

## 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

#### Fourteenth United Nations Congress on Crime Prevention and Criminal Justice

*The General Assembly,*

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

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

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

*Recalling also* its resolution [57/270](#) B of 23 June 2003 on the integrated and coordinated implementation of and follow-up to the outcomes of 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 major United Nations conferences and summits, emphasized that the United Nations system had an important responsibility to assist Governments in staying fully engaged in the follow-up to and implementation of agreements and commitments reached at major United Nations conferences and summits and invited the intergovernmental bodies of the United Nations system to further promote the implementation of the outcomes of major United Nations conferences and summits,

*Recalling further* its decision 74/550 A of 13 April 2020, in which it noted with concern the situation concerning the coronavirus disease (COVID-19) and decided to postpone the holding of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, and its decision 74/550 B of 12 August 2020, in which it decided to hold the Fourteenth Congress in Kyoto, Japan, from 7 to 12 March 2021 and requested the Commission on Crime Prevention and Criminal Justice to give high priority at its thirtieth session to considering the declaration of the Fourteenth

Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the General Assembly at its seventy-sixth session,

*Having considered* the report of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice<sup>1</sup> and the related recommendations made by the Commission on Crime Prevention and Criminal Justice at its thirtieth session,

1. *Expresses its satisfaction* with the results achieved by the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Kyoto, Japan, from 7 to 12 March 2021, which were based on, notwithstanding the situation brought about by the coronavirus disease (COVID-19) pandemic, the participation of a record number of Member States, United Nations entities, other intergovernmental organizations, non-governmental organizations and individual experts, and expresses its appreciation to the United Nations Office on Drugs and Crime for enabling not only in-person but also online participation through the use of a customized online event platform;

2. *Expresses its appreciation* to the United Nations Office on Drugs and Crime for the work done in preparation for and follow-up to the Fourteenth Congress, and extends its thanks to the institutes of the United Nations crime prevention and criminal justice programme network for their contribution to the Fourteenth Congress, in particular with regard to the workshops held within the framework of the Congress;

3. *Welcomes with appreciation* the initiative of the Government of Japan, in cooperation with the United Nations Office on Drugs and Crime, to continue the good practice of the Thirteenth Congress and organize a youth forum prior to the Fourteenth Congress, expresses its appreciation for the recommendations of the Youth Forum, which were brought to the attention of the Fourteenth Congress,<sup>2</sup> encourages Member States to give due consideration to those recommendations, and invites the host countries of future congresses to consider the holding of similar events;

4. *Expresses* its profound gratitude to the people and Government of Japan for the warm and generous hospitality extended to the participants in the Fourteenth Congress and for the excellent facilities provided for the Congress;

5. *Takes note with appreciation* of the report of the Fourteenth Congress;

6. *Endorses* the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development, adopted by the Fourteenth Congress, as approved by the Commission on Crime Prevention and Criminal Justice at its thirtieth session and annexed to the present resolution;

7. *Invites* Governments to take into consideration the Kyoto Declaration adopted by the Fourteenth Congress when formulating legislation and policy directives and to make every effort, where appropriate, to implement the principles contained therein, in conformity with the purposes and principles of the Charter of the United Nations;

8. *Invites* Member States to identify areas covered in the Kyoto Declaration where further tools and training manuals based on international standards and best practices are needed and to submit that information to the Commission on Crime Prevention and Criminal Justice so that it may take that information into account when considering potential areas of future activity of the United Nations Office on Drugs and Crime;

9. *Welcomes with appreciation* the intention of the Government of Japan, and invites all Member States, to work with the United Nations Office on Drugs and Crime

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<sup>1</sup> A/CONF.234/16.

<sup>2</sup> Ibid., para. 24 and annex.

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to ensure appropriate follow-up to the outcome of the Fourteenth Congress, in particular the implementation of the Kyoto Declaration;

10. *Requests* the Commission on Crime Prevention and Criminal Justice to review the implementation of the Kyoto Declaration under the standing item on its agenda entitled “Follow-up to the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fifteenth United Nations Congress on Crime Prevention and Criminal Justice”;

11. *Also requests* the Commission on Crime Prevention and Criminal Justice, in accordance with its mandate, to adopt the appropriate policy and operational measures for the follow-up to the Kyoto Declaration and identify innovative ways to make use of information on progress made in the implementation of the Declaration, invites the Commission to engage with other relevant stakeholders, and, in this regard, requests the Commission to hold intersessional thematic discussions, working in close consultation with Member States on a workplan, to effectively follow up on the Kyoto Declaration through the sharing of information, good practices and lessons learned, subject to the availability of extrabudgetary resources;

12. *Requests* the Secretary-General to distribute the report of the Fourteenth Congress, including the Kyoto Declaration, to Member States, intergovernmental organizations and non-governmental organizations, so as to ensure that it is disseminated as widely as possible, and to seek proposals by Member States on other ways and means of ensuring appropriate follow-up to the Kyoto Declaration, for consideration and action by the Commission on Crime Prevention and Criminal Justice at its thirty-first session;

13. *Also requests* the Secretary-General to submit to it, at its seventy-seventh session, a report on the implementation of the present resolution.

## Annex

### **Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development**

*We, Heads of State and Government, Ministers and Representatives of Member States,*

*Assembled* at the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice in Kyoto, Japan, from 7 to 12 March 2021, half a century after the Fourth Congress, held in Kyoto in 1970, at which the international community vowed to coordinate and intensify crime prevention efforts within the context of social and economic development,

*Taking stock* of the 65-year legacy of the United Nations congresses on crime prevention and criminal justice, their continuing significant role as the largest and most diverse international forums in the area of crime prevention and criminal justice and their achievements in advancing discussions on policy and professional practices and commitments by the international community,

*Recalling* 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,<sup>3</sup> adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in which we reaffirmed the need to integrate

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<sup>3</sup> General Assembly resolution 70/174, annex.

crime prevention and criminal justice issues into the wider agenda of the United Nations in order to enhance system-wide coordination,

*Recognizing the need to build upon the progress made since the Thirteenth Congress, including the adoption of the 2030 Agenda for Sustainable Development<sup>4</sup> and the achievement thereof so far, and the challenges to overcome,*

*Declare the following:*

1. We express deep concern about the negative impact of crime on the rule of law, human rights, socioeconomic development, public health and security, the environment and cultural heritage;

2. We also express deep concern that crime is becoming increasingly transnational, organized and complex and that criminals are increasingly exploiting new and emerging technologies, including the Internet, to carry out their illicit activities, thus creating unprecedented challenges in preventing and combating existing crimes, as well as new and emerging forms of crime;

3. We undertake to contribute to achieving the 2030 Agenda for Sustainable Development through our efforts in crime prevention and criminal justice, with the firm recognition that sustainable development and the rule of law are interlinked and mutually reinforcing, that crime is an impediment to sustainable development and that achieving sustainable development is an enabling factor for States to effectively prevent and combat crime;

4. We undertake to promote the rule of law through multidimensional approaches;

5. We undertake to intensify concerted global efforts to prevent and combat crime by facilitating and strengthening international cooperation in criminal matters;

6. We draw attention, in view of rapidly changing realities, to the need for timely adaptation and, if the need arises, strengthening of the international legal framework for international cooperation on criminal matters;

7. We undertake to enhance the capacity of law enforcement and other criminal justice institutions, as central components of the rule of law, and practitioners to effectively prevent and combat crime, and to provide technical assistance in this regard;

8. We undertake that our law enforcement, criminal justice and other relevant institutions will effectively and appropriately employ new and advanced technologies as tools against crime with adequate and effective safeguards to prevent the misuse and abuse of these technologies in this regard;

9. We emphasize our primary role and responsibility as States and Governments for defining crime prevention strategies and policies;

10. We undertake to enhance multidisciplinary efforts to prevent and combat crime through cooperation and coordination between law enforcement and other criminal justice institutions, and other governmental sectors, as well as to support their work, by engaging in and fostering multi-stakeholder partnerships with the private sector, civil society, academia and the scientific community, and with other relevant stakeholders as appropriate;

11. We reaffirm our commitment to strengthening the central role of the Commission on Crime Prevention and Criminal Justice as the main policymaking body of the United Nations in the field of crime prevention and criminal justice;

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<sup>4</sup> General Assembly resolution 70/1.

12. We reaffirm the role of the United Nations Office on Drugs and Crime as the leading entity of the United Nations supporting Member States in the field of crime prevention and criminal justice through the provision of technical assistance and capacity-building, as well as through its normative work, research and expertise, in cooperation with relevant stakeholders, to which we endeavour to provide sufficient, stable and predictable funding, and the role of the Vienna-based intergovernmental forums, including policymaking bodies and their subsidiary bodies, within the United Nations system on crime prevention and criminal justice as a most valuable and global source of knowledge, inputs, guidance and best practices in the field of crime prevention and criminal justice within their respective mandates;

13. We express grave concern about the situation arising from the coronavirus disease (COVID-19) and its social and economic implications, which have created new opportunities for and transformed the modi operandi of criminals and organized criminal groups in different forms and to different extents, as well as posed challenges to criminal justice in multiple aspects;

14. We also express grave concern about the vulnerability of prisons, especially in terms of health, safety and security, to the real risk of a rapid spread of the virus in closed settings, which can be further aggravated by long-standing challenges such as prison overcrowding and poor prison conditions;

15. We commit ourselves to take decisive actions and action-oriented measures to address challenges and remove international impediments posed and aggravated by COVID-19 to crime prevention and criminal justice, including by a multilateral approach and strengthening the resilience of law enforcement and other criminal justice institutions through multilateral cooperation and multi-stakeholder partnership, with special attention to the urgent capacity-building and technical assistance needs of developing countries in this regard, bearing in mind the long-term social and economic implications of the pandemic, including for sustainable development and international cooperation, and recognizing that the poorest and most vulnerable are the hardest hit by the impact of the pandemic;

16. We recognize, in light of the ongoing experience of the COVID-19 pandemic, and in preparation for any similar future challenges, the need to review criminal justice systems and to make them more effective, accountable, transparent, inclusive and responsive through promoting digitalization;

17. We recommit to a multilateral approach in preventing and combating crimes and promoting the rule of law at the local, national, regional and international levels, and reaffirm the central role of the United Nations, including the role of the United Nations Office on Drugs and Crime as the leading entity of the United Nations in supporting Member States in this regard;

18. We strongly reaffirm the responsibility of all States to fully promote and protect all human rights and fundamental freedoms, as well as to uphold the principle of human dignity, in the impartial administration of justice and throughout all our efforts in preventing and combating crime;

19. We strongly reaffirm the responsibility of all States to uphold the Charter of the United Nations in its entirety and to fully respect the principles of sovereign equality and the territorial integrity of States and that of non-intervention in the domestic affairs of other States throughout all our efforts in preventing and combating crime;

20. We commit to making full and effective use of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>5</sup> the

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

United Nations Convention against Corruption,<sup>6</sup> the three international drug control conventions, relevant international conventions and protocols related to counter-terrorism, as parties to those instruments, and other relevant international obligations, including as a basis to facilitate international cooperation;

*We therefore endeavour to take the following actions:*

**Advancing crime prevention**

*Addressing the causes, including the root causes, of crime*

21. Develop, implement and evaluate crime prevention strategies, including their effectiveness, that address the causes, including the root causes, and risk factors that make different segments of society more vulnerable to crime, and share best practices to strengthen our capacity;

*Evidence-based crime prevention*

22. Enhance evidence-based crime prevention strategies through the collection and analysis of data using systematic and coherent criteria, bearing in mind the International Classification of Crime for Statistical Purposes, and evaluate the effectiveness of such strategies;

23. Improve the quality and availability of data on crime trends, considering the development of statistical indicators, and share such data, on a voluntary basis, to strengthen our capacity to better understand global crime trends and improve the effectiveness of strategies to prevent and combat crime;

*Addressing the economic dimension of crime*

24. Develop and implement effective measures to address the economic dimension of crime and deprive criminals and criminal organizations of any illicit gains through, inter alia, identifying, tracing, seizing, confiscating, recovering and returning proceeds of crime, as well as establishing robust domestic frameworks for financial investigations, and to develop strategies to prevent and combat money-laundering and illicit financial flows;

25. Consider, review and implement efficient measures to regulate the management of seized and confiscated proceeds of crime, bearing in mind the study prepared by the United Nations Office on Drugs and Crime on effective management and disposal of seized and confiscated assets,<sup>7</sup> with a view to efficiently preserving and managing such proceeds of crime;

*Tailor-made crime prevention strategies*

26. Promote tailor-made crime prevention strategies that take into account local contexts, including by fostering among the general public a culture of lawfulness, cognizant of cultural diversity, based on respect for the rule of law, in order to, inter alia, advance cooperation among stakeholders and the police, promote positive conflict resolution, as well as community-oriented policing in accordance with national legislation, and prevent gang-related and urban crime and all forms of organized crime;

*Mainstreaming a gender perspective into crime prevention*

27. Mainstream a gender perspective into crime prevention policies, programmes, legislation and other actions to, inter alia, prevent all forms of gender-related violence, crime and victimization, including gender-related killings,

<sup>6</sup> Ibid., vol. 2349, No. 42146.

<sup>7</sup> *Effective Management and Disposal of Seized and Confiscated Assets* (Vienna, 2017).

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by undertaking an analysis of gender-related specific needs and circumstances, as well as by soliciting contributions from impacted groups;

28. Prevent and counter domestic violence, and to that end, take effective measures within our domestic legislation, such as ensuring appropriate handling of cases, coordinating the role of welfare and criminal justice institutions and providing a safe environment for victims;

*Children and youth in crime prevention*

29. Address the needs and protect the rights of children and youth, with due consideration to their vulnerabilities, to ensure their protection from all forms of crime, violence, abuse and exploitation both online and offline, such as sexual abuse and exploitation of children and trafficking in persons, noting the particular vulnerabilities of children in the context of smuggling of migrants, as well as recruitment by organized criminal groups including gangs, as well as by terrorist groups;

*Youth empowerment for crime prevention*

30. Empower youth to become active agents of positive change in their communities to support crime prevention efforts, including by organizing social, educational, cultural, recreational, sports-related youth programmes and youth forums, as well as by using social media platforms and applications and other digital tools to amplify their voice;

**Advancing the criminal justice system**

*Safeguarding victims' rights and protecting witnesses and reporting persons*

31. Protect the rights and interests of victims of crime and make efforts to assist them at every stage of criminal justice proceedings, giving due attention to the special needs and circumstances of victims, including age, gender-specific and other needs, and disabilities, as well as to the harms caused by crime, including trauma, and endeavour to provide victims with the means that may assist in their recovery, including the possibility to obtain compensation and reparation;

32. Encourage victims to report crime by providing them with adequate support, including in criminal proceedings, such as effective access to translation services;

33. Take appropriate measures to provide effective protection for witnesses in criminal proceedings and for reporting persons;

34. Provide adequate resources and training to practitioners to strengthen their capacity to provide victim-centred assistance and support that take into account the specific needs of victims;

*Improving prison conditions*

35. Improve the detention conditions for both pretrial and post-trial detainees and the capacities of prison, correction and other relevant officers in this regard, including by promoting the practical application of relevant provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),<sup>8</sup> as well as the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);<sup>9</sup>

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<sup>8</sup> General Assembly resolution 70/175, annex.

<sup>9</sup> General Assembly resolution 65/229, annex.

36. Take measures to address overcrowding in detention facilities and to improve the overall effectiveness and capacity of the criminal justice system, including by considering the use of alternatives to pretrial detention and custodial sentences, giving due consideration to the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);<sup>10</sup>

*Reducing reoffending through rehabilitation and reintegration*

37. Promote a rehabilitative environment in correctional facilities, including through designing and implementing effective treatment programmes based on an individual assessment of the needs and risks of offenders, and provide offenders with access to vocational and technical training and educational programmes to support them to develop the necessary skills for reintegration;

38. Promote a rehabilitative environment in the community to facilitate the social reintegration of offenders with the active involvement of local communities, giving due regard to the need to protect society and individuals and the rights of victims and offenders;

39. Promote multi-stakeholder partnerships to reduce reoffending by fostering inter-agency coordination among relevant government authorities, such as employment and social welfare agencies and local governments, as well as public-private partnerships between those authorities and the community, including cooperating employers and community volunteers who support the long-term and social reintegration of offenders;

40. Raise awareness of the importance of the public acceptance of offenders as members of the community and the significance of community engagement in assisting their long-term and social reintegration;

41. Promote, where appropriate, cooperation on the transfer of sentenced persons to serve the rest of their sentences in their own countries, conclude bilateral or multilateral agreements or arrangements in this regard as necessary, taking into consideration the rights of sentenced persons and issues relating to consent, rehabilitation and reintegration, as appropriate, and raise awareness among these prisoners about the availability of such measures;

42. Facilitate, where appropriate and in accordance with domestic legal frameworks, restorative justice processes at relevant stages in criminal proceedings in order to assist the recovery of victims and the reintegration of offenders, as well as to prevent crime and recidivism, and assess their usefulness in this regard;

*Mainstreaming a gender perspective into criminal justice systems*

43. Develop and implement appropriate and effective policies and plans to achieve gender equality and remove impediments to the advancement of women and women's empowerment in law enforcement and other criminal justice institutions at all levels, and in this regard pledge to take further concrete action to ensure the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action<sup>11</sup> and of the outcome documents as adopted at the twenty-third special session of the General Assembly;<sup>12</sup>

44. Mainstream a gender perspective into the criminal justice system by promoting gender-responsive measures that address the gender-specific needs of both

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<sup>10</sup> General Assembly resolution 45/110, annex.

<sup>11</sup> *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

<sup>12</sup> General Assembly resolution S-23/2, annex, and resolution S-23/3, annex.

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offenders and victims, including the protection of women and girls from revictimization in criminal justice proceedings;

*Addressing the vulnerabilities of children and youth in contact with the criminal justice system*

45. Establish or strengthen juvenile justice systems or other similar proceedings that address the seriousness of the offending behaviour and the degree of responsibility of juveniles, as well as their vulnerabilities and the causes, including the root causes, and risk factors of their offending behaviour, in order to facilitate their rehabilitation and reintegration, including by promoting the practical application of relevant provisions of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules);<sup>13</sup>

46. Implement, and strengthen as appropriate, measures to assist the rehabilitation and reintegration of children and youth who have been involved in all forms of organized criminal groups including gangs, as well as in terrorist groups, while protecting their rights and giving full recognition to the importance of delivering justice and protecting the safety of victims of these criminal groups and society throughout the implementation of such measures;

*Improving criminal investigation processes*

47. Encourage the use and sharing of good practices on legally grounded, evidence-based interviewing methods designed to obtain only voluntary statements, thereby reducing the risk of unlawful, abusive and coercive measures being used during criminal investigation processes, and enable the obtaining of best evidence, thereby improving the legitimacy and quality of criminal investigations, prosecutions and convictions, and the efficient use of resources, as well as continue to welcome the collaboration between practitioners, experts and other relevant stakeholders on the elaboration of a set of international guidelines for non-coercive interviewing methods and procedural safeguards in this regard;

**Promoting the rule of law**

*Access to justice and equal treatment before the law*

48. Ensure equal access to justice and application of the law to all, including vulnerable members of society, regardless of their status, including by taking appropriate measures to ensure treatment with respect and without discrimination or bias of any kind by criminal justice institutions;

*Access to legal aid*

49. Take measures to ensure access to timely, effective, adequately resourced and affordable legal aid for those without sufficient means or when the interests of justice so require, and raise awareness of the availability of such aid, including by promoting the practical application of relevant provisions of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,<sup>14</sup> United Nations Office on Drugs and Crime tools on ensuring the quality of legal aid services in criminal justice processes and other related tools, by encouraging the development of guidance tools, as well as the collection and sharing of data on access to legal aid, and by developing a specialized network of legal aid providers to exchange information and best practices and to assist each other in carrying out their work;

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

<sup>14</sup> General Assembly resolution [67/187](#), annex.

*National sentencing policies*

50. Promote 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 offences in accordance with national legislation;

*Effective, accountable, impartial and inclusive institutions*

51. Ensure the integrity and impartiality of law enforcement and other institutions comprising the criminal justice system, as well as the independence of the judiciary, and ensure the fair, effective, accountable, transparent and appropriate administration and delivery of justice, while taking into consideration the documents<sup>15</sup> noted by relevant General Assembly and Economic and Social Council resolutions;

52. Take effective legislative, administrative, judicial or other relevant measures to prevent, investigate, prosecute and punish all forms of torture and end impunity in this regard, and to prevent other cruel, inhuman or degrading treatment or punishment;

*Effective anti-corruption efforts*

53. Effectively avail ourselves of existing tools of the international anti-corruption architecture, particularly by implementing the Convention against Corruption and the Organized Crime Convention, and other relevant tools where applicable;

54. Develop, adequately resource and implement effective policies and measures, including by, *inter alia*, enhancing the collection and assessment of data to analyse corruption and strengthening the integrity, transparency and accountability of public institutions, in order to prevent, detect, investigate, prosecute and adjudicate corruption in a holistic manner for ending impunity;

55. Ensure the use of appropriate measures to effectively disrupt the existing links between organized criminal groups and corruption, including by preventing and combating bribery and the laundering of proceeds of crime into the legitimate economy, and thus develop strategies to prevent and combat illicit financial flows;

56. Provide protection against any unjustified treatment for any persons who report acts of corruption in good faith and on reasonable grounds to the competent authorities, and thereby promote the reporting of corruption;

57. Investigate, prosecute and punish threats and acts of violence, falling within their jurisdiction, committed against journalists and media workers, whose professional duties put them at specific risk of intimidation, harassment and violence through the conduct of impartial, efficient and effective investigations, in particular in the context of fighting corruption and organized criminal activities, including in conflict and post-conflict situations, with a view to ending impunity for crimes committed against them, in accordance with national legislation and applicable international law;

58. Increase public awareness of means for reporting instances of corruption, including by disseminating information regarding the responsibilities and rights of reporting persons, including available measures for their protection;

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<sup>15</sup> These documents include the Basic Principles on the Independence of the Judiciary and its complementary document, the Bangalore Principles of Judicial Conduct, the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, and the Istanbul Declaration on Transparency in the Judicial Process and measures for the effective implementation of the Istanbul Declaration.

*Social, educational and other measures*

59. Provide access to quality education and promote awareness-raising activities regarding law and policies, including public law-related education for all, to equip the public with the values, skills and knowledge necessary to foster among the general public a culture of lawfulness, cognizant of cultural diversity, based on respect for the rule of law;

**Promoting international cooperation and technical assistance to prevent and address all forms of crime**

*International cooperation, including through capacity-building and technical assistance*

60. Actively participate in and contribute to the recently launched Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, as well as the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, in order to assist States parties in the implementation of those instruments, identify and substantiate specific needs for technical assistance, share best practices and promote effective international cooperation;

61. Increase the efficiency and effectiveness of central authorities and other competent authorities responsible for facilitating international cooperation such as mutual legal assistance and extradition, including by providing adequate human and material resources, expertise and tools such as modern communications and case-management tools, enhancing capacity-building and technical assistance programmes and updating and disseminating tools such as the Sharing Electronic Resources and Laws on Crime knowledge management portal, the Mutual Legal Assistance Request Writer Tool and the Directory of Competent National Authorities, with the cooperation and coordination of the United Nations Office on Drugs and Crime;

62. Strengthen effective international cooperation in criminal matters, including in the areas of extradition and mutual legal assistance, while effectively addressing existing challenges and difficulties, especially with regard to requests, and promoting good practices, facilitate the use of existing regional and international instruments, including the Convention against Corruption and the Organized Crime Convention, as a legal basis for extradition and mutual legal assistance cooperation, and implement and conclude, as necessary, agreements or arrangements to enhance international cooperation in this regard;

63. Establish or strengthen regional and cross-regional cooperation networks of law enforcement and other criminal justice practitioners to exchange information and best practices with a view to, *inter alia*, building trust among them and further facilitating international cooperation;

64. Facilitate the formal and, to the extent permitted under domestic law, non-formal exchange of information and communication necessary to prevent and combat crime, including through the support of intergovernmental organizations such as the International Criminal Police Organization (INTERPOL);

65. Continue to enhance international cooperation through technical assistance and capacity-building, including with the support of the United Nations Office on Drugs and Crime, and build upon ongoing initiatives and good practices such as the Global Programme for the Implementation of the Doha Declaration;

66. Promote, facilitate and support the widest measures of technical assistance, including material support and training, with a view to enabling law enforcement authorities and criminal justice institutions to effectively prevent and

combat crimes, taking into account the specific challenges faced by and the particular needs of developing countries;

67. Recognize the fundamental role of effective international cooperation in preventing and combating crime and to this end, underline the importance of addressing, tackling and effectively responding to international challenges and barriers, in particular measures, that hinder such cooperation, and which are not consistent with the Charter of the United Nations and obligations under international law, and in this regard urge States, consistent with their international obligations, to refrain from applying such measures;

*International cooperation to deprive criminals of their proceeds of crime*

68. Strengthen international cooperation and assistance regarding the identification, tracing, freezing, seizing and confiscation of proceeds or other property and instrumentalities of crime and their disposal including by return, including in accordance with all the relevant provisions and principles of the Organized Crime Convention and the Convention against Corruption, and where appropriate, give special consideration to concluding agreements or mutually acceptable arrangements in this regard, on a case-by-case basis, for the return and final disposal of confiscated property pursuant to article 57, paragraph 5, of the Convention against Corruption, as well as due consideration to agreeing to measures to enhance transparency and accountability, recognizing that, consistent with article 4 of the Convention, States cannot unilaterally impose terms in this regard;

69. When resolving corruption-related cases that make use of alternative legal mechanisms and non-trial resolution including settlements, that have proceeds of crime for confiscation and return, make use of assistance from affected States, where appropriate and consistent with domestic law, in order to enhance international cooperation, information- and evidence-sharing and the recovery of proceeds of crime in accordance with the Convention against Corruption and domestic law;

70. Recognize asset recovery as an important element of crime prevention and criminal justice, particularly in cases involving corruption, and in that regard strengthen political will while safeguarding due process;

71. Encourage States to remove barriers and overcome obstacles to applying measures for the recovery of assets, in particular by simplifying their legal procedures, where appropriate and in accordance with domestic law, taking into consideration the 2030 Agenda for Sustainable Development in the use of returned assets in accordance with domestic laws and in line with domestic priorities, and bearing in mind that strengthening the recovery of stolen assets and their return will support the implementation of the 2030 Agenda;

72. Implement the measures necessary to obtain and share reliable information on beneficial ownership of companies, legal structures or other complex legal mechanisms, thus facilitating the investigation process and the execution of mutual legal assistance requests;

*Terrorism in all its forms and manifestations*

73. Strengthen cooperation at the international, regional and subregional levels to prevent and combat all acts, methods and practices of terrorism in all its forms and manifestations, including by strengthening the rule of law at all levels and by ensuring the implementation by parties of the relevant international conventions and protocols related to counter-terrorism and by formulating strategies aimed at effectively addressing the conditions conducive to the spread of terrorism including violent extremism as and when conducive to terrorism, while recognizing that nothing can justify acts of terrorism, and implement the United Nations Global

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Counter-Terrorism Strategy in all its aspects at the international, subregional and national levels without delay, including by mobilizing resources and expertise;

74. Ensure more effective actions against terrorism in all its forms and manifestations wherever and by whomsoever committed, in particular investigations and prosecutions supported by credible and verifiable information and evidence, and to this end improve the collection, handling and preservation of relevant information and evidence, and consider participating in information- and evidence-sharing networks as appropriate;

75. Identify, analyse and counter any existing, growing or potential links, in some cases, between the financing of terrorism and transnational organized crime, illicit drug-related activities, money-laundering, kidnapping and hostage-taking with the aim of raising funds including by demands for ransom, and extortion, to prevent and tackle financial and logistical support to terrorism in all its forms and manifestations and prevent terrorists from acquiring weapons, in compliance with obligations under applicable international law;

76. Address the growing threat posed by foreign terrorist fighters, including through the implementation of applicable international obligations, and underline the importance of United Nations capacity-building and facilitation of capacity-building in accordance with existing mandates to assist States, including those in the most-affected regions, upon their request;

77. Improve the security and resilience of critical infrastructure and the protection of particularly vulnerable “soft targets”, including through increased information-sharing among law enforcement, the private sector and the public;

78. Take appropriate measures to prevent and combat incitement to commit a terrorist attack and the spread of such terrorist propaganda, and expressing alarm at the glorification of terrorism in all its forms and manifestations;

*New, emerging and evolving forms of crime*

79. Strengthen measures to address new, emerging and evolving forms of crime, including by making maximum use of the relevant and applicable conventions, such as the Organized Crime Convention and the Protocols thereto through the measures contained therein, to prevent and combat crimes, facilitate international cooperation and confiscate and return the proceeds of crime;

80. Examine trends and the evolution of methods employed in the conduct of crime to develop effective means of international cooperation and technical assistance, including through enhanced information-sharing and an exchange of views, experiences and best practices within the framework of the Commission on Crime Prevention and Criminal Justice and other relevant global and regional forums;

81. Strengthen efforts to prevent, counter and combat trafficking in persons, including by supporting data collection and sharing as appropriate, through relevant technical assistance by the United Nations Office on Drugs and Crime, addressing factors that make people vulnerable to trafficking, detecting and dismantling trafficking networks, including in supply chains, discouraging demand that fosters exploitation leading to trafficking, ending impunity of trafficking networks, conducting financial investigations and using special investigative techniques under the conditions prescribed by domestic law, and protecting victims of trafficking in persons;

82. Adopt and implement effective measures to prevent and combat the smuggling of migrants and protect the lives and the human rights of migrants, consistent with the respective obligations of parties under the Organized Crime Convention and the Protocol against the Smuggling of Migrants by Land, Sea and Air,

supplementing the Convention<sup>16</sup> and all other relevant international obligations, especially on human rights, strengthen bilateral, regional and international cooperation in this regard, in particular to tackle, including through the concurrent undertaking of financial investigations and special investigative techniques, the increasing role of transnational and national organized criminal groups profiting from such crime and other crimes against migrants, and underscore to make every possible effort to prevent further casualties and loss of lives;

83. Foster global, regional and bilateral cooperation to prevent criminals and criminal organizations from accessing firearms, and strengthen mechanisms and strategies for border control for preventing and combating illicit trafficking in and diversion of firearms, their parts and components and ammunition, including online trade, and the illicit reactivation of deactivated firearms;

84. Enhance cooperation to address and counter threats related to technological developments and changing modi operandi with regard to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and investigate and prosecute these crimes, including by ensuring law enforcement cooperation, as well as the systematic tracing of seized arms;

85. Effectively address and counter the world drug problem, which requires concerted and sustained action at the national, regional and international levels, including accelerating the implementation of existing drug policy commitments, through a comprehensive and balanced approach and based on the principle of common and shared responsibility;

86. Take more effective measures to prevent and end abuse, exploitation, trafficking and all forms of violence against and torture of children, including child sexual exploitation and sexual abuse online and offline, by criminalizing such acts, supporting victims and fostering international cooperation to combat these crimes;

87. Adopt effective measures to prevent and combat crimes that affect the environment, such as illicit trafficking in wildlife, including, *inter alia*, flora and fauna as protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora,<sup>17</sup> in timber and timber products, in hazardous wastes and other wastes and in precious metals, stones and other minerals, as well as, *inter alia*, poaching, by making the best possible use of relevant international instruments and by strengthening legislation, international cooperation, capacity-building, criminal justice responses and law enforcement efforts aimed at, *inter alia*, dealing with transnational organized crime, corruption and money-laundering linked to such crimes, and illicit financial flows derived from such crimes, while acknowledging the need to deprive criminals of proceeds of crime;

88. Encourage data collection and research on the manufacturing of and trafficking in falsified medical products, while recognizing, within its scope of application, the definition of falsified medical products endorsed by the World Health Assembly in 2017, and, taking this into account, strengthen, as appropriate, measures to respond to the manufacturing of and trafficking in falsified medical products;

89. Strengthen national and international responses to trafficking in cultural property and other crimes targeting cultural property, and any links to the financing of organized crime and terrorism, and enhance international cooperation in this regard, including through appropriate channels, the return or restitution of such illicitly trafficked cultural properties to countries of origin, taking into consideration existing instruments such as the Organized Crime Convention, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of

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<sup>16</sup> United Nations, *Treaty Series*, vol. 2241, No. 39574.

<sup>17</sup> Ibid., vol. 993, No. 14537.

Ownership of Cultural Property,<sup>18</sup> the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences,<sup>19</sup> and other relevant instruments, and with a view to considering all possible options to make effective use of the applicable international legal framework to combat crimes against cultural property, and considering any proposals to supplement the existing framework for international cooperation, as necessary;

90. Undertake efforts to better understand the smuggling of commercial goods with a view to strengthening our responses, in accordance with national law, to this type of crime and its possible linkages with corruption and other crimes;

91. Develop effective strategies, including by enhancing the capacity of criminal justice professionals, to prevent, investigate and prosecute hate crimes, as well as engage effectively with victims and victim communities to build public trust when engaging with law enforcement to report such crimes;

92. Strengthen measures to address the threat of other new, emerging and evolving forms of crime, as well as their possible links with organized criminal groups as a source of lucrative profits for their illicit activities;

93. Enhance coordination and international cooperation to effectively prevent and combat the growing threat of cybercrime;

94. Promote the appropriate utilization of technology by law enforcement and other criminal justice institutions through providing technical assistance upon request, capacity-building and necessary training, as well as improving legislation, regulations and policies so that they are adaptable to continuous technological developments;

95. Promote, at the national, regional and international levels, with due respect for domestic legal frameworks and the principles of international law, public-private partnerships with the digital industry, the financial sector and communication service providers to enhance international cooperation to combat cybercrime;

*In order to ensure appropriate follow-up to this present declaration and to our commitments:*

96. We call upon the Commission on Crime Prevention and Criminal Justice, in accordance with its mandate, to adopt the appropriate policy and operational measures for the follow-up to this declaration and to identify innovative ways to make use of information on progress made in the implementation of this declaration, and invite the Commission to engage with other relevant stakeholders, including the institutes of the United Nations crime prevention and criminal justice programme network, in order to strengthen global partnership in advancing crime prevention, criminal justice and the rule of law towards the achievement of the 2030 Agenda;

97. We express our profound gratitude to the people and Government of Japan for their warm and generous hospitality and for the excellent facilities provided for the Fourteenth Congress.

## **Draft resolution II**

### **Reducing reoffending through rehabilitation and reintegration**

*The General Assembly,*

*Recalling the outcome of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Kyoto, Japan, from 7 to 12 March 2021, as*

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<sup>18</sup> Ibid., vol. 823, No. 11806.

<sup>19</sup> General Assembly resolution [69/196](#), annex.

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reflected in the report of the Congress<sup>20</sup> and in the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development,<sup>21</sup>

*Reaffirming* the commitment expressed in the Kyoto Declaration to reduce reoffending through rehabilitation and social reintegration,

*Noting* the deliberations of the Fourteenth Congress under the agenda item entitled “Integrated approaches to challenges facing the criminal justice system”, during which, *inter alia*, the need for practical guidance for national criminal justice systems on reducing reoffending and the recommendation to develop new United Nations standards and norms on the issue of reducing reoffending were raised by some Member States,

*Noting also* the discussions held at the workshop on the topic “Reducing reoffending: identifying risks and developing solutions” and the three subtopics, as reflected in the report of Committee II of the Fourteenth Congress, in particular the encouragement given by some participants to Member States to share information on promising practices and consider the development, under the auspices of the Commission on Crime Prevention and Criminal Justice and with the support of the United Nations Office on Drugs and Crime, of model strategies to reduce reoffending that reflect, among others, the good practices discussed during the workshop,<sup>22</sup>

*Recalling* the standards and norms in crime prevention and criminal justice adopted or recommended by the General Assembly, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),<sup>23</sup> the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)<sup>24</sup> and the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules),<sup>25</sup> and at the same time acknowledging the need for standards and norms specifically focusing on reducing reoffending,

1. *Encourages* Member States to develop comprehensive strategies or action plans to reduce reoffending through effective interventions for the rehabilitation and reintegration of offenders;

2. *Also encourages* Member States to promote a rehabilitative environment in correctional facilities, including through designing and implementing effective treatment programmes based on an individual assessment of the needs and risks of offenders, and to provide offenders with access to vocational and technical training and educational programmes to support them in developing the skills necessary for reintegration;

3. *Further encourages* Member States to promote a rehabilitative environment in the community to facilitate the social reintegration of offenders with the active involvement of local communities, giving due regard to the need to protect society and individuals and the rights of victims and offenders;

4. *Encourages* Member States to promote multi-stakeholder partnerships to reduce reoffending by fostering inter-agency coordination among relevant government authorities, such as employment and social welfare agencies and local governments, as well as public-private partnerships between those authorities and the

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<sup>20</sup> A/CONF.234/16.

<sup>21</sup> Ibid., chap. I.

<sup>22</sup> Ibid., sect. VII.B.

<sup>23</sup> General Assembly resolution 70/175, annex.

<sup>24</sup> General Assembly resolution 65/229, annex.

<sup>25</sup> General Assembly resolution 45/110, annex.

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community, including cooperating employers and community volunteers who support the long-term and social reintegration of offenders;

5. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to convene an expert group meeting to share information on promising practices to reduce reoffending, with a view to developing model strategies on reducing reoffending, which can serve as useful tools for Member States, taking into account relevant provisions in the existing standards and norms in crime prevention and criminal justice, current developments, research, tools and the outcome of the deliberations of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice;

6. *Also requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to support the efforts of Member States to reduce reoffending through the promotion of rehabilitative environments and reintegration, by providing technical assistance, including material support, upon their request, to Member States, in particular developing countries, taking into account their needs and priorities, as well as challenges and restrictions;

7. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes outlined in the present resolution, in accordance with the rules and procedures of the United Nations;

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

### Draft resolution III

#### **Integrating sport into youth crime prevention and criminal justice strategies**

*The General Assembly,*

*Reaffirming* its commitment to the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,<sup>26</sup> and reaffirming also the cross-cutting nature of crime prevention and criminal justice issues and the consequent need to better integrate those issues into the wider agenda of the United Nations in order to enhance system-wide coordination,

*Recalling* the relevant United Nations standards and norms in the area of crime prevention and criminal justice, including the Guidelines for the Prevention of Crime,<sup>27</sup> the guidelines for cooperation and technical assistance in the field of urban crime prevention,<sup>28</sup> the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),<sup>29</sup> the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,<sup>30</sup> the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice,<sup>31</sup> the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)<sup>32</sup> and the United Nations

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<sup>26</sup> General Assembly resolution 217 A (III).

<sup>27</sup> Economic and Social Council resolution 2002/13, annex.

<sup>28</sup> Economic and Social Council resolution 1995/9, annex.

<sup>29</sup> General Assembly resolution 45/112, annex.

<sup>30</sup> General Assembly resolution 65/228, annex.

<sup>31</sup> General Assembly resolution 69/194, annex.

<sup>32</sup> General Assembly resolution 40/33, annex.

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Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),<sup>33</sup>

*Recalling also* its resolutions 74/16 of 9 December 2019, entitled “Building a peaceful and better world through sport and the Olympic ideal”, 74/170 of 18 December 2019, entitled “Integrating sport into youth crime prevention and criminal justice strategies”, and 75/18 of 1 December 2020, entitled “Sport as an enabler of sustainable development”, in which it recognized the role of sport in the context of the 2030 Agenda for Sustainable Development,<sup>34</sup>

*Recalling further* the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development,<sup>35</sup> adopted at the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Kyoto, Japan, from 7 to 12 March 2021, in which Member States committed to empowering youth to become active agents of positive change in their communities to support crime prevention efforts, including by organizing social, educational, cultural, recreational, sports-related youth programmes and youth forums, and recalling the outcome of workshop 3 of the Fourteenth Congress, on education and youth engagement as key to making societies resilient to crime,<sup>36</sup>

*Recognizing* that the coronavirus disease (COVID-19) pandemic has affected youth, especially those who are in vulnerable situations, and that many of the hardships faced during the COVID-19 crisis in the fields of formal and non-formal education and well-being and health, including mental health, in addition to economic dislocations, are also known risk factors associated with crime, violence and illicit drug-related activities and are likely to expose youth to increased victimization and involvement with crime during and after the pandemic,

*Acknowledging* that the recovery from the crisis caused by the COVID-19 pandemic and the lessons learned provide an opportunity for Member States to design strategies to overcome the crisis, to accelerate progress towards the implementation of the 2030 Agenda and to foster economic growth and build back better, including by promoting a socially just transition to sustainable development and by supporting inclusive, multisectoral and coordinated approaches to youth well-being,

*Noting* that the shared challenges that States face in strengthening their economies amid a global pandemic present an opportunity for transformative approaches to crime prevention and renewed efforts involving the youth, sport and education sectors, in particular working with a range of relevant stakeholders, including, where appropriate, with the support of efforts to engage and foster partnerships with multiple stakeholders, including partnerships involving the private sector, bearing in mind the primary role and responsibility of Member States in that regard,

*Recognizing* the role that sport can play in building back better and in engaging youth during and after the pandemic, as highlighted in the joint United Nations advocacy brief entitled “Recovering better: sport for development and peace – reopening, recovery and resilience post-COVID-19”, published in 2020,

*Taking note* of the report of the Secretary-General entitled “Sport: a global accelerator of peace and sustainable development for all”,<sup>37</sup> in which the progress made towards the implementation of the United Nations Action Plan on Sport for

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<sup>33</sup> General Assembly resolution 70/175, annex.

<sup>34</sup> General Assembly resolution 70/1.

<sup>35</sup> A/CONF.234/16, chap. I, resolution 1.

<sup>36</sup> See A/CONF.234/16, chap. VII, sect. C.

<sup>37</sup> A/75/155.

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Development and Peace<sup>38</sup> is reviewed and the role of sport as a catalyst of social and economic development, health and societal change in the post-COVID-19 landscape is highlighted,

*Noting* the memorandum of understanding between the Fédération Internationale de Football Association and the United Nations Office on Drugs and Crime signed on 14 September 2020, which provides a framework for cooperation between the two entities in the fields of using sport for youth development, preventing youth involvement in crime and illicit drug-related activities, and preventing and fighting corruption and crime in sport,

*Recalling* article 31 of the Convention on the Rights of the Child,<sup>39</sup> in which States parties recognize the right of the child to leisure and to engage in play and in recreational activities, and convinced of the importance of preventing the involvement of children and youth in criminal activities by supporting their development and strengthening their resilience to antisocial and delinquent behaviour, and of supporting the rehabilitation of children and youth in conflict with the law and their reintegration into society, taking into account human rights and the best interests of the child,

*Underscoring* the role of the Commission on Crime Prevention and Criminal Justice as the principal policymaking body of the United Nations in the field of crime prevention,

*Acknowledging* the Olympic Charter and that any form of discrimination is incompatible with belonging to the Olympic movement,

*Taking note* of the Kazan Action Plan, adopted at the sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, convened by the United Nations Educational, Scientific and Cultural Organization in Kazan, Russian Federation, in July 2017, in which the educational, cultural and social dimensions of sport and physical education are promoted, including in the context of the 2030 Agenda,

1. *Reaffirms* that sport is an important enabler of sustainable development, and recognizes the growing contribution of sport to the realization of development, justice and peace in its promotion of tolerance and respect and the contributions it makes to the empowerment of women and of young people, individuals and communities, as well as to health, education and social inclusion objectives, in line with the relevant Sustainable Development Goals;

2. *Expresses its gratitude and appreciation* to the Government of Thailand for hosting the expert group meeting on integrating sport into youth crime prevention and criminal justice strategies, convened by the United Nations Office on Drugs and Crime in Bangkok from 16 to 18 December 2019;

3. *Takes note* of the report of the Secretariat on the outcome of that expert group meeting,<sup>40</sup> at which good practices were identified and recommendations made on the effective use of sport to reduce youth crime and violence;

4. *Encourages* Member States to ensure that the necessary safeguards for participants are included in the design and implementation of sports-based crime prevention initiatives in order to prevent and combat sexual harassment, abuse and violence against children and youth in sport;

5. *Calls upon* Member States, as well as relevant stakeholders, to support and encourage relevant domestic authorities at all levels, including in local contexts, in

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<sup>38</sup> See A/61/373.

<sup>39</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>40</sup> A/CONF.234/14.

the creation of safe spaces for sports and physical activities and in the provision of equal access to sports facilities for all youth;

6. *Emphasizes* the importance of mainstreaming a gender perspective into sports-based crime prevention programmes and the need to provide a wide range of safe and accessible sports programmes for women and girls that reinforce their empowerment and gender equality;

7. *Also emphasizes* the importance of respecting cultural diversity in implementing sports-based crime prevention programmes;

8. *Welcomes* the work of the United Nations Office on Drugs and Crime, particularly its efforts to support Member States in integrating sport into crime prevention and criminal justice strategies promoting a multisectoral and holistic approach to crime prevention, including through the development of tools and the provision of technical assistance in the context of the Global Programme for the Implementation of the Doha Declaration: Towards the Promotion of a Culture of Lawfulness, and in disseminating information and good practices on the use of sport for youth crime and violence prevention, building on global research and on lessons learned;

9. *Requests* the United Nations Office on Drugs and Crime to continue promoting sports-based interventions in the context of youth-oriented, multisectoral and holistic approaches to the prevention of crime and violence, including by formulating strategies aimed at comprehensively addressing the underlying conditions conducive to the spread of all types of crime and violence and by supporting Member States' efforts in this regard, also in partnership with other relevant United Nation entities;

10. *Also requests* the United Nations Office on Drugs and Crime to continue supporting Member States, through technical assistance and the development of tailored guidance materials, with regard to the effective use of sport in the context of the rehabilitation and social reintegration of offenders, in prison and community settings, the empowerment of girls, the prevention of gender-based violence, and the safeguarding of participants in sports and sports-based interventions, in particular individuals in vulnerable situations, including children and women, from violence and abuse;

11. *Encourages* Member States to integrate sports-based interventions into crime prevention and criminal justice strategies and programmes with a view to addressing risk factors of crime and victimization, including during and after the coronavirus disease (COVID-19) pandemic, when possible and with adaptations such as proactive programme elements providing learning and social support for youth, particularly in schools and educational institutions, investing in capacity-building of trainers and facilitators, promoting an inclusive and participatory approach, ensuring safeguards for participants in sporting activities and maintaining the sustainability of such activities by engaging partners from multiple sectors;

12. *Calls upon* Member States, with the support of the United Nations Office on Drugs and Crime, to strengthen community-based support measures for youth to address risk factors of crime and violence, and encourages Member States to provide sports and recreational facilities and programmes so as to promote the primary, secondary and tertiary prevention of youth crime and the social reintegration of young offenders, also in the context of public safety strategies, enhancing the use of sport as a tool for the development of safe public spaces for young people and local communities to positively interact and develop;

13. *Requests* the United Nations Office on Drugs and Crime, in line with its mandate, in consultation with Member States and in collaboration with other relevant organizations and agencies, including relevant civil society organizations, to develop

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a compilation of best practices in relation to sports-based crime prevention programmes, as well as to provide, upon request, advice and support to policymakers and practitioners, including on research, monitoring and evaluation;

14. *Invites* Member States to consider the development of clear policy frameworks within which sports-based initiatives can be integrated into crime prevention and criminal justice strategies and programmes, and to operate to effect positive change in the field of crime prevention and criminal justice, to prevent recidivism through sports and, in this regard, to promote and facilitate effective research, monitoring and evaluation of their own national initiatives and relevant international initiatives, including gang-related initiatives, to assess their impact;

15. *Requests* the United Nations Office on Drugs and Crime, within its mandate, to strengthen its cooperation and coordination with relevant United Nations entities that have sports-based programmes and interventions, including the Department of Economic and Social Affairs of the Secretariat, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the United Nations Human Settlements Programme, and with the institutes of the United Nations crime prevention and criminal justice programme network, and, in close consultation with Member States, to strengthen its cooperation with relevant international, regional and national sports organizations such as the International Olympic Committee and the Fédération Internationale de Football Association, so as to continue to support activities enhancing the contributions of sport to the achievement of the Sustainable Development Goals, with a focus on youth and community development aimed at addressing the risk factors of youth violence, crime and illicit drug-related activities and promoting a healthy lifestyle to prevent risky behaviour while facilitating access to comprehensive drug demand reduction services and related measures, as appropriate, and at fostering social inclusion, peace and just societies, also through joint programmes and awareness-raising campaigns in the context of major sporting events, and to keep the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs updated about the progress made in this regard;

16. *Invites* the institutes of the United Nations crime prevention and criminal justice programme network, within their mandates, to consider including in their work programmes the issue of integrating sport into youth crime prevention and criminal justice in order to contribute to building the knowledge base in this regard, as well as to provide, upon request, advice and support to policymakers and practitioners, including on research, monitoring and evaluation, while noting the efforts of Member States to achieve the relevant Sustainable Development Goals and targets;

17. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to provide information on the implementation of the present resolution as a contribution to the report of the Secretary-General to the General Assembly at its seventy-seventh session on the implementation of its resolution [75/18](#) on sport as an enabler of sustainable development;

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

#### Draft resolution IV

### Strengthening criminal justice systems during and after the coronavirus disease (COVID-19) pandemic

*The General Assembly,*

*Reaffirming* its commitment to the purposes and principles of the Charter of the United Nations, applicable international law and the Universal Declaration of Human Rights,<sup>41</sup> and reaffirming also its commitment to fully promoting and protecting all human rights and fundamental freedoms, as well as to upholding the principle of human dignity, in the impartial administration of justice and throughout all its efforts in preventing and combating crime,

*Reaffirming also* the responsibility of all States to uphold the Charter of the United Nations in its entirety and to fully respect the principles of sovereign equality, the territorial integrity of States and non-intervention in the domestic affairs of other States throughout all their efforts in preventing and combating crime,

*Recalling* the relevant United Nations standards and norms in the area of crime prevention and criminal justice, as well as General Assembly resolution [75/196](#) of 16 December 2020 on strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity, in which the Assembly recommended that Member States, as appropriate to their national contexts, adopt a comprehensive and integrated approach to crime prevention and criminal justice reform, based on baseline assessments, regular data collection and analysis, and focusing on all sectors of the justice system, and develop crime prevention policies, strategies and programmes, including ones that focus on early prevention by using multidisciplinary and participatory approaches, in close cooperation with all stakeholders, including civil society,

*Recalling also* the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development,<sup>42</sup> adopted by the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Kyoto, Japan, from 7 to 12 March 2021, in which Member States undertook to contribute to achieving the 2030 Agenda for Sustainable Development<sup>43</sup> through efforts in crime prevention and criminal justice, with the firm recognition that sustainable development and the rule of law are interlinked and mutually reinforcing, that crime is an impediment to sustainable development and that achieving sustainable development is an enabling factor for States to effectively prevent and combat crime,

*Recalling further* the United Nations standards and norms in crime prevention and criminal justice related primarily to the treatment of prisoners and other offenders in closed detention settings, in particular the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),<sup>44</sup> the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),<sup>45</sup> the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)<sup>46</sup> and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,<sup>47</sup>

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<sup>41</sup> General Assembly resolution 217 A (III).

<sup>42</sup> [A/CONF.234/16](#), chap. I, resolution 1.

<sup>43</sup> General Assembly resolution [70/1](#).

<sup>44</sup> General Assembly resolution [65/229](#), annex.

<sup>45</sup> General Assembly resolution [70/175](#), annex.

<sup>46</sup> General Assembly resolution [45/110](#), annex.

<sup>47</sup> General Assembly resolution [45/113](#), annex.

*Expressing grave concern* about the situation arising from the coronavirus disease (COVID-19) and its social and economic implications, which have created new opportunities for and transformed the modi operandi of criminals and organized criminal groups in different forms and to different extents, and the challenges that it has posed to criminal justice in multiple aspects,

*Expressing concern* that the COVID-19 pandemic has posed challenges to international cooperation on criminal matters, including delays in some cases of mutual legal assistance, extradition and other measures related to the physical transfer of persons,

*Noting* that, in response to the threats posed by the COVID-19 pandemic, Member States have taken measures that, in many cases, have resulted in the disruption of normal criminal justice services, temporarily diminishing capacity and challenging the ability of correctional institution staff, as well as law enforcement, prosecution services, the judiciary and others, to prevent and combat crimes and maintain fully functioning institutions of justice while also complying with necessary health measures, and noting with appreciation the dedication of these professional staff, whose tireless efforts have ensured effective crime prevention and criminal justice, notwithstanding the pandemic and related disruptions,

*Gravely concerned* about the vulnerability of prisons, especially in terms of health, safety and security, to the real risk of a rapid spread of COVID-19 in closed settings, which can be further aggravated by long-standing challenges such as prison overcrowding and poor prison conditions,

*Reiterating*, in the light of the ongoing experience of the COVID-19 pandemic and in preparation for any similar future challenges, the need to review criminal justice systems and to make them more effective, accountable, transparent, inclusive and responsive through, as appropriate, promoting digitalization, the use of technology, health-care services and health-related improvement measures to prevent the spread of infectious diseases, including for the protection of criminal justice staff and officials, rehabilitation and reintegration into society, and alternatives to pretrial detention and custodial sentences, in accordance with domestic law,

*Recalling*, against the backdrop of the COVID-19 pandemic, the endeavour expressed in the Kyoto Declaration with regard to 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 offences in accordance with national legislation,

*Reaffirming* the commitment to take decisive actions and action-oriented measures to address challenges and remove international impediments posed and aggravated by COVID-19 to crime prevention and criminal justice, including by a multilateral approach and strengthening the resilience of law enforcement and other criminal justice institutions through multilateral cooperation and cooperation with other relevant stakeholders in a multidisciplinary approach, where appropriate, and public-private partnerships, with special attention to the urgent capacity-building and technical assistance needs of developing countries in this regard, bearing in mind the long-term social and economic implications of the pandemic, including for sustainable development and international cooperation, and recognizing that the poorest and most vulnerable are among the hardest hit by the impact of the pandemic,

1. *Calls upon* Member States to implement, as appropriate, the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development;

2. *Underlines* that the coronavirus disease (COVID-19) pandemic poses cross-cutting, multifaceted challenges to the criminal justice system and that it requires comprehensive, integrated, multisectoral and coordinated responses, including through cooperation between the justice and health sectors;

3. *Recognizes* that the COVID-19 pandemic has affirmed that closed settings, including prisons, may exacerbate the spread of viral infections and that the pandemic and responses to it, including lockdown measures and other restrictions, such as an interruption in in-person prison visits, have presented challenges for criminal justice systems;

4. *Recommends* that Member States take into account lessons learned and best practices applied during the COVID-19 pandemic in an effort to make criminal justice systems more effective, accountable, transparent, inclusive, responsive and better prepared for similar future challenges, by recognizing the need to adapt to epidemics and pandemics, including through, as appropriate, promoting digitalization, the use of technology, health-care services and health-related improvement measures to prevent the spread of infectious diseases, including for the protection of criminal justice staff and officials, rehabilitation and reintegration into society, and alternatives to pretrial detention and custodial sentences, in accordance with domestic law, and to that end examine alternatives and promote the exchange of information on how to address the challenges to such reform efforts, including funding;

5. *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, such as in relation to health, and the objective of their rehabilitation and reintegration into society;

6. *Also encourages* Member States, against the backdrop of the COVID-19 pandemic, to take appropriate measures to ensure that, subject to their constitutional principles and the basic concepts of their legal systems, sentencing for criminal offences is proportionate to the gravity of the offence;

7. *Further encourages* Member States to mainstream a gender perspective into their criminal justice systems and to take into account the specific needs of women prisoners and women offenders when developing, monitoring and evaluating responses to the challenges posed by the COVID-19 pandemic to the criminal justice system;

8. *Recommends* that Member States promote the application of the relevant provisions of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), in particular in terms of improving the detention conditions for both pretrial and post-trial detainees and the capacities of prison and correctional institution staff and other relevant officers, and promoting health-care services in prisons;

9. *Also recommends* that Member States take appropriate measures to improve the overall effectiveness and capacity of the criminal justice system, including by addressing overcrowding in detention and correctional facilities, ensuring access to timely, effective, adequately resourced and affordable legal aid for those without sufficient means or when the interests of justice so require, providing adequate human and material resources, expertise and tools, including modern communications and case-management tools, to facilitate international cooperation, such as mutual legal assistance and extradition, and considering the use of alternatives to pretrial detention and custodial sentences along with restorative justice processes at relevant stages of criminal justice proceedings in accordance with domestic legislation, giving due consideration to the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and preventive measures such as community outreach;

10. *Further recommends* that Member States endeavour to promote a rehabilitative environment in correctional facilities, including through designing and implementing effective treatment programmes based on an individual assessment of the needs and risks of offenders, and provide offenders with access to vocational and technical training and educational programmes, which create opportunities to develop the skills and knowledge needed for joining the workforce and successfully reintegrating into society and reducing the risks of reoffending, which may, *inter alia*, help in addressing the problem of prison overcrowding;

11. *Stresses* the importance of a multidisciplinary approach to strengthening criminal justice systems, including the involvement, as appropriate, of relevant stakeholders and public-private partnerships, and enhancing domestic inter-agency cooperation, capacity-building for criminal justice officials and practitioners and specialized training and education for prison staff and relevant criminal justice officials, as well as the importance of improving prison management and preparing for health-related challenges;

12. *Invites* Member States to exchange, including through the United Nations Office on Drugs and Crime, information on national legislation, best practices and technical assistance and to strengthen international cooperation in addressing the challenges posed by the COVID-19 pandemic to the criminal justice system, including to its facilities, institutions and non-custodial settings, taking into account the contributions of relevant stakeholders such as civil society and academia, where appropriate and in accordance with domestic law, with a view to better preparing for future similar challenges;

13. *Requests* the United Nations Office on Drugs and Crime, as the leading entity of the United Nations supporting Member States in the field of crime prevention and criminal justice through the provision of technical assistance and capacity-building, based on their needs and priorities, as well as through its normative work, research and expertise, to conduct in close consultation with Member States, and within existing extrabudgetary resources, further studies on the impact of COVID-19 on criminal justice systems and to provide recommendations on advancing criminal justice reforms, with an emphasis on the future preparedness of the criminal justice system, in particular prison systems, to tackle challenges arising from pandemics and widespread health-related issues;

14. *Invites* the institutes of the United Nations crime prevention and criminal justice programme network to consider including in their work programmes the issue of criminal justice system reform in the context of the COVID-19 pandemic with a view to understanding how such reforms can be achieved more effectively, including, where appropriate, by strengthening cooperation between the justice and health sectors, taking into account the relevant Sustainable Development Goals and targets, contained in the 2030 Agenda for Sustainable Development, and noting the efforts of Member States to achieve them;

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.

#### **Draft resolution V**

#### **Preventing and combating crimes that affect the environment**

*The General Assembly,*

*Recalling* its resolutions [67/189](#) of 20 December 2012, [68/193](#) of 18 December 2013, [69/197](#) of 18 December 2014, [70/178](#) of 17 December 2015, [71/209](#) of 19 December 2016, [72/196](#) of 19 December 2017, [73/186](#) of 17 December 2018,

[74/177](#) of 18 December 2019 and [75/196](#) of 16 December 2020, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which the Assembly expressed deep concern about crimes that affect the environment and emphasized the need to combat such crimes by strengthening international cooperation, capacity-building, criminal justice responses and law enforcement efforts, as well as its resolutions [69/314](#) of 30 July 2015, [70/301](#) of 9 September 2016, [71/326](#) of 11 September 2017 and [73/343](#) of 16 September 2019, entitled “Tackling illicit trafficking in wildlife”,

*Recalling also* Economic and Social Council resolutions 1989/62 of 24 May 1989, entitled “Concerted international action against the forms of crime identified in the Milan Plan of Action”, 1992/22 of 30 July 1992, entitled “Implementation of General Assembly resolution [46/152](#) concerning operational activities and coordination in the field of crime prevention and criminal justice”, 1993/28 of 27 July 1993, 1994/15 of 25 July 1994 and 1996/10 of 23 July 1996, entitled “The role of criminal law in the protection of the environment”, as well as resolutions 2001/12 of 24 July 2001, 2002/18 of 24 July 2002, 2003/27 of 22 July 2003, 2011/36 of 28 July 2011 and 2013/40 of 25 July 2013 on crime prevention and criminal justice responses to illicit trafficking in protected species of wild fauna and flora, resolution 2008/25 of 24 July 2008 on international cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, and resolutions 2013/38 of 25 July 2013 and 2019/23 of 23 July 2019 on combating illicit trafficking in precious metals and illegal mining,

*Recalling further* Commission on Crime Prevention and Criminal Justice resolutions 16/1 of 27 April 2007 and 23/1 of 16 May 2014 on trafficking in forest products, including timber, and resolution 28/3 of 24 May 2019 entitled “Strengthening regional and international cooperation in crime prevention and criminal justice responses to illicit trafficking in wildlife”,

*Recalling* resolutions 1/3 of 27 June 2014 and 2/14 of 27 May 2016 of the United Nations Environment Assembly of the United Nations Environment Programme on the illegal trade in wildlife and wildlife products,

*Welcoming* the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development,<sup>48</sup> adopted by the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Kyoto, Japan, from 7 to 12 March 2021, in which Heads of State and Government, Ministers and Representatives of Member States expressed deep concern about the negative impact of crime on the environment and affirmed their endeavour to adopt effective measures to prevent and combat crimes that affect the environment, such as illicit trafficking in wildlife, including, *inter alia*, flora and fauna as protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora,<sup>49</sup> in timber and timber products, in hazardous wastes and other wastes and in precious metals, stones and other minerals, as well as, *inter alia*, poaching, by making the best possible use of relevant international instruments and by strengthening legislation, international cooperation, capacity-building, criminal justice responses and law enforcement efforts aimed at, *inter alia*, dealing with transnational organized crime, corruption and money-laundering linked to such crimes, and illicit financial flows derived from such crimes, while acknowledging the need to deprive criminals of proceeds of crime,

*Reaffirming* the central role of the Commission on Crime Prevention and Criminal Justice as the main policymaking body of the United Nations in the field of crime prevention and criminal justice, and recalling that in the Kyoto Declaration the Commission on Crime Prevention and Criminal Justice was called upon, in

<sup>48</sup> [A/CONF.234/16](#), chap. I, resolution 1.

<sup>49</sup> United Nations, *Treaty Series*, vol. 993, No. 14537.

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accordance with its mandate, to adopt the appropriate policy and operational measures for the follow-up to the Declaration and to identify innovative ways to make use of information on progress made in the implementation of the Declaration, and invited the Commission to engage with other relevant stakeholders, including the institutes of the United Nations crime prevention and criminal justice programme network, in order to strengthen global partnership in advancing crime prevention, criminal justice and the rule of law towards the achievement of the 2030 Agenda for Sustainable Development,<sup>50</sup>

*Reaffirming also* that States are to carry out their obligations to combat transnational organized crime as well as corruption in a manner consistent with the purposes and principles set forth in the Charter of the United Nations and international law and with human rights and fundamental freedoms, and recalling in that regard that States parties to the United Nations Convention against Transnational Organized Crime<sup>51</sup> and the United Nations Convention against Corruption<sup>52</sup> have also committed themselves to carrying out their respective obligations to combat transnational organized crime as well as corruption in a manner consistent with all the provisions of those conventions, including the purposes and the principles stated in their articles 1 and 4,

*Reaffirming further* that every State has, and shall freely exercise, full and permanent sovereignty over all its natural resources,

*Recognizing* the primary role and responsibility of States in defining their policies and strategies to prevent and combat crimes that affect the environment, acknowledging the central role played by States in the prevention of and the fight against corruption as it relates to such crimes, and recalling the commitment of States parties to the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption to carry out those obligations in a manner consistent with article 4 of those conventions,

*Alarmed* by existing research indicating that crimes that affect the environment have become some of the most lucrative transnational criminal activities and are often closely interlinked with different forms of crime and corruption and that money-laundering and the illicit financial flows derived from them may contribute to the financing of other transnational organized crimes and terrorism,

*Taking note* of the existing research on the cost of crimes that affect the environment,

*Deeply concerned* about all those killed, injured, threatened or exploited by organized criminal groups involved in or benefiting from crimes that affect the environment and about those whose living environment, safety, health or livelihoods are endangered or put at risk by those crimes, and affirming its resolve to assist and protect those affected, in accordance with national law,

*Deeply concerned also* that activities of organized criminal groups that affect the environment hinder and undermine efforts undertaken by States to protect the environment, promote the rule of law and achieve sustainable development, including efforts to contribute to the implementation of the 2030 Agenda for Sustainable Development,

*Recognizing* that crimes that affect the environment may also have a negative impact on economies, public health, human safety, food security, livelihoods and habitats,

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<sup>50</sup> General Assembly resolution 70/1.

<sup>51</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>52</sup> Ibid., vol. 2349, No. 42146.

*Welcoming Conference of the Parties to the United Nations Convention against Transnational Organized Crime resolution 10/6 of 16 October 2020 entitled “Preventing and combating crimes that affect the environment falling within the scope of the United Nations Convention against Transnational Organized Crime”, in which the Conference urged States parties to implement the Organized Crime Convention, in accordance with fundamental principles of their domestic law, in order to effectively prevent, investigate, prosecute and punish crimes that affect the environment falling within the scope of the Convention, as well as related offences established under the Convention,*

*Recognizing the fundamental role of effective international cooperation in preventing and combating crime and to this end underlining the importance of addressing, tackling and effectively responding to international challenges and barriers, in particular measures, that hinder such cooperation and which are not consistent with the Charter of the United Nations and obligations under international law, and in this regard urging States, consistent with their international obligations, to refrain from applying such measures,*

*Welcoming also Conference of the States Parties to the United Nations Convention against Corruption resolution 8/12 of 20 December 2019, entitled “Preventing and combating corruption as it relates to crimes that have an impact on the environment”, in which the Conference urged States parties to implement the United Nations Convention against Corruption, in accordance with their domestic legislation, and to ensure respect for its provisions, with a view to making best use of the Convention to prevent and combat corruption as it relates to crimes that have an impact on the environment and the recovery and return of proceeds of such crimes, in accordance with the Convention,*

*Recognizing the legal framework provided by and the important role of the Convention on International Trade in Endangered Species of Wild Fauna and Flora as the primary mechanism for regulating international trade in species of wild fauna and flora listed in its appendices, as well as the importance of other multilateral environmental agreements, such as, among others, the Convention on Biological Diversity<sup>53</sup> and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,<sup>54</sup>*

*Recognizing also the need for a balanced, integrated, comprehensive and multidisciplinary approach and response to address the complex and multifaceted challenges related to crimes that affect the environment, and acknowledging that long-term comprehensive and sustainable development-oriented responses are required to address and overcome those challenges,*

*Reaffirming the role of the United Nations Office on Drugs and Crime as the leading entity of the United Nations supporting Member States in the field of crime prevention and criminal justice through the provision of technical assistance and capacity-building, as well as through its normative work, research and expertise, in cooperation with relevant stakeholders,*

*Recalling the mandate of the United Nations Environment Programme as the leading global environmental authority that sets the global environmental agenda, promotes coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment,*

*Expressing appreciation for the Environmental Security Programme established in 2010 by the International Criminal Police Organization (INTERPOL) to support*

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<sup>53</sup> Ibid., vol. 1760, No. 30619.

<sup>54</sup> Ibid., vol. 1673, No. 28911.

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Member States in investigations and coordinate transnational operations against crimes that affect the environment,

*Welcoming* the first and second editions of the *World Wildlife Crime Report*, published by the United Nations Office on Drugs and Crime in 2016 and 2020, and taking note of other reports and studies<sup>55</sup> on crimes that affect the environment published by the United Nations Office on Drugs and Crime, the United Nations Environment Programme, the International Criminal Police Organization (INTERPOL), the United Nations Interregional Crime and Justice Research Institute, the World Bank and other relevant international and regional organizations, which may serve as useful inputs,

*Acknowledging* the valuable contributions of the United Nations Office on Drugs and Crime, the United Nations Environment Programme, the International Criminal Police Organization (INTERPOL), the World Customs Organization, the United Nations Interregional Crime and Justice Research Institute, the World Bank, the International Union for Conservation of Nature, the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the secretariat of the Convention on Biological Diversity, the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and other relevant international and regional organizations, within their respective mandates, in supporting States in their efforts to effectively prevent and combat crimes that affect the environment, including through inter-agency effective partnerships, such as the International Consortium on Combating Wildlife Crime and the Green Customs Initiative, and underscoring in this regard the crucial importance of further enhancing inter-agency cooperation and coordination on the matter, as appropriate,

*Acknowledging also* the important contributions of other relevant stakeholders, including the private sector, individuals and groups outside the public sector, non-governmental organizations, the media, academia and the scientific community, in preventing and combating crimes that affect the environment, as well as corruption as it relates to such crimes,

1. *Urges* Member States to adopt effective measures to prevent and combat crimes that affect the environment, such as illicit trafficking in wildlife, including, *inter alia*, flora and fauna as protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, in timber and timber products, in hazardous wastes and other wastes and in precious metals, stones and other minerals, as well as, *inter alia*, poaching, by making the best possible use of relevant international instruments and by strengthening legislation, international cooperation, capacity-building, criminal justice responses and law enforcement efforts aimed at, *inter alia*, dealing with transnational organized crime, corruption and money-laundering linked to such crimes, and illicit financial flows derived from such crimes, while acknowledging the need to deprive criminals of proceeds of crime;

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<sup>55</sup> Reports and studies such as Christian Nellemann and others, eds., *The Rise of Environmental Crime: A Growing Threat to Natural Resources, Peace, Development and Security – A UNEP-INTERPOL Rapid Response Assessment* (Nairobi, 2016); United Nations Environment Programme and INTERPOL, *Strategic Report: Environment, Peace and Security: A Convergence of Threats* (2016); United Nations Interregional Crime and Justice Research Institute: *Strengthening the Security and Integrity of the Precious Metals Supply Chain: Technical Report* (Torino, Italy, 2016); United Nations Environment Programme, *The State of Knowledge of Crimes that Have Serious Impacts on the Environment* (Nairobi, 2018); INTERPOL, Norwegian Center for Global Analyses and Global Initiative against Transnational Organized Crime, *World Atlas of Illicit Flows* (2018); International Bank for Reconstruction and Development and World Bank, *Illegal Logging, Fishing, and Wildlife Trade: The Costs and How to Combat it* (Washington D.C., 2019); INTERPOL, *Strategic Analysis Report: Emerging Criminal Trends in the Global Plastic Waste Market since January 2018* (Lyon, France, 2020).

2. *Urges States*, in this regard, to adopt concrete and effective measures to recover and return, in appropriate cases, the proceeds of such crimes, consistent with the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, and emphasizes the importance of removing obstacles to applying measures for the recovery and return of those assets and proceeds;

3. *Affirms* that the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption constitute effective tools and an important part of the legal framework for, respectively, preventing and combating transnational organized crimes that affect the environment, and corruption as it relates to such crimes, and for strengthening international cooperation in this regard;

4. *Encourages* the States parties to the Organized Crime Convention and the Convention against Corruption, respectively to take full advantage of Conference of the Parties to the United Nations Convention against Transnational Organized Crime resolution 10/6 of 16 October 2020 and Conference of the States Parties to the United Nations Convention against Corruption resolution 8/12 of 20 December 2019;

5. *Urges* all States that have not yet done so to consider ratifying or acceding to the Organized Crime Convention and the Convention against Corruption;

6. *Calls upon* Member States to make crimes that affect the environment, in appropriate cases, serious crimes, as defined in article 2, subparagraph (b), of the Organized Crime Convention, in accordance with their national legislation, in order to ensure that, where the offence is transnational in nature and involves an organized criminal group, effective international cooperation can be afforded under the Convention;

7. *Also calls upon* Member States to develop or amend national legislation, as necessary and appropriate, in accordance with fundamental principles of their domestic law, so that crimes that affect the environment falling within the scope of the Organized Crime Convention are treated as predicate offences, as defined in the Convention and as mandated in its article 6, for the purposes of money-laundering offences and are actionable under domestic legislation on proceeds of crime, so that assets derived from crimes that affect the environment can be seized, confiscated and disposed of;

8. *Urges* Member States, consistent with the United Nations Convention against Transnational Organized Crime, to investigate and prosecute the laundering of proceeds of crime derived from transnational organized crimes that affect the environment, including by using financial investigation techniques, with a view to identifying, disrupting and dismantling the criminal groups involved, to strive to eliminate incentives for the transfer abroad of the proceeds of crime, thereby denying safe haven to those proceeds, and to recover the proceeds of such crimes;

9. *Calls upon* Member States to strengthen at the national level, in accordance with domestic legislation and their respective international legal obligations, crime prevention and criminal justice responses against crimes that affect the environment, as well as corruption and money-laundering related to such crimes, including by establishing or developing integrated and multidisciplinary responses, establishing the liability of legal persons for such serious crimes, as appropriate, and by reinforcing, where necessary and if appropriate, the capacities, training and specialization of relevant law enforcement and judicial authorities for effectively preventing, detecting, investigating, prosecuting and punishing crimes that affect the environment, as well as cooperation with relevant stakeholders from civil society;

10. *Calls upon* States, consistent with the Organized Crime Convention and in accordance with national legislation, to take all appropriate measures within their

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means to provide effective assistance to and protection for witnesses and victims of crimes that affect the environment, and to establish appropriate procedures to provide access to compensation and restitution for victims of the offences covered by the Organized Crime Convention, and, in this regard, encourages States to consider providing access to civil compensation and habitat restoration for damage caused to the environment and to victims;

11. *Also calls upon* States, in accordance with national legislation, to take all appropriate measures within their means to provide effective assistance and protection for those persons who contribute to combating in a peaceful manner crimes that affect the environment;

12. *Strongly encourages* Member States, in accordance with their national legislation, to improve and enhance the collection, quality, availability and analysis of data on crimes that affect the environment, consider undertaking national statistical capacity-building in this regard and share such data on a voluntary basis with the United Nations Office on Drugs and Crime, consistent with its mandate, in order to strengthen research and analysis on global trends and patterns in crimes that affect the environment and to improve the effectiveness of strategies aimed at preventing and combating them;

13. *Also strongly encourages* Member States to increase the exchange of information and knowledge on crimes that affect the environment among national authorities, as well as with other Member States and relevant international and regional organizations, including the United Nations Office on Drugs and Crime and the International Criminal Police Organization (INTERPOL), in accordance with domestic legislation and their respective international legal obligations;

14. *Requests* the United Nations Office on Drugs and Crime, within its mandate, subject to the availability of extrabudgetary resources, in close consultation and cooperation with Member States, and in close coordination with the United Nations Environment Programme, the International Criminal Police Organization (INTERPOL), the World Customs Organization, the United Nations Interregional Crime and Justice Research Institute, the World Bank and other relevant competent intergovernmental organizations such as the secretariats of multilateral environmental conventions and agreements, as appropriate and within their mandates, including through inter-agency partnerships, such as the International Consortium on Combating Wildlife Crime, to strengthen the collection, analysis and dissemination of accurate and reliable data and information to enhance knowledge on trends in crimes that affect the environment, and to report to Members States thereon on a periodic basis;

15. *Calls upon* the Commission on Crime Prevention and Criminal Justice to hold during the intersessional period expert discussions on preventing and combating crimes that affect the environment in order to discuss concrete ways to improve strategies and responses to effectively prevent and combat these crimes and to strengthen international cooperation at the operational level on this matter, subject to the availability of extrabudgetary resources;

16. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources and within its mandate, to provide technical assistance and capacity-building to Member States, upon request, for the purposes of supporting their efforts to effectively prevent and combat crimes that affect the environment, as well as corruption and money-laundering related to such crimes;

17. *Also requests* the United Nations Office on Drugs and Crime, within its mandate, to further enhance and expand its cooperation and coordination with the United Nations Environment Programme, the United Nations Interregional Crime and Justice Research Institute, and, in close consultation with Member States, enhance its

cooperation with International Criminal Police Organization (INTERPOL), the World Customs Organization, the International Union for Conservation of Nature, the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the secretariat of the Convention on Biological Diversity, the World Bank, the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and other relevant international and regional organizations, within their respective mandates, in supporting Member States, upon request, in their efforts to effectively prevent and combat crimes that affect the environment, including through inter-agency partnerships, such as the International Consortium on Combating Wildlife Crime and the Green Customs Initiative;

18. *Invites Member States to consider initiatives such as the International Criminal Police Organization (INTERPOL) concept of national environmental security task forces in order to promote integrated and multidisciplinary responses to better address crimes that affect the environment;*

19. *Invites Member States and other donors to provide extrabudgetary resources for the purposes set out in the present resolution, in accordance with the rules and procedures of the United Nations;*

20. *Requests the Secretary-General to submit to the General Assembly at its seventy-seventh 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 resolution:

### **Draft resolution**

#### **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 sustainable development,*

*Reaffirming the commitments by Member States to take immediate and effective measures to eradicate all forms of trafficking in persons,*

*Recalling the relevant United Nations resolutions and special meetings on trafficking in persons,*

*Recalling also General Assembly resolution [70/1](#) of 25 September 2015, containing the 2030 Agenda for Sustainable Development, including its goals and targets relevant to trafficking in persons,*

*Recalling further 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 and trafficking of and all forms of violence against and torture of children, also in support of the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons,<sup>56</sup>*

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<sup>56</sup> General Assembly resolution [64/293](#).

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*Reaffirming* the United Nations Convention against Transnational Organized Crime<sup>57</sup> and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,<sup>58</sup>

*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 and effective use,

*Reaffirming* that the Global Plan of Action was developed:

- (a) To promote universal ratification of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 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,
- (d) To promote a human rights-based and 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 is necessary to prevent trafficking in persons, protect victims and prosecute perpetrators,
- (e) To raise awareness within the United Nations system and among States and other stakeholders, such as the private sector and civil society organizations, and among the national and international 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,

*Welcoming* the efforts of Member States, United Nations bodies and agencies and intergovernmental and non-governmental organizations to combat trafficking in persons, including in the context of the implementation of the Global Plan of Action,

*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, and welcoming the holding of the co-chairmanship of the Inter-Agency Coordination Group against Trafficking in Persons by the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Refugees in 2021,

*Recalling* that the Inter-Agency Coordination Group 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 national and regional levels, and to share information, experiences and good practices relating to the activities of partner agencies in order

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<sup>57</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>58</sup> *Ibid.*, vol. 2237, No. 39574.

to counter trafficking with Governments, regional and international organizations, non-governmental organizations and other relevant bodies,

*Recognizing* that the Inter-Agency Coordination Group, within its mandate, contributes to the implementation of the Global Plan of Action, taking note of the activities of the members of the Coordination Group, acting on a rotational basis as Chair of the working group of the Coordination Group, and encouraging the more robust participation of all members of the Coordination Group,

*Recognizing also* the contributions of the Inter-Agency Coordination Group in fostering coordination and cooperation in efforts to prevent and combat trafficking in persons, within the existing mandates of its partners, which are the members of the United Nations system and regional organizations, as well as the development of various issue papers on current topics that have an impact on global efforts to counter trafficking in persons, and encouraging further engagement on the part of regional organizations with respect to possibly joining and co-chairing the Coordination Group,

*Taking note* of the thematic focus of the Coordination Group in recent years on trafficking in children, trafficking in persons and technology and on measures to prevent trafficking in persons in supply chains, including in public procurement, as well as in the procurement of goods and services by the United Nations,

*Taking note also* of the second meeting of the Coordination Group at the level of principals of the relevant international and regional organizations and agencies, held in a virtual format on 16 December 2020, which reinforced the inter-agency partnership to tackle trafficking in persons, and of the admission of the Organization of American States and the Council of the Baltic Sea States as the newest members of the Coordination Group,

*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,

*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, in order to assess achievements, gaps and challenges, including in the implementation of the relevant legal instruments,

*Recalling* the holding of the high-level meetings of the General Assembly, held during its sixty-seventh session, from 13 to 15 May 2013, and during its seventy-second session, on 27 and 28 September 2017, to appraise the progress achieved in the implementation of the Global Plan of Action, at which the Assembly, *inter alia*, reiterated the strong political will of Member States to step up efforts against trafficking in persons,

*Welcoming* the political declaration on the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons,<sup>59</sup> adopted by the General Assembly at its high-level meeting during the seventy-second session, in which Member States reiterated, in the strongest possible terms, the importance of strengthening collective action to end trafficking in persons,

*Looking forward* to the next high-level meeting of the General Assembly to review the progress achieved in the implementation of the Global Plan of Action, to

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<sup>59</sup> General Assembly resolution [72/1](#).

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be held during the seventy-sixth session of the Assembly, after the general debate and no later than December 2021,

*Taking note* of the decision of the General Assembly, in its resolution [68/192](#), to designate 30 July as the World Day against Trafficking in Persons, to be observed every year beginning in 2014, and welcoming events held by Member States, United Nations agencies, other international organizations and civil society at the national, regional and international 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 decision of the General Assembly in its resolution [73/327](#) of 25 July 2019 to declare 2021 the International Year for the Elimination of Child Labour,

*Recalling* the continued role of relevant regional, subregional and cross-regional mechanisms and initiatives to combat and eliminate all forms of trafficking in persons, including in the implementation of the Global Plan of Action,

*Welcoming* the growing number of businesses that embrace a core business model that operates in accordance with those principles of the United Nations Global Compact that address the crime of trafficking in persons,

*Recalling* the need to strengthen efforts to prevent, counter and combat trafficking in persons, including by supporting data collection and sharing as appropriate, through relevant technical assistance by the United Nations Office on Drugs and Crime, addressing factors that make people vulnerable to trafficking, detecting and dismantling trafficking networks, including in supply chains, discouraging demand that fosters exploitation leading to trafficking, ending impunity of trafficking networks, conducting financial investigations and using special investigative techniques under the conditions prescribed by domestic law, and protecting victims of trafficking in persons,

*Expressing serious concern* that the coronavirus disease (COVID-19) pandemic and its socioeconomic implications may create additional opportunities for organized criminal groups and bring new challenges in the fight against trafficking in persons, and stressing the importance of finding effective ways to address these challenges, including through the full and effective use of relevant international instruments such as the Trafficking in Persons Protocol by its States parties and the Global Plan of Action,

*Noting* that reports have highlighted a sharp increase in unemployment rates brought about by the coronavirus disease (COVID-19) pandemic that is likely to increase trafficking in persons, in particular from countries experiencing the fastest and most persistent drops in employment,

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 Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, taking into consideration the important role of those instruments in the fight against trafficking in persons, and also urges States parties to make full and effective use of those instruments;

2. *Encourages* States parties to the Trafficking in Persons Protocol, in the context of the appraisal of the United Nations Global Plan of Action to Combat Trafficking in Persons, to consider measures in support of the full and effective use of the Protocol;

3. *Urges* Member States and other stakeholders mentioned in the United Nations Global Plan of Action to Combat Trafficking in Persons, and invites the

Conference of the Parties to the United Nations Convention against Transnational Organized Crime and other relevant subregional, regional and international organizations, within their respective mandates, to continue to contribute to the full and effective use of the Global Plan of Action, including by means of strengthening cooperation and improving coordination among themselves in achieving that goal;

4. *Invites* Member States to address the social, economic, cultural, political and other factors that make people vulnerable to trafficking in persons;

5. *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 the annual World Day against Trafficking in Persons;

6. *Requests* the United Nations Office on Drugs and Crime 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 the *Global Report on Trafficking in Persons* and to share best practices and lessons learned from the various initiatives and mechanisms;

7. *Also 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 continue to provide, at the national and regional levels, technical assistance to countries, upon their request, aimed at strengthening their ability to ensure the full and effective use of the Global Plan of Action;

8. *Encourages* Member States to make every possible effort to improve the exchange of information in the context of the Global Plan of Action and to consider developing standard operating procedures to allow law enforcement, immigration or other relevant authorities of Member States, as appropriate, to promptly send official information about identified victims to the destination countries, countries of origin and transit countries, including information on the acts and means used for the purpose of trafficking in persons, in order to initiate a joint investigation, in accordance with national law;

9. *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;

10. *Invites* Member States, in the context of the appraisal of the Global Plan of Action, to consider developing and implementing national policies, in line and in accordance with their domestic laws, to prevent trafficking in persons in government procurement and global supply chains, and to consider, where appropriate, to promote partnerships and engagement of the business community and civil society, including non-governmental organizations, in developing and implementing sustainable initiatives to prevent and combat trafficking in persons in supply chains, bearing in mind the primary role and responsibility of Member States in that regard;

11. *Requests* the relevant agencies of the United Nations system to ensure that United Nations procurement is free from trafficking in persons;

12. *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;

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

## 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 decision:

### Draft decision

#### **Report of the Commission on Crime Prevention and Criminal Justice on its thirtieth session and provisional agenda for its thirty-first session**

The Economic and Social Council:

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

#### **Provisional agenda for the thirty-first 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.
- 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 Fourteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fifteenth 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 [72/305](#), including follow-up to and review and implementation of the 2030 Agenda for Sustainable Development.
  11. Provisional agenda for the thirty-second session of the Commission.
  12. Other business.
  13. Adoption of the report of the Commission on its thirty-first session.

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

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

##### **Resolution 30/1**

##### **Strengthening international cooperation in addressing the smuggling of migrants**

*The Commission on Crime Prevention and Criminal Justice,*

*Welcoming the thematic focus of its thirtieth session on effective measures to prevent and counter the smuggling of migrants, while protecting the rights of smuggled migrants, particularly women and children, and those of unaccompanied migrant children, which is aimed at enhancing international and multilateral cooperation to address the smuggling of migrants,*

*Recalling General Assembly resolutions [66/172](#) of 19 December 2011, entitled “Protection of migrants”, [67/185](#) of 20 December 2012, entitled “Promoting efforts to eliminate violence against migrants, migrant workers and their families”, [69/187](#) of 18 December 2014, entitled “Migrant children and adolescents”, [69/167](#) of 18 December 2014, entitled “Protection of migrants”, [70/147](#) of 17 December 2015, entitled “Protection of migrants”, [71/1](#) of 19 September 2016, entitled “New York Declaration for Refugees and Migrants”, [74/148](#) of 18 December 2019, entitled “Protection of migrants”, and other relevant resolutions,*

*Bearing in mind those global efforts that promote dialogue and contribute to strengthening the international and regional cooperation framework, since no State*

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can address migration on its own given the inherently transnational nature of the phenomenon,

*Reaffirming* Economic and Social Council resolution 2014/23 on strengthening international cooperation in addressing the smuggling of migrants, in which the Council underlined the need to address challenges related to the smuggling of migrants through a comprehensive and balanced approach, and through bilateral, regional and international cooperation and dialogue, as appropriate, between countries of origin, transit and destination,

*Reaffirming* the importance of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,<sup>60</sup> as the primary international legal instrument to combat the smuggling of migrants and related conduct, as defined in the Protocol,

| *Recalling* article 19 of the Smuggling of Migrants Protocol, in which it is stated that nothing contained in the Protocol shall affect the other rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention<sup>61</sup> and the 1967 Protocol<sup>62</sup> relating to the Status of Refugees and the principle of non-refoulement as contained therein,

*Recalling* the preamble of the Smuggling of Migrants Protocol, in which it is stated that effective action requires a comprehensive international approach, including cooperation, the exchange of information and other appropriate measures, including socioeconomic measures, at the national, regional and international levels,

*Recalling also* article 10 of the Smuggling of Migrants Protocol, in which States parties, in particular those that share common borders or are located on routes along which migrants are smuggled, agreed, for the purpose of achieving the objectives of the Protocol, to exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant information, article 14 of the Protocol, in which States parties agreed to cooperate with each other and with competent international organizations, non-governmental organizations, other relevant organizations and other elements of civil society as appropriate to ensure that there is adequate personnel training in their territories to prevent, combat and eradicate the smuggling of migrants and to protect the rights of migrants who have been the object of such conduct, and article 17 of the Protocol, in which States parties agreed to consider the conclusion of bilateral or regional agreements or operational arrangements or understandings for the purpose of preventing and combating the smuggling of migrants,

*Recalling* the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: towards the Achievement of the 2030 Agenda for Sustainable Development adopted by the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, in which Member States undertook to adopt and implement effective measures to prevent and combat the smuggling of migrants and protect the lives and the human rights of migrants, consistent with the respective obligations of parties under the United Nations Convention against Transnational Organized Crime<sup>63</sup> and the Smuggling of Migrants Protocol and all other relevant international obligations, especially on human rights, strengthen bilateral, regional and international cooperation in this regard, in particular to tackle, including through the concurrent undertaking of financial investigations and special investigative techniques, the increasing role of transnational and national organized criminal groups profiting from such crime and other crimes against migrants, and underscored

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<sup>60</sup> United Nations, *Treaty Series*, vol. 2241, No. 39574.

<sup>61</sup> Ibid., vol. 189, No. 2545.

<sup>62</sup> Ibid., vol. 606, No. 8791.

<sup>63</sup> Ibid., vol. 2225, No. 39574.

their endeavour to make every possible effort to prevent further casualties and loss of lives,

*Reaffirming* the importance of enhancing the capacity of and providing technical assistance to Member States, on the basis of the needs and priorities identified by requesting States, to support their efforts in preventing and combating the smuggling of migrants, and taking note with appreciation of the work and the tools of the United Nations Office on Drugs and Crime in that regard,

*Welcoming* the launch of the review process of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, which will contribute to the due implementation of the Organized Crime Convention and the Smuggling of Migrants Protocol, the appropriate identification of needs for technical assistance and the significant reinforcement of international cooperation among States parties, and recalling the guiding principles and characteristics of the Mechanism, which emphasize that the Mechanism shall be conducted in conformity with article 4 of the Convention and shall be, *inter alia*, transparent, efficient, non-intrusive, inclusive, impartial, non-adversarial and non-punitive and of a technical nature,

| *Reaffirming* that smuggling of migrants and trafficking in persons are distinct but often interrelated crimes that may in some cases share some features and that in many cases require complementary legal, operational and policy responses, in accordance with the existing international instruments,

*Recalling* that migrants shall not be liable to criminal prosecution under the Smuggling of Migrants Protocol for the fact of having been the object of conduct set out in article 6 of the Protocol and that nothing in the Protocol prevents a State party from taking measures against a person whose conduct constitutes an offence under its domestic law,

*Concerned* about the risks to smuggled migrants such as the high rate of violent assault, sexual violence and their increased vulnerabilities to different forms of exploitation, as well as the number of migrants who die during the journey of being smuggled,

*Recognizing* that Member States in distinct regions of the world face unique challenges in the fight to prevent and combat the smuggling of migrants by land, sea and air, and that region-specific cooperation would improve the ability of Member States to address those challenges,

*Cognizant* of the difficulties expressed by some countries concerning the application of measures that hinder the ability of Member States to prevent and combat the smuggling of migrants by land, sea and air, including the provision of resources for such efforts,

*Recognizing* the fundamental role of effective international cooperation in preventing and combating the smuggling of migrants and to this end underlining the importance of addressing, tackling and effectively responding to international challenges and barriers, in particular measures, that hinder such cooperation and which are not consistent with the Charter of the United Nations and obligations under international law, and in this regard urging States, consistent with their international obligations, to refrain from applying such measures,

*Taking note with appreciation* of the United Nations Office on Drugs and Crime global and thematic studies on the smuggling of migrants and the issue papers prepared by the Secretariat containing useful background information to facilitate discussion on, *inter alia*, the impact of natural disasters, conflict and crises, such as the coronavirus disease (COVID-19) pandemic, on trends relating to organized criminal groups and routes used for the smuggling of migrants, as well as good

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practices to support law enforcement cooperation to detect, investigate and prosecute such cases,

*Taking note* of the additional guide prepared by the Secretariat for the thematic discussion at the thirtieth session of the Crime Prevention and Criminal Justice Commission on effective measures to prevent and counter the smuggling of migrants, while protecting the rights of smuggled migrants, particularly women and children,<sup>64</sup> and those of unaccompanied migrant children, providing information on the impact of COVID-19 and its containment measures on people on the move and the smuggling of migrants,

*Recognizing* that the COVID-19 pandemic has increased the danger to smuggled migrants owing to travel restrictions affecting border crossings, which has increased the demand for illicit travel and the use by transnational criminal organizations of lengthier and more hazardous routes, prevented the return of migrants stranded in transit countries and placed smuggled migrants at higher risk of contracting COVID-19 due to travelling in close physical proximity to others in confined spaces,

1. *Urges* States that have not yet done so to consider ratifying or acceding to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;

2. *Encourages* States to continue to review and, as appropriate, strengthen – and States that have not yet ratified or acceded to the Protocol to also do so, in a manner consistent with the fundamental principles of their domestic laws and applicable international obligations – their relevant legislation, including criminal legislation, and establish as criminal offences the acts covered by the Smuggling of Migrants Protocol and the Organized Crime Convention, including by introducing appropriate sanctions proportionate to the nature and gravity of the offence, as follows:

(a) To consider establishing aggravating circumstances to the relevant offences, in accordance with article 6, paragraph 1, of the Smuggling of Migrants Protocol, including those aggravating circumstances contained in article 6, paragraph 3, of the Smuggling of Migrants Protocol, specifically, circumstances that endanger or are likely to endanger the lives or safety of the migrants concerned or that entail inhuman or degrading treatment, including for exploitation, of such migrants;

(b) To ensure, where appropriate, that, in investigating and prosecuting the smuggling of migrants, the undertaking of concurrent financial investigations is considered with a view to tracing, freezing, confiscating and returning proceeds acquired through such crime in accordance with article 14 of the Organized Crime Convention, and to consider the smuggling of migrants as a predicate offence of money-laundering, in accordance with domestic law and applicable international obligations;

3. *Urges* States parties to take, in accordance with the Protocol and consistent with their obligations under international law, all appropriate measures, including legislation if necessary, to preserve and protect the rights of persons who have been the object of the conduct set forth in article 6 of the Protocol as accorded under applicable international law, in particular the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;

4. *Also urges* States parties to the Protocol to respect the rights accorded to smuggled migrants as set forth in the Protocol, irrespective of their migration status, nationality, gender, ethnicity, religion or age, and encourages Member States to share their views, information and good practices with regard to the measures taken for the protection of the human rights of smuggled migrants;

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<sup>64</sup> E/CN.15/2021/6.

5. *Encourages Member States to mainstream a gender perspective into migrant smuggling prevention policies, programmes, legislation and other actions to, inter alia, more effectively counter this crime and protect the rights of migrants, by undertaking an analysis of gender-specific needs and circumstances, as well as by soliciting contributions from impacted groups;*

6. *Encourages all States to effectively promote and protect the human rights and fundamental freedoms of migrant children, including adolescents and those unaccompanied, regardless of their migration status and bearing in mind their best interests, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles, challenges and responsibilities of countries of origin, transit and destination in this regard and avoiding approaches that might aggravate their vulnerability, in particular in the wake of the COVID-19 pandemic;*

7. *Encourages Member States to enhance international and multilateral cooperation to address the smuggling of migrants;*

8. *Urges Member States to take appropriate measures to build trust with smuggled migrants, in particular those who have been victims of violent crimes, including measures to provide effective protection for witnesses in criminal proceedings in accordance with article 24 of the Organized Crime Convention, in order to facilitate their cooperation with law enforcement officials;*

9. *Encourages Member States to increase public awareness of the criminal nature of the smuggling of migrants and the risks relating to irregular migration, with the cooperation of relevant stakeholders and other elements of civil society, as appropriate;*

10. *Also encourages Member States to take into consideration and, where appropriate, consider implementing the recommendations adopted by the Working Group on the Smuggling of Migrants at its meetings held from 11 to 13 September 2019 and on 8 and 9 September 2020, contained in the reports on those meetings;*

11. *Further encourages Member States to continue to promote, facilitate and support the widest measures of technical assistance, including material support and training and equipment, as defined by the Protocol, to Member States, upon request, based on their needs and priorities, and to support the efforts of the United Nations Office on Drugs and Crime, the International Criminal Police Organization (INTERPOL) and other partners that work to strengthen the capacity of States to prevent, criminalize, investigate and prosecute the smuggling of migrants, and to protect the rights of migrants who have been the object of smuggling, including by making use of technical guidance materials such as the Model Law against the Smuggling of Migrants and the *Basic Training Manual on Investigating and Prosecuting the Smuggling of Migrants*, developed by the United Nations Office on Drugs and Crime;*

12. *Requests Member States to address challenges in combating the smuggling of migrants resulting from the COVID-19 pandemic, including, as applicable, through the full and effective use of the United Nations Convention against Transnational Organized Crime and the Protocols thereto<sup>65</sup> and enhanced cooperation at the regional and international levels to respond to trends in the smuggling of migrants caused by the pandemic, while also making use of lessons learned to help the international community better address any future emergencies;*

13. *Requests the United Nations Office on Drugs and Crime to continue its technical assistance and capacity-building efforts, while avoiding undue duplication and overlap of efforts, to assist States parties, upon request, in implementing the*

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<sup>65</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

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Smuggling of Migrants Protocol and to assist Member States, upon request, in ratifying or acceding to the Protocol;

14. *Calls upon* States, as appropriate, to strengthen the integrity and security of their identity and travel documents and their capacity to detect fraudulent documents, to further cooperation with each other, to enhance their efforts to stem the misuse of identity and travel documents, including by sharing information on stolen and lost travel documents through the International Criminal Police Organization (INTERPOL) Stolen and Lost Travel Document database, and the provision of technical assistance, based on the needs and priorities identified by requesting States in this regard;

15. *Calls Upon* Member States to consider establishing and maintaining, as appropriate, direct channels of communication between border control agencies, enhancing law enforcement cooperation, strengthening the capacity of law enforcement agencies and taking other measures contemplated in article 27 of the Organized Crime Convention to achieve those goals;

16. *Urges* Member States to use, to the fullest extent possible, mutual legal assistance and other forms of cooperation between the central authorities and other competent authorities of countries of origin, transit and destination in cases involving the smuggling of migrants, considering, *inter alia*, as appropriate, appointing liaison officers, magistrates or prosecutors;

17. *Encourages* States parties to use the Convention as a legal basis, as appropriate, for international cooperation, in particular in the form of mutual legal assistance and extradition, and recalls the related expertise and role of the United Nations Office on Drugs and Crime;

18. *Encourages* States to consider, in accordance with article 19 of the Organized Crime Convention as well as with relevant provisions of other applicable multilateral and bilateral instruments and domestic law, setting up joint investigative bodies to counter organized criminal groups active along migrant smuggling routes, and making use, as appropriate, of available technologies for these purposes;

19. *Also encourages* States to promote effective communication with consular officers, as appropriate, and, in accordance with the Protocol and the Vienna Convention on Consular Relations,<sup>66</sup> to facilitate assistance to smuggled migrants and access to smuggled migrants who have been detained;

20. *Encourages* Member States to provide bilateral, regional and international training opportunities to enhance the capacities of national competent authorities to prevent and counter the smuggling of migrants and to protect the rights of smuggled migrants, in accordance, where applicable, with the Protocol;

21. *Also encourages* Member States to continue to share best practices, experiences, information, as appropriate, challenges and lessons learned in preventing and combating the smuggling of migrants, including to gain a better understanding of region-specific trends, with the aim of better preventing and combating the smuggling of migrants;

22. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations;

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

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<sup>66</sup> Ibid., vol. 596, No. 8638.

**Decision 30/1**

**Reports of the United Nations Interregional Crime and Justice Research Institute**

5. At its 7th meeting, on 19 May 2021, the Commission decided to transmit to the Economic and Social Council the reports of United Nations Interregional Crime and Justice Research Institute ([E/CN.15/2020/8](#) and [E/CN.15/2021/8](#)), which had been prepared in accordance with article IV, paragraph 3 (e), of the statute of the Institute (Economic and Social Council resolution 1989/56, annex).