



# Twelfth United Nations Congress on Crime Prevention and Criminal Justice

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Salvador, Brazil, 12-19 April 2010

## Report of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice\*

Salvador, Brazil, 12-19 April 2010

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## Chapter I

### Resolutions adopted by the Congress

1. The Twelfth United Nations Congress on Crime Prevention and Criminal Justice adopted the following resolutions:

#### Resolution 1

### Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World

*We, the States Members of the United Nations,*

*Having assembled* at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice<sup>1</sup> in Salvador, Brazil, from 12 to 19 April 2010 to take more effective concerted action, in a spirit of cooperation, to prevent, prosecute and punish crime and seek justice,

*Recalling* the work of the eleven previous United Nations congresses on crime prevention and criminal justice, the conclusions and recommendations of the regional preparatory meetings<sup>2</sup> for the Twelfth Congress and the documents prepared by the relevant working groups established by the Commission on Crime Prevention and Criminal Justice,<sup>3</sup>

*Reaffirming* the necessity of respecting and protecting human rights and fundamental freedoms in the prevention of crime and the administration of, and access to, justice, including criminal justice,

*Recognizing* the centrality of crime prevention and the criminal justice system to the rule of law and that long-term sustainable economic and social development and the establishment of a functioning, efficient, effective and humane criminal justice system have a positive influence on each other,

*Noting with concern* the rise of new and emerging forms of transnational crime,

<sup>1</sup> In line with General Assembly resolutions 46/152, 56/119, 62/173, 63/193 and 64/180.

<sup>2</sup> A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1.

<sup>3</sup> Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice (Bangkok, 15-18 August 2006); group of experts to review and update the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (Bangkok, 23-25 March 2009); expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings (Bangkok, 23-26 November 2009); expert group on protection against trafficking in cultural property (Vienna, 24-26 November 2009); expert group on improving the collection, reporting and analysis of crime data (Buenos Aires, 8-10 February 2010).

*Greatly concerned* by the negative impact of organized crime on human rights, the rule of law, security and development, as well as by the sophistication, diversity and transnational aspects of organized crime and its links with other criminal and, in some cases, terrorist activities,

*Stressing the need* to strengthen international, regional and subregional cooperation to effectively prevent, prosecute and punish crime, in particular by enhancing the national capacity of States through the provision of technical assistance,

*Greatly concerned also* by criminal acts against migrants, migrant workers and their families and other groups in vulnerable situations, particularly those acts motivated by discrimination and other forms of intolerance,

*Declare as follows:*

1. We recognize that an effective, fair and humane criminal justice system is based on the commitment to uphold the protection of human rights in the administration of justice and the prevention and control of crime.

2. We also recognize that it is the responsibility of each Member State to update, where appropriate, and maintain an effective, fair, accountable and humane crime prevention and criminal justice system.

3. We acknowledge the value and impact of the United Nations standards and norms in crime prevention and criminal justice and endeavour to use those standards and norms as guiding principles in designing and implementing our national crime prevention and criminal justice policies, laws, procedures and programmes.

4. Bearing in mind the universal character of the United Nations standards and norms in crime prevention and criminal justice, we invite the Commission on Crime Prevention and Criminal Justice to consider reviewing and, if necessary, updating and supplementing them. In order to render them effective, we recommend that appropriate efforts be made to promote the widest application of those standards and norms and to raise awareness of them among authorities and entities responsible for their application at the national level.

5. We acknowledge the need for Member States to ensure effective gender equality in crime prevention, access to justice and the protection offered by the criminal justice system.

6. We express deep concern about the pervasiveness of violence against women in all its different forms and manifestations worldwide, and urge States to enhance efforts to prevent, prosecute and punish violence against women. In this regard, we note with appreciation the draft updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, as finalized by the intergovernmental expert group at its meeting held in Bangkok from 23 to 25 March 2009,<sup>4</sup> and look forward to their consideration by the Commission on Crime Prevention and Criminal Justice.

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<sup>4</sup> See E/CN.15/2010/2.

7. We recognize the importance of adopting appropriate legislation and policies to prevent victimization, including revictimization, and to provide protection and assistance to victims.

8. We consider that international cooperation and technical assistance can play an important role in achieving sustainable and long-lasting results in the prevention, prosecution and punishment of crime, in particular by building, modernizing and strengthening our criminal justice systems and promoting the rule of law. Specific technical assistance programmes should thus be designed to achieve these aims, for all the components of the criminal justice system, in an integrated way and with a long-term perspective, enabling the capacity of requesting States to prevent and suppress the various types of crime affecting their societies, including organized crime. In that regard, the experience and expertise accumulated over the years by the United Nations Office on Drugs and Crime constitute a valuable asset.

9. We strongly recommend the allocation of sufficient human and financial resources to develop and implement effective policies, programmes and training dealing with crime prevention, criminal justice and the prevention of terrorism. In this regard, we stress the serious need to provide the United Nations Office on Drugs and Crime with a level of resources commensurate with its mandate. We call on Member States and other international donors to support, and coordinate with, the United Nations Office on Drugs and Crime, including its regional and country offices, the institutes of the United Nations crime prevention and criminal justice programme network and requesting States in the provision of technical assistance to strengthen their capacity to prevent crime.

10. We acknowledge the leading role of the United Nations Office on Drugs and Crime in providing technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism.

11. We invite the Commission on Crime Prevention and Criminal Justice to consider strengthening the capacity of the United Nations Office on Drugs and Crime to collect, analyse and disseminate accurate, reliable and comparable data on world crime and victimization trends and patterns, and we call on Member States to support the gathering and analysis of information and to consider designating focal points and provide information when requested to do so by the Commission.

12. We welcome the decision of the Commission on Crime Prevention and Criminal Justice to engage in a thematic debate on protection against trafficking in cultural property and the recommendations made by the open-ended intergovernmental expert group on protection against trafficking in cultural property at its meeting held in Vienna from 24 to 26 November 2009, and invite the Commission to conduct appropriate follow-up, including, inter alia, exploring the need for guidelines for crime prevention with respect to trafficking in cultural property. Furthermore, we urge States that have not yet done so to develop effective legislation to prevent, prosecute and punish this crime in any of its forms and to strengthen international cooperation and technical assistance in this area, including the recovery and return of cultural property, bearing in mind the existing relevant

international instruments, including the United Nations Convention against Transnational Organized Crime,<sup>5</sup> where appropriate.

13. We recognize the increasing risk of the convergence of transnational organized crime and illicit networks, many of which are new or evolving. We call upon Member States to cooperate, including through information-sharing, in an effort to address these evolving transnational criminal threats.

14. We acknowledge the challenge posed by emerging forms of crime that have a significant impact on the environment. We encourage Member States to strengthen their national crime prevention and criminal justice legislation, policies and practices in this area. We invite Member States to enhance international cooperation, technical assistance and the sharing of best practices in this area. We invite the Commission on Crime Prevention and Criminal Justice, in coordination with the relevant United Nations bodies, to study the nature of the challenge and ways to deal with it effectively.

15. We express our serious concerns about the challenge posed by economic fraud and identity-related crime and their links to other criminal and, in some cases, terrorist activities. We therefore invite Member States to take appropriate legal measures to prevent, prosecute and punish economic fraud and identity-related crime and to continue to support the work of the United Nations Office on Drugs and Crime in this area. Furthermore, Member States are encouraged to enhance international cooperation in this area, including through the exchange of relevant information and best practices, as well as through technical and legal assistance.

16. We recognize that international cooperation in criminal matters in accordance with international obligations and national laws is a cornerstone of the efforts of States to prevent, prosecute and punish crime, in particular in its transnational forms, and we encourage the continuation and reinforcement of such activities at all levels.

17. We call on those States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption,<sup>6</sup> welcome the establishment of its mechanism for the review of implementation, look forward to its effective implementation and acknowledge the work of the intergovernmental working groups on asset recovery and technical assistance.

18. We also call on those States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>7</sup> and note with appreciation the decision of the General Assembly, in its resolution 64/179 of 18 December 2009, to hold in 2010 high-level meetings and a special treaty event. We also take note of ongoing initiatives aimed at exploring options regarding an appropriate and effective mechanism to assist the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in the review of the implementation of the Convention.

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<sup>5</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

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

<sup>7</sup> *Ibid.*, vols. 2237, 2241 and 2326, No. 39574.

19. We call upon Member States that have not yet done so to consider ratifying or acceding to the international instruments against terrorism, including its financing. We also call upon all States parties to use those instruments and the relevant United Nations resolutions to enhance international cooperation in countering terrorism in all its forms and manifestations and its financing, including evolving features of the latter.

20. We call on Member States, consistent with their international obligations, to establish or strengthen, as appropriate, central authorities fully empowered and equipped to deal with requests for international cooperation in criminal matters. In this perspective, regional legal cooperation networks could be supported.

21. Aware that gaps may exist in relation to international cooperation in criminal matters, we invite the Commission on Crime Prevention and Criminal Justice to consider reviewing this issue and explore the need for various means of addressing gaps that are identified.

22. We emphasize the need for the adoption of effective measures to implement the provisions on preventing, prosecuting and punishing money-laundering contained in the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption. We encourage Member States to develop strategies to combat money-laundering based on the provisions of these two Conventions.

23. We encourage Member States to consider developing strategies or policies to combat illicit capital flows and to curb the harmful effects of jurisdictions and territories uncooperative in tax matters.

24. We recognize the need to deny criminals and criminal organizations the proceeds of their crimes. We call on all Member States within their national legal systems to adopt effective mechanisms for the seizure, restraint and confiscation of proceeds of crime and to strengthen international cooperation to ensure effective and prompt asset recovery. We also call on States to preserve the value of seized and confiscated assets, including through disposal, where appropriate and possible, where there is a risk of their value diminishing.

25. Bearing in mind the need to reinforce criminal justice systems of developing countries and countries with economies in transition, we urge States parties to the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption to fully implement the technical assistance provisions of each Convention, including by giving special consideration to contributing, in accordance with their national law and the provisions of those Conventions, a percentage of the proceeds of crime confiscated under each Convention to fund technical assistance through the United Nations Office on Drugs and Crime.

26. We are convinced of the importance of preventing youth crime, supporting the rehabilitation of young offenders and their reintegration into society, protecting child victims and witnesses, including efforts to prevent their revictimization, and addressing the needs of children of prisoners. We stress that such responses should take into account the human rights and best interests of children and youth, as called for in the Convention on the Rights of the Child and

the Optional Protocols thereto,<sup>8</sup> where applicable, and in other relevant United Nations standards and norms in juvenile justice,<sup>9</sup> where appropriate.

27. We support the principle that the deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time. We recommend the broader application, as appropriate, of alternatives to imprisonment, restorative justice and other relevant measures that foster the diversion of young offenders from the criminal justice system.

28. We call on States to develop and strengthen, where appropriate, legislation, policies and practices to punish all forms of crime that target children and youth, as well as for the protection of child victims and witnesses.

29. We encourage States to provide tailored training in an interdisciplinary approach to those involved in the administration of juvenile justice.

30. We invite the Commission on Crime Prevention and Criminal Justice to consider requesting the United Nations Office on Drugs and Crime to design and provide to States specific technical assistance programmes to achieve these aims.

31. We call on civil society, including the media, to support the efforts to protect children and youth from exposure to content that may exacerbate violence and crime, particularly content depicting and glorifying acts of violence against women and children.

32. We are convinced of the need to accelerate efforts to fully implement the United Nations guidelines on crime prevention and the prevention components of existing conventions and other relevant international standards and norms.

33. We recognize that the development and adoption of crime prevention policies and their monitoring and evaluation are the responsibility of States. We believe that such efforts should be based on a participatory, collaborative and integrated approach that includes all relevant stakeholders including those from civil society.

34. We recognize the importance of strengthening public-private partnerships in preventing and countering crime in all its forms and manifestations. We are convinced that through the mutual and effective sharing of information, knowledge and experience and through joint and coordinated actions, Governments and businesses can develop, improve and implement measures to prevent, prosecute and punish crime, including emerging and changing challenges.

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<sup>8</sup> Ibid., vols. 1577, 2171 and 2173, No. 27531.

<sup>9</sup> The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33, annex), the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (Assembly resolution 45/110, annex), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (General Assembly resolution 45/112, annex), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (Assembly resolution 45/113, annex), the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex) and the basic principles on the use of restorative justice programmes in criminal matters (Economic and Social Council resolution 2002/12, annex).



35. We stress the need for all States to have national and local action plans for crime prevention that take into account, inter alia, factors that place certain populations and places at higher risk of victimization and/or offending in a comprehensive, integrated and participatory manner, and for such plans to be based on the best available evidence and good practices. We stress that crime prevention should be considered an integral element of strategies to foster social and economic development in all States.

36. We urge Member States to consider adopting legislation, strategies and policies for the prevention of trafficking in persons, the prosecution of offenders and the protection of victims of trafficking, consistent with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. We call on Member States, where applicable, in cooperation with civil society and non-governmental organizations, to follow a victim-centred approach with full respect for the human rights of the victims of trafficking, and to make better use of the tools developed by the United Nations Office on Drugs and Crime.

37. We urge Member States to consider adopting and implementing effective measures to prevent, prosecute and punish the smuggling of migrants and to ensure the rights of smuggled migrants, consistent with the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. In this context, we recommend that Member States, inter alia, undertake awareness-raising campaigns, in cooperation with civil society and non-governmental organizations.

38. We affirm our determination to eliminate violence against migrants, migrant workers and their families, and we call on Member States to adopt measures for preventing and addressing effectively cases of such violence and to ensure that those individuals receive humane and respectful treatment from States, regardless of their status. We also invite Member States to take immediate steps to incorporate into international crime prevention strategies and norms measures to prevent, prosecute and punish crimes involving violence against migrants, as well as violence associated with racism, xenophobia and related forms of intolerance. We invite the Commission on Crime Prevention and Criminal Justice to consider this issue further in a comprehensive manner.

39. We note that the development of information and communications technologies and the increasing use of the Internet create new opportunities for offenders and facilitate the growth of crime.

40. We realize the vulnerability of children, and we call upon the private sector to promote and support efforts to prevent child sexual abuse and exploitation through the Internet.

41. We recommend that the United Nations Office on Drugs and Crime, upon request, provide, in cooperation with Member States, relevant international organizations and the private sector, technical assistance and training to States to improve national legislation and build the capacity of national authorities, in order to deal with cybercrime, including the prevention, detection, investigation and prosecution of such crime in all its forms, and to enhance the security of computer networks.

42. We invite the Commission on Crime Prevention and Criminal Justice to consider convening an open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime.

43. We endeavour to take measures to promote wider education and awareness of the United Nations standards and norms in crime prevention and criminal justice to ensure a culture of respect for the rule of law. In this regard, we recognize the role of civil society and the media in cooperating with States in these efforts. We invite the United Nations Office on Drugs and Crime to continue to play a key role in the development and implementation of measures to promote and develop such a culture, in close coordination with other relevant United Nations entities.

44. We undertake to promote appropriate training of officials entrusted with upholding the rule of law, including correctional facility officers, law enforcement officials and the judiciary, as well as prosecutors and defence lawyers, in the use and application of those standards and norms.

45. We are concerned by urban crime and its impact on specific populations and places. We therefore recommend stronger coordination between security and social policies, with a view to addressing some of the root causes of urban violence.

46. We recognize that specific groups are particularly vulnerable to situations of urban crime, and we therefore recommend the adoption and implementation of civic intercultural programmes, where appropriate, aimed at combating racism and xenophobia, reducing the exclusion of minorities and migrants and thus promoting community cohesion.

47. We acknowledge the increasing links between transnational organized crime and drug trafficking in the context of the world drug problem. In this regard, we stress the urgent need for all States to enhance bilateral, regional and international cooperation to effectively counter the challenges posed by these links.

48. We recognize that the penitentiary system is one of the key components of the criminal justice system. We endeavour to use the United Nations standards and norms for the treatment of prisoners as a source of guidance in the development or updating of our national codes of penitentiary administration.

49. We invite the Commission on Crime Prevention and Criminal Justice to consider convening an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps.

50. We welcome the draft United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders.<sup>10</sup> Taking note of the outcome and the recommendations of the meeting of the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings, we recommend that the Commission on Crime Prevention and Criminal Justice consider them as a matter of priority for appropriate action.

51. We stress the need to reinforce alternatives to imprisonment, which may include community service, restorative justice and electronic monitoring and support rehabilitation and reintegration programmes, including those to correct offending behaviour, and educational and vocational programmes for prisoners.

52. We recommend that Member States endeavour to reduce pretrial detention, where appropriate, and promote increased access to justice and legal defence mechanisms.

53. We support effective and efficient follow-up of the outcomes of the United Nations congresses on crime prevention and criminal justice. We welcome the inclusion of a standing item on the agenda of the Commission on Crime Prevention and Criminal Justice at its annual sessions on this matter and on preparations for future congresses on crime prevention and criminal justice.

54. We welcome with appreciation the offer of the Government of Qatar to act as host to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015.

55. We express our profound gratitude to the people and Government of Brazil for their warm and generous hospitality and for the excellent facilities provided for the Twelfth Congress.

## **Resolution 2**

### **Credentials of representatives to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice**

*The Twelfth United Nations Congress on Crime Prevention and Criminal Justice,*

*Having examined* the report of the Credentials Committee,<sup>11</sup>

*Approves* the report of the Credentials Committee.

## **Chapter II**

### **Background and preparations for the Congress**

2. The Twelfth United Nations Congress on Crime Prevention and Criminal Justice was convened in accordance with paragraph (d) of the annex to General

<sup>10</sup> A/CONF.213/17.

<sup>11</sup> A/CONF.213/L.7.

Assembly resolution 415 (V), which provided for the convening every five years of an international congress in the field, as well as in pursuance of Assembly resolutions 46/152, annex, 56/119, 62/173, 63/193 and 64/180.

3. In its resolution 62/173, the General Assembly accepted with gratitude the offer of the Government of Brazil to act as host to the Twelfth Congress. In its resolution 63/193, the Assembly decided that the main theme of the Twelfth Congress should be “Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world”. In the same resolution, the Assembly decided to hold the Twelfth Congress in Salvador, Brazil, from 12 to 19 April 2010, with pre-Congress consultations to be held on 11 April 2010; and decided that the high-level segment of the Twelfth Congress should be held during the last two days of the Congress in order to allow Heads of State or Government and Government ministers to focus on the main substantive agenda items of the Congress. In the same resolution, the Assembly reiterated its invitation to Member States to be represented at the Twelfth Congress at the highest possible level and to participate actively in the high-level segment.

4. In its resolution 63/193, the General Assembly decided on the five issues to be considered by the workshops to be held within the framework of the Twelfth Congress; emphasized the importance of those workshops; and invited Member States, intergovernmental and non-governmental organizations and other relevant entities to provide financial, organizational and technical support to the United Nations Office on Drugs and Crime (UNODC) and the institutes of the United Nations crime prevention and criminal justice programme network for the preparations for the workshops, including the preparation and circulation of relevant background material.

5. In cooperation with the host Governments, the United Nations regional economic and social commissions and the United Nations crime prevention and criminal justice programme network of institutes, four regional preparatory meetings for the Twelfth Congress were held in 2009: (a) the Latin American and Caribbean Regional Preparatory Meeting, held in San José from 25 to 27 May 2009; (b) the Western Asian Regional Preparatory Meeting, held in Doha from 1 to 3 June 2009; (c) the Asian and Pacific Regional Preparatory Meeting, held in Bangkok from 1 to 3 July 2009; and the African Regional Preparatory Meeting, held in Nairobi from 8 to 10 September 2009.

## **Chapter III**

### **Attendance and organization of work**

#### **A. Date and venue of the Congress**

6. The Twelfth United Nations Congress on Crime Prevention and Criminal Justice was held in Salvador, Brazil, from 12 to 19 April 2010, pursuant to General Assembly resolutions 62/173, 63/193 and 64/180.

## B. Pre-Congress consultations

7. In conformity with the practice followed at United Nations special conferences and with General Assembly resolution 56/119, informal pre-Congress consultations were held on 11 April 2010. Participation in the consultations was open to representatives of all States invited to the Congress. A number of recommendations on the organization of work of the Congress were agreed upon in the course of the consultations (see A/CONF.213/L.1).

## C. Attendance

8. The following States were represented at the Congress: Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Egypt, El Salvador, Fiji, Finland, France, Germany, Ghana, Greece, Holy See, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Kazakhstan, Kenya, Kiribati, Kuwait, Lebanon, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mexico, Morocco, Mozambique, Namibia, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Slovakia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Viet Nam, Zambia and Zimbabwe. Palestine was represented by an observer.

9. The following units of the Secretariat and other United Nations bodies were represented by observers: Department of Peacekeeping Operations, Office of the United Nations High Commissioner for Human Rights, including the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, UNODC, Special Representative of the Secretary-General on violence against children, International Criminal Tribunal for the former Yugoslavia and Office of the Counter-Terrorism Implementation Task Force.

10. The Joint United Nations Programme on HIV and AIDS, the United Nations Children's Fund, including the Innocenti Research Centre, the United Nations Development Programme, the United Nations Environment Programme and the United Nations Human Settlements Programme were represented by observers.

11. The International Criminal Court was also represented as an observer.

12. The United Nations Interregional Crime and Justice Research Institute and the following regional and affiliated institutes of the United Nations crime prevention and criminal justice programme network were also represented by observers: Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Latin American Institute for the Prevention of Crime and the Treatment of

Offenders, European Institute for Crime Prevention and Control, affiliated with the United Nations, African Institute for the Prevention of Crime and the Treatment of Offenders, International Centre for Criminal Law Reform and Criminal Justice Policy, International Institute of Higher Studies in Criminal Sciences, Naif Arab University for Security Sciences, International Centre for the Prevention of Crime, Institute for Security Studies, Korean Institute of Criminology and Raoul Wallenberg Institute of Human Rights and Humanitarian Law. The International Scientific and Professional Advisory Council was also represented by an observer.

13. The following specialized agency was represented by an observer: World Bank.

14. The following intergovernmental organizations were represented by observers: African Union Commission, Caribbean Community, Colombo Plan for Cooperative Economic and Social Development in Asia and the Pacific, Commonwealth Secretariat, Conference of Ministers of Justice of the Ibero-American Countries, Council of Arab Ministers of the Interior, Council of Europe, European Union, Inter-American Development Bank, Ibero-American Association of Public Prosecutors (AIAMP), Ibero-American Network for International Legal Cooperation (IberRed), International Association of Anti-Corruption Authorities, International Centre for Migration Policy Development, International Criminal Police Organization (INTERPOL), International Organization for Migration, League of Arab States and Organization of American States.

15. The following non-governmental organizations were represented by observers: Academic Council on the United Nations System, Academy of Criminal Justice Sciences, American Association of Jurists, American Correctional Association, American Society of Criminology, Asia Crime Prevention Foundation, Association for the Prevention of Torture, Association pour la collaboration globale, Baptist World Alliance, Centro de Derechos Humanos Miguel Agustín pro Juárez, Centro de Información y Educación para la Prevención del Abuso de Drogas, Citizens United for Rehabilitation of Errants, Defence for Children International, Friedrich Ebert Foundation, Friends World Committee for Consultation, Fundación Mujeres en Igualdad, Global Alliance against Traffic in Women, Hong Kong Council of Social Service, Howard League for Penal Reform, International Association against Drug Abuse and Drug Trafficking, International Association of Penal Law, International Association of Prosecutors, International Bureau for Children's Rights, International Centre for Missing and Exploited Children, International Commission of Catholic Prison Pastoral Care, International Federation for Human Rights, International Federation of Non-Governmental Organizations for the Prevention of Drug and Substance Abuse, International Federation "Terre des hommes", International Society for Human Rights, International Society of Social Defence and Humane Criminal Policy, International Society for Traumatic Stress Studies, Italian Centre of Solidarity, Japan Federation of Bar Associations, Libera-Associazioni, Muslim World League, National Coordinator for Human Rights, Nomi e Numeri contro le Mafie, Open Society Institute, Peace Worldwide, Penal Reform International, Plan International, Prison Fellowship International, Transparency International, VIVAT International and World Society of Victimology.

16. Over 190 individual experts participated in the Twelfth Congress as observers.

## D. Opening of the Congress

17. The Twelfth United Nations Congress on Crime Prevention and Criminal Justice was officially opened, on behalf of the Secretary-General of the United Nations and the Secretary-General of the Twelfth Congress, by John Sandage, Executive Secretary of the Twelfth Congress and Officer-in-Charge of the Division for Treaty Affairs of UNODC.

18. The Twelfth Congress observed a minute of silence for the late President of Poland, Lech Kaczyński, and the other victims of the tragic accident of 10 April 2010.

19. The Executive Secretary of the Twelfth Congress read an opening message to the Congress from the Secretary-General of the United Nations. In his message, the Secretary-General emphasized that the Congress provided an opportunity to gain a better understanding of the state of crime worldwide and the necessary criminal justice responses to address related challenges. He urged all States to ratify and implement the United Nations Convention against Transnational Organized Crime<sup>12</sup> and, 10 years after the adoption of the Convention, establish a mechanism to review its implementation. He appealed to States to be innovative and stay one step ahead of criminals, particularly with regard to action against emerging crimes, such as cybercrime, environmental crime and counterfeiting. He also stressed the need to bring crime prevention into the mainstream of the work of the United Nations, particularly in conflict prevention, peacekeeping and peacebuilding. He underlined the importance of placing human rights at the forefront of efforts to prevent and punish crime.

20. The Executive Secretary of the Twelfth Congress read an opening message to the Congress from the Secretary-General of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice. He expressed his gratitude to the Government of Brazil for its generosity in hosting the Congress and its hard work in preparing for it. He noted that the Congress would provide a platform enabling the international community to take stock of the world crime situation and to assess its preparedness to deal with the challenges, particularly with emerging threats. He emphasized the need to develop tools for assessing the current situation, including through the preparation of a transnational organized crime threat assessment. In that connection, he referred to the upcoming high-level meeting of the General Assembly to foster political momentum in support of the Organized Crime Convention, adopted 10 years ago. He called on the international community to make better use of the Convention and the Protocols thereto<sup>13</sup> and agree on a mechanism to review its implementation at the upcoming fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. He noted the importance of the past United Nations congresses on crime prevention and criminal justice in setting standards with respect to crime prevention and criminal justice issues and highlighted the role of the Twelfth Congress in starting a process of systematic review of all crime-related standards and norms. In doing so, he urged the Congress to pay particular attention

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<sup>12</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>13</sup> *Ibid.*, vols. 2237, 2241 and 2326, No. 39574.

to the special needs of vulnerable groups, including women, children, youth and migrants.

21. Upon his election, the President of the Twelfth Congress, Luiz Paulo Teles Ferreira Barreto, Minister of Justice of Brazil, addressed the Congress. He welcomed all participants and underlined the importance of the Congress as a major international forum for setting guidelines and priorities on crime prevention and criminal justice and facilitating the exchange of views among practitioners in that field. In informing the Congress of national initiatives and measures related to the items under consideration by the Congress, he specifically referred to international cooperation, in which area Brazil had started developing tools required for combating transnational threats. He also provided an overview of the guiding principles and goals of the National Programme for Public Safety with Citizenship (PRONASCI), launched in 2007. In addition, he noted the efforts of Brazil in reforming its prison system. He highlighted the need to take a humanitarian approach in addressing crime, specifically in the field of child justice and migration. The President of the Congress announced the decision of the President of Brazil to implement immediately article 30 of the Organized Crime Convention, article 62 of the United Nations Convention against Corruption<sup>14</sup> and the relevant provisions of General Assembly resolutions 55/25 and 58/4. Implementation of those articles and provisions would be effected through the contribution to UNODC of assets confiscated by the authorities of Brazil in money-laundering and other crime cases, in order to enable UNODC to support the strengthening of the capacity of criminal justice systems of developing countries to implement the crime conventions.

22. The Governor of the State of Bahia, Jacques Wagner, welcomed the participants of the Twelfth Congress and highlighted the importance for Bahia of hosting the Congress, which he viewed as a demonstration of the commitment of the government of the State of Bahia to combating crime. He noted the great impact of past United Nations congresses on crime prevention and criminal justice and stressed their importance for gathering valuable information on crime and for exchanging expertise and views on effective policies to combat it. He was confident that the Twelfth Congress would develop new, more humane and effective criminal justice policies.

23. The Mayor of Salvador, João Henrique de Barradas Carneiro, expressed the city's honour to be acting as host to the Twelfth Congress. He noted that there was a need for norms and national legal regimes in order to adapt to the evolving threats posed by new forms of crime. Technological advances contributed to the development of those emerging forms of crime, which needed to be countered using innovative measures. He therefore highlighted the importance of the Congress to building consensus on such measures.

24. The representative of the Republic of Korea, speaking on behalf of the Group of Asian States, emphasized the importance of the Twelfth Congress as a forum to address both current and emerging forms of crime and strengthen international efforts in the area of crime prevention and criminal justice pursuant to the action-oriented recommendations resulting from the regional preparatory meetings. He noted the specific needs of vulnerable groups such as women, children, youth

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<sup>14</sup> Ibid., vol. 2349, No. 42146.



and migrants and the importance of eliminating violence against those groups as well as addressing the conditions giving rise to their vulnerabilities. He also underlined the need for States to ensure respect for the rights of victims of trafficking in persons and smuggled migrants, provide appropriate protection to such individuals and address the root causes of related crimes in a cooperative and comprehensive manner. He also noted that strengthening the capacity of competent national authorities was an important part of global efforts to counter money-laundering and the financing of terrorism. In that regard, one of the priorities in the fight against corruption was to ensure the safe return of illegally diverted proceeds of corruption to the countries of origin. Finally, he acknowledged the significance of inter-agency cooperation and technical assistance in building the capacity of Member States to effectively prevent and suppress crime and underscored the importance of ensuring the long-term predictability and sustainability of technical assistance. In that connection, he urged UNODC to continue working with relevant stakeholders in refining processes and mechanisms for needs assessments.

25. The representative of Argentina, speaking on behalf of the Group of Latin American and Caribbean States, emphasized the importance of considering the development of a mechanism to monitor follow-up actions to, and assess the practical impact of, the recommendations adopted by United Nations congresses on crime prevention and criminal justice. He highlighted the importance of promoting the implementation of the crime conventions and, in particular, developing a mechanism for reviewing the implementation of the Organized Crime Convention and the Protocols thereto. He noted that the fight against organized crime needed to be closely linked to the efforts to promote sustainable development, human rights, social inclusion and the participation of all citizens in public life, the rule of law and good governance. He stressed the need for action plans to prevent juvenile delinquency and to enhance efforts to increase knowledge about and awareness of the United Nations standards and norms in crime prevention and criminal justice. With regard to the smuggling of migrants, he recommended that the issue of migration be addressed not only on the basis of security considerations but also within a broader development agenda and taking into account the protection of the rights of the victims and the root causes of their vulnerability, irrespective of their legal status in the countries of destination. Furthermore, there was a need to promote international cooperation activities aimed at dismantling the material and financial base of transnational organized crime, including through innovative measures for freezing and confiscating assets and property and for the sound administration of confiscated assets, as well as mechanisms for enhancing cooperation between competent authorities and improving information exchange. He underscored the links between terrorism and other illicit activities, including drug trafficking, and the financing of terrorist groups through the commission of such activities. He noted the importance of adopting a holistic strategy to address cybersecurity threats, paying particular attention to the establishment of the necessary infrastructure to prevent cyberattacks and ensure the security of information technology systems and to the importance of improving legislation for the protection of Internet users. Finally, greater attention had to be given to effectively addressing trafficking in cultural property through the development of legislation in this area, the enhancement of international cooperation and the

establishment of appropriate mechanisms for the recovery and return of cultural objects to the countries of origin.

## **E. Election of the President and of other officers**

26. At its 1st plenary meeting, on 12 April 2010, the Twelfth Congress elected by acclamation Mr. Teles Ferreira Barreto, Minister of Justice of Brazil, as President of the Congress.

27. At the same meeting, the Congress also elected by acclamation Sitona Abdella Osman (Sudan) as Chair of Committee I, Matti Joutsen (Finland) as Chair of Committee II and the following States as Vice-Presidents: Algeria, Argentina, Australia, Austria, Azerbaijan, Canada, China, Colombia, Cuba, Egypt, India, Indonesia, Italy, Kazakhstan, Kenya, Mexico, Namibia, Panama, Philippines, Republic of Korea, South Africa, United States and Zimbabwe.

28. At its 7th meeting, on 15 April, the Congress elected by acclamation Emil Plywaczewski (Poland) as Vice-President. At its 11th meeting, on 17 April, Gabriela Scutea (Romania) was elected by acclamation as Rapporteur-General.

29. At its 1st meeting, on 12 April, Committee I elected by acclamation Adam Sadiq (Sri Lanka) as Vice-Chair and Maggie Jackson (Australia) as Rapporteur.

30. At its 6th meeting, on 18 April, Committee II elected by acclamation Gerardo Bompadre (Argentina) as Vice-Chair and Wojciech Filipkowski (Poland) as Rapporteur.

## **F. Adoption of the agenda**

31. At its 1st plenary meeting, on 12 April, the Congress adopted the provisional agenda (A/CONF.213/1) as approved by the General Assembly in its resolution 63/193. The agenda was as follows:

1. Opening of the Congress.
2. Organizational matters:
  - (a) Election of the President and of other officers;
  - (b) Adoption of the rules of procedure;
  - (c) Adoption of the agenda;
  - (d) Organization of work;
  - (e) Credentials of representatives to the Congress:
    - (i) Appointment of members of the Credentials Committee;
    - (ii) Report of the Credentials Committee.
3. Children, youth and crime.
4. Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism.

5. Making the United Nations guidelines on crime prevention work.
6. Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime.
7. International cooperation to address money-laundering based on relevant United Nations and other instruments.
8. Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime.
9. Practical approaches to strengthening international cooperation in fighting crime-related problems.
10. Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families.
11. Adoption of the report of the Congress.

## **G. Organization of work**

32. At its 1st plenary meeting, on 12 April, in accordance with the recommendations of the pre-Congress consultations held on 11 April (A/CONF.213/L.1), the Congress approved its organization of work, on the understanding that 17 April (in plenary) and from 16 to 19 April (in Committee II) would be reserved for informal consultations and that any further adjustments that might be required would be made during the Congress. Accordingly, the high-level segment, the consideration of agenda items 1-3, 5, 6, 10 and 11 and workshop 3 would be allocated to plenary meetings; the consideration of agenda items 4, 7 and 9 and workshops 1, 4 and 5 would be allocated to Committee I; and the consideration of agenda item 8 and workshop 2 would be allocated to Committee II. The Congress also approved a number of recommendations with regard to arrangements for the high-level segment, as recommended during the pre-Congress consultations.

## **H. Adoption of the rules of procedure**

33. At its 1st plenary meeting, on 12 April, the Congress adopted by consensus its rules of procedure (A/CONF.213/2).

## **I. Credentials of representatives to the Congress and appointment of members of the Credentials Committee**

34. At its 1st plenary meeting, on 12 April, in accordance with rule 4 of the rules of procedure (A/CONF.213/2) and as proposed by the President, the Congress decided that the following States should be appointed members of the Credentials Committee: Brazil, China, Jamaica, Philippines, Russian Federation, Spain, United Republic of Tanzania, United States and Zambia.

## **J. Consideration of the report of the Secretary-General on the state of crime and criminal justice worldwide**

35. A representative of the Division of Policy Analysis and Public Affairs of UNODC introduced the report of the Secretary-General on the state of crime and criminal justice worldwide (A/CONF.213/3), prepared pursuant to General Assembly resolution 64/180 and in accordance with past practice. In his presentation, the representative emphasized the challenges faced in measuring the nature and extent of crime and the response of criminal justice systems. He noted that current UNODC priorities for crime measurement included specific forms of transnational organized crime, the crime of intentional homicide and acts of corruption. He expressed gratitude to all Member States that regularly shared information with the international community through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems and highlighted that such information was crucial to effective policy and operational responses at the international level.

## **Chapter IV**

### **High-level segment of the Congress**

36. The high-level segment was held in plenary from 17 to 19 April 2010. At a ceremonial opening that took place prior to the opening of the high-level segment, the following high-level speakers from the host country addressed the Congress: Roberto Gurgel, Attorney General; Mr. Teles Ferreira Barreto, Minister of Justice and President of the Congress; Fernando Smith, representing the Governor of Bahia; and Gilmar Mendes, President of the Supreme Court.

#### **A. Statements at the high-level segment**

37. Statements were made by 58 high-level officials. At the first meeting of the high-level segment, on 17 April, the following high-level officials made statements:

Luiz Paulo Teles Ferreira Barreto  
Minister of Justice of Brazil and President of the Congress

Taous Feroukhi  
Ambassador and Permanent Representative of Algeria to the United Nations  
(Vienna) (on behalf of the Group of 77 and China)

Juan Carlos Campo Moreno  
State Secretary of Justice, Ministry of Justice of Spain (on behalf of the  
European Union)

Johanne Tomana  
Attorney-General of Zimbabwe (on behalf of the Group of African States)

Eugenio María Curia  
Ambassador and Permanent Representative of Argentina to the United Nations  
(Vienna) (on behalf of the Group of Latin American and Caribbean States)

Tuija Brax  
Minister of Justice of Finland

Nosiviwe Mapisa-Nqakula  
Minister of Correctional Services of South Africa

Fikrat Mammadov  
Minister of Justice of Azerbaijan

Julio César Alak  
Minister of Justice of Argentina

Aiying Wu  
Minister of Justice of China

Abdullah bin Nasser bin Khalifa Al-Thani  
Minister of State for Interior Affairs of Qatar

Celia C. Yangco  
Secretary of the Department of Social Welfare and Development of the  
Philippines

Mohamed Naciri  
Minister of Justice of Morocco

Alberto Souza Martins  
Minister of Justice of Portugal

Monte A. Rubido García  
Under-Secretary of Prevention, Liaison and Human Rights of the Federal  
Secretariat of Public Safety of Mexico

Elizabeth Verville  
Special Representative, Deputy Assistant Secretary, Bureau of International  
Narcotics and Law Enforcement Affairs, Department of State of the United  
States of America

Toshiaki Hiwatari  
Prosecutor General of Japan

Gun-ho Cho  
Chief Prosecutor

Bussan High Prosecutor's Office of the Republic of Korea

38. At the second meeting of the high-level segment, on 18 April, the following high-level officials made statements:

Antonio Maria Costa  
Executive Director of UNODC and Secretary-General of the Congress

Daniela Kovarova  
Minister of Justice of the Czech Republic

Gholamhossein Mohseni Ajyeh  
Attorney General of the Islamic Republic of Iran

Branislav Hitka  
Ambassador of Slovakia to Brazil

Boules Fahmy Eskander  
Assistant Minister of Justice for Administrative and Financial Development  
and Judicial Requests of Egypt

Giacomo Caliendo  
Vice-Minister of Justice of Italy

Emmanuel Ngaffesson  
Vice-Minister for Penitentiary Affairs of Cameroon

Alina Mihaela Bica  
Secretary of State, Ministry of Justice and Citizens' Freedoms of Romania

William Cheptumo  
Assistant Minister of Justice of Kenya

Ebo Barton-Odro  
Deputy Attorney General and Deputy Minister of Justice of Ghana

Jelaing Mersat  
Deputy Minister of Home Affairs of Malaysia

Donald Piragoff  
Senior Assistant Deputy Minister of Justice of Canada

Luis F. Salvador Gomez  
President of the Supreme Court of Justice of Tumbes of Peru

Majid bin Abdulah al-Alawi  
President of the Tribunal of the Administrative Court of Oman

Silvestre da Fonseca Leite  
President of the Supreme Court of Sao Tome and Principe

Olivia Imalwa  
Prosecutor General, Ministry of Justice of Namibia

Kittipong Kittayarak  
Permanent Secretary of Justice of Thailand

I Gusti Agung Wesaka Puja  
Ambassador of Indonesia to the United Nations (Vienna)

Henriques Dos Santos  
Deputy Attorney General of Angola

Jackson Bumba Vangu  
Head of Office, Ministry of Foreign Affairs of the Democratic Republic of  
the Congo

Chloe Chitty  
Ministry of Justice of the United Kingdom

39. At the third meeting of the high-level segment, on 18 April, the following high-level officials made statements:

Helmut Böck  
Ambassador and Permanent Representative of Austria to the United Nations  
(Vienna)

Wilfried Grolig  
Ambassador of Germany to Brazil

Olivier Weber  
Ambassador responsible for the fight against organized crime, France

Bernardo Stadelmann  
Deputy Director of the Federal Office for Justice of Switzerland

Nirmaljeet Singh Kalsi  
Joint Secretary, Ministry of Home Affairs of India

Nehir Ünel  
Legal Counsellor, Permanent Mission of Turkey to the United Nations  
(Vienna)

Jean-Paul Laborde  
Special Adviser to the Under-Secretary General, Counter-Terrorism  
Implementation Task Force

Serge Brammertz  
Prosecutor, International Criminal Tribunal for the former Yugoslavia

Yifat Raveh  
Department Manager, Legislation Department, Ministry of Justice of Israel

40. At the fourth meeting of the high-level segment, on 19 April, the following high-level officials made statements:

Alexander Fedorov  
First Deputy Minister of Justice of the Russian Federation

Lameck Mangani  
Minister of Home Affairs of Zambia

Johanne Tomana  
Attorney General of Zimbabwe

Aumua Ming Chad Leung Wai  
Attorney General of Samoa

Rafael Pino Becquer  
Deputy Attorney General of Cuba

Margaret Charlotte Jackson  
Attorney General's Department, Australia

Asif Hussain Memon  
First Secretary, Permanent Mission of Pakistan to the United Nations (Vienna)

Philippe Boillat  
Director-General, Human Rights and Legal Affairs, Council of Europe

Mohamed Redouane Ben Khadra  
Ambassador, Legal Advisor to the Secretary-General, Head of the Department  
of Legal Affairs, League of Arab States

Sitona Abdella Osman  
Alternate Representative of the Sudan to the United Nations (Vienna)

41. A statement on behalf of the non-governmental organizations represented at the Congress was made at the end of the meeting.

## **B. Summary of the general discussion at the high-level segment of the Congress**

42. In opening the high-level segment, the President of the Congress, Mr. Teles Ferreira Barreto, Minister of Justice of Brazil, pointed to the growing links between organized crime and conventional crime. He noted that by taking advantage of corruption, international criminal groups had succeeded in weakening law enforcement. Armed violence had discernible effects on human, social, political and economic development. He noted that the Congress demonstrated that States were unanimous in their stance against transnational organized crime, stating that the best way forward was regional and international cooperation. The Congress itself was an example of such cooperation and demonstrated the ability of States to freely discuss controversial themes, which in turn had already led to spectacular breakthroughs.

43. The Executive Secretary of the Crime Congress, in his introductory remarks, expressed the hope that with a week of intense deliberations behind them, political leaders would, during the high-level segment, have an opportunity to provide further impetus to the strengthening of crime prevention and define the legacy of the Congress held in Salvador by adopting a common declaration.

44. The representative of Algeria, speaking on behalf of the Group of 77 and China, recognized the contribution of the United Nations congresses on crime prevention and criminal justice and noted the Group's appreciation for the work of the regional preparatory meetings, in particular their recommendations and conclusions. She called for full implementation and dissemination of the United Nations standards and norms in crime prevention and criminal justice in order to ensure greater respect for the rule of law and human rights, which would contribute to economic and social development. Noting the adoption of the review mechanism for the Convention against Corruption, she underlined the importance of establishing a review mechanism for the Organized Crime Convention. Expressing concern about emerging crimes, she highlighted in particular trafficking in cultural property, which damaged the cultural heritage of nations. She also condemned all forms of violence against women, including female migrant workers. She highlighted the fact that the Congress presented the international community with an opportunity to provide the Commission on Crime Prevention and Criminal Justice with strategic orientation in terms of tools for prevention, prosecution and punishment. Technical assistance was crucial for developing countries in order to respond to those challenges, and UNODC needed sustainable resources to implement its mandates in those areas and provide technical assistance. She called on States and the donor community to step up funding for that purpose.

45. The representative of Spain, speaking on behalf of the European Union, noted that one of the primary objectives of the European Union was to create an area of freedom, security and justice for its citizens, and referred to the multi-year Stockholm Programme for the period 2010-2014 to carry out that objective. He stressed the importance of adopting an integrated and coordinated approach in dealing with victims of repeated violence in close relationships, gender-based



violence and hate crimes and those subjected to crimes in States of which they were not nationals or residents. He noted the pivotal importance of protecting the public against serious and organized crime. In that context, he referred to the work of Eurojust, a judicial cooperation network, which had produced several cooperation agreements, and the European Arrest Warrant, which had become a key instrument for efficient judicial cooperation among the countries of the European Union. He further highlighted the European Union's involvement in the Committee of Experts on the Evaluation of Anti-Money-Laundering Measures and the Financing of Terrorism (MONEYVAL), and the creation of a decentralized computer network, FIU.NET, for faster asset-recovery activities. Other areas of focus for the European Union were trafficking in human beings and the smuggling of persons. He referred to the Council of Europe Convention on Cybercrime (Budapest Convention),<sup>15</sup> which was open to accession by all States.

46. The representative of Zimbabwe, speaking on behalf of the Group of African States, noted that issues before the Congress — children, youth and crime; smuggling of migrants; trafficking in persons; money-laundering; cybercrime; terrorism and the links between drug trafficking and transnational organized crime — represented serious threats to the achievement of the Millennium Development Goals.<sup>16</sup> Protecting children from crime, especially in post-conflict societies, was a priority for the Group of African States, and particular attention had to be given to collecting reliable data on the root causes of such threats to children. He urged States to give effect to victims' rights, as set forth in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex). He further expressed strong concern about violence against migrants, migrant workers and their families, which was a violation of human rights law, and encouraged States to ratify the relevant international legal instruments. Despite a wide range of international measures, gender-based violence and violence against children, as well as overcrowding in prisons, remained major concerns. He called for States to step up efforts to end those conditions by, inter alia, assisting countries through the provision of technical assistance to build capacity and strengthen legal frameworks. In that regard, he called for strong support for the African Union Plan of Action on Drug Control and Crime Prevention (2007-2012). He also called on States to support the African Centre for Study and Research on Terrorism, as well as other relevant African mechanisms. Finally, he recommended the development of an international convention on cybercrime.

47. The representative of Argentina, speaking on behalf of the Group of Latin American and Caribbean States, underscored the importance of integrating measures to tackle crime with initiatives on sustainable development, human rights, social inclusiveness, the rule of law and good governance. There was a need for crime prevention policies with an inclusive approach involving Governments, civil society, the media and the private sector. Specific focus needed to be placed on keeping children away from crime, reducing the use of juvenile detention and applying social policies centred on education and youth employment. He invited States to consider establishing a mechanism to review the implementation of the Organized Crime Convention and its Protocols. He noted that the developmental

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

<sup>16</sup> A/56/326, annex.

aspects of the issue of illegal migration needed to be taken into account. Asset forfeiture and recovery were important tools in the fight against organized crime, as they could be used to dismantle the financial underpinnings of criminal organizations. In that context, he noted the efforts of countries in the region to adopt innovative approaches to freezing and seizing assets. He also called on States to consider a comprehensive strategy to deal with cybersecurity and highlighted the need to develop new techniques to deal with crimes committed using new technologies. He noted the Group's support for revising, updating and bolstering the Standard Minimum Rules for the Treatment of Prisoners.<sup>17</sup> The Group also supported the establishment of a group of experts to review existing national and regional instruments on cybercrime, in order to determine whether there were gaps that needed to be filled by a new universal instrument. He highlighted that providing technical assistance to developing countries was fundamental to helping them implement their international obligations and emphasized the need to equip UNODC with sufficient, sustained and predictable resources from the regular budget of the United Nations to carry out that mandate.

48. The Secretary-General of the Congress, Antonio Maria Costa, in his address to the Congress, emphasized that organized crime had become a business with macro-economic dimensions and proceeds comparable to the national income of many countries and the turnover of the world's largest corporations. Because of its size and the ways it operated, organized crime had become a threat to security. On several occasions the Security Council had considered the implications of organized crime and had invited UNODC to provide evidence to the Security Council. He noted that organized crime also posed a threat to the welfare of States as it created instability that hampered investment, thus impeding the achievement of the Millennium Development Goals. He expressed the view that fighting crime and the pursuit of justice were the basis for attaining all the Goals, as there could be no development without justice and vice versa. He invited the Congress to contribute to the summit on the Millennium Development Goals to be held in September 2010 and facilitate implementation of the Goals in the third and final period (2011-2015). He called on the Congress to ensure that the mechanism for reviewing implementation of the Convention against Corruption would speedily be made operational and be effective and universal. He also called on participants at the upcoming fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to agree on a similar mechanism to review implementation of that Convention. He raised the question of whether the international community was equipped to oppose new crimes such as cybercrime, environmental crime and counterfeiting and re-emerging crimes such as piracy and trafficking in cultural property and urged the Congress not to shy away from creating new instruments to deal with crime. In closing, he emphasized the importance of engaging society at large in promoting a culture of justice.

49. Speakers expressed their gratitude to the Government of Brazil for the hospitality and efforts made in the organization of the successful Twelfth Congress. Speakers also conveyed the thanks of their Governments to UNODC for its preparations and organization for the Congress, as well as the quality of the

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<sup>17</sup> *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

documents. Appreciation was expressed for the important work done by civil society and non-governmental organizations in contributing to the common endeavour.

50. Speakers referred to the important role of the United Nations congresses on crime prevention and criminal justice in enhancing international cooperation, as they offered a unique opportunity for policymakers, practitioners, members of academia and representatives of civil society to exchange views, share and disseminate experiences and good practices and formulate international guidelines and standards regarding complex current and emerging crime issues. The congresses provided an opportunity for the international community to provide strategic orientation to the Commission on Crime Prevention and Criminal Justice regarding developments and crime trends, as well as potential preventive and response strategies. Adequate follow-up to the commitments adopted in the framework of the Congress needed to be ensured, and speakers called on the Commission to closely follow the action taken to implement the Salvador Declaration adopted by the Twelfth Congress.

51. Speakers stressed the irreplaceable role of the United Nations, in particular UNODC, in reinforcing prevention strategies, in criminal justice reform and in the fight against various forms of transnational crime. Appreciation was expressed for the effective manner in which the Executive Director of UNODC had steered the activities of the Office and for his efforts in raising awareness of the impact of crime in developing countries.

52. Speakers emphasized the need for a global effort to prevent and combat crime in order to achieve international and regional stability and build a better world for future generations. Globalization, increased international trade and investment and cross-border movements not only contributed to the integration and prosperity of the international community but also had an impact on the increasingly transnational nature of crime. The recent global financial crises had reminded people of their interdependence. Crime did not exist in isolation; it required broad response strategies, as well as integrated interventions ranging from crime prevention to enforcement and prosecution, and rehabilitation and reintegration. Preventing crime and ensuring efficient criminal justice systems was a prerequisite for a stable and prosperous global economy. Effective responses to the threats posed by crime must include national, regional and international strategies, applied in an integrated and sustainable manner, based on the principle of shared responsibility. Enhanced international cooperation, coupled with strong political will and mutual trust, was critical to the success of the fight against crime.

53. Speakers emphasized that crime prevention and criminal justice were central to good governance and the rule of law. Crime prevention and criminal justice were not ends in themselves but, rather, created safer and stable societies. Overall crime prevention efforts should be based on the following three pillars: prevention, improvement of the criminal justice system and international cooperation. Speakers stressed the principle of using criminalization only as a last resort. Good governance and the rule of law must be encouraged and developed from within, which required capacity-building in criminal justice systems.

54. Speakers noted the importance of strengthening capacities in the areas of crime prevention and criminal justice to combat crime in a global and comprehensive way. The provision of technical assistance was considered important

for achieving sustainable and long-lasting results in the prevention, prosecution and punishment of crime, in particular through building, modernizing and strengthening criminal justice systems. Reference was also made by one speaker to the challenges faced by and the specific needs of small developing countries, in particular small island countries. It was highlighted that different forms of technical assistance could be provided, varying from South-South cooperation to country-based, integrated and coordinated programming and delivery. Appreciation was expressed for the good quality of the work done by UNODC in the delivery of technical assistance in this area. Speakers also emphasized the important role that civil society, non-governmental organizations, the private sector and development partners had to play in the process.

55. The role of education and training as a means of capacity-building in the criminal justice system was highlighted. Some speakers expressed support for the preparation of a template on international criminal justice education for the rule of law. In the area of anti-corruption, the Congress was informed of the establishment of the International Anti-Corruption Academy, a joint initiative of UNODC and the Government of Austria with the support of the European Anti-Fraud Office and other partners.

56. The importance of strengthening partnerships with the private sector, the media, faith-based organizations and civil society in the fight against various forms of crime was underscored by many speakers. Governments needed to work closely with non-governmental organizations and civil society to uphold the rule of law and ensure good governance, accountability and transparency.

57. Speakers recommended that the United Nations standards and norms in crime prevention and criminal justice be disseminated and fully implemented in order to ensure greater respect for the rule of law and human rights, which in turn would further promote economic and social development. Many speakers expressed support for all initiatives aimed at reviewing and updating those standards and norms in order to better address new challenges and needs, and at fostering their wider application by States parties.

58. A significant number of participants drew attention to the global problem of overcrowding in prisons and called for the increased use of alternatives to detention and restorative justice programmes to replace exclusively punitive responses to crime. Speakers noted that many developments had taken place since the time of the adoption of the Standard Minimum Rules for the Treatment of Prisoners,<sup>18</sup> and the time had come to review and update the Rules to take new realities into account. Several speakers supported the adoption of the draft United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders<sup>19</sup> and called for the support of Member States in adopting those rules with a view to mainstreaming gender sensitivity into the culture of corrections. Speakers stressed that prison reform should be seen as an integral component of criminal justice reform and called for technical assistance in that field to be provided to Member States. Several participants outlined the reforms initiated in their countries in the field of criminal justice reform, in particular prison reform, in terms of both

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<sup>18</sup> *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

<sup>19</sup> A/CONF.213/17, annex.

legislation and activities aimed at improving conditions in prisons and the treatment of prisoners. Several speakers underlined that investing in the social reintegration of prisoners and thereby reducing recidivism rates should be an integral component of crime prevention strategies. Speakers expressed appreciation for the actions taken to address torture, in particular the work of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. Speakers further noted with appreciation the important work done by community-based and faith-based organizations in caring for prisoners.

59. Several speakers underlined that children and youth should be given priority attention, as they are the future. Speakers also discussed an array of initiatives relating to juvenile justice, as well as measures designed to discourage youth crime and address juvenile delinquency in a holistic and comprehensive manner. Speakers provided information on measures taken at the national and regional levels to deal with children at risk and children in conflict with the law, such as child-appropriate proceedings, programmes and services for prevention, diversion, rehabilitation, reintegration and aftercare services.

60. Reference was also made to the importance of an impartial and independent judiciary, and the proper management of criminal justice institutions, including courts and prosecutorial services, was emphasized. The need for awareness-raising and capacity-building for criminal justice practitioners was mentioned. Speakers also made reference to the role of technology in criminal justice reform and the need for technical assistance in that regard.

61. Speakers called for comprehensive crime prevention strategies that directly addressed the root causes of crime. Poverty and environmental disasters, among other things, drastically increased the vulnerability of persons to crime. Communities had a high level of responsibility to take the necessary initiative, such as by ensuring safety in schools, on the streets and in neighbourhoods, by including young people in public responsibilities and by developing mechanisms for conflict resolution and social responsibility. It was also important to restore public trust in criminal justice institutions. In that regard, the importance of community policing was emphasized. Reference was also made to public awareness programmes targeting issues such as corruption and the fight against social exclusion. Speakers stated that crime prevention was not the task of law enforcement agencies alone, as all policies aimed at improving the welfare of society and the elimination of social vices had an impact on crime prevention.

62. Speakers underlined that crime prevention should also address the needs of victims of crime in order to reduce revictimization and repeat offending. The use of restorative justice mechanisms was highlighted in that regard. It was stressed that an integrated and coordinated approach was needed in order to ensure the rights of and improve support for victims of crime. Speakers underlined the need for strengthened information collection and the importance of providing victims access to justice and easily accessible support such as family shelters, support persons and telephone helplines.

63. Reference was made to the fact that, at an earlier stage, the international community had recognized the seriousness of sexual abuse and violence against children and youth and had enacted various international instruments, such as the

Convention on the Rights of the Child.<sup>20</sup> Speakers also referred to national measures taken to counter sexual exploitation of children, including their involvement in pornographic acts and materials.

64. Speakers strongly condemned all forms of violence against women, including violence against women migrant workers, and called on the international community to prevent, penalize and prosecute such crimes and punish the perpetrators in accordance with national legislation. Violence against women was a worldwide social problem, as well as a serious violation of human rights and a form of discrimination against women. The commitment to the elimination of all forms of violence against women was reaffirmed. In that context, reference was made to national initiatives undertaken to combat violence against women, including the adoption of appropriate legislative measures, the establishment of specific units, the use of restraining orders, the establishment of prosecutor posts specialized in dealing with offences against women and children, the implementation of measures to assist victims and the provision of social support, particularly in cases of intimate partner violence. Several speakers expressed support for the adoption of the revised and updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.

65. Speakers referred to the threats, including cybercrime, posed by the use of new technologies by offenders. They highlighted the economic damage and the harm to the well-being of people caused by cybercrime and the cross-border nature of the crime. Speakers described measures taken by their Governments to combat cybercrime and noted the challenges involved in investigating and prosecuting cybercrime. Some speakers referred to the Council of Europe Convention on Cybercrime, urging other States to accede to it. Some speakers highlighted the importance of cooperation with the private sector in that regard. Speakers called for further provision of capacity-building and commended the work of UNODC in that area. One speaker stated that an action plan for a global capacity-building effort was required and called for partnerships and synergies among stakeholders in that field to ensure coordination in reviewing needs, mobilizing resources, providing technical assistance and assessing progress made. One speaker referred to the links between organized crime and piracy of digital media and recommended conducting an in-depth study and analysis of this issue. Some speakers expressed support for the preparation of a new international instrument against cybercrime, while other speakers were opposed to the development of such an instrument. One speaker expressed disappointment that it had not been possible at the Twelfth Congress to lay the foundation for the negotiation of a new international legal instrument on cybercrime.

66. Reference was made to General Assembly resolutions and two presidential statements of the Security Council in which concern had been expressed about the serious threats that drug trafficking and transnational organized crime posed to international peace and security.

67. Speakers underlined the growing links between drug trafficking, organized crime, trafficking in persons, corruption and money-laundering. Proceedings should be shortened and simplified, while ensuring full respect for the human rights of the

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<sup>20</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

accused. The establishment of direct cooperation channels between law enforcement agencies and between judiciaries was recommended. Regional networks were commended as a tool for the exchange of operational information. Speakers underlined that the relevant international legal instruments provided a useful framework to expedite procedures and underlined that political will and the full implementation of the relevant international legal instruments were essential to making international cooperation in criminal matters more efficient. Speakers reported on a number of national measures taken, including the adoption of legislation and the conclusion of bilateral extradition and mutual legal assistance treaties.

68. Speakers further underlined the importance of the freezing and forfeiture of assets that were proceeds of crime and the efficient recognition of foreign court orders. They highlighted that confiscation was often more effective than the detention of criminals in fighting profit-oriented crime. A number of speakers described measures taken by their Governments to that end; some referred to the establishment of procedures for non-conviction-based confiscation.

69. One speaker referred to States in armed conflict and underlined the frequent connection between organized crime and war crimes prior to, during and after armed conflict, and recommended an integrated approach for the prosecution of both categories of crime.

70. A number of speakers referred to emerging areas of crime such as environmental crime and trafficking in cultural property, and welcomed the opportunity to hold a thematic debate on trafficking in cultural property during the upcoming session of the Commission on Crime Prevention and Criminal Justice. One speaker noted that environmental crime, which hindered sustainable development, could be countered and prevented through anti-money-laundering and asset recovery systems.

71. Speakers called on States that had not yet done so to ratify or accede to the relevant international legal instruments, namely the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>21</sup> the Organized Crime Convention and the Protocols thereto and the Convention against Corruption, as well as the United Nations instruments against terrorism, and called on all States parties to fully implement the comprehensive framework contained in those conventions. Many speakers expressed satisfaction at the adoption by the Conference of the States Parties to the United Nations Convention against Corruption at its third session of a resolution establishing the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, and called on States parties to actively engage in and support the peer review under the Mechanism. A number of speakers called upon the States parties to the Organized Crime Convention to make every effort to establish a mechanism for the review of implementation of that Convention at the fifth session of the Conference of the Parties to the United Nations against Transnational Organized Crime, to be held in Vienna in October 2010.

72. Speakers called for universal adherence to the Smuggling of Migrants Protocol as well as to other relevant international instruments, in particular the International

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<sup>21</sup> Ibid., vol. 1582, No. 27627.

Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>22</sup> Speakers expressed strong concern regarding violence against migrants, migrant workers and their families, in particular in the context of border control measures. Speakers reported on national, bilateral and regional efforts and initiatives to reduce the vulnerability of and the risks faced by migrants, migrant workers and their families, ranging from providing legal aid and assistance, in particular for women and children, to the establishment of specialized units focusing on combating and preventing such violence. Several speakers also expressed that the criminalization of illegal migrants and the practice of their mandatory detention at borders were inconsistent with international law and must therefore cease. One speaker strongly supported the proposal that the Twelfth Congress recommend to the Commission on Crime Prevention and Criminal Justice the consideration of the preparation of a model strategy and practical measures on the elimination of violence against migrants, migrant workers and their families in the field of crime prevention and criminal justice.

73. A number of speakers pointed out that trafficking in persons and smuggling of migrants were serious forms of organized crime requiring a comprehensive approach balancing criminal justice and human rights. Representatives reported on legislation adopted and measures taken in their countries to combat and more effectively prevent trafficking in persons and smuggling of migrants, including ratification of the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol, and protect the victims of trafficking in persons, especially women and children, and the rights of smuggled migrants and prosecute offenders. Several representatives emphasized the need to strengthen the coordination of efforts within States, as well as at the regional and international levels and with all relevant stakeholders, and noted the specific role of non-governmental organizations. Some representatives proposed the revision of the Trafficking in Persons Protocol to bring it more in line with present realities. However, others considered that the Trafficking in Persons Protocol constituted a road map for a comprehensive fight against trafficking in persons.

74. Speakers recognized that money-laundering posed a serious threat to the integrity and stability of the economic and financial systems and long-term social development. Most speakers underlined the strong links between money-laundering and transnational organized crime, drug trafficking and trafficking in human beings, as well as terrorism, in particular its financing, as highlighted in the relevant United Nations conventions. Several speakers reported on their State's membership in the Financial Action Task Force on Money Laundering (FATF) or a related regional task force and provided an evaluation of their national anti-money-laundering framework established in the context of those bodies. Some speakers expressed concern at the emerging trends regarding the misuse of information technologies to commit financial crime, money-laundering and terrorism. Those challenges required international cooperation and coordination. One speaker called for a comprehensive convention against money-laundering.

75. Some speakers presented the recent progress achieved by their Governments in adopting money-laundering legislation to enable them to identify, seize, freeze and confiscate proceeds of crime. Some speakers stressed that to effectively fight

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<sup>22</sup> Ibid., vol. 2220, No. 39481.



organized crime, the focus should be placed on the proceeds of crime by depriving criminals of those assets and dismantling organized criminal groups and their financial means. In doing so, Member States should consider innovative legal techniques such as the reversal of the burden of proof to establish the lawful origin of the proceeds, preventive measures for politically exposed persons, the criminal liability of legal persons and civil forfeiture techniques.

76. Many speakers stressed the essential role of financial intelligence units in national frameworks to combat money-laundering and to analyse suspicious transactions related to possible money-laundering. The creation of specialized asset forfeiture units was also underlined. The need for appropriate capacity-building and training in this area, the dissemination of tools and the exchange of operational information were highlighted. The role of UNODC in delivering technical assistance to counter money-laundering and the financing of terrorism was commended.

77. Several speakers underlined that terrorism was a global phenomenon and a threat against international peace and security requiring a multilateral approach; they stressed the importance of international and regional cooperation and the role of the United Nations as a unique global forum for countering terrorism. The importance of a criminal justice approach to combating terrorism was underlined, and Member States were called upon to become parties to the relevant international legal instruments and to fully implement the provisions of those instruments, as well as the relevant Security Council resolutions and the United Nations Global Counter-Terrorism Strategy. It was emphasized that countering terrorism should be conducted with full respect for the rule of law and human rights. Several speakers noted the growing links between terrorism and other forms of crime, including organized crime, money-laundering, drug trafficking and corruption, and underlined the importance of depriving terrorists of their sources of funding. One speaker mentioned that any comprehensive global strategy to combat terrorism should address the possible links between transnational organized criminal groups and terrorist organizations. The importance of addressing conditions conducive to the spread of terrorism was mentioned, as was the need for long-term preventive measures. Several speakers also stressed that victims of terrorism should not be forgotten.

78. Several speakers shared the experience of their countries in implementing measures and strategies to counter terrorism, in particular steps taken for the ratification and implementation of the international legal instruments related to terrorism. Action taken included legislative measures, operational measures, including the setting-up of coordination mechanisms, and measures addressing conditions conducive to the spread of terrorism, such as deradicalization programmes.

79. Appreciation was expressed for the work undertaken by UNODC, in particular its Terrorism Prevention Branch, in close coordination with the Counter-Terrorism Committee Executive Directorate and as an active member of the Counter-Terrorism Implementation Task Force, in providing technical assistance and capacity-building on criminal justice aspects of countering terrorism. Reference was also made by some speakers to the need to make technical assistance delivery by the Branch sustainable through an adequate increase in regular budget resources and through the provision of multi-year extrabudgetary resources.

80. Speakers highlighted the importance of establishing and strengthening the capacities of Member States to collect statistical data on crime and criminal justice. It was noted that high-quality statistical data could lead to sound knowledge about the structure and trends of crime and were indispensable tools for developing evidence-based policy. Several speakers observed that statistics on crime and criminal justice should be reported and exchanged at the national, regional and international levels, including within the framework of mechanisms of the United Nations.

81. The Government of Qatar offered to act as host to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in 2015.

### **C. Action taken at the high-level segment**

82. At the fourth meeting of the high-level segment, on 17 April 2010, the Congress adopted the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World” (A/CONF.213/L.6/Rev.2). (For the text of the resolution, see chapter I, resolution 1.)

## **Chapter V**

### **Consideration of agenda items in plenary meetings and by sessional bodies and action taken by the Congress**

#### **A. Children, youth and crime; and making the United Nations guidelines on crime prevention work**

##### **Proceedings**

83. At its 2nd plenary meeting, on 12 April 2010, the Congress allocated to plenary meetings agenda item 3, entitled “Children, youth and crime”, and agenda item 5, entitled “Making the United Nations guidelines on crime prevention work”. The Congress considered the items at its 2nd, 3rd and 4th plenary meetings, on 12 and 13 April 2010. For its consideration of the item, the Congress had before it the following documents:

(a) Working paper prepared by the Secretariat on children, youth and crime (A/CONF.213/4);

(b) Working paper prepared by the Secretariat on making the United Nations guidelines on crime prevention work (A/CONF.213/6);

(c) Background paper on the Workshop on International Criminal Justice Education for the Rule of Law (A/CONF.213/12);

(d) Background paper on the Workshop on the Survey of United Nations and Other Best Practices in the Treatment of Prisoners in the Criminal Justice System (A/CONF.213/13);

(e) Background paper on the Workshop on Practical Approaches to Preventing Urban Crime (A/CONF.213/14);

(f) Background paper on the Workshop on Strategies and Best Practices against Overcrowding in Correctional Facilities (A/CONF.213/16);

(g) Report submitted by the Chair of the expert group on the outcome of the meeting of the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings (A/CONF.213/17);

(h) Discussion guide (A/CONF.213/PM.1);

(i) Reports of the regional preparatory meetings for the Twelfth Congress (A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1).

84. At the 2nd plenary meeting, items 3 and 5 were introduced by representatives of the Secretariat. A short film entitled “United Nations principles for the prevention of crime and their practical application around the world” was shown, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment addressed the Congress on the item on children, youth and crime. Statements were made by representatives of Chile, Finland, Germany, China, Switzerland, Canada, Argentina, Brazil, Egypt and the Libyan Arab Jamahiriya.

85. At the 3rd plenary meeting, on 13 April, statements were made by the representatives of the Russian Federation, South Africa, the Republic of Korea, the United States, Peru, the United Kingdom, Angola, India, Uganda, the Islamic Republic of Iran, Romania, Mexico, Chad, Algeria, Thailand, France, Brazil, the Libyan Arab Jamahiriya and Viet Nam. A statement was also made by the observer for the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD).

86. At its 4th plenary meeting, on 13 April, statements were made by the representatives of Saudi Arabia, China, the Philippines, Nigeria, Namibia, Zimbabwe, Cuba and the Plurinational State of Bolivia. Statements were also made by the observers for the League of Arab States, the Academic Council on the United Nations System (also on behalf of the Vienna Alliance of Non-Governmental Organizations on Crime Prevention and Criminal Justice and the International Commission of Catholic Prison Pastoral Care), the International Society for Traumatic Stress Studies (also on behalf of the New York Alliance of Non-Governmental Organizations on Crime Prevention and Criminal Justice), the Interagency Panel on Juvenile Justice, the Friends World Committee for Consultation, the Open Society Institute and Prison Fellowship International. Three individual experts also made statements.

#### **General discussion on children, youth and crime**

87. A representative of the Secretariat made an introductory statement, recalling that the adoption of the Convention on the Rights of the Child over 20 years ago marked a new era in children’s rights. Noting that in 2010 the United Nations celebrates the International Year of Youth, for which 15 areas of action had been identified, including juvenile delinquency, she indicated that the rights of children and youth were very often challenged by violence and exploitation, as well as by

poverty, malnutrition and disease. Children and youth exposed to such circumstances were at greater risk of becoming involved in criminal activities. Therefore, strong preventive and reactive measures addressing the root causes of juvenile delinquency were needed. The representative of the Secretariat also stressed the fact that restorative justice measures had proved to be more effective than detention, with recidivism rates as low as 10 per cent in some cases, and underlined that detention should be used only as a measure of last resort in cases of child or juvenile offenders.

88. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment noted that worldwide more than 1 million children lived behind bars. Following his fact-finding missions, he had come to the conclusion that too many children were deprived of their liberty, in violation of international standards and norms. He had also observed that in many countries the criminal justice system functioned as an ill-suited substitute for a lacking or dysfunctional welfare system. He called for strong action to prevent children from being sent to prison and for a total ban on capital and corporal punishment and life imprisonment for children. He urged Member States to establish the minimum age of criminal responsibility at least 14 years and in no case below 12 years of age. He invited Member States to open to external scrutiny closed institutions where children were held by acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 57/199, annex). He also invited Member States to contribute to the drafting and adoption of a United Nations convention on the rights of detainees containing special provisions on the rights of child detainees.

89. In the subsequent discussion, many speakers made reference to the Convention on the Rights of the Child, which had reached almost universal adherence and had marked an important evolution in the recognition of the rights and needs of children. Many speakers mentioned that their Governments had adopted national legislation and procedures to ensure compliance with the Convention. Various views were expressed with regard to the age of criminal responsibility, but many were of the view that it should not be lower than 12.

90. Most speakers highlighted the importance of the United Nations standards and norms on children, youth and crime, including the following: the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33, annex); the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (Assembly resolution 45/112, annex); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Assembly resolution 45/113, annex); the Guidelines for Action on Children in the Criminal Justice System (Economic and Social Council resolution 1997/30, annex); and the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (Council resolution 2005/20, annex). Speakers stated that those standards and norms provided excellent guidance in the areas of youth crime prevention, juvenile justice, children in detention and child victims or witnesses of crime. Some countries emphasized the use of standards and norms to ensure that children's rights were taken into account in the context of broad rule-of-law initiatives. A human rights-based approach was mentioned by several speakers.

91. Many speakers referred to comprehensive prevention frameworks and programmes, including effective awareness-raising initiatives and educational measures. Schools were mentioned as a particularly cost-effective means of providing crime prevention and criminal justice education for children and youth. Such programmes should address all forms of crime affecting children and youth, including cybercrime and school crimes such as bullying.

92. Some speakers noted the benefits of providing specialized training to a range of professionals including police, prosecutors, judges and medical practitioners to respond to individual needs of children and youth in contact with the criminal justice system.

93. Several speakers discussed the special needs of child victims and witnesses and the responses to such needs, including juvenile and child-friendly courts, non-uniformed staff and specialized training for professionals dealing with child victims and witnesses. Many speakers referred to the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, which gave detailed guidance on how to provide justice for child victims and witnesses of crime while protecting their rights and respecting their particular needs. Several speakers referred to the alarming increase in cases of sexual abuse of children and the special needs of the victims of such crimes. Speakers also referred to the vulnerability of refugee and internally displaced children, as well as orphans in contact with the criminal justice system.

94. Many speakers made reference to the importance of addressing the needs of children in conflict with the law outside the formal criminal justice system. Furthermore, speakers emphasized the benefits of restorative justice approaches that offered unique opportunities to create a community of care around children in conflict with the law. Several speakers stressed that alternative measures to imprisonment should be used whenever possible, including the use of community-based rehabilitation and social reintegration schemes.

95. Several speakers noted the lack of comparable data and scientific evidence on children, youth and crime and that such data were necessary to design strategies and policies to prevent and respond to juvenile delinquency. A few speakers made particular mention of the need to evaluate programmes as a basis for elaborating new approaches. Many speakers expressed an interest in sharing experience as a means of learning from each other. Several speakers mentioned the good practice of ensuring coordination between the criminal justice system and the social welfare system when responding to the needs of child and youth offenders, victims and witnesses.

96. Some speakers mentioned media and its responsibility to present information that distinguished between reality, as reflected in academic and scientific evidence and studies, and perceptions among the general public with regard to children and youth and their relation to crime.

97. A few speakers mentioned the challenges involved in mobilizing national and international financial and human resources for comprehensive reforms. Several speakers indicated that their Governments or organizations were providing international technical assistance in the area of justice for children, while others called on the international community to provide such support. Member States commended the work of the Interagency Panel on Juvenile Justice in coordinating

technical assistance related to children, youth and crime and recommended States to make use of the Panel's resources.

#### **Conclusions and recommendations on children, youth and crime**

98. It was emphasized that detention should be used only for the shortest appropriate time and be imposed only if no other alternative measure contributed to the reintegration and rehabilitation of the child.

99. The best interest of the child should be put at the centre of national juvenile justice systems.

100. Member States should step up efforts to adopt a comprehensive approach to juvenile justice and child victims and witnesses and take the necessary measures to integrate restorative processes as a means of dealing with children in conflict with the law at all stages of the administration of juvenile justice.

101. Member States were encouraged to adopt a participatory approach to all reform efforts in the area of children, youth and crime and to give effect to the right of all children in contact with the criminal justice system to be heard, regardless of their involvement in crime or state of victimization.

102. It was also recommended that UNODC, upon request, should increase its technical assistance capacity and programming in the area of children and youth in criminal justice systems, including through efforts to promote the use of restorative justice approaches in dealing with offences committed by children and against children, and special measures to address the needs of child victims and witnesses of crime.

103. It was further recommended that Member States establish or strengthen the systematic collection of data on the nature of and the responses to juvenile delinquency in order to inform their policies in that regard with a view to adjusting them as necessary and to conducting or supporting research on the nature and impact of the various responses to juvenile delinquency.

#### **General discussion on making the United Nations guidelines on crime prevention work**

104. A representative of the Secretariat made an introductory statement. She recalled that prevention was the first imperative of justice and that the United Nations Guidelines for the Prevention of Crime (Economic and Social Council resolution 2002/13, annex) had the purpose of providing guidance to Member States on the main elements of effective crime prevention. She recalled the key elements of successful crime prevention policies, which included establishing a central body charged with the implementation of national programmes; reviewing strategies regularly to identify real needs as well as best practices; producing guides, toolkits and manuals to assist in the dissemination of knowledge on crime prevention; securing the commitment of central and local governments to the success of crime prevention programmes; creating partnerships and cooperation with non-governmental organizations; and encouraging the participation of the public in crime prevention. The main and most pressing challenges that countries encountered in implementing the Guidelines for the Prevention of Crime included strengthening social prevention as public policy, improving coordination among government

bodies involved in crime prevention, disseminating relevant knowledge to local governments and stimulating their participation in crime prevention, creating training programmes and devising proper evaluation mechanisms. The representative of the Secretariat concluded by recalling the most recent activities undertaken by UNODC in the area of crime prevention, referring in particular to its technical cooperation activities and the development of tools such as the *Crime Prevention Assessment Tool*,<sup>23</sup> a manual to facilitate the implementation of the Guidelines for the Prevention of Crime and a handbook on good practices in policing urban space.

105. Several speakers referred to their national experiences on the practical implementation of the Guidelines for the Prevention of Crime with respect to policy and specific actions. In that connection, several participants explained the different strategies that they had adopted. In particular, reference was made to the adoption of a national plan of criminal justice and crime prevention, which encompassed crime prevention in general and certain patterns of crime in particular and included a programme of action to prevent the smuggling of women and children. A number of participants explained that their Governments had adopted national programmes in which prevention was the main focus and whose main aim was to address the social origin of crime and violence. In that regard, one speaker noted that the national programme of his country sought a new paradigm to guide the Government's public security measures, involving civil society and a wide range of actors, and that there was a need to build urban spaces better able to support a community response to crime prevention.

106. During the discussion, it was noted that in order to implement multisectoral approaches between governmental sectors and other sectors of the society, including the private sector, the establishment of intersectoral prevention coordination bureaux, or the establishment of a high-level coordinating body, with its own secretariat and which combined prevention, law enforcement, reconstruction, and rehabilitation and reintegration were options that had proved to be effective.

107. Many speakers addressed the importance of public security management and the Government's guiding function in, for example, the establishment of national citizen security councils to coordinate between public bodies and civil society as key factors in coordinating a public security approach to social development. Furthermore, many speakers stressed the importance of addressing the risk factors associated with engagement in crime and violence through socio-educative preventive responses as well as the development of multisectoral programmes aimed at preventing crime, including preventing the victimization of children and youth.

108. Some speakers reported on pilot prevention and social reintegration projects designed in accordance with best practices and the evaluation of those projects, which included bullying prevention in schools, local justice, peaceful conflict resolution in communities and psychological interventions aimed at children and adults in vulnerable situations, including the introduction of special programmes for the prison population to prevent re-offending, which were practical applications of the Guidelines for the Prevention of Crime. In particular, one speaker noted that

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<sup>23</sup> United Nations Office on Drugs and Crime and United Nations Human Settlements Programme, *Cross-Cutting Issues: Crime Prevention Assessment Tool* (HS/1232/09E), Criminal Justice Assessment Toolkit, No. 5 (New York, 2009).

there was a need to see prevention as a criminal justice spectrum and that such a perspective should accelerate the process of building institutional capacity to prevent crime and victimization. Some speakers addressed the key role of educational services alongside the police and the judiciary in preventing youth and children from engaging in violence.

109. The need to address less-discussed risk factors such as how the media portrayed criminality was also emphasized. In that regard, it was noted that efforts at the international level should be strengthened.

110. Several participants stressed the need to look at the social factors behind crime, which required the broad participation of citizens. It was noted that high levels of social exclusion and marginalization were characteristic of many countries, and the need to promote social justice in order to prevent crime was underlined. Unemployment, poverty and underdevelopment were identified as factors contributing to crime.

111. Several participants focused on the protection of women and children from violence. One speaker noted the importance of raising awareness and conducting research as a basis for strategy formulation. The key role of cooperation with civil society in preventing violence against women and children was also underlined.

112. Among the challenges that countries still faced in implementing the Guidelines for the Prevention of Crime were the need to better balance public spending between prevention and control measures, the need for more evaluations of the impact of actions, the need to develop the capacities of families and schools and the need to improve feedback to the public on the results of prevention measures. Despite the progress made in achieving a more balanced approach to crime prevention and control that entailed not only repressive but also preventive measures, a number of challenges were reported, including the need to increase the capacities of public services for crime prevention at the local and national levels and strengthen institutions, by identifying weaknesses and strengths through, for example, assessments using institutional measurement indexes.

113. Speakers also referred to the challenge of being able to allocate more resources for crime prevention and to link violence and crime prevention with human development. It was noted that in order to achieve this, prevention needed to be integrated as a cross-cutting issue in socio-economic policies such as employment and education as well as in the criminal justice system.

114. Several speakers stressed the importance of civil society's engagement in crime prevention and community-based justice initiatives. Some countries reported that they had engaged civil society in implementing and monitoring public security measures. Other speakers underlined the role that communities can play in conflict resolution and mediation, an involvement that in many cases was preferable to institutional responses to crime. Likewise, several countries referred to the importance of informing the public of the results of analysis of the impact of crime prevention programmes.

115. Research on risks and protective factors was mentioned by some speakers as key to elaborating appropriate policies and actions. In that regard, the importance of local diagnosis was stressed, and it was noted that no single factor was likely to cause youth to turn to crime. It was also noted that, in view of the fact that an



increase in the numbers of risk factors increased the potential for crime, the higher the number of protective factors such as positive parental relationships and good community and school connections, the less likely that youth would become involved in criminal activities.

116. The need to mainstream gender considerations in crime prevention initiatives was stressed, and it was recognized that the use of “women police stations”, if properly designed and implemented, was an effective form of formal social control.

117. Several participants emphasized the importance of the reintegration of ex-offenders in preventing re-offending. Others focused on the children of imprisoned parents, underlined the fact that there was a much higher likelihood of such children committing crimes in comparison to other children and called on Member States to take the situation of children into account when sentencing or deciding on pretrial sentencing, in order to prevent future crime among such children.

118. Finally, some speakers stressed that the practical implementation of the Guidelines for the Prevention of Crime was a long-term undertaking requiring financial resources that many countries did not have. Therefore, international cooperation and support was required in order to enable those countries to work towards the prevention of crime in accordance with the Guidelines. In that connection, the importance of technical assistance, particularly that provided by UNODC, in ensuring that the Guidelines were implemented effectively was stressed. In that regard, the joint development by UNODC and the International Centre for the Prevention of Crime of a manual for the practical implementation of the Guidelines was welcomed.

#### **Conclusions and recommendations on making the United Nations guidelines on crime prevention work**

119. During the discussion on item 5, a series of recommendations were made with a view to ensuring a more effective use and application of the Guidelines for the Prevention of Crime.

120. Countries should give more emphasis to prevention in the design and development of relevant government policies.

121. Countries should endeavour to develop a robust institutional capacity to develop and implement prevention strategies that are focused, multisectoral, evidence-based, inclusive and sustainable.

122. Countries should endeavour to engage the community and civil society in crime prevention strategy development, implementation and monitoring.

123. Countries should increase their efforts to share best practices and the evaluation results of crime prevention models and strategies in order to design more effective crime prevention policies, plans and strategies.

124. In devising crime prevention programmes and strategies, countries should pay particular attention to the needs of children and youth.

125. Countries should ensure that relevant officials, including law enforcement officials, receive appropriate training based on the elements and principles contained in the Guidelines. In addition, countries should strengthen the sharing of

information on existing training as well as cooperation in the design and implementation of training programmes for relevant practitioners.

126. Countries should use and adopt innovative approaches in the implementation of the Guidelines for the Prevention of Crime, and they should take into consideration their specific needs and realities in implementing the Guidelines.

127. Countries should develop new specific guidelines for the prevention of crime in order to address new emerging threats and challenges such as those posed by the Internet.

128. UNODC should strengthen its provision of technical assistance and support to foster the use and application of the Guidelines for the Prevention of Crime and should develop crime prevention programmes and activities taking into account the latest developments in the area of crime prevention, as well as the programmes, strategies and policies that have proved effective.

## **B. Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism**

### **Proceedings**

129. At its 1st to 3rd meetings, on 12 and 13 April 2010, Committee I held a general discussion on agenda item 4, entitled “Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism”. For its consideration of the item, the Committee had before it the following documents:

(a) Working paper prepared by the Secretariat on the provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism (A/CONF.213/5);

(b) Discussion guide (A/CONF.213/PM.1);

(c) Reports of the regional preparatory meetings for the Twelfth Congress (A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1).

130. At the 1st meeting, on 12 April, the Chair of Committee I made an introductory statement. A representative of the Secretariat then briefly introduced the agenda item. Statements were made by the representatives of Japan, Germany, China, Indonesia, Switzerland, Algeria, Austria, Saudi Arabia, France, South Africa and Canada. A statement was also made by the observer for the Japan Federation of Bar Associations.

131. At the 2nd meeting, on 13 April, statements were made by the representatives of Oman, Namibia, Argentina, India, Thailand, Italy, Azerbaijan, Egypt, the Islamic Republic of Iran, the Philippines, Spain, Colombia, the Republic of Korea, Brazil, Lebanon and Morocco. Statements were also made by the observer for the Counter-Terrorism Implementation Task Force and the International Society for Traumatic Stress Studies.

132. At the 3rd meeting, on 13 April, statements were made by the representatives of Peru, Kenya, the Democratic Republic of the Congo and the United States.

### **General discussion**

133. In his introductory statement, the representative of the Secretariat underlined the considerable progress made by Member States in the ratification and implementation of the international conventions and protocols related to terrorism; even so, much remained to be done to achieve universal ratification and full implementation. He referred to the technical assistance work undertaken by UNODC, in particular its Terrorism Prevention Branch, to respond to the needs of Member States. He highlighted the specialized, tailored and in-depth capacity-building assistance provided by the Branch to criminal justice practitioners.

134. Many speakers stressed that terrorism remained a very serious threat to international peace, security and stability and that it undermined the rule of law, respect for human rights and social and economic development. Terrorism affected all States and therefore required a global and comprehensive response. The importance of the efforts of the international community and the key role of the United Nations in countering terrorism were underlined. Several speakers referred to the relevant Security Council resolutions and the United Nations Global Counter-Terrorism Strategy in that regard.

135. It was reiterated that terrorism was to be condemned in all its forms and manifestations and that terrorist acts were unacceptable in all circumstances. Some speakers also stated that terrorism should not be associated with any particular nationality, civilization, religion or ethnic group.

136. Many speakers drew attention to the importance of upholding the rule of law, respecting human rights and complying with international obligations and standards in countering terrorism. Effective counter-terrorism measures and respect for the rule of law were viewed as complementary and mutually reinforcing. It was stated that counter-terrorism measures must comply with the Charter of the United Nations and with the obligations of Member States under international humanitarian law and refugee law. Several speakers stated that, in conformity with international law, refugee status should not be abused by alleged terrorists.

137. Several speakers highlighted the importance of adopting comprehensive national strategies and action plans in accordance with the United Nations Global Counter-Terrorism Strategy. Emphasis was placed on the need to include preventive measures and to address the conditions conducive to the spread of terrorism, including through long-term measures to counter radicalization and foster education and awareness-raising, social participation and enhanced dialogue. One speaker mentioned that, when developing counter-terrorism policies and measures, States should bear in mind that discrimination and intolerance could themselves become conditions conducive to radicalization and violence. Several speakers stressed that the needs of victims should be considered.

138. Several speakers emphasized that terrorism was a crime and, accordingly, terrorists were to be dealt with by the criminal justice process as the most appropriate mechanism for ensuring justice. Attention was drawn to the importance of a criminal justice response based on the international conventions and protocols.

Several speakers mentioned that the international legal framework against terrorism had evolved since the Eleventh Congress through the adoption of additional instruments, including the International Convention for the Suppression of Acts of Nuclear Terrorism (General Assembly resolution 59/290, annex). Member States were urged to ratify the international legal instruments, in particular the most recent ones. The need to complete the work on the draft comprehensive convention on international terrorism, including an agreed definition of terrorism, was mentioned by some speakers.

139. It was stressed that long-term efforts were required for the effective application of the international legal instruments. In that regard, States needed to have adequately functioning national counter-terrorism legal regimes as well as the associated implementation capacity in their criminal justice systems. States lacking the required capacity needed to be provided with specialized technical assistance. One speaker suggested exploring further areas of synergy between development aid and counter-terrorism assistance.

140. Speakers emphasized that international and regional cooperation in criminal matters, especially extradition and mutual legal assistance, was crucial to any effort to prevent and combat terrorism. Some speakers made reference to regional conventions relating to terrorism and to the need to develop regional and subregional mechanisms to foster cooperation in criminal matters as a way to counter terrorism. One speaker suggested establishing an informal global network of national counter-terrorism focal points under the auspices of the United Nations to facilitate the sharing of information and good practices.

141. Several speakers noted the links between terrorism and other forms of crime, including organized crime, money-laundering, drug trafficking, arms trafficking, trafficking in human beings and corruption, and the need for integrated responses in that regard. The importance of depriving terrorists of their sources of financing was stressed, as was the need to streamline policies to counter drug trafficking and the financing of terrorism. The constantly changing and increasingly complex nature of terrorism was felt to require a long-term approach on various fronts. One speaker highlighted the need to address phenomena such as the taking of hostages and the use of the Internet and high-resolution satellite maps for terrorist purposes.

142. Many speakers described national measures to implement the legal regime against terrorism, including steps taken by their Governments to ratify existing international and regional legal instruments related to terrorism. Legislative measures taken or envisaged included criminalizing offences, enhancing capacity to prevent and prosecute terrorist acts and introducing specific action to identify the financing of terrorism. Other measures included the creation of specialized counter-terrorism bodies, inter-agency coordination mechanisms and capacity-building in police and intelligence agencies, measures to protect critical infrastructure and measures addressing the victims of terrorism. One speaker also noted the need for the political will necessary to implement the relevant international instruments in a tangible way.

143. Speakers expressed appreciation and strong support for the work of the Terrorism Prevention Branch, which had become the key provider of technical assistance within the United Nations system on the legal and related aspects of counter-terrorism. Special mention was made of the work of the Branch in assisting

Member States in becoming parties to and implementing the relevant international instruments related to terrorism, including in strengthening the capacity of national criminal justice systems to apply effectively the provisions contained in those instruments for the prevention, investigation and prosecution of terrorist acts and in reinforcing international cooperation.

144. Several speakers stressed that technical assistance needed to be sustained and intensified in order to ensure effective and adequate follow-up to initial assistance efforts and thus achieve a long-term impact. The need for stronger and specialized capacity-building for criminal justice officials was highlighted. Some speakers made specific reference to the technical assistance tools developed by the Branch, including in specialized thematic areas of its mandate, which could foster a train-the-trainers approach. Appreciation was expressed for the multilingual approach adopted and for the innovativeness of the initiatives, such as online training.

145. The importance of integrated services that incorporated relevant aspects of drug control and crime and terrorism prevention was stressed. Some speakers noted that there was a need to ensure that areas of synergy were established within UNODC to deal with cross-cutting issues of counter-terrorism and other relevant substantive areas of the Office's mandated work, such as money-laundering, transnational organized crime, drug trafficking, corruption and criminal justice reform. Support was expressed for the strengthened field-based approach taken by UNODC.

146. With regard to collaboration with the counter-terrorism bodies established by the Security Council, one speaker encouraged UNODC to further enhance its cooperation with the Counter-Terrorism Committee Executive Directorate with a view to the facilitation of capacity-building assistance. Collaboration with the Counter-Terrorism Implementation Task Force was also mentioned. Specific reference was made to the need for close cooperation among international actors in the field of combating nuclear terrorism.

147. Several speakers called upon the international community and donors to provide adequate financial resources for the counter-terrorism work of UNODC. Several speakers noted that UNODC required increased core capacity and specialized expertise for its counter-terrorism work and that that, in turn, required increased, predictable and sustainable resources, including allocations from the regular budget of the United Nations.

### **Conclusions and recommendations**

148. In summarizing the salient points of the discussion, the Chair noted that participants had called upon Member States:

(a) To become, without delay, parties to the international conventions and protocols related to terrorism, if they had not yet done so, and to fully implement those instruments;

(b) To ensure that action taken in pursuance of the international legal framework against terrorism was in full compliance with international law, including international human rights, refugee and humanitarian law;

(c) To take all necessary steps to have in place an adequately functioning national counter-terrorism legal regime and criminal justice system, as well as the associated implementation capacity;

(d) To establish and maintain effective mechanisms for international cooperation in criminal matters related to terrorism; and to reinforce coordination, cooperation and the exchange of information to counter terrorism effectively at the national, regional and international levels;

(e) To seek, if they lack such capacity, specialized technical assistance to strengthen their national capacity to implement the international legal framework against terrorism.

149. The Chair recalled that participants had called upon the United Nations, in particular UNODC:

(a) To intensify the provision of assistance to States, upon request, for the ratification and full implementation of the international legal instruments related to terrorism, in particular assistance to build capacity for establishing a functional, national rule-of-law-based criminal justice system that can effectively counter terrorism;

(b) To ensure that such capacity-building work is tailored to the specific circumstances and evolving needs of the requesting States and is provided in a sustainable manner;

(c) To strengthen the building of substantive thematic expertise for the delivery of technical assistance, and to continue to make use of innovative mechanisms for delivering technical assistance, such as online training;

(d) To offer integrated services and comprehensive packages of technical assistance incorporating cross-cutting aspects of drug control and crime prevention aimed at reinforcing national criminal justice systems.

150. In view of the work that remained to be done, several participants called on Member States to make sufficient resources available, both from the regular budget of the United Nations and in extrabudgetary resources, to enable UNODC to continue to meet in a sustained manner the increased demand of Member States for technical assistance.

**C. Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime; and crime prevention and criminal justice responses to violence against migrants, migrant workers and their families**

**Proceedings**

151. At its 7th to 10th plenary meetings, on 12, 15 and 16 April 2010, the Congress considered agenda item 6, entitled “Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime”, and agenda item 10, entitled “Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families”. For its consideration of the items, the Congress had before it the following documents:

(a) Working paper prepared by the Secretariat on criminal justice responses to the smuggling of migrants and trafficking in persons: links to transnational organized crime (A/CONF.213/7);

(b) Working paper prepared by the Secretariat on crime prevention and criminal justice responses to violence against migrants, migrant workers and their families (A/CONF.213/11);

(c) Discussion guide (A/CONF.213/PM.1);

(d) Reports of the regional preparatory meetings for the Twelfth Congress (A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1).

152. At the 7th plenary meeting, on 15 April 2010, the President of the Congress introduced the agenda items. Statements were made by the representatives of Slovakia, the Plurinational State of Bolivia, Chile, Japan, Switzerland, Saudi Arabia, Portugal, Norway, Germany, Finland, Indonesia, India, Oman, Canada and Viet Nam.

153. At the 8th plenary meeting, on 15 April 2010, statements were made by the representatives of Mexico, Algeria, the United Arab Emirates, France, China, Brazil, Morocco, Greece, Argentina, the Philippines, the Russian Federation, Thailand, the Republic of Korea, Colombia, the United States, the Dominican Republic and Lesotho.

154. At the 9th plenary meeting, on 16 April 2010, statements were made by the representatives of Australia, Romania, Cuba, South Africa, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Senegal and Brazil. Statements were also made by the observers for the International Organization for Migration, the League of Arab States, the Japan Federation of Bar Associations and the Global Alliance against Traffic in Women.

**General discussion on criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime**

155. A representative of the Secretariat made an introductory statement reviewing the key issues outlined in the documents that had been prepared on agenda items 6 and 10.

156. A number of speakers pointed out that trafficking in persons and the smuggling of migrants were serious forms of organized crime, equally affecting countries of origin, transit and destination. Accordingly, a concerted approach balancing criminal justice with human rights was required.

157. Several representatives reported on measures taken in their countries to combat trafficking in persons and the smuggling of migrants, including ratification of the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol and the adoption of legislation to prevent those crimes more effectively, protect the victims of trafficking in persons and the rights of smuggled migrants and prosecute offenders.

158. Other speakers informed the Congress of the adoption of national strategies, programmes and policies; the establishment of national mechanisms or coordinators; the establishment of specialized units; and the development of bilateral and regional frameworks and agreements. Several speakers noted that support mechanisms had been introduced in their countries to assist victims of trafficking in persons, ensure the rights of smuggled migrants and raise public awareness. Some speakers added that a comprehensive response to trafficking in persons should also address the demand side of trafficking in all its forms. Several speakers informed the Congress of measures responding to the needs of victims of trafficking and taking into consideration the rights of smuggled migrants. Among those measures were the reception, where appropriate, the repatriation and the reintegration of victims of trafficking and smuggled migrants, making sure that in the process the victims of trafficking were neither revictimized nor re trafficked. Some speakers highlighted the importance of seizing and recovering assets to provide support to those victims.

159. Several representatives emphasized the need to strengthen the coordination of efforts within States, as well as at the regional and international levels and with all relevant stakeholders. Some speakers specifically highlighted the need for increased cooperation in the areas of information exchange, witness protection programmes, repatriation procedures, and monitoring and follow-up of assistance for victims of trafficking. One representative encouraged the exchange of good practices on the implementation of the provisions of the Trafficking in Persons Protocol, in particular the provisions on the question of consent and on the reduction of demand.

160. Some speakers recognized that success in combating trafficking in persons and the smuggling of migrants depended on cooperation to prevent traffickers from escaping prosecution. Cooperation was required in the areas of mutual legal assistance, joint investigations and exchange of intelligence. For this purpose, specific measures were identified, such as greater adherence to bilateral and multilateral cooperation agreements; the harmonization of definitions of crimes in national legislation; encouragement of information-sharing at all levels; increased cooperation with police and judicial authorities, including in the freezing and confiscation of criminal proceeds; and increased training in special investigative techniques and the investigation and prosecution of ancillary crimes.

161. Speakers emphasized the importance of awareness-raising activities, the need to provide technical assistance through specialized training and the exchange of good practices and the need to carry out targeted research and gather data on those crimes in order to develop knowledge-based responses.



162. Some speakers drew attention to new trends in crime, such as the use of the Internet by offenders; trafficking in organs, tissues and cells; links to organized crime; and specific links with the illegal fishing industry.

163. Some representatives proposed that the Trafficking in Persons Protocol be revised to bring it more in line with current realities. One speaker suggested that a new international legal instrument on money-laundering be developed, while another supported the development of a global plan of action on trafficking in persons. Other speakers, however, believed that existing international conventions and standards addressed the problems sufficiently. Some representatives stated that the Trafficking in Persons Protocol provided a road map for a comprehensive fight against trafficking in persons.

164. Speakers highlighted the role of UNODC and other international organizations. It was recommended that UNODC continue to report effectively on trends and patterns in trafficking in persons, especially new trends. Others made positive reference to the collaborative efforts of their Governments with UNODC.

165. Several speakers expressed support for the development of a mechanism to review the implementation of the Organized Crime Convention and its Protocols, thus assisting States in improving their criminal justice responses and ensuring that human rights were upheld.

#### **General discussion on crime prevention and criminal justice responses to violence against migrants, migrant workers and their families**

166. Speakers stressed the need for the international community to collectively address crime prevention and criminal justice responses to violence against migrants, migrant workers and their families, especially in view of increasing globalization and mobility. Several speakers shed light on the different types of vulnerability, discrimination and forms of violence faced by migrants, migrant workers and their families, in particular by women and children, as well as the difficulties encountered in seeking to overcome those problems. Numerous speakers urged States to uphold the human rights of those individuals and provide them with the necessary safeguards.

167. Speakers reported on national, bilateral and regional efforts and initiatives to reduce the risks faced by migrants, migrant workers and their families. Several speakers reported that their Governments' public agencies, directly or through civil society and non-governmental organizations, were providing counselling, legal services and, where possible, education and health services. One speaker referred to labour mobility partnerships, which had facilitated legal migration in response to the market demands of other countries, while another speaker reflected positively upon the national migration management framework established for migrant workers abroad. Special reference was made to stateless people and their plight, as well as marriage migrants, whose human rights were to be carefully considered, particularly in the context of domestic violence.

168. Speakers acknowledged the need to develop a more accurate and effective response to violence against migrants, migrant workers and their families. Various proposals were mentioned, including, on the one hand, empowerment through, for example, access to information, effective legal aid and assistance, as well as a complaints and witness protection system, education and training; and, on the other

hand, measures to be taken by States, such as the provision of health-care facilities, capacity-building and the training of public officials, an identification and registration process and positive awareness-raising.

### **Conclusions**

169. A number of conclusions were reached with respect to items 6 and 10.

(a) It was important to have a comprehensive and multidisciplinary approach to trafficking in persons and the smuggling of migrants, as well as to violence against migrants, migrant workers and their families, balancing aspects of criminal justice response with human rights considerations;

(b) There was a need for increased cooperation between Member States, international, regional and non-governmental organizations and other stakeholders, such as the media or the private sector; cooperation with non-governmental organizations was important;

(c) There was a need to take into account the particular vulnerability of women and children;

(d) The current efforts towards the development of a mechanism to review the implementation of the Organized Crime Convention and its Protocols were important;

(e) There was a need for UNODC, in cooperation with relevant partners, to play a role in collecting and disseminating data and information on the root causes of violence against migrants, migrant workers and their families, and on patterns of migration;

(f) It was important that UNODC, in cooperation with relevant stakeholders, continue its technical assistance work in the area of combating trafficking in persons and the smuggling of migrants.

## **D. International cooperation to address money-laundering based on relevant United Nations and other instruments; and practical approaches to strengthening international cooperation in fighting crime-related problems**

### **Proceedings**

170. At its 6th and 7th meetings, on 15 April 2010, Committee I held a general discussion on agenda item 7, entitled “International cooperation to address money-laundering based on relevant United Nations and other instruments”, and agenda item 9, entitled “Practical approaches to strengthening international cooperation in fighting crime-related problems”. For its consideration of the items, the Committee had before it the following documents:

(a) Working paper prepared by the Secretariat on international cooperation to address money-laundering based on relevant United Nations and other instruments (A/CONF.213/8);

(b) Working paper prepared by the Secretariat on practical approaches to strengthening international cooperation in fighting crime-related problems (A/CONF.213/10);

(c) Background paper on the Workshop on Links between Drug Trafficking and Other Forms of Organized Crime (A/CONF.213/15);

(d) Discussion guide (A/CONF.213/PM.1);

(e) Reports of the regional preparatory meetings for the Twelfth Congress (A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1).

171. At the 6th meeting, on 15 April, the Chair of Committee I made an introductory statement. Two representatives of the Secretariat briefly introduced the agenda items. Statements were made by the representatives of Morocco, Chile, Canada, Brazil, Argentina, Thailand, China, the Russian Federation, Saudi Arabia, Azerbaijan, Germany and India.

172. At the 7th meeting of the Committee, on 15 April, statements were made by the representatives of South Africa, Brazil, the Philippines, the United States, Mexico, the Republic of Korea, Argentina, the Islamic Republic of Iran, Australia, France, Indonesia, Portugal, Sri Lanka, Japan, Algeria, Ghana and Saudi Arabia and the observer for the Ibero-American Network for International Legal Cooperation (IberRed).

### **General discussion**

173. It was noted that the increasing interconnection of national economies and the increased availability of information technologies presented unprecedented opportunities for organized criminal groups to operate across borders. Speakers conveyed the strong commitment of Member States to make both law enforcement cooperation and judicial cooperation more effective. Speakers also recognized that money-laundering posed a serious threat to the integrity and stability of national and international financial systems.

174. Several speakers highlighted the strong links between money-laundering and drug trafficking, transnational organized crime, corruption and terrorism. Many speakers acknowledged the essential framework provided by the United Nations legal instruments, including the 1988 Convention, the Organized Crime Convention and the Protocols thereto and the Convention against Corruption, as well as relevant international standards such as the recommendations of FATF. Several speakers called on the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to make an effort to establish an efficient and transparent mechanism for the review of implementation of the Convention and its Protocols.

175. It was stressed that the fight against money-laundering was a key element of any global strategy to combat organized crime, and the importance of broadening the range of predicate offences to money-laundering to cover all serious crimes was underlined. Speakers noted the challenges posed by new forms of money-laundering such as trade-based laundering, the misuse of new technologies, new payment methods and misuse of corporate vehicles.

176. Some speakers pointed out that the issue of money-laundering was addressed in many regional and international forums, such as the FATF-style regional bodies and the Egmont Group of Financial Intelligence Units, and noted the value of those forums in implementing international standards and exchanging information. Several speakers called for continued consideration of that thematic area in various established bodies of the United Nations. In addition, several speakers called for greater coordination between UNODC and FATF.

177. Speakers emphasized the need for an effective legal and regulatory framework to combat money-laundering and noted the progress made by many States in adopting anti-money-laundering legislation containing a legal definition of money-laundering based on the relevant United Nations instruments, measures adopted by financial and non-financial institutions to prevent money-laundering and provisions on asset confiscation. The key operational role of financial intelligence units and other specialized anti-money-laundering bodies was emphasized.

178. Speakers also stressed the value of first engaging in informal cooperation prior to seeking formal mutual legal assistance, and noted that such informal methods could often be used instead of formal mutual legal assistance requests during the investigative phase of cases. One speaker also stressed the need for States to implement domestic legislation to enable the identification of beneficial owners of assets, in order to prevent the use of front companies by organized criminal groups. The use of multilateral, regional and bilateral agreements was also highlighted as an important tool in international cooperation, as was the continued use of reciprocity arrangements based on domestic legislation.

179. Several speakers noted that the principle of dual criminality was often an impediment to international cooperation in the area of mutual legal assistance. Speakers noted that the law of many States prohibited the extradition of their nationals, and recognized the difficulty of effectively applying the principle of *aut dedere aut judicare*. Some speakers underscored the fact that the political will to cooperate was key to fostering international cooperation. Several speakers stated that their Governments could provide a broad array of assistance even in the absence of a treaty.

180. Speakers also noted the importance of international cooperation in the area of asset recovery, including tracing, freezing and confiscating proceeds of crime. It was stressed that such cooperation was particularly important in combating money-laundering and any other profit-motivated crime. Regional and multilateral networks could play a key operational role in promoting the exchange of information. It was underlined that seizing assets at the earliest possible stage was crucial, that asset confiscation was often more effective in fighting organized criminal groups than was imprisoning offenders and that emphasis should be placed on the return of confiscated funds to the countries of origin, in accordance with the relevant international legal instruments. Some speakers recommended making greater use of the reversal of the burden of proof in cases involving unexplained wealth.

181. Some speakers also stressed that non-conviction-based forfeiture can provide a powerful tool for recovering assets and undermining the profitability of organized crime and could make international cooperation easier, as it allowed asset seizure

even in situations where the immunity, flight, absence or death of the offender precluded a conviction.

182. Speakers stressed the need for States to ratify and fully implement the provisions on international cooperation and money-laundering contained in United Nations conventions. They also highlighted the need to strengthen inter-agency cooperation and establish or designate highly specialized, well-trained and adequately resourced central authorities, multidisciplinary investigative teams and specialized judicial bodies.

183. A number of speakers expressed support for strengthening international cooperation at the operational level through the creation of joint investigation teams and the deployment of liaison officers or magistrates.

184. Most speakers pointed out that the challenges posed by transnational crime required technical assistance that was more specialized. UNODC had a key role to play by assisting Member States in fully implementing the conventions and continuing to provide technical assistance and capacity-building in the area of international cooperation in criminal matters. Several speakers noted that States should make use of the available model treaties on mutual legal assistance and extradition developed by UNODC and that UNODC should consider developing further model treaties, such as on the establishment of joint investigation teams.

185. Speakers also stressed the role of UNODC in supporting Member States in building capacity and strengthening anti-money-laundering systems to effectively detect, investigate and prosecute money-laundering cases and to recover the proceeds of crime.

186. Some speakers proposed the elaboration of a global convention on international cooperation, while other speakers were of the view that efforts should be directed at the full and effective implementation of existing international legal instruments and at enacting domestic legislation that authorized assistance even in the absence of a treaty, as called for in the Model Law on Mutual Assistance in Criminal Matters. One speaker expressed the desire for a new international convention on money-laundering, and another speaker called for a review of existing regional cooperation treaties.

### **Conclusions and recommendations**

187. Every effort should be made by States parties to fully implement the provisions on money-laundering and international cooperation contained in the 1988 Convention, the Organized Crime Convention and the Protocols thereto, the Convention against Corruption and relevant international standards.

188. States should pursue building specialized capacity for combating money-laundering and engaging in efficient and effective international cooperation. States should also consider implementing legislation to provide legal assistance even in the absence of a treaty. Financial intelligence units and central authorities for international cooperation should be strengthened. States should give consideration to the creation of multidisciplinary investigative teams, the deployment of liaison officers and magistrates and the establishment of joint investigation teams. Networks of practitioners for the informal exchange of operational information should be strengthened. In addition, the informal exchange

of information prior to making a formal request for mutual legal assistance was recommended.

189. Asset confiscation and recovery should become an integral part of the strategy to combat money-laundering and other profit-motivated crime. States should have the ability and capacity to trace, freeze and confiscate proceeds of crime and afford the widest range of cooperation possible. States should consider taking the necessary measures to allow for the confiscation of assets without a prior criminal conviction, in accordance with the principles of their national legal system.

190. UNODC should continue to provide technical assistance for the full implementation of the relevant international conventions and other anti-money-laundering standards. All international actors should strive to coordinate their efforts to the greatest extent possible.

#### **E. Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime**

191. At its 1st to 3rd meetings, on 12 and 13 April 2010, Committee II held a general discussion on agenda item 8, "Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime". For its consideration of that item, the Committee had before it the following documents:

(a) Working paper prepared by the Secretariat on recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime (A/CONF.213/9);

(b) Discussion guide (A/CONF.213/PM.1);

(c) Reports of the regional preparatory meetings for the Twelfth Congress (A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1).

192. At the 1st meeting, on 12 April, the Chair of Committee II made an introductory statement. A representative of the Secretariat introduced the item. Statements were made by the representatives of China, Algeria, Canada, Argentina, the United States, Saudi Arabia, the Russian Federation, Germany, Botswana, Cuba and Chile. Statements were also made by the observers for the Ibero-American Network for International Legal Cooperation, the Council of Europe and the World Society of Victimology. A statement was also made by an individual expert from Norway.

193. At the 2nd meeting, on 13 April, statements were made by the representatives of Spain (on behalf of the European Union), Poland, the Republic of Korea, Azerbaijan, Mexico, Indonesia, Angola and Argentina.

194. At the 3rd meeting, on 13 April, statements were made by the representatives of Colombia, South Africa, India, Peru, Zimbabwe, Oman and Brazil. A statement was also made by the observer for the International Association of Prosecutors.

## General discussion

195. In opening the discussion, the Chair highlighted the challenges arising from cybercrime and the capacity of organized criminal groups to misuse the opportunities presented by rapidly evolving technology. He noted the cross-border nature of cybercrime, the lack of knowledge of the extent of the problem and the differences in national systems.

196. In her introductory statement, the representative of the Secretariat referred to cybercrime as one of the greatest challenges for law enforcement and mentioned that Member States, members of academia and others had called for the development of a relevant international convention. States needed to develop capacities, and UNODC could assist in that effort by providing technical expertise and operational support. A global capacity-building action plan, involving key institutions and partners, might prove an effective means for States to build all-round and sustainable capacities with a view to stemming cybercrime.

197. In the discussion, the many undeniable benefits of rapid technological development were recognized. At the same time, however, those developments made it possible to commit traditional forms of crime in new ways, including fraud and the dissemination of child pornography, and also to commit new forms of crime, such as hacking, spamming, “phishing” (using counterfeit websites — or messages directing users to them — for fraudulent purposes), digital piracy, the malicious spreading of viruses and other attacks on critical information infrastructure. It was noted that terrorist organizations and organized criminal groups used rapidly evolving technologies to facilitate their criminal activities. There was agreement that cybercrime threatened economies, critical infrastructure, the credibility of institutions and social and cultural well-being.

198. Speakers underlined the challenges faced in combating cybercrime. New technologies evolved and became widely available so rapidly that policies and laws could not keep pace. Differences in legal systems and insufficient international cooperation hampered the investigation and prosecution of cybercrime. Complex technology had become a mass phenomenon, and cybercrime mirrored its legitimate use. One speaker stated that cybercrime was often not reported because of limited trust in the investigation process and, in the case of corporate victims, the fear of reputational risk.

199. Various speakers reported on measures taken by their Governments to combat cybercrime, including criminal and money-laundering legislation, regulations on Internet cafes, capacity-building, awareness-raising, strengthening of reporting mechanisms and the protection of vulnerable groups. Speakers mentioned the creation of emergency response teams, specialized units and inter-institutional platforms for law enforcement, the military, academia and the private sector. Speakers also referred to the opportunities offered by information technology for law enforcement, such as electronic surveillance and monitoring systems, artificial intelligence and electronic tools to detect suspicious financial transactions and track Internet protocol addresses. However, investigating and prosecuting cybercrime required new skills and procedural tools, such as the capacity to collect and analyse digital evidence and to use that evidence in criminal proceedings. Speakers underlined the importance of protecting privacy and human rights while combating cybercrime.

200. Many speakers stressed that cybercrime could be combated successfully only through international cooperation. A number of speakers called on States to make mutual legal assistance and law enforcement cooperation more efficient. Some speakers referred to the Council of Europe Convention on Cybercrime as the most far-reaching international legal framework for international cooperation against cybercrime. Reference was also made to the Global Cybersecurity Agenda launched by the International Telecommunication Union in 2007 and to initiatives of the Organization of American States, the Group of Eight, INTERPOL and the Commonwealth Secretariat. It was noted that networks of practitioners were useful for exchanging operational information, experience and lessons learned. Existing regional networks should be strengthened and more closely interconnected.

201. It was recognized that developing countries were the ones most vulnerable to cybercrime. Developed countries should urgently step up capacity-building assistance, especially for law enforcement personnel, prosecutors and judges. The private sector, in particular service providers, should assume its responsibility. Reference was made to a number of available tools, including a virtual forum for Asian countries, established with the assistance of UNODC, a Web-based training package of the International Association of Prosecutors and a toolkit on cybercrime legislation provided by the International Telecommunication Union. Speakers referred to the work of UNODC in the area of identity-related crime and the recommendations of a core group of experts on that issue. A number of speakers called for the development of an action plan for capacity-building at the international level, with participation by all international stakeholders.

202. There was discussion on the recommendation made at the regional preparatory meetings for the Congress that the development of a global convention against cybercrime be given careful and favourable consideration. Some speakers strongly supported the initiation of negotiations for a new international instrument to harmonize national legal approaches and foster international cooperation. It was argued that the existing initiatives had only limited bilateral or regional reach. An international instrument, which could be an additional protocol to the Organized Crime Convention or a separate convention, would build on and enrich existing bilateral and regional treaties or agreements on cybercrime, including the Council of Europe Convention on Cybercrime. One speaker proposed that a new instrument could be negotiated, by a working group, in the framework of the International Law Commission, with the participation of UNODC.

203. Some other speakers were opposed to the initiation of negotiations on such an instrument. They considered the Council of Europe Convention on Cybercrime an adequate framework, which was used, including by States not parties, as a model for legislation that had enabled States to conduct successful investigations. Concern was expressed that a global instrument might not set equally high standards and ongoing modernization efforts might stagnate during the negotiation of a new instrument. Problems encountered in combating cybercrime were considered mostly operational in nature, a situation calling for improved information exchange and capacity-building. It was noted that the limited expertise available in many countries to respond to cybercrime should focus on such operational matters, and not on the negotiation of a new convention.

204. A number of speakers expressed the view that it was too early to commit to the idea of a new convention, as several fundamental issues needed to be considered



first. Several speakers called for a clarification on the focus and scope of such a new instrument, and one speaker recommended a pilot analysis of existing standards. The challenges to be faced in the negotiation of a new convention included issues of extraterritorial jurisdiction and the national sovereignty issues resulting from it; issues pertaining to human rights, privacy and national security; and the necessary involvement of the private sector in an intergovernmental negotiation process.

### **Conclusions and recommendations**

205. During the discussion on cybercrime, there was agreement on a number of conclusions and recommendations and on the need for States and international organizations to follow up on those recommendations with swift and concrete action.

206. There was agreement that the development of technology brought both benefits and threats to society and that countering cybercrime required urgent attention. The contributing factors and links between technology and crime should be carefully analysed in order to develop efficient strategies.

207. States should develop and strengthen long-term and sustainable capacities. Technical assistance, in particular for capacity-building and legislative drafting, as well as material resources and trained experts, were urgently needed in developing countries. UNODC should continue to cooperate with relevant organizations to provide technical assistance in that regard, in particular taking into account technical assistance programmes and legal instruments of other intergovernmental organizations. The development of an action plan for capacity-building at the international level should be given careful consideration.

208. States should make every effort to enhance cooperation between national institutions, between States and with the private sector. Exchange of information and best practices between States needed to be enhanced by, inter alia, strengthening relevant networks.

## **F. Report of the Credentials Committee**

209. At its 1st plenary meeting, on 12 April 2010, the Twelfth Congress, in accordance with rule 4 of the rules of procedure of the Congress, appointed a Credentials Committee composed of the following States: Brazil, China, Jamaica,\* Philippines, Russian Federation, Spain, United Republic of Tanzania,\*\* United States and Zambia.

210. The Credentials Committee held one meeting, on 18 April 2010.

211. Xolisa Mabhongo (South Africa) was unanimously elected Chair of the Committee.

212. The Committee had before it a memorandum by the Executive Secretary of the Congress, dated 18 April 2010, on the status of credentials of representatives of States attending the Congress. Additional information on credentials received by the

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\* Subsequently replaced by Argentina.

\*\* Subsequently replaced by South Africa.

Executive Secretary of the Congress after the issuance of the memorandum was provided to the Committee by the Secretary of the Committee. On the basis of the information made available to it, the Committee noted that, as at 18 April 2010, each of the following 81 States had submitted for its representatives credentials issued by the Head of State or Government or by the Minister for Foreign Affairs, as provided for in rule 3 of the rules of procedure of the Congress: Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Egypt, El Salvador, Fiji, Finland, France, Germany, Ghana, Holy See, India, Indonesia, Ireland, Japan, Kenya, Kiribati, Kuwait, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mexico, Morocco, Mozambique, Namibia, Netherlands, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Samoa, Saudi Arabia, Senegal, Singapore, Slovakia, South Africa, Spain, Sweden, Switzerland, Thailand, Uganda, United Arab Emirates, United Kingdom, United States, Viet Nam, Zambia and Zimbabwe.

213. The Committee also noted that the designation of representatives of the following 20 other States participating in the Congress had been communicated by means of facsimile or in the form of letters or notes verbales by their ministries, embassies, permanent missions to the United Nations or other government offices or authorities, or through local United Nations offices: Bahrain, Bangladesh, Comoros, Greece, Iran (Islamic Republic of), Israel, Italy, Kazakhstan, Lebanon, Mali, Panama, Poland, Sao Tome and Principe, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Turkey and Uruguay.

214. The Chair proposed that the Committee adopt the following draft resolution:

*“The Credentials Committee,*

*“Having examined the credentials of the representatives to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, referred to in paragraphs 4 and 5 of the present report,*

*“1. Accepts the credentials of the representatives of the States referred to in paragraph 4;*

*“2. Accepts the provisional participation of the representatives of the States referred to in paragraph 5 pending the receipt of their credentials;*

*“3. Recommends that the Congress approve the report of the Credentials Committee.”*

215. The draft resolution proposed by the Chair was adopted by the Committee without a vote.

216. Subsequently, the Chair proposed that the Committee recommend to the Congress the adoption of a draft resolution. The proposal was approved by the Committee without a vote.

### **Action taken by the Congress**

217. At the fourth meeting of the high-level segment and closing meeting on 17 April, the Congress adopted the draft resolution entitled “Credentials of representatives to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice”, recommended by the Credentials Committee in its report (A/CONF.213/L.7, para 10). (For the text of the resolution, see chapter I, resolution 2.)

## **Chapter VI**

### **Workshops held during the Congress**

#### **A. Workshop on International Criminal Justice Education for the Rule of Law**

##### **Proceedings**

218. At its 4th and 5th meetings, on 14 April 2010, Committee I held the Workshop on International Criminal Justice Education for the Rule of Law. The Workshop was organized in cooperation with the following institutes of the United Nations crime prevention and criminal justice programme network: European Institute for Crime Prevention and Control, affiliated with the United Nations; International Institute of Higher Studies in Criminal Sciences; Raoul Wallenberg Institute of Human Rights and Humanitarian Law; and Korean Institute of Criminology. The Committee had before it the following documents:

- (a) Background paper on the Workshop on International Criminal Justice Education for the Rule of Law (A/CONF.213/12);
- (b) Discussion guide (A/CONF.213/PM.1);
- (c) Reports of the regional preparatory meetings for the Twelfth Congress (A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1).

219. At the 4th meeting, an introductory statement was made by the Vice-Chair of Committee I, as presiding officer. The keynote address for the Workshop was delivered by William Schabas (Director, Irish Centre for Human Rights, National University of Ireland, Galway).

220. During the discussion, statements were made by the representatives of Argentina, Brazil, Canada, France, Indonesia, the Islamic Republic of Iran, Kenya, Poland and Saudi Arabia. Two individual experts also made statements.

221. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment moderated the concluding discussion.

##### **General discussion**

222. The Workshop discussed a variety of issues involving international criminal justice education for the rule of law, in the light of the United Nations standards and norms in crime prevention and criminal justice. Many speakers emphasized the

formidable challenge posed by converting complex and diverse United Nations policies on crime prevention and criminal justice, as well as the significant body of literature on the emerging field of justice and the rule of law in post-conflict societies, into a coherent, teachable message based on the United Nations crime prevention and criminal justice standards and norms.

223. Participants felt it was important to develop appropriate criminal justice education in primary schools and universities. Primary schools currently had a simplistic approach that taught young people merely to respect the rule of law without ever informing them about the laws themselves. What was needed was broad training on the principles of democracy, justice and accountability, drawing on instruments such as the Universal Declaration of Human Rights rather than on more technical documents and norms that would be less accessible and intelligible.

224. Much of the academic training of rule-of-law professionals in the United Nations, Governments, official development aid programmes and consulting firms did not prepare those professionals to exercise their profession in the field. A large part of the problem was that, in compiling and using mainly their own instruments, United Nations bodies often produced an overly narrow vision of the subject matter while neglecting relevant norms and standards developed elsewhere in the system.

225. Several participants felt that the profile of academic training of rule-of-law professionals in the United Nations, Governments, official development aid programmes and consulting firms must be elevated, with an emphasis on practical application. In that light, the Workshop supported the idea of creating a universal but versatile template to enhance international criminal justice education for the rule of law that would be sufficiently flexible to address the diverse needs and concerns of all Member States. The template should take into account established e-learning programmes from all regions and effectively enhance universal awareness and implementation of the United Nations standards and norms in crime prevention and criminal justice. It was stressed that criminal justice education should link concepts with practice. A more coherent, consolidated approach was needed, comprising international criminal law, international human rights law, recommendations by United Nations human rights treaty bodies and jurisprudence from international criminal courts, among other areas. The proposed template should also be flexible enough to tailor teaching for all groups, from human rights officials and non-governmental aid workers in the field to police officers and journalists. It must also feature a core “minimum substantive element” on key crime prevention and criminal justice topics.

226. The Workshop then focused on Member State experiences in applying United Nations standards to combat corruption and address related human rights concerns. Several speakers reflected upon their countries’ experiences in addressing corruption and promoting high professional and ethical standards through awareness-raising, targeted institutional reform and education for the legal profession through the establishment of legal conduct guidelines and anti-corruption agencies. One speaker highlighted the importance of establishing formal written codes of ethics for prosecutors, but cautioned that improvement in practices had to be supported by a culture of accountability. He stressed that ongoing education and training remained key to ensuring that prosecutions conformed to ethical and human rights standards, and he drew attention to useful technical assistance tools and

standards, including those developed by the International Association of Prosecutors and UNODC.

227. One speaker drew attention to the plight of victims of crime and described recent United Nations developments in that regard, mentioning the importance of ongoing, broad-based educational and awareness-raising efforts in relation to crime victims. Another speaker reflected on efforts to develop responses to high rates of victimization, with specific reference to building capacity among a diverse range of service providers offering direct services to victims. She identified three national imperatives for services provided to crime victims, namely access to services; quality of services and diversity of services. The speaker mentioned the need to build on proven approaches and highlighted the UNODC victim empowerment programme as an example of a best practice.

228. One speaker outlined the rationale behind the template for international criminal justice education for the rule of law as developed in the background paper. He argued that the template, designed to strengthen universal education and training in this area, had to reflect not only the core standards and norms developed under UNODC auspices but also those from the closely related fields of international human rights and humanitarian law and international criminal law.

229. One speaker referred to the efforts by the Organization of American States to promote criminal justice and rule-of-law practices in the Americas. Another speaker provided a national example of good practice in promoting professional ethics in criminal justice and responding to the needs of crime victims (the Beccaria Centre training programme, developed in Germany) and described how it could be adopted more widely.

230. In the ensuing discussion, several speakers reflected upon how to balance universality in the teaching message with flexibility in training; one speaker reiterated the importance of integrating rule-of-law doctrines into the template's content. Other speakers underscored the importance of ongoing research on crime prevention and criminal justice at the national level and the inclusion of gender sensitization issues in teaching modules.

231. The representative of UNODC screened a training video of a fictional criminal trial to emphasize the value of multimedia training techniques in UNODC educational programmes within the more comprehensive collection of computer-based training tools. The video, entitled "Who is guilty?" and depicting a trial of a former child soldier accused of attempted rape, was part of the new UNODC crime and justice training series aimed at demonstrating the innovative use of video in training criminal justice students, as that medium allowed large amounts of data to be absorbed quickly. The circumstances and facts surrounding the mock trial were specially chosen to spur discussion of real-life applications of United Nations standards and norms in crime prevention and criminal justice, in the light of viewers' national legal systems.

232. One speaker called for international criminal justice education for the rule of law to harness the value of e-training programmes such as the Korean Institute of Criminology/UNODC Virtual Forum against Cybercrime, the Global Prosecutors E-crime Network, the UNODC computer-based training programme and the International Criminal Court training matrix, drawing on the opinions and recommendations of experts.

233. Participants were shown examples of e-learning tools available to be used in training, including the Virtual Forum against Cybercrime. First discussed at the Eleventh Congress, the Forum's Internet site offered, among other educational materials, advanced courses on topics such as preservation of evidence, encryption techniques and the use of digital forensic tools. Currently, prosecutors in the Republic of Korea wishing to transfer to another area of specialty were required to undergo 200 hours of e-lessons on cyberfraud, money-laundering and other topics.

234. One speaker underlined the diversity in existing criminal justice education programmes and the value of experience from national, regional and international contexts. In that regard, he mentioned the distance-learning and computer-based training programmes of the Department of Peacekeeping Operations, the United Nations Children's Fund, the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights, the United Nations Human Settlements Programme, the United Nations Institute for Training and Research, the United Nations University and the United Nations Educational, Scientific and Cultural Organization, among other entities. He recommended that better use be made of existing programmes and that UNODC develop a virtual academy. Another speaker, in a video statement, offered reflections on various aspects of international criminal justice education and the work of the United Nations University in that area.

235. A presentation was made on the work of the Rule of Law Unit of the Secretariat. The speaker noted that United Nations system-wide training, although relatively new, had over the past five years become a key element in improving coordination and coherence among various United Nations bodies dealing with technical assistance in the area of the rule of law. In that connection, the speaker drew attention to the United Nations unified rule-of-law training initiative, which promoted the formation of a cadre of professional, well-trained personnel to deliver rule-of-law technical assistance.

236. One speaker underscored the importance of training for United Nations police in peacekeeping operations and the expeditious use of existing bilateral training agreements and international peacekeeping training centres. He stated that the United Nations Police Division had completed a comprehensive review of its formed police units and had recently developed a predeployment training curriculum for those units. In the final discussion session, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment highlighted several key discussion themes.

### **Conclusions and recommendations**

237. A number of speakers expressed the view that criminal justice and rule-of-law training for practitioners should remain a priority for all Member States. For that reason, the annual sessions of the Commission on Crime Prevention and Criminal Justice should include an agenda item to review progress on international criminal justice education for the rule of law. Bearing in mind the issues raised in the background paper prepared for this Workshop of the Twelfth Congress (A/CONF.213/12, para. 53), the Vice-Chair of Committee I, with the support of one Member State and without objection, explored with the participants whether the Workshop findings might be reflected in the outcome document of the Congress.

## **B. Workshop on the Survey of United Nations and Other Best Practices in the Treatment of Prisoners in the Criminal Justice System**

### **Proceedings**

238. At its 4th and 5th meetings, on 15 April 2010, Committee II held the Workshop on the Survey of United Nations and Other Best Practices in the Treatment of Prisoners in the Criminal Justice System. The Workshop was organized with the assistance of the European Institute for Crime Prevention and Control, affiliated with the United Nations, and with input from the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the International Centre for Criminal Law Reform and Criminal Justice Policy. The Committee had before it the following documents:

(a) Background paper on the Workshop on the Survey of United Nations and Other Best Practices in the Treatment of Prisoners in the Criminal Justice System (A/CONF.213/13);

(b) Discussion guide (A/CONF.213/PM.1);

(c) Reports of the regional preparatory meetings for the Twelfth Congress (A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1).

239. The Workshop was moderated by Justice Antonio Cezar Peluso of the Supreme Court of Brazil.

240. The Workshop consisted of five panels, in which a total of 19 presentations were made. At the 4th meeting of the Committee and first meeting of the Workshop, a keynote address was made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. The Workshop considered the implementation and review of international standards relating to imprisonment, social reintegration as the objective of the treatment of prisoners and the oversight and monitoring of prisoners.

241. During the discussion, statements were made by the representatives of the Russian Federation, Indonesia, Morocco, Italy, Angola and the Islamic Republic of Iran.

242. The Secretary-General of the Conference of Ministers of Justice of the Ibero-American Countries presented the San José declaration on the access to rights for those deprived of their liberty.

243. At the 5th meeting of the Committee, the Workshop considered special groups having special rights and needs and the mobilization of society and resources for improving the social reintegration of prisoners. The panel on special groups with special rights considered the following three subthemes: health in prisons; women in prison, including children of imprisoned mothers; and children and young people.

244. During the discussion, statements were made by the representatives of China, Argentina, Saudi Arabia and the United States. A statement was also made by the observer for the Inter-American Development Bank. The observer for the Friends World Committee for Consultation also made a statement.

245. The scientific rapporteur summarized the conclusions of the Workshop.

### **General discussion**

246. In his keynote address, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment took stock of his five years in that position, during which time he had visited places of detention on four continents, interviewed hundreds of detainees and looked into allegations of torture and other forms of ill-treatment, as well as into the conditions of detention. His conclusion was that detainees were among the most vulnerable and forgotten human beings in our societies, that torture and ill-treatment were widespread practices in the majority of countries and that the conditions of detention were often appalling and in many cases amounted to inhuman treatment. In view of the more than 10 million persons deprived of their liberty and the alarming conditions of their detention, he noted the pressing need for an enforceable human rights instrument, such as a convention on the rights of persons deprived of their liberty, to address their specific vulnerability and provide for the rights of those persons.

247. In the panel on implementation and review of international standards, two panellists presented the general report of the Latin American Standing Committee of the International Penal and Penitentiary Foundation, which contained a proposed revision of the Standard Minimum Rules for the Treatment of Prisoners. The proposed revision was the outcome of many years of work by specialists, and it was hoped that it would serve as a stimulus for the updating of the Standard Minimum Rules. One panellist underlined the need for a legally binding document, such as a convention, to protect the rights of detainees and proposed setting a limit on the number of individuals imprisoned in order to improve the treatment of prisoners and conditions in prisons by reducing overcrowding. Another panellist introduced an international prison policy development tool designed by the International Centre for Criminal Law Reform and Criminal Justice Policy to assist in training prison staff and to guide authorities in developing operational policies in prisons. The tool had been translated into Russian and used successfully in training prison staff in the Russian Federation. Another panellist addressed the need for a prisons component in peacekeeping operations in post-conflict countries, the state of prison systems and prisons in the wake of civil war and the challenges that peacekeeping missions faced in strengthening or re-establishing prison systems in post-conflict countries. Mention was made of the successful collaboration between the Department of Peacekeeping Operations of the Secretariat and UNODC in Southern Sudan, which could be replicated elsewhere to improve the effectiveness of prison reform projects in post-conflict countries.

248. In the panel on social reintegration as the objective of the treatment of prisoners, panellists agreed that achieving the social reintegration of offenders and prisoners was the most important and the most challenging task of prison authorities and correctional services. One panellist, giving an example from his country, underlined that success depended on the engagement of society, the quality of prison staff and rehabilitation programmes and access to spiritual practices and health care in prisons. Another panellist provided information about a specific Canadian project on community supervision, which emphasized interventions by probation officers to facilitate prosocial cognitive change in moderate- to high-risk offenders.



Preliminary results suggested that the supervision model had been successful in reducing re-offending.

249. In the panel on oversight and monitoring of prisoners, the Vice-Chair of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment explained the Subcommittee's mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In reviewing the issue of the desirability of creating a specific network for the prevention of torture, he noted that an analysis of efforts in recent years to eradicate or reduce torture had revealed that the large number of international standards and bodies created within the United Nations system had not been adequate in that respect. Efforts needed to be intensified and better coordinated within the United Nations system, between UNODC and the Office of the United Nations High Commissioner for Human Rights, and with regional organizations. In his view, the Twelfth Congress was an ideal forum to encourage intensified efforts to ensure better compliance with existing rules and treaties. Another panellist outlined the positive changes that had taken place in South Africa since the entry into force in 1996 of the new Constitution, which included special provisions for the rights of detainees. The judicial inspectorate established in South Africa had become a model and totally independent monitoring body that had helped to improve the situation of prisoners significantly.

250. In the discussion that followed, the Secretary-General of the Council of Ministers of Justice of the Ibero-American Countries presented the San José declaration on the access to rights for those deprived of their liberty, which related to health, work and education in prisons and included separate rules for women prisoners. The Declaration included practical recommendations for improving detainees' access to those rights. A number of speakers made statements explaining measures that their Governments had taken to amend national legislation to comply with the Standard Minimum Rules for the Treatment of Prisoners, and ways in which they had improved the provision of rehabilitation programmes for prisoners and prison management. One participant explained the difficulties in harnessing resources for the prison system in low-income countries recovering from years of conflict.

251. At its 4th meeting, the Workshop focused on special groups with special rights and needs. The first panel addressed health-care services in prisons. By way of introduction, one panellist summarized the main aspects of imprisonment having a negative impact on health, namely poor prison conditions, the high rate of risk behaviour among prisoners, inadequate health-care services, isolation of health-care services from public-health services and the denial by authorities of the existence of health problems in prisons. Against that background, the panel considered three successful examples of improved health care in prisons achieved through a specific focus on reducing drug dependence and improving HIV/AIDS prevention, treatment and care. In Spain, the use of antiretroviral treatment, the provision of condoms and bleach, peer education, harm reduction programmes and methadone substitution therapy had led to significant success in reducing the transmission of HIV and hepatitis C virus, drug addiction and aggression in prison. Another panellist outlined the successful national health programme being implemented in Argentina, which was based on coordination between all the relevant ministries and the federal penitentiary services, in order to ensure that the prison health policy is in line with

the public health policy. The successful example of HIV/AIDS prevention and care and drug abuse treatment programmes in the Republic of Moldova demonstrated that health-care services could be improved in prisons even in countries with scarce resources.

252. The second panel examined the situation of women and their children in prisons. One panellist introduced the topic with a summary of the situation of women in prison worldwide, highlighting the growth observed in the size of the female prison population. A film was shown on the situation in Afghanistan of women in prison with children. Another panellist drew attention to the recent improvements in the situation of women in prison in Afghanistan, including the construction of two new women's prisons to enable the separation of women and men prisoners, the provision of education and vocational training in prisons and staff training. Challenges still remained, however; the number of women prisoners was increasing rapidly, and sustainable programmes were needed to enable the social reintegration of women, who were often abandoned by their families because of their having been in prison. Another panellist outlined a project that had been improving the lives of women prisoners in Thailand and that country's efforts to develop a set of supplementary rules for the treatment of women prisoners and non-custodial measures for women offenders supplementing the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). UNODC had been closely involved in that process, as mandated by Commission on Crime Prevention and Criminal Justice resolution 18/1. The draft rules emerging from the process had been submitted to the Twelfth Congress for consideration and action. Another panellist focused on the situation of women prisoners in Latin America, expressing the view that imprisonment should be used as a means of last resort for women who had small children or were pregnant; reference was made to existing good practice in some Latin American countries. She recommended the use of the UNODC *Handbook for Prison Managers and Policymakers on Women and Imprisonment* to improve the treatment of women and their children in prisons.

253. The third panel reviewed the situation of children and young people in prison. One panellist presented a programme to improve the social reintegration of girls in conflict with the law in Lebanon. With technical assistance provided by UNODC, a juvenile justice reform process was under way in that country, and the rehabilitation of girls held in juvenile detention centres was being improved with individualized support and the provision of a range of services. Another panellist underlined that the Convention on the Rights of the Child and other relevant instruments were very clear about the treatment of children in conflict with the law, emphasizing that imprisonment should be used only as a last resort in the case of juveniles. Authorities needed to develop a comprehensive approach to respond to children in conflict with the law. That approach should be based on bringing national law in line with international standards, ensuring that deprivation of liberty was used only as an exception in the case of children. Work needed to be undertaken to guarantee that members of the judiciary and law enforcement agencies achieved a better understanding of the alternatives available and made broader use of them. There was also a need to clearly assess the economic and social costs of deprivation of liberty.

254. At its final meeting, the Workshop addressed the mobilization of resources for improving the social reintegration of prisoners. The importance of appropriate and regular dissemination to the public of information about the prison service was underscored as a prerequisite for raising public awareness about prisons; and the impact of public attitudes on the formulation of government policy was highlighted as a core element in the mobilization of resources to improve conditions in prisons.

255. During the discussion that followed the presentations, one speaker provided information about the steps taken by his Government to achieve the rehabilitation of prisoners convicted of terrorist crimes. Another speaker explained action that had been taken to implement the Standard Minimum Rules for the Treatment of Prisoners, as well as assistance provided to other countries in that respect. He expressed support for updating the Standard Minimum Rules, but had reservations about the introduction of a convention on prisoners' rights. Another speaker observed that violence and criminality were among the main obstacles to development and stated his institution's commitment to providing technical and financial support to improve the functioning of criminal justice systems.

256. One speaker stated her organization's endorsement of the draft rules for the treatment of women prisoners put forward by Thailand, called for the increased use of restorative justice in the case of women prisoners, highlighted the need to improve health care in prisons and drew attention to the benefits of consulting prisoners when devising prison policies and strategies. She also encouraged UNODC to develop guidance on the treatment of the children of women prisoners.

#### **Conclusions and recommendations**

257. The Workshop made the following recommendations to the Twelfth Congress:

(a) The Congress should reiterate and emphasize the central importance of the Standard Minimum Rules for the Treatment of Prisoners, as they represent good principle and practice in the treatment of prisoners and the management of institutions;

(b) The Congress should take action to improve the legal framework relating to prisoners, with consideration being given to the revision and updating of the Standard Minimum Rules for the Treatment of Prisoners, and, in the shorter term, it should endorse the draft United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders;

(c) The Congress should encourage Member States to reaffirm their commitment to meeting the requirements of international standards in respect of the treatment of prisoners, in particular the Standard Minimum Rules for the Treatment of Prisoners, and it should consider urgently how those requirements can be met. Such consideration should include measures to reduce overcrowding, which represents the largest single barrier to compliance with international standards. It should also involve reviews, where necessary, of the law, policy, practice and budgetary allocations relating to imprisonment;

(d) Bearing in mind the dire state of prisons in Member States emerging from conflict and the crucial importance of establishing functioning civilian criminal justice systems with regard to peacebuilding and the re-establishment of the rule of law, the Congress should consider giving much higher priority to the

strengthening or reconstruction of prison systems in post-conflict settings to bring them into compliance with the requirements of international standards, and to the provision of adequate resources by donors to achieve this;

(e) The Congress should encourage Member States to develop the necessary policies and institutional infrastructure to ensure that prisons are used sparingly and fulfil their proper role;

(f) The Congress should encourage Member States to integrate prison health into broader community health structures and to assign responsibility for the management and provision of prison health services to the same ministries, departments and agencies providing health services to the general population. Where this is not achievable in the short term, action should be taken to significantly improve cooperation and collaboration between prison health services and community health services. Intersectoral cooperation should also be encouraged in other areas (e.g. education, vocational training, religious assistance) that impact on the rights of persons deprived of their liberty, in accordance with the provisions of the Standard Minimum Rules for the Treatment of Prisoners;

(g) The Congress should encourage Member States to commit the necessary resources to provide a prison system in compliance with the Standard Minimum Rules for the Treatment of Prisoners, drawing those resources from national and, where appropriate, international sources, and to mobilize the energies of civil society, local communities, relevant government departments and authorities at the local and national levels;

(h) The Congress should encourage Member States that have not yet done so to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and give priority to the establishment of mechanisms of accountability, independent external inspection and oversight and monitoring;

(i) The Congress should encourage UNODC to continue providing to Member States, upon request, technical assistance for prison reform, including in the form of tools and training, and Member States should provide UNODC with the requisite resources to do so.

## **C. Workshop on Practical Approaches to Preventing Urban Crime**

### **Proceedings**

258. At its 5th and 6th plenary meetings, on 14 April 2010, the Congress held the Workshop on Practical Approaches to Preventing Urban Crime. The Workshop was organized by the International Centre for the Prevention of Crime in cooperation with the Ministry of Justice of Brazil and UNODC. The Workshop had before it the following documents:

(a) Background paper on the Workshop on Practical Approaches to Preventing Urban Crime (A/CONF.213/14);

(b) Discussion guide (A/CONF.213/PM.1);

(c) Reports of the regional preparatory meetings for the Twelfth Congress (A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1).

259. At the 5th meeting, the presiding officer, Romeu Tuma Júnior, Secretary of Justice of Brazil, made an introductory statement underlining the progress made since the adoption of the Guidelines for the Prevention of Crime and the holding of the Eleventh Congress, in 2005. He noted that, despite the advances made in recent years, efforts needed to be strengthened to balance the attention and resources devoted to crime prevention with those devoted to criminal justice. He referred to the challenges posed by the growing number of mega-cities and urban agglomerations with large proportions of socially and economically excluded persons. Women, children, young people, migrant populations and refugees were especially vulnerable to crime. He noted that too often official responses to crime and to excluded and marginalized persons had been reactive. He stressed that such responses, while bringing short-term relief, did not provide long-term, sustainable solutions. In conclusion, strategies and practices that were recognized as being successful in preventing and reducing crime were engaging strategically with communities, engaging vulnerable groups and minority populations and respecting human rights and the rule of law.

260. In his statement, the Secretary of Justice of Brazil noted that the Government of Brazil was aware of the obstacles that violence and criminality posed to the social and economic development of individuals, communities, cities and countries. Recognizing the links between chaotic urbanization and criminality, he stressed the urgent need to promote a culture of peace as a fundamental aspect of all policies for crime prevention in mega-cities.

261. The Workshop consisted of six panels, during which 18 presentations were made. At the 5th meeting, strategies and practices for crime prevention in mega-cities and regions, high crime-rate cities and the role of government were considered. At the 6th meeting, the Workshop focused on responses to social exclusion and migration, and new tools and techniques to support crime prevention, and concluded with the discussion of the recommendations of the Workshop.

262. At the 5th meeting, statements were made by the representatives of the Libyan Arab Jamahiriya, Nigeria, Morocco, Algeria and the Plurinational State of Bolivia. At the 6th meeting, statements were made by the representatives of Canada, the United States, Nigeria, China, the Russian Federation, Uganda and Algeria.

### **General discussion**

263. The first panel, on mega-cities and regions, presented crime prevention initiatives from São Paulo, Brazil, Lagos, Nigeria, and Cairo. Panellists discussed how the speed and size of city growth impacted on prevention strategies and practices and affected issues of governance. Homicide rate-mapping in São Paulo, for example, had shown that the highest crime rates were found in low-income and peripheral areas, with a disproportionate impact on blacks and youth. That information had been used in formulating policies concerning public spaces, which were combined with multidisciplinary and multisectoral interventions, including improving the capacities of community and investigative police. While a substantial reduction in homicide rates had followed, victimization patterns linked to urban

inequalities continued to persist. Addressing that challenge required city-wide safety and security initiatives.

264. In Lagos, the Security Trust Fund of the Government of the State of Lagos had been established to provide support for underresourced federal security agencies. A crime and safety survey had underlined the fact that policies to address the deficit in law enforcement resources had improved the capacities of law enforcement agencies in the State of Lagos. In the case of Cairo, generally low crime rates were attributed to community surveillance and socio-cultural norms. However, crime types and rates were area-specific, and authorities had identified crime hot spots, which were often urban spaces that a particular combination of urban features had made unsafe. Panellists also reported on the results of policies that entailed close collaboration between various entities including local government and non-state actors. They highlighted the role of good governance, job creation and community participation in crime prevention and the need to address social segregation, marginalization and exclusion.

265. The second panel, on cities with high crime rates, commenced with a presentation by UNODC on police-reported intentional homicides in countries and their largest cities, using data provided by Member States through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems. Urbanization was considered to increase both crime-risk factors and protective factors reducing crime. It was emphasized that the results of crime victimization surveys could help optimize protective factors by providing invaluable data to inform urban management, social cohesion policies and practices, and the work of law enforcement agencies. City strategies in Port of Spain and in Medellín, Colombia, were also described by the panel. In Port of Spain, there had been a dramatic increase in serious crimes, particularly homicides, in recent years. In response, a multisectoral crime prevention initiative was established, drawing on the results of a community safety assessment. In the case of Medellín, interventions had focused on deprived areas. Collaborative work involving the population and local authorities had addressed social inclusion, social housing and development. Such participatory mechanisms had increased the capacity of communities to resist subordination to illegal groups and criminal organizations.

266. The third panel, on the role of Governments in prevention, presented the experience of the National Programme for Public Security with Citizenship (PRONASCI) of Brazil, a comprehensive programme with structural actions for strengthening the criminal justice system, and local programmes for socio-economic development and good citizenship targeting young people. In addition, a youth vulnerability index had been developed in partnership with the Ministry of Justice, the Brazilian Forum on Public Security and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders. One of the findings of the index was that young persons between 19 and 24 years of age were at particular risk of lethal violence.

267. The fourth panel, on the inclusion of women and youth, examined the social inclusion of women and youth in strategies and programmes to prevent crime. It was shown that cities could be the site of specific forms of insecurity and violence against women, thus requiring gender inclusion to be made a key component of urban planning. The panel also discussed experiences concerning the prevention of violence against women and children in post-conflict settings. It was stressed that a

greater presence of women in police services was important in helping countries recovering from conflict to better protect women and children from violence and abuse. The panel also presented a youth inclusion programme based on five pillars of support to young people: education, citizenship, sports, job creation and training opportunities. A further project described by panellists was the “Peace Squares” project of the Sou da Paz Institute, created to address the lack of public spaces for culture, leisure and socialization. The project engaged the community in recovering abandoned public spaces, which were revitalized and made safe, then used and managed by local residents.

268. The fifth panel, on the integration of migrant communities, presented the experiences of integrating migrant youth and communities in Montreal, Canada. A new police approach had been developed and implemented in areas of Montreal affected by a range of social problems associated with a multi-ethnic community and drug trafficking. The new approach, which balanced repressive and preventive crime measures, had brought the police closer to communities, yielding positive results. One panellist described outreach work and practices focusing on spaces, rather than on certain population groups, in order to prevent urban crime in Italy. The project brought about changes in public spaces by working with vulnerable groups including migrant populations, sex workers and potential victims of human trafficking. Social mediation was also used to prevent discrimination, racism and xenophobia.

269. The sixth panel, on new tools to support the application of crime prevention, focused on crime and violence observatories, assessment tools and manuals, online resources and safety audits. A presentation was made on tools to assist in the collection of data and the sharing of information required to inform evidence-based crime prevention policies and interventions. It also presented the UNODC crime prevention assessment tool, which provided guidance on technical assistance needs for crime prevention. Finally, panellists discussed training and capacity-building, including ongoing efforts in Brazil to strengthen the skills and professionalism of police officers through education on technical skills and on the protection and promotion of human rights relevant to law enforcement work. In particular, the training provided law enforcement officers with the knowledge and skills to deal with vulnerable groups such as children and elderly persons.

270. Some speakers addressed the impact of migration from rural to urban areas, including in the context of the world economic crisis and its impact on crime. They noted that investment in rural areas, as well as in cities, was important to achieve an equitable distribution of resources and to create opportunities in both rural and urban areas. Another speaker stressed the need for governments to engage in sound urban planning that took careful account of crime prevention and law enforcement principles. Governments alone could not succeed in combating crime; businesses also needed to invest in crime prevention. He posed the question of how police services could adapt in the light of the increasing privatization of security and law enforcement functions.

271. One speaker stressed the need for full respect for human rights in the prevention of crime. He highlighted the importance of focusing on the root causes of crime and the need for synergy between the work of the judiciary, municipalities, law enforcement agencies and social development actors in the area of crime prevention. In some contexts, drug consumption and drug trafficking were drivers of

crime against women and children. Social development plans and activities thus required the full involvement of women.

272. One speaker referred to the need to consider different strategies for addressing domestic and transnational manifestations of human trafficking, including through cooperation and the sharing of information between countries. Another speaker reported on the increase in drug-related violence in his country and the development of a programme aimed at preventing gang membership. He added that his country had developed a range of cross-cutting strategies addressing the concerns of minorities and women. He also stressed the need for evidence-based interventions and noted that a national crime prevention centre in his country had developed tools, including training materials on crime prevention, to assist in that task.

273. Some speakers referred to the importance of community-based policing as a model for identifying and addressing local threats. One speaker observed that the ethnic composition of police services should reflect that of local communities. Another speaker noted that community policing in his country assisted in reconciliation between the families of victims and offenders, prevented children of school age from becoming involved in crime and assisted with the social reintegration of former offenders. He added that poverty was a factor greatly contributing to crime and that microfinancing schemes were an important tool for organizing people into groups and raising economic standards, thereby preventing crime.

274. One speaker noted that governments should not allow the formation of “communities within communities” that were impenetrable to law enforcement officials. He encouraged Member States to prevent social isolation. There was a need to share information and address multiple challenges at the same time, including corruption, violent crime and trafficking in persons. One speaker stressed that crime prevention should be a component of urban planning, including through processes such as expedited house registration. Another important aspect was the provision of registration, employment and health-care services for migrant populations, as was ensuring the social reintegration of ex-offenders in order to reduce recidivism.

275. One speaker noted the importance of coordination between different police units and the need for ongoing monitoring of crime trends. In her country, crime rates had decreased by approximately 30 per cent as a result of the prioritization of crime prevention measures, social and economic policies to mitigate the effects of the financial crisis, strengthened engagement with civil society and improved technical resources for maintaining public order. Capacity-building in crime prevention had also been given greater attention. She noted that it was important to increase the analytical capacity of law enforcement authorities.

276. Some speakers noted the importance of the international exchange of good practices in crime prevention, and one speaker requested UNODC to facilitate such an exchange between Member States. In response to a question, one speaker clarified that in countries where violence could reach extreme levels, it was appropriate to characterize violence as a public health issue, rather than as an issue of criminal justice.



## Conclusions and recommendations

277. The Workshop on Practical Approaches to Preventing Urban Crime highlighted that cities and urban environments were not in themselves causes of crime. Rather, while such environments could certainly contain risk factors for crime, they also provided opportunities for protective factors reducing crime, such as employment and education. Urban planning played an important role in that respect, with many States reporting on detailed analyses of urban landscape features identified as facilitating or providing protection from crime.

278. The Workshop highlighted that a strong focus on crime prevention, rather than reactive or repressive law enforcement approaches, was required to ensure that risk factors did not outweigh protective factors. Effective urban crime prevention strategies should address the needs of the entire city population, including migrants, women, youth, children and low-income populations, in order to prevent a situation in which pockets of security existed within an otherwise insecure city. Urban crime prevention programmes should also address income inequality, unemployment and social exclusion so as to target many of the root causes of crime. The Workshop also considered that it was important for programmes not to focus exclusively on urban areas but also to encompass rural development in order to reduce the rapid rate of urbanization, which was recognized as a significant risk factor for crime.

279. All urban crime prevention programmes should use a multisectoral participatory approach driven by the needs and concerns of communities affected by crime. In that respect, diagnostic tools such as local safety audits, vulnerability indicators and crime victimization surveys were key to obtaining baseline and ongoing information on the nature and extent of crime-related challenges and local concerns. Law enforcement officers, who constituted the front line in the State response to crime, should receive comprehensive training on community engagement, human rights, mediation and crime prevention education and awareness-raising.

280. The Workshop made the following recommendations:

(a) Governments should give priority to urban crime prevention in view of the robust evidence that criminal justice responses alone are not sufficient to prevent crime and violence;

(b) Crime prevention policies, strategies and programmes should be knowledge-based and multisectoral and involve not only the security and justice sectors but also other key government sectors engaged in social and economic development, as well as civil society;

(c) Crime prevention policies and programmes should address the socio-economic and political factors associated with increased vulnerability to crime and victimization;

(d) Mega-cities should be encouraged to develop their metropolitan and regional structures in an integrated way in order to tackle infrastructure, housing, transport and other social and economic problems that may facilitate crime and violence, including by developing and training municipal police services that work on problem-solving with local communities;

(e) All levels of government should be encouraged to place greater emphasis on ensuring the safety of women in private and public settings. That requires gender-mainstreaming in all government departments and areas of responsibility, as well as in the collection and analysis of data related to the provision of services. Cities are encouraged to develop strategic plans to change attitudes towards violence against women in all settings, to encourage the participation of women in decision-making and to provide services for victims of such violence;

(f) Cities should give greater attention to the redevelopment of public space with a view to creating safe and accessible places for interaction and recreation and to promoting civility;

(g) Cities should be encouraged to promote and utilize innovative participatory and inclusive policies and programmes, in order to reduce the exclusion of marginalized groups, including minorities and migrants. Support should also be given to civil society organizations working to promote the greater inclusion of marginalized groups;

(h) All levels of government should be encouraged to develop and implement effective and gender-sensitive crime prevention strategies, including by utilizing urban and regional observatories for the collection and analysis of data, geographic mapping techniques, victimization surveys and safety audits and guides;

(i) All levels of government should be urged to support emerging and innovative training and teaching approaches in crime prevention that respond to the needs of the police and other professions engaged in the area of prevention. Those approaches include e-learning and professional and technical courses;

(j) The international community, including donors, should work to facilitate and support local government capacity-building through training and technical assistance and city-to-city exchanges, taking into account the individual needs of countries.

## **D. Workshop on Links between Drug Trafficking and Other Forms of Organized Crime**

### **Proceedings**

281. At its 10th and 11th meetings, on 17 April 2010, Committee I held the Workshop on Links between Drug Trafficking and Other Forms of Organized Crime. The Workshop was organized in cooperation with the United Nations Interregional Crime and Justice Research Institute and the National Institute of Justice of the United States Department of Justice. The Committee had before it the following documents:

(a) Background paper on the Workshop on Links between Drug Trafficking and Other Forms of Organized Crime (A/CONF.213/15);

(b) Discussion guide (A/CONF.213/PM.1);

(c) Reports of the regional preparatory meetings for the Twelfth Congress (A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1).

282. The Workshop consisted of four panels and a total of 12 presentations were made. At the 10th meeting, the Chair of the Committee made an introductory statement. The Moderator of the Workshop also made a statement. Three panels were held: the first dealt with drug smuggling and trafficking; the second focused on drugs and the larger political economy; and the third addressed the responses of Member States. During the discussion, statements were made by the representatives of Italy, the Russian Federation, China, Algeria and Colombia.

283. At its 11th meeting, the Committee heard the two remaining presentations of the third panel as well as the presentations of the fourth panel, which addressed non-governmental and multilateral responses. During the discussion, statements were made by the representatives of the Islamic Republic of Iran, Norway, Azerbaijan, Argentina, Finland, Saudi Arabia and the Russian Federation. Statements were also made by a representative of the UNODC Country Office in Afghanistan and two individual experts.

### **General discussion**

284. In his introductory statement, the Moderator noted that Member States, local governments and the international community could address the links between drug trafficking and other forms of organized crime in more effective ways. The presentations outlined the challenges involved in efforts to control drug trafficking and organized crime, describing both recent developments and promising strategies that offered hope for greater success in the areas of prevention and interdiction. The presentations and discussion incorporated the findings and input of experts from different regions and offered action-oriented recommendations to guide future efforts.

285. In the panel on drug smuggling and trafficking, the panellists identified the following key areas for attention: the organized counterfeiting of medicine, the globalization of amphetamine-type stimulants and cybercrime. They noted that increasing opportunities and public demand for illicit products had fuelled the development of organized networks to provide such products. It was observed that better national and international documentation of those problems, combined with technical assistance and capacity-building, were essential elements of an approach to prevent those forms of trafficking.

286. In the panel on drugs and the larger political economy, the link between organized crime and drug trafficking was related to conflict and security issues, terrorism and corruption. The linkage involved illicit efforts to control production, distribution markets, violent actions by those under the influence of drugs and crimes committed to support drug use or production. Corruption had been found to facilitate illegal activity, defeat law enforcement responses and undermine the legitimacy of government and the trust needed for international cooperation.

287. The panel on responses of Member States focused on coordinated government action against drug-related violence, the impact of legislation and prosecutorial techniques and the development of better intelligence about criminal suspects and networks to enhance the success of prosecution. The need for improved international cooperation, strict penalties, protection of witnesses and appropriate legal tools to gather evidence was highlighted, as was the need to use inter-agency police task forces and information-sharing to fulfil the mandates of the relevant

United Nations conventions through full implementation and the provision of technical assistance and training.

288. The fourth panel, on non-governmental and multilateral responses, discussed the role of non-governmental organizations, academia, regional organizations and United Nations policies in developing the information, programmes and security required to address the scope of organized crime and drug trafficking. The role of education, public awareness and data-gathering was highlighted to illustrate how research, education and evaluation could shed light on corruption, theft of cultural property and the assessment of other threats to the public welfare. Training was recognized as a crucial element in informing the response by disseminating new and alternative approaches to the prevention, prosecution and punishment of organized crime in its many different forms. Democracy, human rights, security and development were recognized as four fundamental pillars in regional cooperation against threats posed by organized crime and threats to public security. In addition, there was an identified need to improve police capacity in post-conflict situations in order to enforce the rule of law to stabilize societies against the action of organized criminals.

289. In the general discussion that followed, several speakers reiterated that the international nature of trafficking in drugs and other illicit products required effective international cooperation. Participants noted the importance of the implementation of existing United Nations conventions and the need to utilize multilateral and bilateral treaties and agreements where they existed and to enhance cooperation and dissemination of intelligence among law enforcement agencies.

290. The importance of capacity-building was stressed by several participants. It was observed that greater attention must be given to counterfeit medicines, illegal fishing, precursor chemicals, links between organized crime and terrorism, cybercrime and the money-laundering activities of organized criminal groups in order to document more clearly the scope of those problems and the harm caused, as well as to raise international awareness.

291. Several speakers emphasized the need for better intelligence-sharing between Member States to promote international investigations. Reference was made to the importance of improving police capacity, especially in post-conflict areas, in order to combat the influence of organized criminal elements. The contribution that civil society and academia could make in education and research was highlighted as a way to support broader national and international efforts against organized crime and corruption.

### **Conclusions and recommendations**

292. On the basis of the statements made during the panel discussion, the Workshop reached the conclusions below.

293. Effective responses to transnational organized crime, including drug trafficking, must be based on the establishment of an adequate legislative framework, capacity-building programmes and the strengthening of regional and subregional cooperation based on shared responsibility. The work of international organizations in this area required increased coordination and redoubled joint efforts to promote the implementation of United Nations multilateral treaties, principal among them the Organized Crime Convention and the Protocols thereto, and to

develop and implement comprehensive, sustained and consistent technical assistance programmes.

294. Lack of access to data persisted in many jurisdictions, and the analysis of organized crime was still virtually non-existent in several regions. Significant efforts were needed to allow for the examination of trends in organized criminal activity, as this type of criminal activity changes in response to law enforcement efforts.

295. Policy responses were dependent on accurate assessments of the threat posed by organized crime. Determining the risk posed by organized crime required specific assessments, because of the significant variations within countries and regions. The limited existing efforts needed to be consolidated and serve as a launch pad for more systematic and regular risk-assessment efforts around the world.

296. Numerous assessments had been made of the links between drug trafficking and other forms of trafficking. Those assessments had pointed to the crucial role of regional cooperation, and their outcomes needed to be translated into specific programmes to assist regions that so required. The delivery of assistance needed to become a priority, especially for the donor community. Furthermore, a synthesis of existing regional assessments and analyses was needed so that regions could learn from the experiences of others. Regular, periodic assessments conducted in a standardized manner were required in order to evaluate trends in illicit activities and the impact of criminal justice initiatives.

297. Too little effort had been made to objectively assess the effectiveness of methods to counter drug trafficking and other organized criminal activities. As a result, it remained difficult to evaluate the costs and benefits and the impact of such methods. It was likely that lessons were not systematically compiled or used to improve methods and ensure that they responded to the constantly shifting nature of organized crime. The international community could and should work together to develop programmes for the revision of methods and the systematic analysis of lessons learned.

298. Face-to-face meetings for training and technical assistance had been shown to be a valuable way to promote trust and post-training cooperation among practitioners. The use of economic and development associations as a platform for crime-related agreements had been demonstrated to be an effective way to address shared crime-related issues. Information exchange and cooperation among law enforcement and intelligence agencies were keys to improved effectiveness against trafficking in all its forms. Training and capacity-building for legislators, policymakers, the judiciary and law enforcement authorities needed to be comprehensive and continuous, as new laws, international agreements, investigative techniques and changes in organized criminal activity required updated knowledge and skills.

## **E. Workshop on Strategies and Best Practices against Overcrowding in Correctional Facilities**

### **Proceedings**

299. At its 8th and 9th meetings, on 16 April 2010, Committee I held the Workshop on Strategies and Best Practices against Overcrowding in Correctional Facilities. The Workshop was organized in cooperation with the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and the International Centre for Criminal Law Reform and Criminal Justice Policy. The Committee had before it the following documents:

(a) Background paper on the Workshop on Strategies and Best Practices against Overcrowding in Correctional Facilities (A/CONF.213/16);

(b) Discussion guide (A/CONF.213/PM.1);

(c) Reports of the regional preparatory meetings for the Twelfth Congress (A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1).

300. The workshop was moderated by Hans-Jörg Albrecht, Director of the Max Planck Institute for Foreign and International Criminal Law of Germany. Twenty presentations were made during the Workshop.

301. At the 8th meeting, an introductory statement was made by a representative of the Secretariat, followed by a welcoming statement by the Director of the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders.

302. Statements were made by representatives of Italy, Morocco, the Russian Federation, Azerbaijan, Brazil and the Dominican Republic and by the observers for the Friends World Committee for Consultation and Penal Reform International.

303. At the 9th meeting of the Committee, statements were made by the representatives of Canada, Brazil, Algeria and Saudi Arabia. A statement was made by the observer for the International Commission of Catholic Prison Pastoral Care. A statement was made by an individual expert.

### **General discussion**

304. In an introductory statement, a representative of the Secretariat referred to the negative impact of prison overcrowding and the factors contributing to it. She stressed the importance of addressing prison overcrowding in a comprehensive and multisectoral manner, referred to possible strategies to deal with overcrowding and recalled recent activities undertaken by UNODC in providing guidance and assistance to countries in the area of prison reform, including the development of the draft rules for the treatment of women prisoners and non-custodial measures for women offenders.

305. In his statement, the Director of the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders recalled that overcrowding in correctional facilities was among the most pressing issues faced in many parts of the world. Prison overcrowding infringed on the basic rights of inmates and undermined the overall effectiveness and efficiency of the criminal justice system.

306. The first presentation, on the current situation concerning prison overcrowding, underlined the fact that overcrowding is the most important cause of the failure of States to meet minimum standards for humane treatment for many of the 10 million prisoners held worldwide. The panellist addressed the implications of prison overcrowding and explained some of the problems encountered in measuring the nature and extent of overcrowding. The panellist presented data of the International Centre for Prison Studies on known occupancy levels in prison systems in various regions, and argued that while high rates of overcrowding were not necessarily linked with high rates of imprisonment, they were related to high proportions of pretrial detainees in prison populations.

307. The second presentation focused on the main causes of prison overcrowding, including the following: excessive use of pretrial detention; punitive “tough on crime” policies; lack of alternatives to imprisonment; rigid sentencing systems; restrictive and rigid early-release practices and rigid revocation procedures; high re-offending rates resulting from the lack of or inadequate in-prison and community rehabilitation programmes; and criminal justice systems carrying out tasks that could better be administered by social, health and other services. In addition, more general structural and cultural factors, such as fear and concern over safety and security, public pressure, media impact, socio-economic equality and security, and political culture, can also have an impact on the problem of prison overcrowding. In conclusion, with the necessary political will, prison overcrowding could be counteracted and prisoner rates could be reduced.

308. In the third presentation, on measures to alleviate prison overcrowding, the panellist stated that prison overcrowding was often associated with problems of governance, a weak economy and the inefficiency of the criminal justice system. To alleviate prison overcrowding, the number of admissions and the length of sentences could be reduced. Reliable and up-to-date data were required in that regard. He recalled that strengthening the rights of inmates by empowering non-governmental organizations assisting inmates could help alleviate the problem. Tackling prison overcrowding by building more prisons was expensive, and could have the opposite effect, causing greater overcrowding in the long term and reinforcing reliance on imprisonment and deprivation of liberty. Diversion should be considered for prisoners with drug addiction and for the mentally ill. Finally, restorative justice and mediation programmes were useful for reducing the length of prison sentences.

309. The presentation on penal reform and prison overcrowding in Latin America and the Caribbean emphasized the importance of identifying the cause of overcrowding in order to effectively reduce it and, in that regard, reference was made to the effects of inequality of income distribution on crime and on prison overcrowding. The panellist underlined that public policies for crime prevention and criminal justice should be accompanied by policies to reduce inequalities of income and wealth distribution. In conclusion, constructive models could be found in Costa Rica and the Dominican Republic, which had undertaken comprehensive reforms of the penitentiary system, leading, inter alia, to the reduction of prison overcrowding.

310. The presentation on human development and overcrowding in correctional institutions examined the complex relationship between crime and development: while crime was a factor of underdevelopment, development could, however, lead to an increase in crime. With the exception of the Libyan Arab Jamahiriya, Seychelles and Mauritius, African countries that ranked high on the Human Development Index

tended to have less prison overcrowding than those ranking low. In the region, prison overcrowding was mainly the result of prolonged detention caused by delays in commencing trials and in waiting for appeal verdicts.

311. The first panel presented strategies for the reduction of prison populations through diversion, informal and restorative justice and alternatives to pretrial detention. The first panellist presented the experience in Thailand of a drug policy that had caused the greatest degree of prison overcrowding in the country's history. The key reform initiatives undertaken to address the problem included the creation of a diversion scheme for drug offenders, the introduction of restorative justice measures for juvenile offenders and strategies to enlarge the scope of probation work. Key lessons had been drawn from that experience: the debate over the choice of decriminalization versus conditional diversion was of relevance; there was a need for the coordinated management of dual-track diversion schemes; and community participation played an essential role. Another panellist presented the strategies used to reduce prison overcrowding in Uganda, which included a strategic partnership between government and civil society for providing legal aid services, the use of multidisciplinary teams in providing legal aid service, using traditional justice mechanisms, mediation and reconciliation, legislative and policy amendments, the mandatory provision of pro bono services by all lawyers and support for initiatives such as the Paralegal Advisory Service. One panellist made a presentation on the Paralegal Advisory Service in Malawi, which provided practical, affordable and effective legal aid services. Through the Service, paralegals could assist, in particular, poor people in obtaining advice on bail or appeal, trace parents and guardians and assist in mediation in civil cases and petty offences. Furthermore, paralegals assisted in empowering prisoners to apply the criminal law and procedures appropriately in their own case and facilitated sessions including magistrates screening the remand caseload.

312. During the panel, a presentation was made on the factors contributing to the reduction of prison overcrowding in Japan in recent years. In that regard, reference was made to the decrease in the number of reported crimes, the construction of new correctional facilities, as well as the national system for overseeing pretrial detention. The panellist recalled that the use of pretrial detention was limited in practice and that there were provisions for the speedy trial procedures for less serious offences. In addition, the national system of diversion contributed to the reduction of pretrial detention. Another panellist was of the view that the excessive use of pretrial detention could be successfully tackled through various measures such as law reform, the early assignment of defence counsels or paralegals, electronic monitoring and programmes to deal with case backlogs. Measures to decrease the use and duration of pretrial detention included legislative and policy frameworks ensuring that police and pretrial detention were used only when absolutely necessary; encouragement of the use of pretrial release options; the requirement that pretrial detention be decided by a competent authority and be set for a determined period of time; and the requirement that trials be held within a reasonable period of time, after which detention could not continue. Finally, he stressed that special measures should be developed and applied in cases of offenders who were mentally ill or dependent on drugs. The final panellist stated that restorative justice in the criminal justice systems was a way to respond to offending and the effects of crime that placed those affected by the crime at the centre of the process, and he underlined that a common element of successful restorative justice



processes was the involvement of the local community and the involvement of existing groups dealing with problems in local communities. Incorporating restorative justice as a mandatory practice at all court events would go some way to lowering the imprisonment rate and reducing reconviction rates.

313. During the discussion that took place at the end of the first panel, several speakers detailed their respective national experiences in reducing overcrowding, referred to the benefits of increasing the use of alternatives to detention and imprisonment and emphasized the importance of focusing on access to justice and restorative justice.

314. The second panel concerned strategies for reducing prison populations at the sentencing and post-sentencing stages. The first panellist outlined the experience of Brazil in implementing alternatives to imprisonment in order to reduce overcrowding. She provided an overview of the use of alternative sentences and trends in the growth of the prison population. There was a need to address the issue of overcrowding in a strategic manner, establish limits to imprisonment, develop sentencing guidelines and ensure equal access to justice. Raising public awareness was key to achieving success. The second panellist explained that the first element of a strategy to address prison overcrowding was determining the maximum capacity of prisons, and proposed that the judiciary be given the responsibility of determining the limits to incarceration. The second element of such a strategy was the increased use of alternatives to imprisonment and early release. She gave the successful example of Uruguay, where legislation had been amended to limit imprisonment and increase the use of early release, followed by after-care. The third panellist focused on the holistic, rehabilitative approach adopted in Singapore to achieve a significant reduction in the prison population by reducing the rate of recidivism. Under that system, prison officers took on the role of personal supervisors of a group of prisoners and, following a thorough assessment of the prisoners' background and needs, they planned staged programmes for their effective rehabilitation, with support extending to the period following release. The prison service cooperated with social welfare agencies in the community to ensure comprehensive support for ex-prisoners. The fourth panellist focused on how parole could be used to reduce prison overcrowding. The presentation considered risk assessment, looking at key risk factors and the management of risk. It considered protective factors contributing to an effective risk management strategy vis-à-vis offenders. The panellist concluded with a short assessment of what constituted success in parole decisions and recommended that parole be used in the appropriate cases as an effective part of the strategy to tackle prison overcrowding.

315. The third panel reviewed strategies to secure support for the reduction of prison populations. The first panellist provided an overview of how prison overcrowding was reduced in Thailand through the development of a probation system and by ensuring community participation and introducing legislative reforms. The second panellist reviewed a key strategy to reduce prison overcrowding in the framework of a project in Singapore: a campaign to engage communities and bring about societal acceptance of ex-offenders and their families. The project, operating successfully for more than six years, provided a coordinated approach for creating awareness, generating acceptance and inspiring action within communities to support the rehabilitation and reintegration of ex-offenders. The third panellist considered the issue of alternatives to imprisonment in Africa and

ways to ensure successful implementation. He underlined that involving the community in the criminal justice process at the pretrial, post-sentencing and post-release stages was a key requirement. Community participation was especially important for reaching a restorative outcome. The second key requirement was moving from a punitive and retributive approach to a restorative approach in responding to crime, in order to complement the role of the community. The fourth panellist underlined the importance of ensuring public awareness about parole, providing examples of initiatives undertaken in England and Wales (United Kingdom) so that the public and key stakeholders, such as judges, would accept the use of parole, and of facilitating the constructive involvement of the public and key stakeholders in the implementation of parole. The presentation was followed by a film on the Parole Board for England and Wales. The fifth panellist focused on the subject of responsibilities and accountability with respect to prison overcrowding. He underlined that overcrowding, which had led to a humanitarian disaster in many countries, was a situation involving many institutions and, as such, required the design of comprehensive strategies. A major challenge was determining what institutions were willing to do to reduce overcrowding and help sustain positive action in that regard. He stated that not all policies directed at preventing crime were compatible with the goal of reducing crime, noting that politicians promoted strategies that sent large numbers of people to prison.

316. At the conclusion of the Workshop, one speaker highlighted the difficulties encountered in exercising religious rights in overcrowded prisons. Another speaker provided information about how systemic inefficiencies had been addressed in his country through the establishment of a steering committee whose membership comprised key justice institutions. One speaker noted that in order to reduce the number of people imprisoned, there was a need to improve the re-socialization of offenders, and Governments needed to invest in crime prevention. Another participant underlined that overcrowding was a challenge in his country and that imprisonment should no longer be viewed as the only response to offending behaviour. He noted that there were challenges in implementing alternatives to prison, owing to public pressure for tougher responses to crime. Another participant explained that in his country, efforts were being made to reform the criminal justice system, one goal being to reduce prison overcrowding. Initiatives focused on social reintegration to reduce recidivism. One speaker presented the initiatives and activities undertaken at the national level for persons detained in cases involving terrorism. In that context, reference was made in particular to the national policy for the rehabilitation and reintegration of detainees which included measures related to families of detainees; personal rights of detainees; persons released from detention; persons detained on suspicion but not convicted; returnees from the Guantanamo Bay detention centre; and families of terrorists who have been killed.

### **Conclusions and recommendations**

317. The Workshop reached the following conclusions:

(a) Overcrowding in correctional facilities was one of the most serious impediments to compliance by Member States of relevant United Nations instruments and standards and norms and violated the human rights of inmates;

(b) Crime was a social problem to which criminal justice systems could provide only part of the solution. Taking action against poverty and social

marginalization was key to preventing crime and violence and, in turn, reducing prison overcrowding;

(c) Member States should define prison overcrowding as an unacceptable violation of human rights and consider establishing a legal limit of their prison capacity;

(d) Member States should consider reviewing, evaluating and updating their policies, laws and practices to ensure the development of a comprehensive criminal justice strategy to address the problem of prison overcrowding, which should include reducing the use of imprisonment and increasing the use of alternatives to prison, including restorative justice programmes;

(e) Policies and strategies to address prison overcrowding should be evidence-based;

(f) Member States should implement reforms and strategies to reduce overcrowding in a manner that is gender-sensitive and that effectively responds to the needs of the most vulnerable groups;

(g) Member States are encouraged to review the adequacy of legal aid and other measures, including the use of trained paralegals, with a view to strengthening access to justice and public defence mechanisms to review the necessity of pretrial detention;

(h) Member States are invited to conduct a system-wide review to identify inefficiencies in the criminal justice process that contribute to prolonged periods of custody during the pretrial and trial processes, and to develop strategies to improve the efficiency of the criminal justice process, which includes measures to reduce case backlogs, and to consider introducing time limits on detention;

(i) Member States should be encouraged to introduce measures providing for the early release of prisoners from correctional institutions, such as referral to halfway houses, electronic monitoring and reduction of sentences for good behaviour. Member States should consider reviewing their revocation procedures to prevent the unnecessary return to prison;

(j) Member States are invited to develop parole and probation systems;

(k) Member States should ensure effective implementation of alternatives to imprisonment by providing necessary infrastructure and resources;

(l) Member States should promote the participation of civil society organizations and local communities in implementing alternatives to prison;

(m) Member States should raise awareness and encourage comprehensive consultative processes, involving the participation of all relevant sectors of government, civil society, in particular victims' associations, and other stakeholders in the development and implementation of national strategies, including action plans, to address overcrowding;

(n) Member States should ensure that evidence-based information on crime and criminal justice is communicated to legislators, politicians, decision makers, criminal justice practitioners, the public and the media. For this purpose, Member States should be encouraged to continue research on factors contributing to prison overcrowding;

(o) Relevant offices and bodies of the United Nations working on different issues relevant to the problem of prison overcrowding should strive to better coordinate their activities and initiatives in order to more effectively assist countries in reducing prison overcrowding;

(p) UNODC should continue to provide assistance and support to countries, upon their request, to address prison overcrowding.

## **Chapter VII**

### **Ancillary meetings**

318. A total of 82 ancillary meetings were held during the Congress, covering a variety of topics. Of the ancillary meetings, 18 were sponsored by United Nations entities; 10 were sponsored by institutes of the United Nations crime prevention and criminal justice programme network; 8 were sponsored by the Government of Brazil and non-governmental organizations; and several were co-sponsored by Member States.

319. The ancillary meetings reflected the great interest of non-governmental organizations in crime prevention and criminal justice issues, as well as the significant potential for their involvement in more coordinated action to design comprehensive and interdisciplinary approaches to crime challenges.

320. In addition to the ancillary meetings, a special training room, containing a network of 50 computers, was used to provide specialized training. Some training sessions, conducted by Microsoft, were only for law enforcement personnel. The other sessions were open to all delegates. The Korean Institute of Criminology used the room to demonstrate its Virtual Forum against Cybercrime software.

## **Chapter VIII**

### **Adoption of the report of the Congress and closure of the Congress**

321. At the fourth meeting of the high-level segment of the Congress, on 19 April, the Congress considered its draft report, prepared by the Rapporteur-General pursuant to rule 52 of the rules of procedure, which included the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, the conclusions and recommendations of the Congress on the various substantive items of its agenda and the outcome of the workshops. The draft report also included the decisions of the Congress, a brief account of the events leading to the Twelfth Congress, the proceedings of the Congress, including a summary of the substantive work concluded by the plenary and by the various committees and a summary of the proceedings of the high-level segment. The Chairs of the Credentials Committee, Committee I and Committee II presented the reports of their respective committees.

322. The Chair of the informal consultations on the draft Declaration, Julio Cezar Zelner Gonçalves, Permanent Representative and Ambassador of Brazil to the United Nations (Vienna), introduced the final text of the Declaration to the Congress at its closing meeting. The Declaration reflected the political will of the international community to define common strategies in addressing sensitive aspects and emerging challenges in the field of crime prevention and criminal justice.

323. The Chair spoke of some of the most important issues dealt with in the Declaration, including the following:

(a) The compromise language used to accommodate different views expressed with regard to the feasibility of negotiating a new international instrument against cybercrime (para. 42);

(b) The need to better protect the rights of prisoners and the conclusion reached that consideration of a draft convention on the treatment of prisoners was still premature, although the Commission on Crime Prevention and Criminal Justice was invited to consider convening an open-ended intergovernmental expert group to exchange information on the possible revision of the United Nations standard minimum rules for the treatment of prisoners (para. 49);

(c) Recognition of the need to adopt measures on the challenge posed by emerging forms of crime that have a significant impact on the environment (para. 14);

(d) The need to respond effectively to cases of violence against migrants, migrant workers and their families (para. 38);

(e) The recurrent reference to the need to respect human rights, protect victims of crime and enhance international cooperation to combat crime;

(f) The recognition of the central role of UNODC in helping Member States upgrade their capacity to prevent and suppress various types of crime through technical assistance, as well as the emphasis on the serious need to provide UNODC with the resources that would enable it to perform its functions in a more effective manner.

324. The Chair stressed the significance of the appeal to Member States to fully implement the technical assistance provisions of the Organized Crime Convention and the Convention against Corruption, including by giving special consideration to contributing, in accordance with their national law and the provisions of those Conventions, a percentage of the proceeds of crime confiscated under each Convention to fund technical assistance through UNODC (para. 25).

325. In that respect, he recalled the announcement made by the President of the Twelfth Congress at the opening meeting of the Congress regarding the decision of the President of Brazil to implement immediately the relevant articles of the two Conventions and the related provisions of the General Assembly resolutions adopting them, to contribute to UNODC a percentage of the value of assets confiscated by Brazil in order to support it in its efforts to strengthen the capacity of criminal justice systems of developing countries to implement the two Conventions.

326. A statement was made by the representative of Argentina regarding paragraph 36 of the Declaration, covering trafficking in persons. The representative explained that the text of the Declaration, regrettably, did not reflect crucial issues

related to trafficking in persons. He was of the view that the shared responsibility of countries of origin, countries of transit and countries of destination should be acknowledged. Similarly, he called on States parties to the Trafficking in Persons Protocol and Member States of the United Nations not party to the Protocol to consider whether, in their respective national domestic legislation, they could move towards criminalizing the application of any form of exploitation of human beings, as set out in article 9, paragraph 5, of the Protocol. Statements were also made by the representatives of the Russian Federation and Spain (on behalf of the European Union), referring to the compromise language agreed upon in the Declaration.

327. At the same meeting, the Congress adopted its report as contained in documents A/CONF.213/L.2 and Add.1-4 (deliberations of the plenary), A/CONF.213/L.3 and Add.1-5 (outcome of the deliberations of Committee I) and A/CONF.213/L.4 and Add.1-2 (outcome of the deliberations of Committee II). The report also included the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World (A/CONF.213/L.5 and A/CONF.213/L.6 and Rev.1 and 2). The reports of Committee I and Committee II were approved, as orally amended, at the final meeting of the respective committee before being adopted in plenary as part of the report of the Congress.

328. Closing statements were made by the President of the Twelfth Congress, the Executive Secretary of the Congress and the representative of Algeria (on behalf of the Group of 77 and China). Statements were also made by the delegations of Algeria, Argentina and Qatar regarding the organization of future Congresses.

329. In his closing statement, the President of the Twelfth Congress highlighted the negative impact of transnational crime on the rule of law and stressed the need to strengthen criminal justice systems as an essential component for social and economic development. In doing so, Member States would need to adopt comprehensive strategies to address crime challenges and prevent impunity, encompassing elements of both repression and prevention of crime, with due respect for the protection of human rights. The promotion of information-sharing among domestic institutions and foreign counterparts as well as international cooperation in criminal matters was also highlighted. The implementation of such strategies would require the provision of sufficient resources to countries with limited capacity to put in place adequate counter-crime responses.

## Annex

### List of documents before the Twelfth United Nations Congress on Crime Prevention and Criminal Justice

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
A/CONF.213/1	2	Provisional agenda and annotations
A/CONF.213/2	2	Rules of procedure for United Nations congresses on crime prevention and criminal justice
A/CONF.213/3	1	Report of the Secretary-General on the state of crime and criminal justice worldwide
A/CONF.213/4	3	Working paper prepared by the Secretariat on children, youth and crime
A/CONF.213/5	4	Working paper prepared by the Secretariat on provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism
A/CONF.213/6	5	Working paper prepared by the Secretariat on making the United Nations guidelines on crime prevention work
A/CONF.213/7	6	Working paper prepared by the Secretariat on criminal justice responses to the smuggling of migrants and trafficking in persons: links to transnational organized crime
A/CONF.213/8	7	Working paper prepared by the Secretariat on international cooperation to address money-laundering based on relevant United Nations and other instruments
A/CONF.213/9	8	Working paper prepared by the Secretariat on recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime
A/CONF.213/10	9	Working paper prepared by the Secretariat on practical approaches to strengthening international cooperation in fighting crime-related problems
A/CONF.213/11	10	Working paper prepared by the Secretariat on crime prevention and criminal justice responses to violence against migrants, migrant workers and their families
A/CONF.213/12	5	Background paper on the Workshop on International Criminal Justice Education for the Rule of Law

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
A/CONF.213/13	5	Background paper on the Workshop on the Survey of United Nations and Other Best Practices in the Treatment of Prisoners in the Criminal Justice System
A/CONF.213/14	5	Background paper on the Workshop on Practical Approaches to Preventing Urban Crime
A/CONF.213/15	7	Background paper on the Workshop on Links between Drug Trafficking and Other Forms of Organized Crime
A/CONF.213/16	5	Background paper on the Workshop on Strategies and Best Practices against Overcrowding in Correctional Facilities
A/CONF.213/17	5	Report submitted by the Chair of the expert group on the outcome of the meeting of the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings
A/CONF.213/L.1		Report of the pre-Congress consultations held at the Bahia Convention Centre, Salvador, Brazil, on 11 April 2010
A/CONF.213/L.2 and Add.1-4	11	Draft report
A/CONF.213/L.3 and Add.1-5		Report of Committee I: agenda items 4, 7 and 9 and Workshops 1, 4 and 5
A/CONF.213/L.4 and Add.1-2		Report of Committee II: agenda item 8 and Workshop 2
A/CONF.213/L.5		Draft Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World
A/CONF.213/L.6 and Rev. 1-2		Draft Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World: proposal submitted by the Chair of the informal consultations (Brazil)
A/CONF.213/L.7		Report of the Credentials Committee, submitted by the Chair, Xolisa Mabhongo (South Africa)
A/CONF.213/PM.1		Discussion guide
A/CONF.213/RPM.1/1		Report of the Latin American and Caribbean Regional Preparatory Meeting for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice



<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
A/CONF.213/RPM.2/1		Report of the Western Asian Regional Preparatory Meeting for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice
A/CONF.213/RPM.3/1		Report of the Asian and Pacific Regional Preparatory Meeting for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice
A/CONF.213/RPM.4/1		Report of the African Regional Preparatory Meeting for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice
A/CONF.213/NGO/1		Statement submitted by the International Commission of Catholic Prison Pastoral Care, the International Corrections and Prisons Association, Penal Reform International, non-governmental organizations in special consultative status with the Economic and Social Council
A/CONF.213/NGO/2		Statement on post-conflict justice submitted by the International Institute of Higher Studies in Criminal Studies
A/CONF.213/NGO/3		Statement submitted by the International Association of Penal Law, a non-governmental organization in special consultative status with the Economic and Social Council
A/CONF.213/NGO/4		Statement submitted by the Asia Crime Prevention Foundation, a non-governmental organization in general consultative status with the Economic and Social Council
A/CONF.213/NGO/5		Statement submitted by the Friends World Committee for Consultation (Quakers), a non-governmental organization in general consultative status with the Economic and Social Council
A/CONF.213/NGO/6	3	Statement submitted by the International Federation "Terre des hommes", a non-governmental organization in special consultative status with the Economic and Social Council
A/CONF.213/NGO/7	5	Statement submitted by the Academic Council on the United Nations System, a non-governmental organization in general consultative status with the Economic and Social Council
A/CONF.213/NGO/8	5	Statement submitted by the Japan Federation of Bar Associations, a non-governmental organization in special consultative status with the Economic and Social Council

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<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
A/CONF.213/NGO/9	5	Statement submitted by the Howard League for Penal Reform, a non-governmental organization in special consultative status with the Economic and Social Council
A/CONF.213/NGO/10	5 and 9	Statement submitted by the International Institute of Higher Studies in Criminal Sciences and the International Association of Penal Law, non-governmental organizations in special consultative status with the Economic and Social Council
A/CONF.213/NGO/11	5	Statement submitted by the World Society of Victimology, a non-governmental organization in special consultative status with the Economic and Social Council
A/CONF.213/G/BRAZIL		National paper submitted by the Government of Brazil
A/CONF.213/G/GERMANY		National paper submitted by the Government of Germany
A/CONF.213/G/ISRAEL		National paper submitted by the Government of Israel
A/CONF.213/G/JAPAN		National paper submitted by the Government of Japan
A/CONF.213/G/PHILIPPINES		National paper submitted by the Government of the Philippines
A/CONF.213/G/SAUDI ARABIA/1-3		National paper submitted by the Government of Saudi Arabia
A/CONF.213/G/SOUTH AFRICA		National paper submitted by the Government of South Africa
A/CONF.213/G/SWITZERLAND		National paper submitted by the Government of Switzerland
A/CONF.213/INF.1		Information for participants
A/CONF.213/MISC.1/Rev.1		Provisional list of participants

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