3, to consider the reports of and the recommendations proposed by the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime,

Recalling further Commission on Narcotic Drugs resolution 59/5 of 22 March 2016, in which the Commission requested the United Nations Office on Drugs and Crime to continue to support Member States, upon request, in mainstreaming a gender perspective in their policies and programmes related to the world drug problem and invited other relevant United Nations entities, within their mandates, to cooperate in that regard,

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

Reaffirming also its resolutions 20/1 of 13 April 2011, 22/2 of 26 April 2013 and 24/1 of 22 May 2015, entitled “Improving the governance and financial situation of the United Nations Office on Drugs and Crime: recommendations of the standing

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

Concerned about the governance and financial situation of the United Nations Office on Drugs and Crime, and aware of the need to continue addressing that situation in a pragmatic, results-oriented, efficient and cooperative manner,

1. *Takes note* of the note by the Secretariat on the work of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime⁴³ in accordance with Commission resolutions 18/3, 20/1, 22/2 and 24/1;

2. *Expresses its appreciation* to the Co-Chairs of the working group for their work and to the Secretariat for its assistance in facilitating the work of the working group, including by providing, inter alia, updates on the financial situation of the United Nations Office on Drugs and Crime and briefings and presentations on thematic and regional programmes and global projects and on evaluation and oversight issues to the working group, and requests the Secretariat to continue providing such necessary assistance, bearing in mind the limited resources available to it;

3. *Welcomes* the established practice of having a clear schedule of meetings and programme of work for the working group, requests that a draft agenda for each meeting of the working group be distributed by the Secretariat no later than 10 working days before the meeting, accompanied by all the relevant documents for the meeting, and reiterates the importance of the development of an indicative annual workplan by Member States, taking into account input from the Secretariat;

Continuous support for strengthening the financial situation of the United Nations Office on Drugs and Crime

4. *Recalls* that the working group has, on several occasions, discussed fundraising issues, so as to ensure adequate, predictable and stable funding, and has also discussed ways to achieve a sustainable balance between core and non-core funding for the United Nations Office on Drugs and Crime, so as to ensure delivery capacity and the sustainability of its thematic, global and regional programmes;

5. *Also recalls* that the working group has been considering the implementation of Commission on Narcotic Drugs resolutions 58/12 of 17 March 2015 and 59/9 of 2 December 2016, and of Commission on Crime Prevention and Criminal Justice resolutions 24/3 of 11 December 2015 and 25/4 of 2 December 2016, and has been briefed on the transition to the full cost recovery funding model and on the implementation of Umoja;

6. *Requests* the working group to continue examining and discussing the funding situation and financial management of the United Nations Office on Drugs and Crime, inter alia, by:

(a) Receiving reports on, and facilitating, the resource mobilization process to promote global and regional programmes of the United Nations Office on Drugs and Crime, stressing their resource requirements, and enhancing funding predictability in line with its biennial strategic frameworks;

(b) Continuing to discuss with the United Nations Office on Drugs and Crime efforts to further encourage donors to provide general-purpose funding, including by further increasing communication and the transparency and quality of reporting, and continuing to discuss the reasons for the low level of general-purpose funding, with a view to restoring an adequate balance between general-purpose and special-purpose funds;

(c) Continuing to study the feasibility, progress and impact of the implementation of full cost recovery and the flexible application and allocation of

⁴³ E/CN.7/2017/3-E/CN.15/2017/3 and Add.1.

programme support costs, including how to best apply programme support costs to field offices, with a view to increasing the effectiveness and results of the technical assistance programmes of the Office;

(d) Receiving reports on the impact of the implementation of Umoja on the delivery of the Office's programmes, as well as on savings achieved through that implementation;

Continuous support for promoting an integrated programme approach

7. *Recalls* that the working group has been following the progress made by the Office in implementing an integrated programming approach aimed at strengthening the links between normative mandates and operational technical assistance and improving linkages between policy, strategic planning, evaluation, programmatic work, mobilization of resources and partnerships with all relevant stakeholders;

8. *Requests* the working group to:

(a) Continue promoting regular dialogue among all Member States, as well as with the Office, on the planning and formulation of the operational activities of the Office, especially with regard to its thematic, global and regional programmes, in line with its biennial strategic frameworks;

(b) Continue receiving information from the Office on progress made in the implementation of country, regional, global and thematic programmes, as well as on progress made with regard to integrating lessons learned and recommendations from evaluations within and across regions, ensuring complementarities among programmes and their alignment with the biennial strategic frameworks of the Office;

(c) Receive regular updates from the United Nations Office on Drugs and Crime on its planned research activities, including thematic, regional and country updates, and publications and the related timelines, including the criteria and methodology that inform the research activities;

(d) Continue discussing with the Office the implementation of results-based management and budgeting;

Continuous support for promoting a culture of evaluation within the United Nations Office on Drugs and Crime at all stages of programme planning, development and implementation, and consideration of results achieved

9. *Recalls* that the working group has been shown numerous presentations on evaluation findings, on which occasions participants have reiterated the importance of having a sustainable, effective and operationally independent corporate evaluation function at the United Nations Office on Drugs and Crime that is focused on the implementation, performance and impact of integrated programmes and their consistency with mandates of the Office;

10. *Requests* the working group to invite the Independent Evaluation Unit to:

(a) Continue providing the working group with findings of the evaluations of the programmes of the United Nations Office on Drugs and Crime;

(b) Continue promoting a culture of evaluation throughout the Office at all stages of programme planning, development and implementation;

(c) Continue working with the Office to monitor the implementation of recommendations made by relevant oversight bodies;

(d) Continue working with the Office to increase coordination between evaluation, audit and other oversight bodies, with the aim of building a continuum of oversight of projects and programmes of the Office;

Continuous support for strengthening human resources governance to improve gender balance and geographical representation

11. *Recalls* that the working group has been discussing the question of geographical representation and gender balance in the composition of the staff of the United Nations Office on Drugs and Crime as part of its efforts to improve the governance of the Office;

12. *Requests* the working group to:

(a) Continue addressing the issue of gender balance and wide geographical representation and its evolution in order to discuss possible measures for further improvement in this area by, inter alia, intensifying outreach efforts;

(b) Continue receiving comprehensive updates, including in a disaggregated way, on the composition of the staff and the recruitment policies of the Office and on steps taken to achieve further improvements in this area;

(c) Invite the Office to provide to the working group updates on best practices and recruitment policies within the United Nations Secretariat aimed at improving geographical representation and gender balance;

Continuous support for gender mainstreaming in the policies and programmes of the United Nations Office on Drugs and Crime

13. *Recalls* that the working group has been discussing the question of gender mainstreaming in the policies and programmes of the Office, as part of its efforts to align its work with the Office's guidance note on gender mainstreaming;

14. *Requests* the working group to:

(a) Continue addressing the question of gender mainstreaming in the policies and programmes of the Office in order to discuss possible measures for further improvement in this area;

(b) Continue receiving updated and comprehensive information on the ways in which gender is mainstreamed into the policies and programmes of the Office.

Resolution 26/2

Ensuring access to measures for the prevention of mother-to-child transmission of HIV in prisons

The Commission on Crime Prevention and Criminal Justice,

Recalling all standards and norms in crime prevention and criminal justice developed at the request of the Commission on Crime Prevention and Criminal Justice and adopted or recommended by the General Assembly, or adopted by a United Nations congress on crime prevention and criminal justice, and recognizing that the Universal Declaration of Human Rights⁴⁴ is a source of inspiration for the United Nations standards and norms in crime prevention and criminal justice,

Bearing in mind the need for vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while they are deprived of their liberty, as recommended in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),⁴⁵

Emphasizing the need to give priority to alternatives to imprisonment for women who have come into contact with the criminal justice system, as recommended in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),⁴⁶ and emphasizing also that, in appropriate cases, and when feasible, when

⁴⁴ General Assembly resolution 217 A (III).

⁴⁵ General Assembly resolution 65/229, annex.

⁴⁶ General Assembly resolution 45/110, annex.

sentencing or deciding on pretrial measures for a pregnant woman, non-custodial measures should be preferred,

Recalling 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 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 they can be addressed,

Recalling also the recommendation contained in the outcome document of the thirtieth special session of the General Assembly, entitled “Our joint commitment to effectively addressing and countering the world drug problem”,⁴⁷ on ensuring non-discriminatory access to health, care and social services in prevention, primary care and treatment programmes, including those offered to persons in prison or pretrial detention, which are to be on a level equal to those available in the community, and ensuring that women, including detained women, have access to adequate health services and counselling, including those particularly needed during pregnancy,

Reaffirming the principal role of the Commission of Narcotic Drugs as the policymaking body of the United Nations with prime responsibility for drug control matters, and that of the United Nations Office on Drugs and Crime as the leading entity in the United Nations system for addressing and countering the world drug problem,

Reaffirming also that the United Nations Office on Drugs and Crime, within the Joint United Nations Programme on HIV/AIDS Division of Labour,⁴⁸ is the convening agency for addressing HIV and drug use and HIV in prisons, in collaboration with the World Health Organization, other co-sponsors and the secretariat of the Joint Programme,

Underlining the recommendation by the World Health Organization that special consideration should be given to ensuring that pregnant female prisoners have ready access to services for the prevention of mother-to-child transmission of HIV, as women may face greater barriers to HIV testing, counselling, care and treatment in prison than outside prison,⁴⁹

Taking note with concern of research findings showing that the female prison population increased by approximately 50 per cent between 2000 and 2014,⁵⁰ compared with an increase of approximately 18 per cent in the total world prison population,

Taking note of The Gap Report, published by the Joint United Nations Programme on HIV/AIDS in 2014, indicating that HIV infection rates are particularly high among women in prison in several countries, apparently owing to the combination of gender inequality, stigma and discrimination and the overrepresentation of women who inject drugs,

Noting that many national HIV prevention, testing and treatment programmes provide insufficient access to services for women, adolescent girls and key populations that epidemiological evidence shows are globally at higher risk of HIV, such as prisoners, who are five times more likely to be living with HIV than adults in the general population,

Acknowledging decision 7.2 of the Programme Coordinating Board of the Joint United Nations Programme on HIV/AIDS at its thirty-seventh meeting, in which the Board requested the Joint Programme to support Member States and civil society in strengthening a human rights and public health approach to prison health and

⁴⁷ General Assembly resolution S-30/1, annex.

⁴⁸ UNAIDS Division of Labour: Consolidated Guidance Note — 2010 (Geneva, 2011).

⁴⁹ World Health Organization, *Consolidated Guidelines on HIV Prevention, Diagnosis, Treatment and Care for Key Populations: 2016 Update* (Geneva, 2016).

⁵⁰ Roy Walmsley, “World Female Imprisonment List”, 3rd ed., World Prison Brief (London, Institute for Criminal Policy Research, Birkbeck, University of London, 2015).

accelerating efforts to increase access to knowledge and evidence-based HIV prevention, treatment and care services for people of all ages in prisons, including for women and girls,

Acknowledging also the importance of providing women in prison with access to comprehensive health services aimed at HIV prevention and treatment, including the prevention of mother-to-child transmission of HIV, and of making available the sexual and reproductive health services necessary for HIV prevention and, for those living with HIV, free and continued antiretroviral therapy, as such therapy is the most effective method of preventing mother-to-child transmission of HIV and as securing the health of women improves the chances of babies being born free of HIV and increases child survival,

Acknowledging further the progress made since the launch of the Global Plan towards the Elimination of New HIV Infections among Children by 2015 and Keeping Their Mothers Alive: 2011-2015, including the fact that an estimated 85 countries are within reach of elimination of mother-to-child transmission, while noting that continued efforts are greatly needed,

Noting with appreciation that the number of new HIV infections globally among children declined by 50 per cent between 2010 and 2015 owing to the effective roll-out of interventions to prevent the vertical transmission of HIV,⁵¹

Noting with concern that programmes and interventions to eliminate new HIV infections among children and to keep their mothers alive have often not addressed the needs of women in prisons, and that prisons are often excluded from the national monitoring of mother-to-child transmission of HIV,

Acknowledging evidence that shows that prompt HIV treatment protects health and reduces the risk of transmission, and recognizing that the World Health Organization updated its guidelines in 2016, recommending immediate treatment of all persons diagnosed with HIV,

1. *Urges* Member States, in line with the 2030 Agenda for Sustainable Development,⁵² to strengthen their efforts and take measures aimed at promoting peaceful and inclusive societies, to ensure healthy lives and promote well-being for all and to achieve gender equality, in order to contribute to the elimination of transmission of HIV from mother to child in prisons, and to this end to strive to achieve Sustainable Development Goal 16, Goal 3 and Goal 5;

2. *Encourages* collaboration between justice, health and other relevant ministries and sectors in relation to HIV and health in prisons to ensure the highest attainable standard of health for people in prison;

3. *Urges* Member States to provide comprehensive health screening, including voluntary and confidential HIV testing, taking into account international guidelines and domestic legislation, on entry to prison and subsequently as and when required for female prisoners, so as to determine primary health-care needs and other gender-specific health-care needs, consistent with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),⁴⁵ particularly rule 6 thereof;

4. *Also urges* Member States, as noted in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),⁵³ to ensure that prisoners enjoy the same standards of health care as are available in the community, noting that they should have access to necessary health-care services free of charge and without discrimination on the grounds of their legal status;

⁵¹ Four countries (Armenia, Belarus, Cuba and Thailand) were certified by the World Health Organization as having eliminated the vertical transmission of HIV by 2016; other countries are in the process of doing so.

⁵² General Assembly resolution [70/1](#).

⁵³ General Assembly resolution [70/175](#), annex.

5. *Encourages* Member States, mindful of the need to respect the confidentiality of records, to ensure that prison health-care services, including treatment for substance use disorders, for persons living with HIV, for pregnant women and for children, are organized in such a way that the services follow patients in all criminal justice and health institutions, in close relationship to the general public health administration and in a way that ensures referral systems between prison and other relevant services, including in the community, in order to secure continuity of treatment and care;

6. *Also encourages* Member States, in developing responses to HIV/AIDS for persons in pretrial and post-trial detention, to ensure that programmes and services are responsive to the specific needs of women, including comprehensive prevention of mother-to-child transmission,⁵⁴ and that, in this context, prison authorities encourage and support the development of initiatives on HIV prevention, treatment and care, such as, where relevant, peer-based education;

7. *Urges* Member States to provide education and information about preventive health-care measures and treatment, in particular on HIV and associated diseases and conditions, to prisoners;

8. *Calls upon* Member States to ensure that women's prisons make accommodation for all relevant prenatal and postnatal care and treatment, including for the prevention of transmission of HIV from mother to baby, free of charge, and by providing adequate food in a timely manner, a healthy environment and regular exercise opportunities for pregnant women, babies and breastfeeding mothers;

9. *Encourages* Member States, when necessary and appropriate, to suspend detention for female prisoners during pregnancy and while they are lactating, taking into account the gravity of the offence, the availability of adequate health-care services, including for HIV prevention and treatment, and the best interests of the child;

10. *Calls upon* Member States, when taking steps to eliminate mother-to-child transmission of HIV, pursuant to the commitments contained in the Political Declaration on HIV and AIDS: On the Fast Track to Accelerating the Fight against HIV and to Ending the AIDS Epidemic by 2030,⁵⁵ to ensure that such steps are also taken for persons in prisons in order to qualify for World Health Organization certification of elimination of mother-to-child HIV transmission, and invites the World Health Organization to include measures on preventing mother-to-child transmission of HIV in prisons when assessing whether a country can be certified as having eliminated mother-to-child transmission;

11. *Encourages* Member States, consistent with rule 32, subparagraphs 1 (b) and (c), of the Nelson Mandela Rules and rule 8 of the Bangkok Rules, to ensure that confidentiality and informed consent are respected with respect to HIV-related treatment of persons, especially women in prisons, including when providing necessary sexual and reproductive health services relevant to HIV and when treating other blood-borne diseases related to HIV;

12. *Encourages* Member States to provide training and supervision relating to the prevention of mother-to-child transmission of HIV for all relevant prison and health- and social-care professionals working with women in prisons, consistent with

⁵⁴ Comprehensive prevention of mother-to-child transmission comprises a four-prong strategy for stopping new HIV infections among children and keeping mothers alive. The four prongs are: (a) primary prevention of HIV infection among women of childbearing age; (b) prevention of unintended pregnancies among women living with HIV; (c) prevention of HIV transmission from mothers living with HIV to infants; and (d) provision of continuous care and treatment for infected mothers, partners and their children. See World Health Organization, *Strategic Approaches to the Prevention of HIV Infection in Infants: Report of a WHO Meeting, Morges, Switzerland, 20-22 March 2002* (Geneva, 2003).

⁵⁵ General Assembly resolution 70/266, annex.

relevant and applicable international guidelines, domestic standards and clinical protocols;

13. *Requests* the United Nations Office on Drugs and Crime, in collaboration with relevant co-sponsors of the Joint United Nations Programme on HIV/AIDS, the secretariat of the Joint Programme and relevant experts, and in consultation with Member States, to develop measures for monitoring the epidemiological trends in mother-to-child transmission in prisons and the availability of service provision to prevent such transmission, including by developing tools for data collection, and invites Member States to provide national data, with due respect for the confidentiality of the health information of persons in prison;

14. *Requests* the United Nations Office on Drugs and Crime, as the convening agency of the Joint United Nations Programme on HIV/AIDS for matters relating to HIV/AIDS in prisons, in collaboration with relevant co-sponsors of the Joint Programme, the secretariat of the Joint Programme and relevant experts, and in consultation with Member States, to develop a technical guidance document on implementing measures to prevent mother-to-child transmission of HIV in prisons, based on international guidelines, in particular World Health Organization guidelines relevant to the prevention of mother-to-child transmission, and to support Member States, upon their request, in close cooperation with relevant United Nations entities and other relevant stakeholders, in their efforts to increase their capacity to eliminate mother-to-child transmission of HIV in prisons;

15. *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.

Resolution 26/3

Mainstreaming a gender perspective into crime prevention and criminal justice policies and programmes and into efforts to prevent and combat transnational organized crime

The Commission on Crime Prevention and Criminal Justice,

Reaffirming the United Nations Convention against Transnational Organized Crime and the Protocols thereto,⁵⁶ and welcoming the efforts made by Member States to achieve the aims and objectives of the Convention and comply with its provisions,

Recalling the particular emphasis placed on taking into account the special needs of women and children in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Organized Crime Convention,

Recalling also the 2030 Agenda for Sustainable Development,⁵⁷ in which Member States acknowledged that gender equality and the empowerment of women and girls will make a crucial contribution to progress across all the Sustainable Development Goals and targets thereof, and that the systematic mainstreaming of a gender perspective into the implementation of the Agenda is crucial,

Recognizing that the primary responsibility for crime prevention and criminal justice, including mainstreaming a gender perspective, rests with Member States,

Noting the twenty-second anniversary of the adoption of the Beijing Declaration and Platform for Action at the Fourth World Conference on Women,⁵⁸ held in 1995, and the associated Global Leaders' Meeting on Gender Equality and Women's Empowerment: A Commitment to Action, held in September 2015, in conjunction

⁵⁶ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

⁵⁷ General Assembly resolution 70/1.

⁵⁸ *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

with the United Nations summit for the adoption of the post-2015 development agenda, and taking note of the Programme of Action of the International Conference on Population and Development,⁵⁹ adopted in 1994,

Welcoming the progress made in the implementation of 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,⁶⁰ adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in which Member States reaffirmed their commitment to mainstreaming a gender perspective into criminal justice systems and to implementing national strategies to promote the full protection of women and girls from all acts of violence,

Recalling General Assembly resolution [70/133](#) of 17 December 2015, in which the Assembly encouraged the Economic and Social Council and its functional commissions, particularly in the light of the cross-cutting nature of gender equality and the empowerment of women, to make further progress in the integration of a gender perspective into their work,

Recalling also Economic and Social Council resolution 2016/2 of 2 June 2016, in which the Council urged intensifying and continuing efforts to mainstream a gender perspective, including increasing resource allocations commensurate with gender equality goals, into all policies and programmes of the United Nations, in accordance with all relevant United Nations resolutions,

Recalling further all relevant General Assembly resolutions addressing the mainstreaming of a gender perspective and the specific needs of men and women in the field of crime prevention, criminal justice and transnational organized crime, including the intensification of efforts to eliminate all forms of violence,⁶¹ action against the gender-related killing of women and girls,⁶² women in development⁶³ and trafficking in women and girls,⁶⁴

Recalling relevant United Nations standards and norms in crime prevention and criminal justice, such as the Guidelines for the Prevention of Crime,⁶⁵ the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,⁶⁶ the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)⁶⁷ and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),⁶⁸

Considering the importance of adopting effective policies, programmes and actions to prevent and confront crime, violence and insecurity, including measures for the protection of individuals and groups in vulnerable situations,

Welcoming the ongoing efforts by Member States to promote, at the national level, the mainstreaming of a gender perspective into crime prevention and criminal justice policies and programmes,

Appreciating the efforts and work of the United Nations Entity for Gender Equality and the Empowerment of Women in working towards achieving gender equality,

⁵⁹ *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

⁶⁰ General Assembly resolution [70/174](#).

⁶¹ General Assembly resolution [69/147](#).

⁶² General Assembly resolution [70/176](#).

⁶³ General Assembly resolution [70/219](#).

⁶⁴ General Assembly resolution [71/167](#).

⁶⁵ Economic and Social Council resolution 2002/13, annex.

⁶⁶ General Assembly resolution [65/228](#), annex.

⁶⁷ General Assembly resolution [65/229](#), annex.

⁶⁸ General Assembly resolution [70/175](#), annex.

Recalling its request to the Executive Director of the United Nations Office on Drugs and Crime in paragraph 21 of its resolution 24/3 of 11 December 2015, in line with General Assembly resolution 69/251 of 29 December 2014, and underscoring that efforts in that regard within the Office can contribute to mainstreaming a gender perspective into crime prevention and criminal justice policies and programmes,

Recognizing the important role that may be played by relevant civil society actors in preventing and countering crime, including transnational organized crime, in particular its gender-related aspects,

1. *Invites* States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto⁵⁶ and to effectively implement their provisions;

2. *Calls upon* Member States, where appropriate, to take a gender perspective into account in the implementation of the Organized Crime Convention and the Protocols thereto by considering how crime, including transnational organized crime, has different impacts on men and women, in order to ensure that policies, programmes and actions to address crime are effective;

3. *Also calls upon* Member States to continue to appropriately mainstream a gender perspective into their criminal justice systems and into efforts to prevent and combat crime, including transnational organized crime, including by developing and implementing national criminal justice legislation, policies and programmes that take into account the important role and specific needs of women and girls and by promoting gender-specific measures in crime prevention and protection policies, and encourages Member States to solicit contributions from women and girls to the development and implementation of related national legislation, policies and programmes;

4. *Recognizes* the need to develop and implement appropriate and effective national strategies and plans for the advancement of women in criminal justice systems and institutions at the leadership, managerial and other levels, stresses the need for government institutions, including those in the criminal justice and penal systems and in the legislative system to be gender-sensitive, and also stresses the need for the continued promotion of the full participation of women in such institutions;

5. *Requests* Member States to implement a victim-centred approach to preventing and countering all forms of transnational organized crime, notably trafficking in persons, including for the purposes of prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs, and to make every effort to bring the perpetrators of such crime to justice;

6. *Invites* Member States to implement effective measures to protect the human rights of smuggled migrants, particularly women and children, and to make every possible effort to bring transnational organized criminal groups, including those responsible for the smuggling of migrants, to justice;

7. *Calls upon* States parties to implement the gender-specific elements of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Organized Crime Convention, such as the commitment, under article 9, to establish comprehensive policies, programmes and other measures to protect women and children who have been trafficked from revictimization;

8. *Urges* Member States to enhance measures for protecting and empowering victims of violence against women in the criminal justice system, in a manner consistent with domestic legislation and, as appropriate, with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power⁶⁹ and the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,⁶⁶ by adopting a

⁶⁹ General Assembly resolution 40/34, annex.

comprehensive, coordinated, systematic and sustained approach to violence against women that respects the human rights of victims, witnesses and offenders and their right to due process, and promotes victim safety while ensuring offender accountability;

9. *Also urges* Member States to take measures to prevent, investigate, prosecute and punish acts of violence against women and girls, in particular gender-related killing, in accordance with national laws, and to act at all levels to end impunity for those responsible for committing such heinous crimes against women and girls;

10. *Further urges* Member States to promote integrated and comprehensive strategies to prevent all forms of violence against women and girls, including the gender-related killing of women and girls, that include early and continuous education programmes, community mobilization and awareness-raising, in order to counter attitudes and social factors that foster, justify or tolerate any violence against women and girls;

11. *Encourages* Member States to take into consideration the specific needs and circumstances of women subject to arrest, detention, prosecution, trial or the execution of a sentence to ensure that law enforcement, the judiciary and prison staff are trained on procedures related to gender sensitivity, victim identification and women's rights, to implement and enforce relevant policies and regulations in this area and to take appropriate measures to bring to justice perpetrators of abuse of women in custody or in prison settings, drawing, as appropriate, on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),⁶⁷ the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)⁷⁰ and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);⁶⁸

12. *Urges* Member States, consistent with the Bangkok Rules, the Nelson Mandela Rules, the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and Commission on Crime Prevention and Criminal Justice resolution 25/2 of 27 May 2016, to ensure that women in contact with the criminal justice system, particularly during police interrogation and while in police detention, are informed of their rights in criminal proceedings, and have access to legal aid, as appropriate, and in accordance with national laws;

13. *Emphasizes* that, without prejudice to the principle of equality of all before the law, when sentencing or deciding on pretrial measures for a pregnant woman or a woman who is a child's sole or primary caretaker, non-custodial measures and other alternatives to incarceration should be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent;

14. *Encourages* Member States to promote gender-sensitive measures in the prison system, including in the rehabilitation and reintegration of women offenders into society, taking into consideration the Bangkok Rules;

15. *Also encourages* Member States to collect quantitative and qualitative data, disaggregated by age, sex and other relevant factors, and to mainstream a gender perspective into their research and analysis on transnational organized crime, with a view to addressing the knowledge gap on women and transnational organized crime in order to ensure that criminal justice policies and programmes fully take into account all available evidence;

16. *Encourages* Member States to enhance cooperation under the Organized Crime Convention and the Protocols thereto, and to exchange information and best practices on policies that take into account the specific needs of women and girls, including when providing information on their implementation of the Convention and the Protocols thereto;

⁷⁰ General Assembly resolution 45/110, annex.

17. *Requests* the United Nations Office on Drugs and Crime to continue to support Member States, upon request, in mainstreaming a gender perspective into their policies and programmes related to crime prevention and criminal justice and in preventing and combating transnational organized crime, and invites other relevant United Nations entities, within their mandates, to cooperate in this regard;

18. *Also requests* the United Nations Office on Drugs and Crime to continue to mainstream a gender perspective into all its practices, policies, programmes and tools related to transnational organized crime and to contribute appropriately, within its mandate, to the Sustainable Development Goals and the targets contained in the 2030 Agenda for Sustainable Development;⁵⁷

19. *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.

Resolution 26/4

Strengthening international cooperation to combat cybercrime

The Commission on Crime Prevention and Criminal Justice,

Recalling General Assembly resolution [65/230](#) of 21 December 2010, in which the Assembly endorsed the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World and requested the Commission on Crime Prevention and Criminal Justice to establish, in line with paragraph 42 of the Salvador Declaration, an open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime,

Recalling also General Assembly resolution [70/174](#) of 17 December 2015, 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 noted the activities of the open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector and invited the Commission on Crime Prevention and Criminal Justice to consider recommending that the expert group continue, based on its work, to exchange information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing responses and to propose new national and international legal or other responses to cybercrime,

Recalling further its resolution [22/7](#) of 26 April 2013, in which it took note of the comprehensive study on cybercrime prepared by the United Nations Office on Drugs and Crime under the auspices of the Expert Group to Conduct a Comprehensive Study on Cybercrime and the discussion on its content at the second meeting of the Expert Group, held in Vienna from 25 to 28 February 2013, at which diverse views had been expressed regarding the content, findings and options presented in the study, and requested the Expert Group, with the assistance of the Secretariat, as appropriate, to continue its work towards fulfilling its mandate,

Recalling its resolution [22/8](#) of 26 April 2013, in which it took note of the outcome of the second meeting of the Expert Group, in particular that in discussions concerning the study it had been noted that there was broad support for capacity-building and technical assistance and for the role of the United Nations Office on Drugs and Crime in that regard,

Welcoming the efforts of the United Nations Office on Drugs and Crime in promoting effective responses to the threat of cybercrime, including through the Global Programme on Cybercrime,

Welcoming also the outcome of the third meeting of the Expert Group and its recommendations,

Expressing appreciation for the work done thus far by the Expert Group,

1. *Requests* the open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime, charged with conducting a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, to continue its work and, in so doing, to hold periodic meetings and function as the platform for further discussion on substantive issues concerning cybercrime, keeping pace with its evolving trends, and in line with the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World⁷¹ and 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,⁷² and also requests the Expert Group to continue to exchange information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing responses and propose new national and international legal or other responses to cybercrime;

2. *Decides* that the Expert Group will dedicate its future meetings to examining, in a structured manner, each of the main issues dealt with in chapters three through eight of the study, without prejudice to other issues included in the mandate of the Expert Group, taking into account, as appropriate, contributions received pursuant to Commission resolution 22/7 and the deliberations of the previous meetings of the Expert Group:

- Chapter 3: Legislation and frameworks
- Chapter 4: Criminalization
- Chapter 5: Law enforcement and investigations
- Chapter 6: Electronic evidence and criminal justice
- Chapter 7: International cooperation (including sovereignty, jurisdiction and international cooperation, formal international cooperation, informal international cooperation, and extraterritorial evidence)
- Chapter 8: Prevention

3. *Encourages* the Expert Group to develop possible conclusions and recommendations for submission to the Commission;

4. *Requests* the United Nations Office on Drugs and Crime to periodically collect information on new developments, progress made and best practices identified;

5. *Invites* the Expert Group to provide advice, based on its work, to the United Nations Office on Drugs and Crime, including with regard to the Global Programme on Cybercrime, in order to assist, without prejudice to other issues included in the mandate of the Expert Group, in identifying high-priority capacity-building needs and effective responses, without prejudice to the status of the Commission as the governing body of the crime programme of the Office;

6. *Decides* to hold the future sessions of the Expert Group within existing resources and without prejudice to other mandated activities of the Commission, and

⁷¹ General Assembly resolution 65/230, annex.

⁷² General Assembly resolution 70/174, annex.

invites Member States and other donors to consider providing extrabudgetary resources for the purposes of the present resolution, including with regard to the work of the Expert Group and the Global Programme on Cybercrime, in accordance with the rules and procedures of the United Nations;

7. *Requests* the Expert Group to report to the Commission at its next session on progress in its work.

Decision 26/1

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

6. At its 9th meeting, on 25 May, 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.15/2017/8](#)) 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).