



**United Nations**

**Commission on Crime  
Prevention and Criminal  
Justice**

**Report on the eighteenth session  
(18 April 2008 and 16-24 April 2009)**

**Economic and Social Council  
Official Records, 2009  
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# **Commission on Crime Prevention and Criminal Justice**

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*Note*

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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## Chapter I

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

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

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

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

*The General Assembly,*

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

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

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

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

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

1. *Commends* the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, for providing, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to terrorism and relevant United Nations resolutions, and requests the Office, within its mandate, to continue to enhance its efforts in that regard, in close coordination with the Counter-Terrorism Committee and the Counter-Terrorism Implementation Task Force;

2. *Urges* Member States that have not yet done so to consider becoming parties without delay to the existing international conventions and protocols related to terrorism, and requests the United Nations Office on Drugs and Crime, within its

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

3. *Urges* Member States to strengthen, to the greatest extent possible, international cooperation in order to prevent and combat terrorism, including, when appropriate, by entering into bilateral and multilateral treaties on extradition and mutual legal assistance, within the framework of the international conventions and protocols related to terrorism and relevant United Nations resolutions and in accordance with international law, including the Charter of the United Nations, and to ensure adequate training of all relevant personnel in executing international cooperation, and requests the United Nations Office on Drugs and Crime, within its mandate, to provide technical assistance to Member States, upon request, to that end;

4. *Recognizes* the importance of the development and maintenance of fair and effective criminal justice systems, in accordance with applicable international law, as a fundamental basis of any strategy to counter terrorism, and requests the United Nations Office on Drugs and Crime, whenever appropriate, to take into account in its technical assistance programme to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law;

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

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

7. *Expresses its appreciation* to all Member States that have supported the technical assistance activities of the United Nations Office on Drugs and Crime, including through financial contributions, and invites all Member States to consider making additional voluntary financial contributions, as well as providing in-kind support, especially in view of the need for enhanced and effective delivery of technical assistance to assist Member States with the implementation of relevant provisions of the United Nations Global Counter-Terrorism Strategy;<sup>1</sup>

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

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<sup>1</sup> General Assembly resolution 60/288.

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

9. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-fifth session a report on the implementation of the present resolution.

## **B. Draft resolutions for adoption by the Economic and Social Council**

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

### **Draft resolution I**

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

*The Economic and Social Council,*

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

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

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

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

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

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

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

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

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

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

*Recalling* that, in its resolution 2004/26, it requested the Intergovernmental Expert Group to use the information gained by the study for the purpose of developing useful practices, guidelines or other materials in the prevention, investigation and prosecution of fraud and the criminal misuse and falsification of identity,

*Reaffirming* the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto<sup>5</sup> and of the United Nations Convention against Corruption<sup>6</sup> in terms of preventing and combating economic fraud and identity-related crime,

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

*Recalling* that, in its resolution 2007/20 of 26 July 2007, it requested the United Nations Office on Drugs and Crime to provide, upon request and subject to the availability of extrabudgetary resources, legal expertise or other forms of technical assistance to Member States reviewing or updating their laws dealing with transnational fraud and identity-related crime, in order to ensure that appropriate legislative responses to such offences were in place,

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

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

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

<sup>4</sup> E/CN.15/2007/8 and Add.1-3.

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

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

<sup>7</sup> Council of Europe, *European Treaty Series*, No. 185.

<sup>8</sup> E/CN.15/2009/2 and Corr.1.

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

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

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

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

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

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

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

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

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

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<sup>9</sup> E/CN.15/2007/8 and Add.1-3.

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

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

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

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

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

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

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

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

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

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

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<sup>10</sup> A/CONF.203/14, para. 34.

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

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

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

## **Draft resolution II**

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

*The Economic and Social Council,*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**Draft resolution III**

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

*The Economic and Social Council,*

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Draft resolution IV**

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

*The Economic and Social Council,*

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

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

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

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

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

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

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<sup>13</sup> General Assembly resolution 60/177, annex.

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

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

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

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

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

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

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

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

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

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

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

(f) The importance of learning from the experience acquired by the United Nations Office on Drugs and Crime through the data collection mechanisms established in respect of the United Nations Convention against Transnational Organized Crime and the Protocols thereto<sup>14</sup> and the United Nations Convention against Corruption,<sup>15</sup> including in relation to the use of modern technologies, where feasible;

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

5. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to submit to the Commission on Crime Prevention and Criminal Justice, at its nineteenth session, a report on the activities of the above-mentioned expert working group;

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

#### **Draft resolution V**

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

*The Economic and Social Council,*

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

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

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

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

<sup>15</sup> *Ibid.*, vol. 2349, No. 42146.

<sup>16</sup> General Assembly resolution 217 A (III).

<sup>17</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>18</sup> General Assembly resolution 40/33, annex.

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

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

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

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

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

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

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

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

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

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

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<sup>19</sup> General Assembly resolution 45/113, annex.

<sup>20</sup> General Assembly resolution 45/112, annex.

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

<sup>22</sup> CRC/C/GC/10.

<sup>23</sup> A/61/299.

<sup>24</sup> E/CN.15/2009/12.

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

1. *Urges* Member States to pay particular attention to or increase the attention paid to the issue of child justice and to take into consideration applicable international instruments and, as appropriate, applicable United Nations standards and norms for the treatment of children in conflict with the law, in particular juveniles deprived of their liberty, and child victims and witnesses of crimes, taking into account also the age, gender, social circumstances and development needs of such children;

2. *Invites* Member States to adopt, where appropriate, comprehensive national action plans on crime prevention and child justice reform dealing, in particular, with preventing child involvement in crime, ensuring access to legal assistance, especially for those children with scarce resources, and reducing the use and the duration of juvenile detention, especially at the pretrial stages, including through the use of diversion, restorative justice and alternatives to detention; the reintegration of children in conflict with the law into their communities; and child-sensitive procedures for all children in contact with the justice system;

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

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

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

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

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

children<sup>25</sup> and setting up national data collection and criminal justice information systems with regard to children in conflict with the law, using as a guide the *Manual for the Measurement of Juvenile Justice Indicators*;<sup>26</sup>

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

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

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

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

#### **Draft decision I**

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

The Economic and Social Council:

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

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

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

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

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

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<sup>25</sup> A/61/299.

<sup>26</sup> United Nations publication, Sales No. 07.V.7.



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

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

**Provisional agenda**

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

*Documentation*

Provisional agenda and annotations

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

*Documentation*

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

Note by the Secretariat (*as required*)

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

*Documentation*

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

Report of the Secretary-General on international cooperation in combating transnational organized crime and corruption

Report of the Secretary-General on assistance in implementing the universal conventions and protocols related to terrorism

Report of the Secretary-General on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network

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

*Documentation*

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

Note by the Secretariat (*as required*)

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

*Documentation*

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

7. Use and application of United Nations standards and norms in crime prevention and criminal justice.

*Documentation*

Report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice

Report of the Secretary-General on supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings

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

8. Strategic management, budgetary and administrative questions:

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

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

*Documentation*

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

Reports of the Executive Director (*as required*)

Notes by the Secretariat (*as required*)

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

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

9. Provisional agenda for the twentieth session of the Commission.
10. Other business.
11. Adoption of the report of the Commission on its nineteenth session.

**Draft decision II**

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

The Economic and Social Council decides to endorse the reappointment of Elizabeth Verville (United States of America) and the appointments of Stuart Page (Australia) and Alexander Vladimirovich Zmeyevskiy (Russian Federation) by the Commission on Crime Prevention and Criminal Justice, at its eighteenth session, to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

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

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

**Resolution 18/1**

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

*The Commission on Crime Prevention and Criminal Justice,*

*Recalling* the United Nations standards and norms in crime prevention and criminal justice related primarily to the treatment of prisoners, in particular the Standard Minimum Rules for the Treatment of Prisoners,<sup>27</sup> the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners,<sup>28</sup> the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment<sup>29</sup> and the Basic Principles for the Treatment of Prisoners,<sup>30</sup>

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

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

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<sup>27</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>28</sup> Economic and Social Council resolution 1984/47, annex.

<sup>29</sup> General Assembly resolution 43/173, annex.

<sup>30</sup> General Assembly resolution 45/111, annex.

<sup>31</sup> General Assembly resolution 45/110, annex.

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>33</sup> General Assembly resolution 55/59, annex.

<sup>34</sup> General Assembly resolution 56/261, annex.

<sup>35</sup> General Assembly resolution 60/177, annex.

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

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

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

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

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

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

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

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

8. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to convene in 2009 an open-ended intergovernmental expert group meeting to develop, consistent with the Standard Minimum Rules for the Treatment of Prisoners<sup>37</sup> and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),<sup>38</sup> supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings, and invites Member States and other donors to provide extrabudgetary contributions for that purpose, in accordance with the rules and procedures of the United Nations;

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<sup>36</sup> United Nations publication, Sales No. E.08.IV.4.

<sup>37</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>38</sup> General Assembly resolution 45/110, annex.

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

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

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

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

## **Resolution 18/2**

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

*The Commission on Crime Prevention and Criminal Justice,*

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

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

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

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

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<sup>39</sup> General Assembly resolution 55/59, annex.

<sup>40</sup> General Assembly resolution 60/177, annex.

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

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

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

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

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

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

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

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

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

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

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

## Resolution 18/3

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

*The Commission on Crime Prevention and Criminal Justice,*

*Recalling its decision 17/2,*

*Recalling also the report of the Executive Director on the financial issues and difficulties faced by the United Nations Office on Drugs and Crime in implementing its mandates and an initial assessment of the ways and means of improving the financial situation,<sup>41</sup> the report of the Office of Internal Oversight Services on the inspection of programme management and administrative practices in the United Nations Office on Drugs and Crime<sup>42</sup> and the financial report and audited financial statements for the biennium ended 31 December 2007 and the report of the Board of Auditors on the United Nations Office on Drugs and Crime,<sup>43</sup>*

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

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

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

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

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

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

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<sup>41</sup> E/CN.7/2008/11–E/CN.15/2008/15.

<sup>42</sup> MECD-2006-003.

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

<sup>44</sup> E/CN.7/2009/11–E/CN.15/2009/11.



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

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

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

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

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

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

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

## **Annex**

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

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

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<sup>45</sup> E/CN.7/2009/10–E/CN.15/2009/10.

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

2. The two commissions should establish a standing, open-ended working group on governance and finance that should submit to the commissions recommendations on administrative, programmatic and financial matters within the areas of their respective mandates.
3. The commissions should maintain their present role as decision-making bodies of the United Nations Office on Drugs and Crime (UNODC) and should fulfil their important normative and governing functions. Consequently, no formal decisions should be adopted by the working group, as that would remain the prerogative of the commissions. At their sessions held in the first half of the year, the commissions should adopt the annual work programme for the working group.
4. The functions of the working group should include considering:
  - (a) The implementation by UNODC of:
    - (i) The strategy for the period 2008-2011 for UNODC<sup>46</sup> and any subsequent strategies that may be adopted in the future;
    - (ii) Programmes and initiatives, including on cross-cutting policy issues, in particular thematic programmes;
    - (iii) Resolutions and decisions of the commissions and relevant resolutions of the General Assembly and the Economic and Social Council;
    - (iv) Recommendations of the working group;
  - (b) Programme 13 of the proposed biennial programme plan and the consolidated budget for UNODC;
  - (c) Oversight and evaluation policy and reports by external and internal oversight and evaluation mechanisms of the United Nations, such as the Independent Evaluation Unit, the Office of Internal Oversight Services and the Joint Inspection Unit;
  - (d) The audited financial statements, including the report of the External Auditor;
  - (e) Ways and means of achieving stable, adequate and predictable funding for UNODC;
  - (f) Any other matter that the commissions may refer to it.
5. The working group should serve as a mechanism for open-ended consultations among the Secretariat, States receiving technical assistance and donors with a view to the reinforcement of such technical assistance and to the funding of UNODC and its programmes.
6. The working group should have the following terms of reference:
  - (a) It should be open-ended;
  - (b) It should be participatory and driven by Member States;

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

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

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

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

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

(iii) The availability of conference services;

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

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

(a) Make meeting rooms available;

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

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

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

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

#### **Improving the governing role and functioning of the commissions**

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

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

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

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

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

### **Evaluation**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22. In addition, Member States are invited to consider within the framework of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption the feasibility of establishing funding mechanisms that would effectively address the funding of activities related to the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto<sup>48</sup> and the United Nations Convention against Corruption.<sup>49</sup>

#### **Resolution 18/4**

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

*The Commission on Crime Prevention and Criminal Justice,*

*Stressing* the important role that criminal justice professionals, in particular prosecutors, should play in the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>50</sup> the United Nations Convention against Corruption<sup>51</sup> and the universal conventions and protocols relating to terrorism,

*Emphasizing* the significance of international cooperation in criminal matters, to which prosecutors can make a major contribution,

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

<sup>49</sup> *Ibid.*, vol. 2349, No. 42146.

<sup>50</sup> *Ibid.*, vols. 2225, 2237, 2241 and 2326, No. 39574.

<sup>51</sup> *Ibid.*, vol. 2349, No. 42146.

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

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

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

2. *Takes note* of the conclusions and recommendations of the Third World Summit;<sup>52</sup>

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

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

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

#### **Resolution 18/5**

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

*The Commission on Crime Prevention and Criminal Justice,*

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

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

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<sup>52</sup> E/CN.15/2009/18.

*Bearing in mind* the provisions of the United Nations Convention against Transnational Organized Crime and the Protocols thereto<sup>53</sup> and the United Nations Convention against Corruption,<sup>54</sup>

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

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

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

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

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

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

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

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

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

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

<sup>54</sup> *Ibid.*, vol. 2349, No. 42146.

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

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

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

#### **Decision 18/1**

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

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

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

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

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

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

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

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

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



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

#### **Decision 18/2**

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

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

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

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

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<sup>55</sup> To be issued as E/CN.15/2009/21.

<sup>56</sup> To be issued as E/CN.15/2009/22.

## Chapter II

### **Thematic discussions on economic fraud and identity-related crime and on penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems**

5. At its 3rd and 4th meetings, on 17 April 2009, the Commission on Crime Prevention and Criminal Justice considered agenda item 3 (a), entitled “Thematic discussion: ‘Economic fraud and identity-related crime’”. The discussion was guided by the following subthemes:

(a) Defining and criminalizing economic fraud and identity-related crime in civil and common law systems, taking into account the criteria of the United Nations Convention against Transnational Organized Crime;

(b) Criminal justice responses: investigation, prosecution and international cooperation;

(c) Prevention and cooperation with the private sector, covering cooperation both in preventing and in investigating and prosecuting economic fraud and identity-related crime; and technical assistance in addressing economic fraud and identity-related crime;

(d) International cooperation in the prevention of economic fraud and identity-related crime, particularly awareness-raising and technical assistance (directed especially at decision makers and relevant officials).

6. For its consideration of item 3 (a), the Commission had before it the following:

(a) Report of the Secretary-General on international cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime (E/CN.15/2009/2 and Corr.1);

(b) Note by the Secretariat on economic fraud and identity-related crime; and penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems (E/CN.15/2009/15);

(c) Conference room paper on essential elements of criminal laws to address identity-related crime (E/CN.15/2009/CRP.9);

(d) Report on the meeting of the core group of experts on identity-related crime held in Courmayeur, Italy, on 29 and 30 November 2007 (E/CN.15/2009/CRP.10);

(e) Report on the second meeting of the core group of experts on identity-related crime, held in Vienna on 2 and 3 June 2008 (E/CN.15/2009/CRP.11);

(f) Report on the third meeting of the core group of experts on identity-related crime, held in Vienna from 20 to 22 January 2009 (E/CN.15/2009/CRP.12);

(g) Conference room paper on legal approaches to criminalize identity theft (E/CN.15/2009/CRP.13);

(h) Conference room paper on identity-related crime victim issues: a discussion paper (E/CN.15/2009/CRP.14).

7. At its 5th, 6th and 7th meetings, on 20 and 21 April, the Commission considered agenda item 3 (b), entitled “Thematic discussion on: ‘Penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems’”. The thematic discussion was guided by the following subthemes:

- (a) Respect for human rights in penal establishments;
- (b) Pretrial detention and the principle of a fair trial;
- (c) Case management in penal establishments;
- (d) Reducing prison overcrowding;
- (e) Restorative justice;
- (f) Alternatives to imprisonment, and social reintegration.

8. For its consideration of item 3 (b), the Commission had before it the following:

(a) Report of the Secretary-General on international cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa (E/CN.15/2009/8);

(b) Note by the Secretariat on economic fraud and identity-related crime; and penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems (E/CN.15/2009/15);

(c) Statement submitted by the Howard League for Penal Reform (E/CN.15/2009/NGO/3).

## **Deliberations**

### **Economic fraud and identity-related crime**

9. The thematic discussion on item 3 (a) was chaired by the First Vice-Chairman and was led by the panellists Christopher Ram (Canada), Sergio Staro (Italy), Fausto Zuccarelli (Italy), Sehanat Prayoonrat (Thailand), David Kirk (United Kingdom of Great Britain and Northern Ireland) and Jonathan Rusch (United States of America); and independent experts Marco Gercke, Laurent Masson and Martin Muirhead.

10. The Commission heard statements by the observer for the Plurinational State of Bolivia (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States) and the representatives of Japan, Algeria, Austria, Argentina, Indonesia, Canada, Jamaica, India, the Russian Federation, Saudi Arabia, the Islamic Republic of Iran, Algeria, the United States and the Democratic Republic of the Congo. Statements were also made by the observers for Switzerland, Sweden, Kuwait, Chile, France, Morocco, Egypt and Mexico. A statement was also made by the observer for the League of Arab States.

11. The Chairman, referring to the background work and initiatives of the United Nations Office on Drugs and Crime (UNODC) in the area of countering economic fraud and identity-related crime, noted that the thematic discussion offered a platform for exchanging views and experiences on how to develop strategies and promote practical action against such crime.

12. The Executive Director of UNODC referred to the threats posed by economic fraud. He noted that the current global financial crisis provided new opportunities for organized criminal groups to emerge as one of the few sources of credit. He stressed the need to reinforce the work of financial intelligence units and to use the United Nations Convention against Transnational Organized Crime and the Protocols thereto<sup>57</sup> and the United Nations Convention against Corruption<sup>58</sup> as blueprints for fighting fraud and rebuilding trust in the financial system. He noted the significant overlapping of economic fraud and identity-related crime and the fact that increased reliance on personal and corporate identification in a wide range of transactions had made society extremely vulnerable to the misuse of identity and other related fraudulent practices. He stressed that the growing size, complexity and connected risks of identity-related crime required effective and efficient counteraction in areas such as prevention, protection of victims and prosecution, as well as concerted efforts to promote international cooperation in criminal matters and areas of synergy involving the public sector and the private sector.

13. The Rapporteur of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity noted that the Intergovernmental Expert Group was an open-ended body mandated to develop a methodology for the study and elaborate its content, as well as to develop useful practices, guidelines or other materials in the prevention, investigation and prosecution of fraud and the criminal misuse and falsification of identity. For its part, the core group of experts on identity-related crime, established by UNODC in consultation with the United Nations Commission on International Trade Law, included Government officials, representatives of the private sector, representatives of international and regional organizations and members of academia, who developed strategies, facilitated further research and agreed on practical action against identity-related crime.

14. The first panellist outlined the gradual shift in means of establishing and using identity from face-to-face recognition and paper documents to automated, more remote technologies. He noted that many possible constituent elements of offences, such as the concept of "identity information", were difficult to define or were subject to variations and divergent approaches among States. Four phases of identity-related crime were presented: preparatory acts; the obtaining of identity information; the transfer of such information; and the use of such information to commit further offences. The panellist emphasized the increasingly transnational nature of identity-related crime and related fraudulent acts and stressed the need for enhanced international cooperation in that area.

15. The second panellist referred to the Group of Eight Lyon-Roma Anti-Crime and Terrorism Group, in particular the work of its Criminal and Legal Affairs Subgroup on developing essential elements of criminal legislation to curb

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<sup>57</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

<sup>58</sup> *Ibid.*, vol. 2349, No. 42146.

identity-related crime. It was noted that the “life cycle” of identity-related crime represented a chain of events culminating either in harm to persons whose identities had been misused or who had been victims of other offences linked to identity abuses or in damages to commercial and economic interests. As a result, the Group had developed a typology chart reflecting a variety of approaches that might be taken to address the types of activities associated with identity-related crime.

16. The third panellist made a presentation on legislative and institutional responses to economic fraud and identity-related crime in the United Kingdom. He noted that new national legislation against economic fraud had been introduced in 2007, and that specific provisions criminalizing the use of a false or falsified identity document for the purpose of establishing a false identity had also been put in place. He also noted that a major programme had been launched in 2005 to review the adequacy of investigation and prosecution of fraud and that the programme involved Government agencies and prosecution authorities, as well as private sector entities in the banking, insurance and retail sectors. The panellist referred to the potential of, and the challenges encountered in, the cooperation between the public and private sectors to address identity-related crime and the problems associated with such crime.

17. The fourth panellist outlined a number of emerging challenges and demands in the areas of investigation and prosecution of economic fraud and identity-related crime. He pointed out that the rapidly growing number of cases of identity-related crime with transnational aspects made it essential for effective international cooperation to be used to combat such crime. A first step towards enhancing such cooperation was the adoption, to the greatest extent possible, of common approaches to criminalization that could provide a basis for mutual legal assistance and extradition. The rapid sharing of information among law enforcement authorities was necessary to ensure such cooperation in real time. He proposed that international legal instruments, such as the Organized Crime Convention, the Convention against Corruption, the international counter-terrorism instruments and, where applicable, the Convention on Cybercrime,<sup>59</sup> be used more extensively to foster such cooperation. He provided information on the main investigative tools used in cases involving electronic evidence, such as the search and seizure of stored data, the interception of communications, the expedited preservation of stored computer data and the use of the Group of Eight “24/7” network of contact points (available 24 hours a day, seven days a week).

18. The fifth panellist presented a national case study in which the criminal activities under investigation included both the illegal obtaining of identity information and fraud. He stressed the need for law enforcement authorities and financial intelligence units to coordinate at the national and international levels with a view to ensuring more effective prevention and suppression of such offences. The panellist recommended that the criminalization of economic fraud and identity-related crime be in conformity with the requirements set forth in the Organized Crime Convention.

19. The sixth panellist informed the Commission about the experiences of Italy in the area of critical information infrastructure protection and the action undertaken in that country to tackle digital identity theft. He made reference to measures geared

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<sup>59</sup> Council of Europe, *European Treaty Series*, No. 185.

towards enhancing national and international law enforcement responses to such crime, including online reporting platforms, the training of personnel, undercover operations and the sharing of information using international police networks. He stressed the significance of cooperation among relevant public and private sector entities, especially in the area of prevention.

20. The seventh panellist shed light on the role of the private sector in assisting victims of online identity theft and fraud and outlined the global approach adopted by a leading information technology company to tackling such crime, including its efforts in the following areas: the education of users; the development of technology to protect them; cooperation with law enforcement authorities; and the provision of training in high-level forensics for law enforcement authorities and the industry. He referred to a number of initiatives aimed at enhancing cooperation between public and private sector entities to address related challenges, including an initiative undertaken jointly with the European Commission and academia to provide computer forensics curricula to law enforcement authorities and the industry; the National Cyber-Forensics and Training Alliance involving law enforcement in the public sector and the private sector in the United States; the Council of Europe guidelines for cooperation between law enforcement and Internet service providers against cybercrime; and the Digital PhishNet, an initiative involving public and private sector cooperation aimed at facilitating efforts to counter “phishing” attacks. The panellist also made reference to the Advance Fee Fraud Coalition, a private sector initiative to fight online fraud and protect victims of such fraud.

21. The eighth panellist shared insight on fraud management, detection, intelligence and security issues at a major global provider of financial services, based in London. He underlined the importance of establishing specialized units in banks for the prevention and detection of fraud, as well as the importance of training, education and the existence of single contact points for consumer protection.

22. Several speakers noted the broadness and complexity of economic fraud and identity-related crime, and provided information on national action, as well as criminal law provisions, to address such crime and the criminal offences associated with it, including corruption, money-laundering and cybercrime.

23. It was noted that although legislative measures to curb a variety of offences involving criminal fraud, including computer-related forms of such fraud, had been adopted in many countries, such measures might need to be adjusted in order to deal effectively with new and sophisticated types of domestic or transnational fraud.

24. It was pointed out that, in the case of identity-related crime, a number of Governments had already criminalized various acts involving the misuse of identity and others were in the process of considering or establishing as criminal offences new forms of identity-based crime, whereas some other Governments were still not convinced that a new perspective on criminalization would be a significant improvement over the existing situation, in which only acts such as forgery, fraud and impersonation were considered criminal offences. It was noted that the concept of identity-related crime was a novel one and that it required further attention and consideration. Several speakers commented on the work of the core group of experts on identity-related crime and the Group of Eight Lyon-Roma Anti-Crime and Terrorism Group, which was based on the development of typologies and the

identification of constituent elements of conduct associated with identity-related crime that might need to be addressed by national criminal law.

25. It was noted that common or converging approaches to criminalization issues would fulfil the requirement of dual criminality and thus facilitate international cooperation in criminal matters. Speakers advocated the use of the Organized Crime Convention and the Convention against Corruption to that effect, and several speakers stressed the usefulness of the Convention on Cybercrime. The use of international police networks and databases, such as those of the International Criminal Police Organization (INTERPOL) and the European Police Office (Europol), to ensure the effectiveness of law enforcement cooperation in real time was recommended.

26. Speakers emphasized the need to provide sufficient protection and support to victims of economic fraud and identity-related crime, especially since victimization of those persons might continue over a longer period of time. One speaker proposed the adoption and implementation of asset-sharing schemes to enable victims to be compensated and any related damage to be redressed by returning confiscated proceeds.

27. Speakers drew attention to the need for adopting and implementing comprehensive approaches that would encompass both reactive and preventive measures against economic fraud and identity-related crime. In the area of prevention, it was emphasized that further efforts should be made to alert target groups, to warn and educate potential victims and to disseminate information on the risks associated with such forms of crime. The role of technology in preventing economic fraud and identity-related crime was also considered. Many participants recognized the importance of technological security measures in protecting customers from fraudulent practices and safeguarding the integrity of identification documents and the supporting information systems.

28. Several speakers noted the need for and potential of expanding private and public sector cooperation, which was seen as critical to gathering and assessing data, ensuring effective crime prevention and investigating and prosecuting cases involving economic fraud and identity-related crime.

29. Speakers expressed support for providing technical assistance to States lacking the necessary capacity to deal effectively with economic fraud and identity-related crime, including the provision of legal advisory services. One speaker made reference to an initiative undertaken in Arabic-speaking countries to develop model legislative provisions on countering cybercrime. Several speakers stressed the importance of training investigators and prosecutors in dealing with the diverse forms of economic fraud and identity-related crime and in applying new investigative methods.

30. One speaker provided information on lessons learned from the implementation of a project on tackling investment fraud, including the need for national and international coordination; the need for upgrading the skills and expertise of investigators and prosecutors dealing with that type of fraud; and the importance of having in place a toolbox containing new working methods and summaries of investigative techniques, as well as a comprehensive action plan for investigation.

31. At the end of the thematic discussion on economic fraud and identity-related crime, the Chairman summarized the salient points as follows:

(a) Bearing in mind that new forms of economic fraud and identity-related crime had emerged as a result of the spread of modern information and communications technologies, there was a need for new strategies and proper counteraction to tackle such crime;

(b) It was essential to develop precise and detailed definitions and typologies to identify the forms of economic fraud and identity-related crime with a view to covering the widest possible range of acts involved, especially acts committed within the “life cycle” of identity-related crime;

(c) The links between economic fraud and identity-related crime and other forms of crime, such as transnational organized crime, corruption, cybercrime and money-laundering, were highlighted. It was emphasized that there was a need to enact or update national laws to reflect those links and provide for adequate legislative responses, as appropriate;

(d) National authorities needed to consider reviewing or updating national laws in order to respond to the recent evolution of economic fraud and the use of modern technologies to commit it. It was acknowledged that, as the international problem of identity-related crime continued to grow, Governments must continue to review and, where appropriate, update their laws or enact new laws, in order to ensure that those laws provide sufficient scope of coverage and appropriate criminal sanctions;

(e) It was highlighted that there was a need to adopt and implement measures, such as the establishment of flexible jurisdictional bases, the extension of statutes of limitations and the use of new investigative methods and techniques;

(f) There was general agreement that strengthening international cooperation mechanisms and fostering new mechanisms, including for the exchange of information in real time, were important. Furthermore, at the normative level, existing international legal instruments, including the Organized Crime Convention, the Convention against Corruption and, where applicable, the Convention on Cybercrime, provided a sufficient legal basis for international cooperation, and the focus of attention should be on efforts to promote the effective implementation of the provisions of those legal instruments;

(g) Emphasis was placed on the protection of victims of economic fraud and identity-related crime. It was also stressed that priority should be given to promoting awareness-raising and educational programmes, establishing robust and efficient systems and processes of handling complaints and redressing, to the extent feasible, damage suffered, as well as to improving coordination among competent national authorities involved in victim-related issues;

(h) A range of efforts were needed to ensure that appropriate measures were in place to prevent economic fraud and identity-related crime. In that connection, education and the dissemination of information about such crime to potential victims were considered critical elements of prevention strategies. One major area identified in the discussion was that of “technical prevention” measures, which were aimed at making information and other technologies more difficult for criminals to exploit and more protective of sensitive information;



(i) It was acknowledged that cooperation between the public and private sectors was essential to the development of an accurate and complete picture of the problems posed by economic fraud and identity-related crime, as well as to the adoption and implementation of both preventive and reactive measures to deal with those problems. Cooperation in the areas of investigation and prosecution should take into account the need for appropriate safeguards to ensure the independence of the investigative, prosecutorial and judicial functions;

(j) Priority should be given to the provision of technical assistance for building or upgrading the capacity of national authorities to address issues related to economic fraud and identity-related crime, especially in developing countries, countries with economies in transition or countries rebuilding after conflict or natural disaster. Emphasis was placed on the need for technical assistance, the importance of training and the need for developing and keeping up-to-date training material for criminal justice and law enforcement officers, as well as persons in a position to identify and report such crime.

**Penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems**

32. The thematic discussion was chaired by the Chairman of the Commission and was led by the panellists Vitaya Suriyawong (Thailand), Julio Enrique Socha Salamanca (Colombia), Gustavo Misa (Uruguay), Santi Consolo (Italy), Tae Sugiyama (Japan), Yasser M. T. Refaie (Egypt), Wolfgang Wirth (Germany), Donald Stolworthy (United States) and Wilfred Orakwe (Nigeria).

33. The Commission heard a statement by the observer for the Plurinational State of Bolivia (on behalf of the Group of Latin American and Caribbean States). Statements were made by the representatives of the United Kingdom, Indonesia, Canada, the Republic of Korea, Algeria, India, Lesotho, Brazil, Argentina, China, the Russian Federation, Thailand, Cuba, the Islamic Republic of Iran, South Africa, Nigeria, the Libyan Arab Jamahiriya, the United States and Romania. Statements were also made by the observers for Sweden, Ecuador, Croatia, the Bolivarian Republic of Venezuela, Slovenia, Poland, Uganda, Peru, Portugal, the Dominican Republic, Senegal and Australia. Statements were also made by the observers for the African Institute for the Prevention of Crime and the Treatment of Offenders, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, the International Scientific and Professional Advisory Council, the International Commission of Catholic Prison Pastoral Care, the Friends World Committee for Consultation and Penal Reform International.

34. In his introductory remarks, the Executive Director of UNODC urged Member States to address the humanitarian tragedy and threat to public health and security represented by prison overcrowding throughout the world. He referred to violations of human rights as a result of the low level of adherence to the Standard Minimum Rules for the Treatment of Prisoners,<sup>60</sup> adopted in 1955. Overcrowding also contributed to the spread of HIV/AIDS and other communicable diseases within and outside the prison system. He noted that pretrial detention was being used frequently, contrary to international standards, and that in many countries pretrial

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<sup>60</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.

detainees accounted for over half of the total prison population. In addition, prisoners with special needs, in particular women, children and youth, drug-dependent persons and the mentally disabled, were often overrepresented and their needs were not catered to. The Executive Director stated that UNODC had a rapidly growing programme for providing technical assistance to Member States in the field of penal reform, including five key areas: the establishment and improvement of data management systems; the training of prison managers; the improvement of prison health and welfare; the development of mechanisms to reduce overcrowding; and targeted programmes to improve the situation of vulnerable groups in prison. Various handbooks developed by UNODC in the area of prison reform were being used for training and capacity-building in many countries. He underlined that resolution of the crisis of prison overcrowding hinged on political will and leadership.

35. The first panellist noted that there had been a sharp increase over the previous 10 years in the female prison population, which had posed a number of challenges in the area of prison management. He further stated that the Standard Minimum Rules for the Treatment of Prisoners were not adapted to the special needs of women. He presented the work of the Enhancing the Lives of Female Inmates programme of the Ministry of Justice of Thailand, which was aimed at restoring the dignity of female inmates and promoting equality of outcome for such inmates. He noted that a proposal had been made to convene an expert group meeting before the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in 2010. He called on Member States to support the process of reviewing the 70 rules on the treatment of women prisoners and non-custodial measures for women offenders, which had been developed at an expert round-table meeting held in Bangkok in February 2009.

36. The second panellist addressed the issue of human rights in penal establishments, emphasizing that in many prisons throughout the world human dignity was not protected. He recalled that presumption of innocence was an essential element of the rule of law and outlined the conditions under international law for determining the use of pretrial detention, namely that the measure should be exceptional, necessary, proportional, ordered by a competent body and for a reasonable period of time. The panellist proposed restorative justice and alternatives to imprisonment as measures to address overcrowding in prisons and to achieve the social reintegration of offenders.

37. The third panellist explained that in his country punitive policies had resulted in a sharp increase in recidivism. Therefore, the national reform that had started in 2005, with the support of UNODC, had focused on raising public awareness of the problem of prison overcrowding, providing social and other prevention policies, using an interdisciplinary process, involving all parts of the Government and focusing on long-term responses, as well as addressing the financial aspects. His country was also moving from an inquisitorial to an accusatorial public system and alternatives to imprisonment had been promoted.

38. The fourth panellist noted that it was possible to reduce the rate of imprisonment by decriminalizing certain offences. He outlined how prison circuits could be reorganized in a constructive manner as follows: the identification of “flow” prisons for initial accommodation; and the identification of prisons offering a range of treatment activities intended for prisoners who posed little danger to

society. Other proposed measures included the identification of different models of surveillance; the facilitation of offenders' access to work outside prison and to alternative measures; and the targeting of staff training to improve the social reintegration prospects of prisoners.

39. The fifth panellist explained how a reduction in the prison population could be achieved by implementing an effective parole system, in partnership with the private sector. Volunteer probation officers played a major role in the community supervision of offenders, in addition to participating in crime prevention activities and raising public awareness. Research indicated that reoffending was much lower among former prisoners who had been released on parole than among those released upon completion of their sentences. In addition, community-based correctional systems were more cost-effective. The development of more effective treatment programmes to prevent reoffending, improving the human and physical resource capacities of probation officers and increasing public awareness were areas that had contributed to reducing prison overcrowding.

40. The sixth panellist stressed the importance of an integrated approach to reducing prison overcrowding, including the active involvement of all authorities of the criminal justice system and relevant ministries. He made the following specific suggestions: the improvement of the financial situation and logistics; the establishment of a consultative group to supervise the execution of sentences; the establishment of a mechanism for compiling good practices and model legislation; and the establishment of a mechanism for assessing the implementation of measures for criminal justice reform.

41. The seventh panellist focused on a successful pilot project that used social reintegration after the prisoner's release to prevent reoffending. He stressed the need to develop new concepts of cooperation that went beyond the formal boundaries of the prison system and the need to establish a case management approach, spanning the arrest stage, the period of imprisonment and the time of release and subsequent stages. In addition, a variety of issues that increased the risk of reimprisonment, such as homelessness, indebtedness, drug addiction, lack of basic skills and low educational level, needed to be addressed. He noted that employment had been identified as a key factor in reducing recidivism.

42. The eighth panellist stressed the central role of case management in prisons to achieve individualized treatment, such as the provision of services appropriate to prisoners' needs, targeted preparation for release and social reintegration following release, all of which helped reduce reoffending. Case management could help to improve the treatment of prisoners and to reduce the prison population.

43. The ninth panellist underlined that the main challenge faced in his country was overcrowding attributed to the large number of pretrial detainees. In his country, a proposal to pardon all prisoners sentenced to death was being considered, free legal aid was provided to many prisoners by the legal aid council, and criminal justice committees had been formed to review cases of detainees and to release those who had been in detention longer than the sentence they could receive. Some initiatives had been undertaken to improve aftercare and social reintegration, but more needed to be done.

*Respect for human rights in penal establishments*

44. Several speakers referred to alternatives to imprisonment and considered building and improving current prisons as measures to address prison overcrowding; they called for education and vocational training for inmates to be strengthened to facilitate social reintegration. It was emphasized that fair and effective criminal justice systems, which respected human rights as well as comprehensive prevention policies, were prerequisites for combating crime and building democratic and equitable societies supportive of vulnerable groups, juvenile justice and victims and witnesses.

45. Several speakers emphasized that overcrowding in prisons was a global problem and that urgent measures needed to be taken to address that problem. Several speakers provided detailed accounts of the human rights situation in their countries' prisons, including statistical information. It was noted that access to medical care was an important human right of prisoners. Several speakers highlighted the existence in their countries of independent institutions to monitor detention conditions and to protect the rights of prisoners. In that context, reference was made to the establishment of an office of the ombudsman; parliamentary scrutiny; access of non-governmental organizations to prisons; and the establishment in each prison of a committee in which the prisoners, their families and the prison authorities were represented.

46. Some speakers supported the initiative to draft supplementary rules on women in prison. One speaker explained the actions taken in his country to address the rapid increase in the female prison population, as well as the disproportionate impact of imprisonment on women; those actions included investing resources, creating one-stop centres for women in the community and adopting gender-specific standards.

*Pretrial detention and the principle of a fair trial*

47. Many speakers emphasized that overuse of pretrial detention was one of the main factors contributing to the increase in detention rates worldwide. Several speakers outlined legal, administrative and case management measures that had been implemented to reduce the use and duration of pretrial detention. Such measures included fast-tracking cases through visits to prisons by the Chief Justice, setting up fast-track courts for specific groups of offenders and victims, reducing the causes and duration of arrests and police custody and reviewing all remand case files.

48. Several speakers stressed the importance of establishing a robust system to ensure the provision of legal and paralegal aid for offenders, in particular indigents, at the pretrial stage, as well as within the prison system. The provision of free legal aid to pretrial detainees, prisoners and the general population was recognized as an important factor contributing to a fair trial.

*Case management in penal establishments*

49. Some speakers referred to measures to improve case management through, for instance, the establishment of national integrated case flow management, managing cases from the arrest stage to release and post-release.

*Reducing prison overcrowding*

50. A number of speakers felt that overcrowding was due to excessively repressive or retributive policies and that a rehabilitative approach was necessary to address the problem in a sustainable manner. Some speakers emphasized that successful penal reform needed to be comprehensive, to involve multiple stakeholders, including the criminal justice system and other government and civil society actors, and to take into account the costs of imprisonment.

51. Several speakers underscored the need to raise public awareness of the importance of penal reform, with a view to reducing prison overcrowding and establishing a more effective and fairer criminal justice system. In particular, the public needed to be informed of the benefits of alternatives to imprisonment in order for community sentences to be effective.

52. Several speakers emphasized that the increases in crime and overcrowding were closely linked to poverty and social and economic inequalities. Some speakers emphasized the need to devise overarching social policies to address inequalities and to establish crime prevention programmes targeting risk groups. Some speakers explained that amnesty and pardoning had resulted in a large number of prisoners being released, thus helping to reduce prison overcrowding.

*Restorative justice*

53. Several speakers emphasized the need to change the approach to criminal justice from retributive to restorative justice. Many reported on the implementation of restorative justice programmes in line with the basic principles on the use of restorative justice programmes in criminal matters (Economic and Social Council resolution 2002/12, annex). Restorative justice offered offenders and their victims an opportunity for reconciliation and an opportunity to be reintegrated into society. One speaker noted that the establishment of a reconciliation and settlement programme allowed victims to submit to the prosecutors' office complaints, seeking monetary compensation rather than criminal punishment. Several speakers explained that their Governments had envisaged introducing restorative justice legislation, including mediation for victims and offenders. One speaker noted that it might be useful to establish a specialized bilingual prosecution service for indigenous matters, which could implement constitutional provisions recognizing indigenous justice, promoting alternatives to imprisonment and applying community sanctions.

*Alternatives to imprisonment; and social reintegration*

54. Several speakers outlined the need to provide alternatives to imprisonment at the pretrial and sentencing stages in order to promote the reintegration of offenders into society and to reduce prison overcrowding. A number of speakers noted the positive impact on the rate of imprisonment achieved by decriminalizing certain offences, reducing the length of sentences and introducing early release programmes. In many countries, penal legislation had been revised and appropriate institutions and programmes had been established to implement alternatives to imprisonment, such as fines, community service sentences, compensation, admonition, parole and other forms of early release, probation, suspended sentences, conditional release, house arrest and electronic surveillance systems.

55. Several speakers noted that, in order to make alternatives to imprisonment effective, legislative and practical measures, including capacity-building and awareness-raising programmes, were needed to increase the use of such measures by the police, the prosecution and the judiciary. A number of speakers stressed the need to take steps to encourage and enable courts to make more frequent use of non-custodial measures.

56. Several speakers highlighted the need to invest efforts and resources in the social reintegration of prisoners, both during imprisonment and following release. Social rehabilitation was regarded as being of benefit both to society, as it prevented recidivism, and to the offender and his or her family. Many speakers described prevention and social reintegration programmes implemented in their countries, including programmes to promote literacy, education and vocational training; programmes for the rehabilitation of inmates under the age of 24; pre- and post-release programmes; and comprehensive health service programmes. It was noted that effective reintegration programmes should include not only vocational training in prison, but also job placement in preparation for the release stage and aftercare services related to post-detention employment.

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57. At the end of the thematic discussion on penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems, the Chairman summarized the salient points as follows:

(a) Overcrowding in penal institutions had become a global human rights, health and security issue for offenders, their families and their communities. There was political will and commitment among many Member States to respond to that challenge;

(b) Prison overcrowding was not the problem of prison authorities alone. To be effective, prison reform measures to reduce overcrowding must address the criminal justice system as a whole in a comprehensive, sustainable manner and must go beyond the building of prisons. Examples of successful legal and practical programmes ranged from prevention to decriminalization to early release and focused on reducing delays and the use of pretrial detention, changing sentencing practices and using alternatives to imprisonment at all stages;

(c) Police and pretrial detention should be used only when absolutely necessary, in accordance with established legislation, and should be decided by a competent authority and for a determined period of time. Measures to decrease the use and duration of pretrial detention included bail, plea bargaining, free legal aid, diversion and fast-track courts;

(d) Examples were given of various types of successful alternatives at the sentencing and post-sentencing stages, such as fines, community service sentences, compensation, admonition, parole and other forms of early release, probation and electronic tagging. It was noted that capacity-building and awareness-raising were needed to increase the use of such measures by the police, prosecution and judiciary. The public should also be informed about the benefits of alternatives so that effective use could be made of community sentences;

(e) The need to move from a retributive to a restorative justice system was emphasized. Criminal justice systems that took into account the rights of both the victim and the offender had a positive effect on prison overcrowding and on social reintegration of offenders;

(f) In several countries there were independent institutions to monitor detention conditions and to protect the rights of prisoners. Examples of such institutions included the office of the ombudsman; parliamentary scrutiny; access of non-governmental organizations to prisons; and the setting up of a committee in each prison where the prisoners, their families and the prison authorities were represented;

(g) While women still accounted for a smaller proportion of prisoners overall, in many countries their number had been increasing at a higher rate than that of male prisoners. Special measures needed to be adopted to address the special needs of women prisoners so as to ensure equivalence of outcome. That also applied to other vulnerable groups of prisoners, such as indigenous peoples and the mentally disabled;

(h) The social rehabilitation of the offender should be the aim of any sentence, as it benefited the offender, his or her family and society. For that reason, both within and outside prisons, appropriate social rehabilitation measures should be offered to offenders. Such measures included voluntary and public probation services, education and comprehensive health services. Employment following release was viewed as the key to preventing reoffending;

(i) The successful reintegration of former offenders into society required a case management approach, spanning the arrest stage, the period of imprisonment and the time of release and beyond. Case management played a key role in individualizing treatment in prison and enabled social reintegration;

(j) The cost of imprisonment to society in relation to the costs of other options needed to be taken into account when designing public policies. In most cases, imprisonment was more costly than alternatives to imprisonment.

#### *Workshop*

58. A workshop on the theme “Penal reform and prison overcrowding” was organized by the institutes of the United Nations Crime Prevention and Criminal Justice Programme network. The workshop was chaired by the First Vice-Chairman and moderated by the Director of the United Nations Interregional Crime and Justice Research Institute, who also served as rapporteur for the workshop. It was noted that a compilation of the papers presented at the workshop had been distributed by the Interregional Institute at the workshop and would be made available online.

59. The First Vice-Chairman, in his opening remarks, observed that the workshop addressed an important topic that would also be addressed at the current session of the Commission during the thematic discussion on penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems. The workshop provided an opportunity for institutes to share their experiences and discuss key components for strategies and tools for addressing prison overcrowding through penal reform.

60. The moderator underlined that the solution to the problem of prison overcrowding could not be found solely in the administration of the penal system; there was a need to adopt a multifaceted approach involving all branches of the criminal justice system.

61. The observer for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders gave a presentation on the preparations for a workshop on the theme “Strategies and best practices against overcrowding in correctional facilities”, to be organized within the framework of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice. The goal of the workshop would be to highlight the need for a comprehensive approach to reducing prison overcrowding. It was noted that a meeting of experts had been held from 26 to 28 January 2009 to discuss the structure of the workshop, the main elements of the discussion and the speakers. A second meeting of experts would be held in Tokyo, at the headquarters of the Asia and Far East Institute, from 14 to 18 September 2009 to finalize the background paper for the workshop.

62. The observer for the European Institute for Crime Prevention and Control, affiliated with the United Nations, presented the Estonian strategy of executive decision-making and the use of early release to reduce prison populations, and provided a comparative analysis of the experiences in Estonia and the United Kingdom in that area. It was observed that there were a number of problems associated with high rates of incarceration, such as the economic impact. Issues related to the resettlement and reintegration of prisoners into society were also stressed. An analysis of decarceration strategies in the United Kingdom (in England and Wales) was presented, in particular in terms of the decrease in the remand population. The efforts made in Estonia to improve the living conditions of prisoners were presented; and reference was made to the probation service introduced in 1998. Recent successful decarceration strategies were mentioned, such as the introduction of electronic monitoring as an alternative to imprisonment; a procedure for releasing prisoners on parole was also mentioned. It was noted that legislation had been adopted to allow persons who had committed minor offences while on parole to apply for community service or to pay a fine instead of being sent to prison. It was also noted that the decriminalization of minor theft also made possible a decrease in the number of prisoners.

63. The observer for the International Centre for Criminal Law Reform and Criminal Justice Policy focused on the critical challenges of prison overcrowding in post-conflict situations and transitional societies. The observer mentioned penal reform and the rebuilding of prison systems; the lack of functional security and justice institutions; the legacy of armed conflict; militarized prison administrative systems; and prison overcrowding. The situation with regard to vulnerable groups, especially women and children, was stressed. The observer presented a successful methodology adopted in supporting prison reform initiatives in post-conflict situations. The methodology involved assisting in the construction of new prison facilities and the rehabilitation of existing facilities; developing leadership capacity within the prison system; supporting frequent and independent prison inspections; developing systems for vetting public employees and correctional staff and managers; offering training to prison staff; and supporting adequate information systems and the registry of prisoners to enable more effective prison population



management. Finally, recent experiences of the Southern Sudan prison service were presented, together with a list of lessons learned.

64. The observer for the Latin American Institute for the Prevention of Crime and the Treatment of Offenders presented the case of countries in Latin America and the Caribbean and the results of work carried out over the previous three years. After having examined the situation with regard to the prison population in the region, the observer highlighted the link between the issue of prison overcrowding and the necessity of penal and general policy reforms. The speaker presented two successful examples of countries in the region in which strategies had been put in place to reduce prison overcrowding: Costa Rica and Dominican Republic. The observer underlined some of the actions undertaken in those two countries, including the careful selection of correctional staff and relevant training, the establishment of a solid professional penitential career and the channelling of annual investments into the system. Finally, the issue of private prisons was also considered, and their efficacy was compared with that of public prisons.

65. The observer for the International Scientific and Professional Advisory Council presented, as an example, the successful efforts to reduce the prison population in the Islamic Republic of Iran. The observer mentioned the first International Conference on Reducing the Use of Incarceration, held in the Islamic Republic of Iran in June 2007, during which the Government undertook a number of strong commitments, including a commitment to tackling the issue of HIV/AIDS in prison. An example was presented, where an executive committee was established in the Province of Isfahan to work on reducing the use of incarceration. It was noted that the committee held regular meetings to identify prisoners eligible to be considered for pardon or conditional release. The work undertaken with prisoner pre-release and after-release centres in prisons and in the community was also mentioned. In addition, the speaker underlined the importance of consulting victims' associations to gain their support for the efforts to reduce the use of incarceration.

66. Following the presentations there was an open discussion. The observer for the European Institute for Crime Prevention and Control stressed the complexities involved in reducing overcrowding and the importance of adapting approaches appropriate to local conditions.

67. The observer for the African Institute for the Prevention of Crime and the Treatment of Offenders mentioned the importance of involving civil society in penal reform and reducing prison overcrowding. He added that the relevant international instruments were in many cases not applied in everyday practice and therefore the workshop to be held in the framework of the Twelfth Congress should be used as an opportunity to explore ways in which to implement such instruments.

68. The observer for the United Nations Interregional Crime and Justice Research Institute underscored the need to increase the sharing of information and the exchange of good practices, recognizing that such practices often needed to be specifically tailored to the local environment.

69. The representative of Saudi Arabia provided some insight on the efforts in his country to reduce prison overcrowding, in particular the Government's support in establishing national committees to care for prisoners' families and assist in the reintegration of former prisoners into society. He emphasized the importance of

restorative justice in finding alternatives and settlements to disputes between parties.

70. It was noted that a workshop on strategies and best practices against overcrowding in correctional facilities would be held within the framework of the Twelfth Congress.

## Chapter III

### **World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice**

71. At its 1st, 2nd, 3rd, 7th and 8th meetings, on 16, 17 and 21 April, the Commission considered agenda item 4, which read as follows:

“World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice:

“(a) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime;

“(b) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption;

“(c) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the international instruments to prevent and combat terrorism;

“(d) Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations Crime Prevention and Criminal Justice Programme network, non-governmental organizations and other bodies.”

72. For its consideration of agenda item 4, the Commission had before it the following:

(a) Report of the Secretary-General on international cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime (E/CN.15/2009/2 and Corr.1);

(b) Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime (E/CN.7/2009/3–E/CN.15/2009/3);

(c) Report of the Secretary-General on international cooperation in combating transnational organized crime and corruption (E/CN.15/2009/4);

(d) Report of the Secretary-General on assistance in implementing the international conventions and protocols related to terrorism (E/CN.15/2009/5);

(e) Report of the Secretary-General on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network (E/CN.15/2009/6);

(f) Report of the Executive Director on international cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources (E/CN.15/2009/7);

(g) Note by the Secretariat on world crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice (E/CN.15/2009/13);

(h) Note verbale dated 7 April 2009 from the Permanent Mission of Romania to the United Nations (Vienna) addressed to the United Nations Office on Drugs and Crime (E/CN.15/2009/18);

(i) Report of the expert group meeting on crime statistics held in Vienna from 28 to 30 January 2009 (E/CN.15/2009/CRP.3);

(j) Organized crime and its threat to security: tackling a disturbing consequence of drug control; report by the Executive Director of the United Nations Office on Drug and Crime (E/CN.7/2009/CRP.4–E/CN.15/2009/CRP.4);

(k) Joint UNODC-ECA Workshop on Crime Statistics held in Addis Ababa from 9 to 12 December 2008 (E/CN.15/2009/CRP.5).

73. Introductory statements were made by the Director of the Division for Policy Analysis and Public Affairs of UNODC and other representatives of the Secretariat. Statements were made by the observer for the Czech Republic (on behalf of the States Members of the United Nations that are members of the European Union, with Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey, as well as Armenia, Georgia, Norway, the Republic of Moldova and Ukraine associating themselves with the statement) and by the representative of Ukraine (on behalf of GUAM). Statements were also made by the representatives of the Republic of Korea, Canada, India, Turkey, Thailand, Japan, the United States, Saudi Arabia, the United Kingdom, Algeria, the Islamic Republic of Iran, Austria, the Russian Federation, Romania, Indonesia, Argentina, Colombia and the Libyan Arab Jamahiriya. Statements were also made by the observers for the Plurinational State of Bolivia (on behalf of the Group of Latin American and Caribbean States), Kuwait, Switzerland, Liechtenstein, Belarus, Egypt, Serbia, the Dominican Republic, Sri Lanka, Costa Rica, Panama, Azerbaijan and the Bolivarian Republic of Venezuela. Statements were made by the observers for the Global Alliance against Traffic in Women, the League of Arab States, the Korean Institute of Criminology and the International Society for Traumatic Stress Studies.

## A. Deliberations

### **Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime**

74. Several speakers referred to the impact of transnational organized crime on sustainable economic and social development and on the safety and security of States, noting that globalization and increased international trade had facilitated the illicit activities of transnational organized criminal groups. Speakers emphasized the need for efficient cooperation mechanisms at the regional and international levels. Several speakers mentioned that the global financial crisis posed an additional challenge for States, with the risk that organized groups might take advantage of

that crisis. Attention was drawn to the importance of enhancing international cooperation to address the global challenge of transnational organized crime within the principles of national sovereignty, non-interference in internal affairs of States, respect for territorial integrity and national legislation, and peaceful coexistence among States.

75. Several speakers stressed the value of the Organized Crime Convention and its Protocols as an adequate international framework for fighting organized crime. States were encouraged to continue championing those instruments and to ensure that they were fully and effectively implemented; international cooperation and technical assistance were key elements to ensuring such implementation. Several speakers recognized UNODC as a key partner in that endeavour and encouraged Member States to continue supporting its work in that area.

76. Speakers noted with satisfaction the progress made in terms of adherence to the Organized Crime Convention and its Protocols such that an almost universal framework of international cooperation existed on a broad range of serious crimes. Much remained to be done however, and States that had not yet done so were urged to become parties to those instruments. One speaker stressed that the full implementation of the Organized Crime Convention and its Protocols would constitute the basis for transparent, integrated and objective international cooperation. Speakers noted that the complexity of the links between various forms of transnational crime, such as economic fraud and identity-related crime, money-laundering, drug trafficking and the financing of terrorism, required universal adherence to and full implementation of the existing instruments in order to achieve the harmonization of approaches among States having different legal systems.

77. Several speakers noted with appreciation the outcome of the fourth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, held in Vienna from 8 to 17 October 2008. Several speakers welcomed, in particular, Conference decision 4/1 and expressed support for the establishment of an intergovernmental working group on the review of the implementation of the Organized Crime Convention and its Protocols. Several speakers stressed that effective implementation of those instruments required the adoption of a strong, objective and efficient review mechanism, as that would assist in identifying difficulties as well as good practices.

78. Several speakers provided information on measures taken at the national and regional levels to fight organized crime and promote the rule of law, including legislative developments in such areas as the criminalization of participation in an organized criminal group, cybercrime and other offences involving the misuse of information technology; the extension of the criminal liability of legal persons in offences related to organized crime; the waiving of the statute of limitations for offences related to organized crime; broadened jurisdictional rules; and enhanced provisions for the investigation and prosecution of such offences. Reference was made to the Ministerial Conference on Drug Trafficking, Transnational Organized Crime and Terrorism as Challenges to Security and Development in the Caribbean held in Santo Domingo from 17 to 20 February 2009 and to the adoption at the Conference of a Political Declaration and Action Plan.

79. Several speakers made mention of the importance of judicial and law enforcement cooperation and called for improved collaboration through mechanisms of mutual legal assistance, extradition and exchange of information. Several speakers stated that the Organized Crime Convention was being used successfully in their countries and reported on positive developments in the confiscation of proceeds of crime through effective international cooperation, using the Convention as a legal basis. Emphasis was placed on the importance of overcoming existing political, jurisdictional and practical obstacles to enhancing international cooperation. Speakers noted with satisfaction the increased support provided by UNODC in the area of international cooperation and encouraged the Office to continue helping States to improve regional and international cooperation.

80. With regard to technical assistance, some speakers reported on the provision by their Governments of funds and expertise to support UNODC activities in that area and encouraged other Member States to do so as well.

81. Several speakers called upon the international community to show strong political commitment and pay greater attention to the challenges posed by trafficking in persons and the smuggling of migrants. Several speakers welcomed the development by UNODC of a model law on trafficking in persons and the smuggling of migrants and of practical tools to support the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. UNODC was invited to continue elaborating practical norms on the basis of experience gained from current projects.

82. Several speakers highlighted the importance of protecting the victims of trafficking in persons and advocated a multidisciplinary approach to combating such trafficking. UNODC and its partners were urged to continue and further strengthen cooperation on technical assistance and on improving assistance provided to victims. Emphasis was placed on the importance of cooperation between UNODC and non-governmental organizations and of working with civil society, in particular in the identification of victims. One speaker noted that insufficient attention was being paid to the issue of trafficking in human organs and called upon Member States to take a firm position and adopt appropriate measures to fight that organized criminal activity.

83. Several speakers welcomed the Global Report on Trafficking in Persons, published by UNODC and the Global Initiative to Fight Human Trafficking (UN.GIFT) in February 2009. Some speakers reiterated their support for the Global Initiative to Fight Human Trafficking and the activities carried out within its framework aimed at raising awareness and creating a conducive environment for sharing experiences and information and building partnerships. Speakers welcomed the work done at the meeting of the Working Group on Trafficking in Persons held in Vienna on 14 and 15 April 2009. One speaker felt that a global plan of action represented the best window of opportunity, as it would ensure full and effective implementation of all the international instruments against trafficking in persons, including the Trafficking in Persons Protocol, and effective coordination among all stakeholders. That speaker also welcomed the idea of holding a thematic debate in the General Assembly in May 2009 on a global plan of action against trafficking in persons. Speakers highlighted the importance of international cooperation and the need to strengthen the role of the Inter-Agency Cooperation Group against

Trafficking in Persons. One speaker referred to the need to strengthen the role of the Global Migration Group.

84. Some speakers expressed concern about the growing firepower of criminal organizations and the access of such organizations to sophisticated arms and weapons. They urged States to ensure the exchange of information in real time, to implement the provisions of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, and to overcome the difficulties preventing the ratification and implementation of that protocol. Concern was expressed about the high level of violence and the loss of lives attributable to trafficking in firearms, and States and UNODC were encouraged to continue their efforts to promote the effective implementation of the Firearms Protocol.

85. Several speakers stressed the importance of examining the links between various illicit transnational activities (such as trafficking in persons and in drugs and other controlled substances, arms, forest products, exotic and endangered species and luxury goods) and other emerging crimes (such as the criminal use of the Internet and other technologies). The synergy and operational links existing between terrorists and organized crime syndicates needed to be recognized and addressed.

86. In view of the close connection between money-laundering and most forms of transnational crime, one speaker advocated the development of a United Nations convention on money-laundering, as set out in recommendation 174 of the report of the High-level Panel on Threats, Challenges and Change (A/59/565). One speaker called for coordinated and joint efforts by States to combat the phenomenon of kidnapping and hostage-taking by organized criminal groups and terrorist groups; and requested UNODC to broaden its technical assistance programmes and foster international cooperation, including through the utilization of the United Nations *Counter-Kidnapping Manual*.

87. Expressing concern about the growing challenge posed by piracy, in particular off the coast of Somalia, some speakers drew attention to the transnational dimension of that form of organized crime. Although several international legal instruments had already been adopted to address the problem of piracy, including the United Nations Convention on the Law of the Sea<sup>61</sup> and the 1958 conventions on the law of the sea, it was stressed that national and international maritime legislation should also sanction acts of maritime piracy. The speaker called on the international community to consider the adoption of a protocol against piracy, to supplement the Organized Crime Convention.

88. Some speakers welcomed the holding, pursuant to Commission resolution 16/1, of a meeting of the Open-ended Expert Group on International Cooperation in Preventing and Combating Illicit International Trafficking in Forest Products, including Timber, Wildlife and Other Forest Biological Resources, held in Jakarta from 26 to 28 March 2008, as well as the growing attention being paid to crimes against the environment. One speaker mentioned environmental crime as an emerging form of transnational organized crime and welcomed the adoption of resolutions by the Commission and by the Economic and Social Council in that

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<sup>61</sup> United Nations, *Treaty Series*, vol. 1833, No. 31363.

area. Speakers noted the importance of criminalizing the transport of and trafficking in plants or products traded in violation of national or international law.

89. Regret was expressed that UNODC had not been able to convene an expert group meeting on protection against trafficking in cultural property, pursuant to Economic and Social Council resolutions 2004/34 and 2008/23. Some speakers, noting the continued importance attached by many States to the protection and preservation of cultural property from theft and trafficking, urged Member States and relevant institutions to promote or reinforce mechanisms for strengthening cooperation and mutual assistance to fight such trafficking.

90. Several speakers referred to the importance of strengthening the links and the respective roles of the Commission and the Conference of the Parties to the United Nations Convention against Transnational Organized Crime as policymaking and governing bodies on matters regarding crime prevention and criminal justice.

91. Several speakers observed that the Commission was obliged to consider and maintain a proper balance between crime prevention and criminal justice issues, including their national and transnational dimensions. The Secretariat was requested to reflect the issues of crime prevention and criminal justice in a more balanced manner in the documentation for the nineteenth session of the Commission.

#### **Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption**

92. Speakers welcomed the increase in the number of States parties to the Convention against Corruption and urged those Member States that had not yet done so to accede to or ratify the Convention and implement its provisions. One speaker stated that the Organized Crime Convention and the Convention against Corruption were groundbreaking instruments in setting standards for international cooperation, and UNODC was encouraged to continue promoting those two instruments. Speakers reaffirmed the need to establish an effective and efficient mechanism for reviewing the implementation of the Convention against Corruption, which would also be crucial in identifying technical assistance needs and filling gaps in implementation. The Convention's provisions on asset recovery were considered particularly important and required specialized technical assistance in order to give them full effect. The usefulness of the Convention as a direct legal basis for international cooperation requests was noted.

93. Speakers welcomed the efforts by UNODC to assist States in implementing the Convention against Corruption, including through the Stolen Asset Recovery (StAR) initiative developed and jointly implemented by the World Bank and UNODC. Responding to a request from the floor, a representative of the Secretariat provided additional information on the initiative. One speaker provided an update on the establishment of the international anti-corruption academy in partnership with INTERPOL. Several speakers informed the Commission about their Governments' efforts to implement the Convention, including through the adoption of legislation in conformity with the provisions of the Convention, the establishment and strengthening of anti-corruption authorities and international cooperation on asset recovery. The importance of the involvement of civil society and the private sector was highlighted. One speaker noted that promoting e-government was an effective



way to increase transparency in transactions and eliminate the effect of personal relationships, as well as to provide accurate standards for accountability and auditing.

**Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the international instruments to prevent and combat terrorism**

94. In her introductory statement, the Chief of the Terrorism Prevention Branch referred to the technical assistance delivered by UNODC in the area of counter-terrorism and to the challenges lying ahead. Expanded capacity-building efforts were urgently needed to enable Member States to fully and effectively utilize the relevant international legal instruments. In that regard, UNODC had begun to build specialized legal knowledge and deliver expertise for strengthening the capacity of national criminal justice systems to apply the legal regime against terrorism in conformity with the rule of law. UNODC was drawing on available in-house capacity and was enhancing its collaboration and coordination with other relevant entities and organizations to that end.

95. Many speakers noted that terrorism constituted a serious challenge to international peace and security and it threatened to undermine the values on which the United Nations was based, including the rule of law, respect for human rights, fundamental freedoms and the opportunity for all to achieve social and economic development. Several speakers stated that terrorism should not be associated with any particular nationality, society, religion or ethnic group. Speakers expressed solidarity with the victims and relatives of victims of acts of terrorism.

96. Several speakers underlined 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. The importance of a criminal justice response duly conforming with the principles of the rule of law was mentioned. It was noted that counter-terrorism measures must comply with the Charter of the United Nations and with the obligations of Member States under international humanitarian and refugee law.

97. Many speakers stressed the importance of the efforts of the international community and the pivotal role of the United Nations, including through the United Nations Global Counter-Terrorism Strategy,<sup>62</sup> in countering terrorism, an area that remained a key priority. Several speakers drew attention to the need to address the conditions conducive to the spread of terrorism. One speaker referred to the importance of the reintegration of individuals associated with terrorist acts and to the action taken by his Government in that regard.

98. Most speakers acknowledged the value of the technical assistance delivered by UNODC, which had become the main provider of technical assistance within the United Nations system on the legal and related aspects of countering terrorism. Speakers expressed support for the work of UNODC in assisting Member States to become parties to and implement the relevant international instruments related to terrorism, including its work to strengthen the capacity of national criminal justice

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<sup>62</sup> General Assembly resolution 60/288.

systems to apply effectively the provisions of those instruments and to reinforce international cooperation. The expertise and operational capacity of UNODC in several aspects of drug control and crime prevention were considered significant comparative advantages for delivering technical assistance in the area of counter-terrorism.

99. Some speakers made specific reference to the efforts of UNODC to provide specialized expertise through technical assistance tools, in particular the innovative online training course on global norms against terrorism at work (offered in English and French) and the forthcoming digest of cases for counter-terrorism practitioners. Appreciation was expressed for the organization by UNODC of regional and subregional workshops, including several at the ministerial level.

100. 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 specialized and systematic training for criminal justice officials was highlighted.

101. Several speakers underlined the importance of close collaboration with the counter-terrorism bodies established by the Security Council. Support was expressed for the work of the Counter-Terrorism Implementation Task Force and for the contributions made by UNODC to that work. The recent institutionalization of the Task Force was welcomed, as was the active involvement of UNODC in many of the Task Force working groups, including as co-chair of the Working Group on Integrated Assistance for Countering Terrorism.

102. Attention was drawn to the importance of working in partnership and the importance of enhanced cooperation and coordination, both within UNODC and between UNODC and other entities and organizations at the international and regional levels. Specific reference was made to the need for close cooperation between UNODC and the International Atomic Energy Agency in the area of combating nuclear terrorism.

103. A number of speakers noted the need for strengthening the exchange of information among Member States and the relevant United Nations entities.

104. Several speakers described measures taken by their Governments to implement the legal regime against terrorism, including the ratification of existing international legal instruments related to terrorism. Other legislative measures included the criminalization of terrorism-related offences, the building of capacity to prevent and prosecute terrorist acts and the introduction of specific arrangements for identifying the financing of terrorism, including new provisions relating to money-laundering and to the seizure and confiscation of funds. Other measures included the creation of specialized counter-terrorism bodies and inter-agency coordination mechanisms, capacity-building at police and intelligence agencies to enable them to respond effectively to the threat of international terrorism, and activities addressing issues related to the victims of terrorism. Reference was made to specific national activities geared towards the ratification and implementation of the relevant international legal instruments and undertaken with support from UNODC and also to the technical assistance provided by UNODC to assist States in meeting the reporting obligations in respect of the relevant Security Council committees.

105. Several speakers emphasized that international and regional cooperation in criminal matters, in particular in extradition and mutual legal assistance, including observance of the principle of “extradite or prosecute”, 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 for fostering cooperation in criminal matters as a way to counter terrorism and the need for in-depth training in international cooperation in criminal matters also as a way to counter terrorism. A call was made to reinforce support for the African Centre for Studies and Research on Terrorism.

106. The importance of depriving terrorists of their sources of financing was stressed. Several speakers noted the links between terrorism and other forms of crime, including organized crime, money-laundering, cybercrime, identity theft, drug trafficking and corruption. A few speakers made reference to the increase in acts of piracy. One speaker noted that piracy and terrorism should be dealt with as two distinct crimes.

107. Emphasis was placed on the importance of integrated services that incorporated the cross-cutting aspects of drug control and the prevention of crime and terrorism to provide synergetic responses. 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 work, such as money-laundering, transnational organized crime, drug trafficking, corruption and criminal justice reform. It was noted that the thematic programme on terrorism prevention elaborated by UNODC provided valuable strategic direction.

108. It was observed that the constantly changing and increasingly complex and multifaceted nature of terrorism required a long-term approach on various fronts. One speaker underlined the value of public-private partnerships as essential to the fight against organized crime and terrorism.

109. A number of speakers highlighted the need to complete the work on the draft comprehensive convention on international terrorism, including an agreed definition of terrorism. The need to distinguish between acts of terrorism and acts undertaken in the course of the legitimate struggle for self-determination as recognized under international humanitarian law was stressed.

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

111. In her concluding remarks, the Chief of the Terrorism Prevention Branch took note of the call by Member States to intensify the work of UNODC within its mandate; to develop innovative measures; to better utilize areas of synergy; and to continue to enhance partnerships.

### **Other activities in support of the work of the United Nations Office on Drugs and Crime**

112. Welcoming the initiatives carried out by UNODC in the area of international crime data collection, one speaker emphasized that the collection of such data was essential and that the United Nations Survey on Crime Trends and Operations of Criminal Justice Systems needed to be revised and streamlined. In that regard, Member States should provide the necessary resources to support data collection and should also provide UNODC with relevant, timely and accurate information on crime trends and the operation of criminal justice systems. Other speakers highlighted the importance of comprehensive data on crime trends in combating specific manifestations of crime and observed that ensuring the availability of such data should constitute part of the work of the Commission. One speaker reported that his Government was engaged in an initiative to collect, compile and standardize data collected through the United Nations Survey.

113. One speaker referred to the regional high-level conference for promoting the rule of law and human security in South-Eastern Europe held in Belgrade on 30 and 31 March 2009 and organized jointly by UNODC and the Government of Serbia. The States participating in the conference had signed a joint statement in which they confirmed their commitment to coordinate their responses to the transnational threats of organized crime, trafficking in drugs and in persons, smuggling of migrants and of firearms, money-laundering and the financing of terrorism, corruption, drug abuse and the spread of HIV/AIDS. The conference had also endorsed a programme on promoting the rule of law and human security in South-Eastern Europe.

114. One speaker referred to the Third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, held in Bucharest from 23 to 25 March 2009, at which 102 Member States had been represented. The agenda for the Summit had been developed in cooperation with UNODC and included a number of items aimed at increasing the efficiency and effectiveness of criminal justice systems and fostering international cooperation.

115. It was noted that international cooperation and effective measures to combat piracy should be promoted within the mandate of the International Maritime Organization to ensure maritime safety.

116. A number of speakers referred to the activities carried out by members of the United Nations Crime Prevention and Criminal Justice Programme network and to the contributions that members of the network had made in areas such as overcrowding in prisons, the development of a survey to facilitate reporting by States in relation to the Organized Crime Convention and the Convention against Corruption, violence against women, prison reform and crime prevention.

### **B. Action taken by the Commission**

117. At its 14th meeting, on 24 April, the Commission considered a revised draft resolution to be recommended for approval by the Economic and Social Council for adoption by the General Assembly (E/CN.15/2009/L.7/Rev.1). The revised draft resolution was sponsored by Afghanistan, Argentina, Australia, Azerbaijan, Canada,

Chile, the Czech Republic (on behalf of the European Union), Colombia, the Democratic Republic of the Congo, El Salvador, Japan, Kuwait, the Libyan Arab Jamahiriya, Liechtenstein, Panama, the Russian Federation, Serbia, Switzerland, Turkey and the United States. A representative of the Secretariat read out a financial statement. (For the text of the statement, see annex I.) The representative of the United States made a statement of explanation of position emphasizing the importance of sharing a common view of terrorism, adding that in various United Nations and regional contexts, it had been clear that States had affirmed their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable. He also stated that there had been full agreement that terrorist acts could not be justified under any circumstances, regardless of their motivation or purpose. When the Commission had last addressed the issue, in 2007, when it had approved a draft resolution that was subsequently adopted by the General Assembly (resolution 62/172), the Commission had spoken with one voice and it was the understanding of the United States that that mutual resolve had not wavered. If there was disagreement on that point, then there needed to be further debate, but not in the Commission. Otherwise, with that shared understanding, the United States accepted that, in that context, it was not necessary to quote at length General Assembly resolutions, which were clear in their condemnation of all terrorist acts as unjustifiable. At the same meeting, the Commission agreed to recommend that the Council approve the revised draft resolution for adoption by the Assembly. (For the text of the revised draft resolution, see chapter I, section A.)

118. At the same meeting, the Commission approved for adoption by the Economic and Social Council a revised draft resolution (E/CN.15/2009/L.2/Rev.1) sponsored by Algeria, Argentina, Canada, Chile, Italy, Japan, Peru, the Russian Federation and the United States. (For the text, see chapter I, section B, draft resolution I.) Prior to the approval of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see annex II.)

119. At the same meeting, the Commission approved for adoption by the Economic and Social Council a revised draft resolution (E/CN.15/2009/L.10/Rev.1) sponsored by Chile, Colombia, El Salvador, Mexico, Namibia, Panama, Paraguay, Spain, the United Kingdom and the United States. (For the text, see chapter I, section B, draft resolution III.) Prior to the approval of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see annex III.)

120. At the same meeting, the Commission adopted a draft resolution (E/CN.15/2009/L.6) sponsored by Chile, the Czech Republic (on behalf of the European Union), Kuwait, Namibia, Panama, Paraguay, Qatar and the Republic of Korea. (For the text, see chapter I, section D, resolution 18/4.)

121. At the same meeting, the Commission adopted a revised draft resolution (E/CN.15/2008/L.9) sponsored by Argentina (on behalf of the States Members of the United Nations that are members of the Group of 77 and China) and Bolivia (Plurinational State of) (on behalf of the Group of Latin American and Caribbean States). (For the text, see chapter I, section D, resolution 18/5.) Prior to the approval of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see annex IV.)

## Chapter IV

### Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice

122. At its 9th meeting, on 22 April 2009, the Commission considered agenda item 5, entitled “Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice”.

123. For its consideration of the item, the Commission had before it the following:

(a) Report of the Secretary-General on preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice (E/CN.15/2009/9);

(b) Note by the Secretariat on the rules of procedure for United Nations congresses on crime prevention and criminal justice (E/CN.15/2009/19);

(c) Statement submitted by the Academic Council on the United Nations System (E/CN.15/2009/NGO/1);

(d) Statement submitted by the Asia Crime Prevention Foundation (E/CN.15/2009/NGO/2);

(e) Discussion guide for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice (A/CONF.213/PM.1);

(f) Provisional rules of procedure for United Nations congresses on crime prevention and criminal justice (A/CONF.203/2);

(g) Draft United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders (E/CN.15/2009/CRP.8).

124. The Commission heard statements by the representatives of Brazil, Germany, Algeria, Canada, the Republic of Korea, Thailand, the United States, Indonesia, Nigeria, China, Ghana, Cuba, Saudi Arabia, the Russian Federation and the Libyan Arab Jamahiriya. The observers for Costa Rica, Spain, Poland, Finland, Portugal, the United Republic of Tanzania and Italy also made statements. Statements were also made by the observers for the International Scientific and Professional Advisory Council, Defence for Children International and the Academic Council on the United Nations System.

### Deliberations

125. The Chief of the Corruption and Economic Crime Section of the Division for Treaty Affairs of UNODC reported on consultations with the authorities of the Government of Brazil regarding host country arrangements for the Twelfth Congress and on the outcome of the first planning mission to that country. He also briefed the Commission on the forthcoming regional preparatory meetings for the Twelfth Congress, which would identify regional priority concerns with respect to substantive items and workshop topics and provide recommendations on possible measures and policies to address those concerns. He also referred to the discussion guide prepared for the regional preparatory meetings in cooperation with the

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

126. The representative of Brazil stressed that the Twelfth Congress would mark the fifty-fifth anniversary of the holding of the first of the United Nations congresses on crime prevention and criminal justice and reiterated the importance of the accomplishments of the congresses in the area of establishing international standards and policies in crime prevention and criminal justice. The forthcoming Twelfth Congress would provide an opportunity to bring together policymakers and practitioners in the area of crime prevention and criminal justice from around the world, as well as parliamentarians, individual experts from academia, representatives of civil society and the media. Moreover, the Twelfth Congress could serve as a platform to set in motion a concerted effort to review, as well as update and possibly supplement, where necessary and appropriate, the United Nations standards and norms in crime prevention and criminal justice, with a view to rendering them integral components of a model criminal justice system.

127. Many speakers expressed their Governments' appreciation to the Government of Brazil for its offer to act as host to the Twelfth Congress. The representative of Thailand, the host country of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, expressed his Government's readiness to assist the Government of Brazil in any practical and logistical arrangements relating to the organization of the Twelfth Congress. He suggested that the Government of Brazil explore the possibility of cooperating with the private sector as a way of facilitating arrangements for the Twelfth Congress.

128. A number of speakers noted that the breadth of the main theme and the comprehensive provisional agenda for the Twelfth Congress, approved by the General Assembly in its resolution 63/193, and the topics of the workshops to be held within the framework of the Twelfth Congress would provide the opportunity for substantive discussion on a wide array of crime prevention and criminal justice issues.

129. Many speakers commended the Secretariat on the preparation of the discussion guide for the regional preparatory meetings for the Twelfth Congress (A/CONF.213/PM.1) and pointed out that the structure, format and content of the guide would substantially contribute to framing the discussions to be held within regional groups prior to the Twelfth Congress, thus enabling those discussions to produce concrete results.

130. Several speakers stressed the importance of addressing at the Twelfth Congress specific areas of crime prevention and criminal justice policies, including international cooperation to address money-laundering, measures to combat cybercrime, practical approaches to strengthening international cooperation in fighting crime-related problems, the links between drug trafficking and other forms of crime, particularly terrorism, and the treatment of women prisoners. One speaker suggested the consideration at the Twelfth Congress of organized crime in a broader context in order to address the various forms and modalities of organized crime.

131. A number of speakers drew the attention of the Secretariat to the need to strike a balance between issues related to crime prevention and issues related to criminal justice in the preparations for the Twelfth Congress and at the Congress itself. In that connection, one speaker expressed the hope that the discussion on the

substantive item of the provisional agenda for the Twelfth Congress entitled “Making the United Nations guidelines on crime prevention work” would contribute to finding that balance. Another speaker suggested that it might be appropriate for Member States to include representatives of crime prevention authorities in their delegations attending the Twelfth Congress.

132. One speaker suggested that efforts be made to ensure balanced participation by Government officials and experts in the workshops to be held within the framework of the Twelfth Congress. In addition, it was suggested that the principle of equitable geographical representation be respected when deciding on the experts to participate in the workshops. Furthermore, the hope was expressed that adequate financial resources would be made available to enable representatives from least developed countries to participate in the Twelfth Congress.

133. Some speakers raised a number of questions with regard to the early and full engagement of the Commission in the preparations for the Twelfth Congress and the briefing on certain procedural aspects related to those preparations. In that regard, one speaker recalled that the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice, at its meeting held in Bangkok from 15 to 18 August 2006, had recommended that such engagement should be reflected in a multi-year programme of work of the Commission and that during the fourth session of the Commission following a congress, the Commission should begin consultations on a draft congress declaration (E/CN.15/2007/6, para. 44).

134. Some speakers emphasized that efforts should be made to ensure that the draft declaration to be adopted by the Twelfth Congress would be prepared in due time after the regional preparatory meetings. For that purpose, the importance of holding informal consultations in advance of the Twelfth Congress for the initial formulation of the draft declaration was highlighted. Furthermore, it was noted that the regional preparatory meetings and their recommendations could provide a useful basis for the identification of elements of and directions for crime prevention and criminal justice policies to be reflected in the draft declaration.

135. One speaker stressed the importance of taking action towards an expert evaluation of the implementation of declarations adopted at previous United Nations congresses on crime prevention and criminal justice. Another speaker drew the attention of the Commission to the follow-up action to the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice (General Assembly resolution 60/177, annex) as well as the provision of detailed information on how the Bangkok Declaration had been implemented in the legal systems of Member States.

136. The Commission was also briefed on the composition, mandates and work of the Interagency Panel on Juvenile Justice. With regard to the workshop to be held within the framework of the Twelfth Congress, on strategies and best practices against overcrowding in correctional facilities, the speaker encouraged Member States to pay particular attention to children deprived of their liberty and the need to implement alternatives to deprivation of liberty, including diversion and restorative justice.

137. One speaker referred to the role of the ancillary events held within the context of United Nations congresses on crime prevention and criminal justice as a conduit



for enabling civil society organizations to substantially contribute to crime prevention and criminal justice issues on the agendas of the congresses. He also provided information on substantive and practical arrangements for the ancillary events that would be organized on the occasion of the Twelfth Congress and that were to be coordinated by the International Scientific and Professional Advisory Council and the United Nations Interregional Crime and Justice Research Institute.

138. One speaker provided a brief overview of the activities undertaken by the Academic Council on the United Nations System to promote international criminal justice education for the rule of law. He stressed that the Academic Council would continue to assist in the preparations for the workshop on that topic, to be held within the framework of the Twelfth Congress. The speaker also supported the idea of developing a United Nations criminal justice syllabus based on the United Nations standards and norms in crime prevention and criminal justice.

139. No changes were suggested to the documents that, according to the report of the Secretary-General on preparations for the Twelfth Congress (E/CN.15/2009/9, para. 13), were to be prepared for the Twelfth Congress.

140. It was noted that, as the Commission had not made any recommendations to the Economic and Social Council for amendments to the rules of procedure for United Nations congresses on crime prevention and criminal justice (A/CONF.203/2), the Twelfth Congress would be conducted in accordance with those rules.

## Chapter V

### Use and application of United Nations standards and norms in crime prevention and criminal justice

141. At its 11th meeting, on 23 April, the Commission considered agenda item 6, entitled "Use and application of United Nations standards and norms in crime prevention and criminal justice". For its consideration of the item, the Commission had before it the following:

(a) Report of the Secretary-General on international cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa (E/CN.15/2009/8);

(b) Report of the Secretary-General on support of national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination (E/CN.15/2009/12);

(c) Report of the Executive Director on effective crime prevention and criminal justice responses to combat sexual exploitation of children (E/CN.15/2009/14);

(d) Report of the Secretary-General on the use and application of standards and norms in crime prevention and criminal justice (E/CN.15/2009/16);

(e) Report on the Technical Consultative Expert Group Meeting on Making the United Nations Crime Prevention Guidelines Work held in Berlin from 2 to 4 July 2008 (E/CN.15/2009/CRP.2);

(f) Report of the Expert Group Meeting on Crime Statistics held in Vienna from 28 to 30 January 2009 (E/CN.15/2009/CRP.3);

(g) Draft United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders (E/CN.15/2009/CRP.8).

142. The Chief of the Organized Crime and Criminal Justice Section of UNODC made an introductory statement. The Commission also heard statements by the representatives of Argentina (on behalf of the Group of 77 and China), Germany, Canada, the Republic of Korea, the Libyan Arab Jamahiriya, the United States and the Russian Federation. Statements were also made by the observers for the Czech Republic (on behalf of the European Union, with Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey, as well as Armenia, Georgia, Norway, the Republic of Moldova and Ukraine associating themselves with the statement), Switzerland and Portugal. The observers for the Sovereign Military Order of Malta, the International Federation of Red Cross and Red Crescent Societies, the World Society of Victimology and the International Commission of Catholic Prison Pastoral Care also made statements.

#### A. Deliberations

143. A representative of the Secretariat stressed that access to justice and, in particular, to legal aid was a crucial component of an effective criminal justice

system that protected the basic human rights of individuals. The representative referred to a series of recommendations presented to the Commission that included the provision of guidance to Member States on what was required in terms of legislation, conditions for successful national and international law enforcement, and promotion of the involvement of the private sector, in particular Internet service providers, in preventing and detecting the sexual exploitation of children.

144. Several speakers stressed the relevance of the United Nations standards and norms in crime prevention and criminal justice and reaffirmed the importance they attached to such instruments, which had paved the way for the adoption of internationally binding legal instruments such as the Organized Crime Convention and the Convention against Corruption. The need to review and update the standards and norms with a view to responding adequately and effectively to the changing nature of crime was underscored and the Twelfth Congress was seen as an appropriate occasion to launch a general review of those standards and norms. It was also recalled that the standards and norms aimed at reducing crime, while fully respecting human rights, and at establishing the rule of law and an efficient and fair administration of justice. Several speakers stressed that the standards and norms lay at the heart of global efforts to effectively address crime prevention and criminal justice issues, and that the standards and norms developed over the previous 60 years had provided a useful frame of reference for strengthening national legislation and practice, as well as international cooperation. One speaker stated that, as soft law, the standards and norms combined the clarity of an international instrument with the flexibility of a non-binding instrument, allowing each Member State to adapt them to its own needs and constitutional framework. Furthermore, some speakers noted the link between adherence to standards and norms and enhanced international criminal cooperation, which benefited from the establishment of a common basis among national criminal justice systems.

145. Several speakers emphasized the need for an open exchange of information on the use and application of selected standards and norms with a view to identifying obstacles to their implementation and possible innovative approaches. The periodic review of selected standards and norms carried out by the Commission was welcomed.

146. Several speakers referred to the report of the Secretary-General on the use and application of standards and norms in crime prevention and criminal justice (E/CN.15/2009/16), which dealt with issues related to victims. Member States had provided a wealth of information on progress made and challenges faced, which would be used to contribute to the continued development of relevant resources and the delivery of technical assistance where it was most needed. One speaker highlighted the need for further work towards the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex).

147. Several speakers noted the important role played by UNODC in assisting Member States in the use and application of the standards and norms through the development of tools and the delivery of technical assistance. The speakers welcomed the increased integration of the work on crime prevention and criminal justice carried out by the Commission and its secretariat with the work of other entities of the United Nations system involved in peacekeeping, development and post-conflict reconstruction, in particular with a focus on security system reform,

the rule of law and good governance. The importance of establishing fair, efficient and effective criminal justice responses in fighting transnational organized crime and terrorism was also highlighted. Several speakers welcomed the development of the Criminal Justice Handbook Series and of a software version of the Criminal Justice Assessment Toolkit by the Office. Several speakers also supported the expansion of the work carried out by UNODC, through its network of field offices, into the areas of access to justice and legal aid, police oversight and integrity and justice for children, as well as prison reform with a focus on the prevention of torture, the protection of vulnerable groups, the strengthening of prison management and the social rehabilitation of offenders.

148. A number of speakers welcomed the strengthening of the UNODC technical assistance portfolio in the areas of crime prevention and criminal justice and the development of further tools in support of technical assistance in those areas. In that context, one speaker welcomed the meeting organized by UNODC, with the financial contribution of the Ministry of Justice of Germany, held in Berlin from 2 to 4 July 2008, to review two practical instruments to facilitate technical assistance in the field of crime prevention: a crime prevention assessment tool and a handbook for the implementation of the United Nations guidelines on crime prevention.

149. Several speakers recalled the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 55/59, annex), in which Member States committed themselves to the development of action-oriented policy recommendations based on the special needs of women as prisoners and offenders, and the Bangkok Declaration on Synergies and Responses. Concern was expressed about the dramatic increase in the female prison population worldwide over the previous 10 years and the increased use of imprisonment to punish offences that could be dealt with by non-custodial measures. A call was made to consider the development of a new set of international rules on women prisoners to supplement the Standard Minimum Rules for the Treatment of Prisoners. Condemnation was also expressed for all forms of violence against women, and several speakers welcomed the hosting by the Government of Thailand of an intergovernmental expert group meeting held in Bangkok from 23 to 25 March 2009 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 (Assembly resolution 52/86, annex).

150. Several speakers welcomed the work of UNODC and the Interagency Panel on Juvenile Justice in implementing international standards on child justice with a focus on restorative justice. The selection of the topic "Children, youth and crime" for consideration at the Twelfth Congress was also welcomed.

151. With regard to the sexual exploitation of children, one speaker called attention to the report of the Executive Director on effective crime prevention and criminal justice responses to combat sexual exploitation of children (E/CN.15/2009/14). Referring to the conclusions and recommendations contained in the report, the speaker said that providing States with model strategies and enhanced guidance could be a good way to start. Further, the speaker noted the development of a UNODC cybercrime programme, which would focus on detecting and combating the use of information and communications technologies, including the Internet, for the sexual exploitation and abuse of children. Another speaker noted that the Twelfth Congress would provide an opportunity to focus on new challenges,

including cybercrime and its link to sexual abuse of children. The speaker stressed the importance of having adequate legislation in place to tackle cybercrime, of ensuring the best possible cooperation among law enforcement authorities and of involving entities from the public and private sectors to adequately address the problem. One speaker, who indicated that his Government had considerable experience in combating the sexual exploitation of children, especially through the Internet, offered to assist UNODC in supporting Member States in that area; such support could include the sharing of best practices and the provision of expert advice.

## **B. Action taken by the Commission**

152. At its 14th meeting, on 24 April, the Commission approved for adoption by the Economic and Social Council a revised draft resolution (E/CN.15/2009/L.12/Rev.1) sponsored by Argentina, China, El Salvador, Mexico, Morocco, Namibia, Panama, the Sudan, Thailand and Venezuela (Bolivarian Republic of). (For the text, see chapter I, section B, draft resolution IV.) Prior to the approval of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see annex V.)

153. At the same meeting, the Commission approved for adoption by the Economic and Social Council a revised draft resolution (E/CN.15/2009/L.13/Rev.1) sponsored by Argentina, Australia, Austria, Canada, Côte d'Ivoire, Ecuador, El Salvador, France, Indonesia, Japan, Namibia, Nigeria, the Philippines, Romania, South Africa, the Sudan, Sweden, Switzerland, Thailand and Venezuela (Bolivarian Republic of). (For the text, see chapter I, section B, draft resolution V.) Prior to the approval of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see annex VI.)

154. At the same meeting, the Commission adopted a revised draft resolution (E/CN.15/2009/L.3/Rev.1) sponsored by Brazil, Canada, China, Colombia, the Czech Republic (on behalf of the European Union), Ecuador, Japan, the Philippines, South Africa, the Sudan, Thailand, the United States and Venezuela (Bolivarian Republic of). (For the text, see chapter I, section D, resolution 18/1.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see annex VII.)

155. At the same meeting, the Commission considered a revised draft resolution (E/CN.15/2009/L.4/Rev.2) sponsored by Algeria, Kuwait, Morocco, Nigeria, Oman, Qatar, Saudi Arabia, South Africa, the Sudan, the United Arab Emirates, the United Kingdom and Yemen. A representative of the Secretariat read out a financial statement. (For the text, see annex VIII.) The representative of the Bolivarian Republic of Venezuela made a statement of explanation of position, stating that for the Bolivarian Republic of Venezuela the matter of private civilian security services that the revised draft resolution dealt with was a highly sensitive matter and expressing reservations about the treatment the topic had received. For the Bolivarian Republic of Venezuela, the primary responsibility for public and the citizenry's security could not be delegated to the private sector, whose motivation was different from that of the State that watched over the welfare of the community. The representative of the Bolivarian Republic of Venezuela also expressed the hope

that the ad hoc open-ended intergovernmental expert group would enable an effective, in-depth, broad and transparent discussion, free of imposed deadlines and led by States with the objective of defining arrangements for regulating the activities of companies that provided such services and filling existing legal gaps at the international level. The representative of the Libyan Arab Jamahiriya made a statement noting that in his country civilian private security was a matter of sovereignty and that in some cases it could be the subject of bilateral agreements between States, when required. At the same meeting, the Commission adopted the revised draft resolution. (For the text, see chapter I, section D, resolution 18/2.)

## Chapter VI

### **Policy directives for the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body, including administrative, strategic management and budgetary questions**

156. At its 10th meeting, on 22 April, the Commission considered agenda item 7, entitled “Policy directives for the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body, including administrative, strategic management and budgetary questions and follow-up on resolutions”.

157. For its consideration of agenda item 7, the Commission had before it the following:

(a) Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime (E/CN.7/2009/3–E/CN.15/2009/3);

(b) Report of the Secretariat on the recommendations of the open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime (E/CN.7/2009/10–E/CN.15/2009/10);

(c) Report of the Executive Director on the implementation of the consolidated budget for the biennium 2008-2009 for the United Nations Office on Drugs and Crime (E/CN.7/2009/11–E/CN.15/2009/11);

(d) Note by the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/2009/17);

(e) Report of the Board of Trustees on major activities of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/2009/CRP.1);

(f) UNODC regional programmes: a strategic planning and implementation tool (E/CN.7/2009/CRP.6–E/CN.15/2009/CRP.6);

(g) Report by the open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime (E/CN.7/2009/CRP.7–E/CN.15/2009/CRP.7);

(h) UNODC financial situation: presentation (E/CN.15/2009/CRP.15).

158. Introductory statements were made by the following representatives of UNODC: the Chief of the Financial Resources Management Services, the Chief of the Strategic Planning Unit, the Director of the Division for Operations and the Deputy Director of the Division for Treaty Affairs. Statements were made by the representative of Argentina (on behalf of the Group of 77 and China) and the observers for the Czech Republic (on behalf of the European Union, with Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey, as well as Armenia, Georgia, Norway, the

Republic of Moldova and Ukraine associating themselves with the statement) and the Plurinational State of Bolivia (on behalf of the Group of Latin American and Caribbean States). Statements were also made by the representatives of the United Kingdom, Canada, the Democratic Republic of the Congo, the Republic of Korea, the United States and Japan. Statements were also made by the observers for Norway and Australia.

## **A. Deliberations**

159. Following an introductory statement by the Chairman, the Commission considered the nomination of three candidates proposed for reappointment and appointment to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

160. The Chief of the Financial Resources Management Services of UNODC presented the report of the Executive Director on the implementation of the consolidated budget for the biennium 2008-2009 for the United Nations Office on Drugs and Crime (E/CN.7/2009/11–E/CN.15/2009/11), which contained information on the Office's performance during the first year of the biennium and on progress made towards achieving the expected accomplishments set out in the consolidated budget. In the report, an overall shortfall in general-purpose funds and an acute problem in respect of the general-purpose funding of the United Nations Crime Prevention and Criminal Justice Fund had been highlighted. The speaker reported that steps would be taken to merge the general-purpose fund accounts and programme support cost accounts of the drug programme fund and the crime programme fund in time for the preparation of the consolidated budget for the biennium 2010-2011. He referred to the long-term decline in general-purpose fund income, from \$19 million in 2003 to \$15.2 million in 2008. The requirements to cover staffing costs and other commitments were on the level of \$15.6 million, but the Office was currently projecting that its income in 2009 would be \$3.9 million lower than those requirements and could ultimately be as low as \$10.5 million. Decisive action was required to reduce general-purpose fund expenditures by at least \$3.9 million. Cost savings would have a disproportionate impact on the running of UNODC, as general-purpose funds were being used to cover the costs of key staff positions in the areas of evaluation, policy, analysis and research, advocacy, strategic planning, human security and the rule of law, health and human development, in field offices and for the Programme and Financial Information Management System (ProFi). UNODC had taken steps to cut costs, including by freezing vacant posts, reducing travel and consultancies, assigning shared support costs to projects, reducing other operational costs and abolishing posts in field offices. Further savings targets had been set for each division. Other measures to be implemented were the realignment of functions across divisions at UNODC headquarters to eliminate duplication and optimize the impact of remaining core resources, a return to one-year contracts, a new emphasis on negotiations for cost-sharing agreements with countries hosting field offices and, in the future, the earmarking of a minimum amount from special-purpose contributions to be used for general purposes. The target for savings in general-purpose funds was about \$4 million.



161. The Chief of the Strategic Planning Unit of UNODC highlighted the efforts being made by the Office to promote an integrated approach to addressing the challenges posed by drugs, crime and terrorism. UNODC pursued a focused approach to fulfilling its mandates and was promoting an approach that contextualized drug control, crime prevention, criminal justice and terrorism prevention within the development, security and peace agenda. The Office was undertaking a number of strategic and organizational measures to improve performance, including expanded strategic partnerships and the development of thematic and regional programmes.

162. The Director of the Division for Operations of UNODC spoke about the development of regional programmes and the expected results in terms of transparency, effective planning and cooperation, alignment with Governments' priorities and partnerships with other entities within and outside the United Nations system. The reconfiguration of the network of field offices of UNODC, which was aimed at increasing synergy and reducing costs, was presented.

163. The Deputy Director of the Division for Treaty Affairs of UNODC reported to the Commission on the open-ended intergovernmental working group on improving the governance and financial situation of UNODC established pursuant to Commission on Crime Prevention and Criminal Justice decision 17/2 and Commission on Narcotic Drugs decision 51/1. He recalled that the Commission on Narcotic Drugs had decided, at its fifty-second session, to establish a standing open-ended intergovernmental working group on governance and finance (resolution 52/13). It was noted that a draft resolution mirroring the one adopted by the Commission on Narcotic Drugs had been submitted to the Commission on Crime Prevention and Criminal Justice, for its consideration. The adoption of parallel resolutions by the two commissions was intended to lead to the setting up of a single working group reporting to both bodies.

164. Several speakers welcomed the report on the financial situation, took note of the measures implemented by UNODC and requested that the Commission be briefed on related developments and measures as they arose. Some speakers expressed the opinion that, given the funding situation, the Commission should be conservative in giving additional mandates to UNODC and that the number of resolutions adopted should be commensurate with the financial resources available to the Office.

165. A number of speakers welcomed the report of the Executive Director on the activities of the United Nations Office on Drugs and Crime (E/CN.7/2009/3–E/CN.15/2009/3) and the ongoing commitment to streamline operations in accordance with the strategy for the period 2008-2011 for the Office through, inter alia, the development of thematic and regional programmes and increased ownership of such programmes by Member States.

166. Support was expressed for the result-based approach adopted by UNODC; further improvements in terms of qualitative monitoring, reporting and evaluation of results were requested.

167. A number of speakers noted that, while UNODC was undertaking efforts to integrate programme development and organizational structure, those efforts were hampered by a fragmented funding and budgetary structure, as well as by fragmented governance arrangements. Several speakers reiterated the importance of

improving the financial and functional independence of the Independent Evaluation Unit, whose work was helping UNODC to identify its strengths and areas for improvement.

168. Efforts being made by UNODC, in particular within the framework of the One United Nations initiative, to enhance partnerships with other United Nations entities were welcomed by a number of speakers. Similarly, support was expressed for efforts aimed at broadening the Office's donor base by including representatives of the private sector and other multilateral organizations.

169. Several speakers welcomed the establishment of a standing open-ended intergovernmental working group on governance and finance and expressed the expectation that it would propose pragmatic recommendations for ways to enhance the governance and funding situation of UNODC. Such a working group could also provide a forum for dialogue between Member States and the Secretariat. One speaker noted that the working group established pursuant to Commission decision 17/2 had focused on processes rather than on substance, adding yet another bureaucratic layer and increasing the reporting burden on UNODC. It was hoped that the proposed working group would focus more on the substance of the discussion and provide added value.

170. Speakers acknowledged the challenges being faced as a result of the decrease in general-purpose funds and the imbalance in the sources of funding. It was recognized that ensuring an effective governance and an effective funding structure were key issues. Some speakers expressed the view that UNODC should not rely on voluntary contributions to finance its core activities and that the increase in that category of funding was attributable to earmarking for specific projects. It was stressed that general-purpose funding was too dependent on a limited number of donors, which is why UNODC was urged to continue to work on expanding its donor base. Some speakers mentioned that the regular budget of the United Nations should provide a larger share of the UNODC budget. Emphasis was placed on the importance of ensuring stable and predictable funding in order to improve the planning of activities and on the importance of adopting a realistic and systematic approach to addressing the funding situation of the Office. One speaker cautioned that it might be counterproductive to oblige donors making special-purpose contributions to earmark part of those contributions as general-purpose funds.

171. Some speakers considered that the allocation of less than 1 per cent of the regular budget of the United Nations to UNODC was not commensurate with the mandates of the Office, despite the fact that those mandates had been one of the priorities of the United Nations for several bienniums. One speaker stated that support could be given to a request for an increase in the regular budget with due justification. Another speaker cautioned that it might not be realistic to expect increases in the regular budget given the current financial situation, further stating that donors should consider soft-earmarked contributions as an additional way to ease the shortfall in general-purpose funds.

172. A number of speakers welcomed the initiative to merge the two general-purpose fund accounts, noting that such a measure would simplify the budget presentation and eliminate the need to report on two different accounts. Others expressed doubt about the possible benefits of the initiative.

173. One representative, speaking on behalf of the Group of 77 and China, expressed the view that the use of the phrase “within existing resources” or similar language in resolutions had a negative impact on the implementation of activities and that the use of that phrase in resolutions and decisions should be avoided. He stated that the use of such phrases violated the provisions of General Assembly resolution 45/248 B, in which the Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters. Another speaker expressed the view that the phrase “subject to the availability of resources” indicated the intention to honour the authority of the Fifth Committee to decide whether necessary funds would be approved by the Fifth Committee or whether proposed activities should be implemented with voluntary contributions.

174. One speaker requested UNODC to pay due regard to the principle of equitable geographical distribution in the recruitment of staff.

175. One speaker made suggestions for improving the work of the Commission with regard to the rules of procedure already in place in order to allow for more focused and higher quality discussions and decisions. Greater focus could be achieved by submitting draft resolutions one month in advance of the session and deciding on the topic of the thematic discussion one year in advance of the session.

## **B. Action taken by the Commission**

176. At its 10th meeting, on 22 April, the Commission approved for adoption by the Economic and Social Council a draft decision on appointments to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute. (For the text, see chapter I, section C, draft decision II.)

177. At its 14th meeting, on 24 April, the Commission approved for adoption by the Economic and Social Council a draft resolution (E/CN.15/2009/L.8) sponsored by Argentina (on behalf of the Group of 77 and China), Australia, the Czech Republic (on behalf of the European Union), Japan, Mexico, Norway and the United States. (For the text, see chapter I, section B, draft resolution II.) Prior to the approval of the draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see annex IX.)

178. At the same meeting, the Commission considered a draft resolution (E/CN.15/2009/L.5) sponsored by Argentina (on behalf of the Group of 77 and China), Australia, Croatia, the Czech Republic (on behalf of the European Union), Japan, Norway, the Russian Federation, Serbia, Switzerland, Turkey and the United States. A representative of the Secretariat read out a financial statement. (For the text, see annex X.) At the same meeting, the Commission adopted the draft resolution. (For the text, see chapter I, section D, resolution 18/3.) Following the adoption of the draft resolution, the representative of Cuba reiterated his Government’s reservation concerning the use in resolutions adopted by the Commission of phrases that tied the implementation of mandates to the availability of extrabudgetary resources, adding that such practice violated General Assembly resolutions 41/213, 42/211 and 45/248 B, which stated that the Fifth Committee of the General Assembly was the sole entity responsible for making decisions on financial and administrative matters, and it prevented UNODC from making regular

budget proposals that corresponded to the mandates conferred on the Office. He stated further that there was no need to search for new financing mechanisms for the Office as such a working mechanism already existed; Member States were simply tolerating a practice that was a breach of the Financial Regulations and Rules of the United Nations. He expressed the hope that, with the cooperation of all Member States, the standing intergovernmental working group on governance and finance would substantively contribute to solving these and other challenges.

179. At the same meeting, the Commission adopted a draft decision that had been introduced orally by Cuba. (For the text, see chapter I, section D, decision 18/2.)

## Chapter VII

### Provisional agenda for the nineteenth session of the Commission

180. At its 12th, 13th and 14th meetings, on 23 and 24 April, the Commission considered agenda item 8, entitled “Provisional agenda for the nineteenth session of the Commission”. For its consideration of the item, the Commission had before it a draft decision submitted by the Chairman on the report of the Commission on its eighteenth session and provisional agenda for its nineteenth session (E/CN.15/2009/L.14).

181. The Chairman made an introductory statement. Statements were also made by the representatives of Canada, Indonesia, Nigeria, Algeria, Saudi Arabia, Ghana, the Libyan Arab Jamahiriya, China, the United Kingdom, the Islamic Republic of Iran, the United States, Germany and Austria. The observers for the Czech Republic (on behalf of the European Union), Norway, Portugal, Ecuador, Australia and the Philippines also made statements.

#### A. Deliberations

182. The Chairman recalled the topics for the thematic discussion of the nineteenth session of the Commission that had been put forward starting at the first meeting of the extended Bureau, on 28 October 2008, and that had been the subject of consultations at subsequent meetings of the extended Bureau and intersessional meetings of the Commission.

183. A draft decision on guidelines for the thematic discussions of the Commission was introduced orally by the representative of Canada.

184. One speaker proposed a series of amendments to the two draft decisions. Another speaker presented a further theme for the thematic discussion. The Commission considered the duration of the nineteenth session and agreed that the session should be preceded by one day of informal consultations.

185. One speaker requested the Secretariat to explore the technical feasibility of panellists participating in the thematic discussions via teleconferencing and to report to the Commission in that regard.

#### B. Action taken by the Commission

186. At its 14th meeting, on 24 April 2009, the Commission approved, as orally amended, for adoption by the Economic and Social Council, a draft decision submitted by the Chairman (E/CN.15/2009/L.14). (For the text, see chapter I, section C, draft decision I.)

187. At the same meeting, the Commission adopted a draft decision that had been introduced orally by Canada. (For the text, see chapter I, section D, decision 18/1.)

## Chapter VIII

### Other business

188. At its 13th meeting, on 24 April, the Commission considered agenda item 9, entitled "Other business". The Commission heard a statement by the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment.

189. The observer for the Czech Republic, speaking on behalf of the European Union, announced the candidature of Ignacio Baylina Ruiz (Spain) for the office of co-chairman of the working group on governance and finance to be established by the Commission pursuant to its resolution 18/3. The observer for Norway expressed support for the candidature of Mr. Baylina Ruiz.

## **Chapter IX**

### **Adoption of the report of the Commission on its eighteenth session**

190. At its 14th meeting, on 24 April 2009, the Commission adopted by consensus the report on its eighteenth session (E/CN.15/2009/L.1 and Add.1-6), as orally amended.

## Chapter X

### Organization of the session

#### A. Opening and duration of the session

191. The Commission on Crime Prevention and Criminal Justice held its eighteenth session in Vienna from 16 to 24 April 2009. The Commission held 14 plenary meetings and 12 meetings of the Committee of the Whole. The Chairman of the Commission opened the session and delivered an opening statement. The Executive Director of UNODC made an opening statement. At its opening meeting, the Commission was also addressed by the representative of Argentina (on behalf of the Group of 77 and China), the representative of Nigeria (on behalf of the Group of African States), the observer for the Czech Republic (on behalf of the European Union, with Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey, as well as Armenia, Azerbaijan, Georgia, Norway, the Republic of Moldova and Ukraine associating themselves with the statement) and the observer for the Plurinational State of Bolivia (on behalf of the Group of Latin American and Caribbean States). Statements were also made by Princess Bajrakitiyabha Mahidol of Thailand, the Minister of the Interior of Lebanon, the Vice-Minister of Justice of China, the Secretary of Justice of Brazil and the representative of the United States.

#### B. Attendance

192. The eighteenth session was attended by representatives of 38 States members of the Commission. Also attending were observers for 83 other States Members of the United Nations and 1 non-member State. Palestine was represented by an observer. Representatives of 17 entities of the United Nations system and observers for the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, 10 intergovernmental organizations, 2 other entities maintaining permanent observer offices and 43 non-governmental organizations in consultative status with the Economic and Social Council. A list of participants is contained in document E/CN.15/2009/INF/1.

#### C. Election of officers

193. At the 1st meeting of the Commission, on 16 April 2009, the Chairman of the Commission recalled that the Economic and Social Council, in its resolution 2003/31, entitled "Functioning of the Commission on Crime Prevention and Criminal Justice", had decided that, with effect from 2004, the Commission should, at the end of each session, elect its bureau for the subsequent session and encourage the bureau to play an active role in the preparation of the regular as well as the informal intersessional meetings of the Commission.

194. In accordance with Economic and Social Council resolution 2003/31 and rule 15 of the rules of procedure of the functional commissions of the Council, the Commission, at the end of its seventeenth session, on 18 April 2008, opened its



eighteenth session for the sole purpose of electing its bureau for that session. As no nominations were made at that meeting, it was understood that the officers for the eighteenth session of the Commission would be designated at a later date and that, pursuant to rule 16 of the rules of procedure of the functional commissions, the officers of the seventeenth session would continue to hold office until that time. At an intersessional meeting held on 14 April 2009, the Commission was informed of the officers designated for its eighteenth session.

195. At its 1st meeting, on 16 April 2009, the Commission endorsed the following persons as members of the Bureau for its eighteenth session:

<i>Chairman:</i>	Cosmin Dinescu (Romania)
<i>First Vice-Chairman:</i>	Eugenio María Curia (Argentina)
<i>Second Vice-Chairman:</i>	Simon J. M. Smith (United Kingdom of Great Britain and Northern Ireland)
<i>Third Vice-Chairman:</i>	Joon-yong Park (Republic of Korea)
<i>Rapporteur:</i>	Zohra Zerara (Algeria)

196. A group composed of the chairpersons of the five regional groups (the representatives of Nigeria and Turkey and the observers for Bolivia (Plurinational State of), the Philippines and Slovenia), the representative of Argentina (on behalf of the Group of 77 and China) and the observer for the Czech Republic (on behalf of the European Union) was established to assist the Chairman of the Commission in dealing with organizational matters. That group, together with the elected officers, constituted the extended bureau foreseen in Economic and Social Council resolution 2003/31. During the eighteenth session of the Commission, the extended Bureau met on 16, 21, 22 and 24 April to consider matters related to the organization of work.

#### **D. Adoption of the agenda and organization of work**

197. At its 1st meeting, on 16 April 2009, the Commission adopted the provisional agenda (E/CN.15/2009/1 and Corr.1), which had been approved by the Economic and Social Council in its decision 2008/245. The agenda was as follows:

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Thematic discussion:
  - (a) “Economic fraud and identity-related crime”;
  - (b) “Penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems”.
4. World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice:

- (a) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime;
  - (b) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption;
  - (c) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the international instruments to prevent and combat terrorism;
  - (d) Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations Crime Prevention and Criminal Justice Programme network, non-governmental organizations and other bodies.
5. Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice.
  6. Use and application of United Nations standards and norms in crime prevention and criminal justice.
  7. Policy directives for the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body, including administrative, strategic management and budgetary questions and follow-up on resolutions.
  8. Provisional agenda for the nineteenth session of the Commission.
  9. Other business.
  10. Adoption of the report of the Commission on its eighteenth session.

198. Following the adoption of the agenda, the Commission agreed on the provisional organization of work.

## **E. Documentation**

199. The documents before the Commission at its eighteenth session are listed in annex XI to the present report.

## **F. Closure of the session**

200. At the 14th meeting, on 24 April, the Executive Director of UNODC and the Chairman of the Commission made closing statements.

## Annex I

### **Financial statement on the revised draft resolution entitled “Technical assistance for implementing the international conventions and protocols related to terrorism”\***

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 1-6 and 9 of revised draft resolution E/CN.15/2009/L.7/Rev.1, the Commission on Crime Prevention and Criminal Justice would:

(a) Commend the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, for providing, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to terrorism and relevant United Nations resolutions, and request the Office, within its mandate, to continue to enhance its efforts in that regard, in close coordination with the Counter-Terrorism Committee and the Counter-Terrorism Implementation Task Force;

(b) Urge Member States that have not yet done so to consider becoming parties without delay to the existing international conventions and protocols related to terrorism, and request the United Nations Office on Drugs and Crime, within its mandate, to reinforce the provision of technical assistance to Member States, upon request, for the ratification and legislative incorporation of those international legal instruments and for the building of capacity to implement them;

(c) Urge Member States to strengthen, to the greatest extent possible, international cooperation in order to prevent and combat terrorism, including, when appropriate, by entering into bilateral and multilateral treaties on extradition and mutual legal assistance, within the framework of the international conventions and protocols related to terrorism and relevant United Nations resolutions and in accordance with international law, including the Charter of the United Nations, and to ensure adequate training of all relevant personnel in executing international cooperation, and request the United Nations Office on Drugs and Crime, within its mandate, to provide technical assistance to Member States, upon request, to that end;

(d) Recognize the importance of the development and maintenance of fair and effective criminal justice systems, in accordance with applicable international law, as a fundamental basis of any strategy to counter terrorism, and request the United Nations Office on Drugs and Crime, whenever appropriate, to take into account in its technical assistance programme to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law;

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\* For the final text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2009/L.7/Rev.1, see chapter I, section A. For the discussion, see chapter III, section A.

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

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

(g) Request the Secretary-General to provide the United Nations Office on Drugs and Crime with sufficient resources to carry out activities within its mandate, including in the area of counter-terrorism, and in the context of the strategy for the period 2008-2011 for the Office, to assist Member States, upon request, in the implementation of the relevant elements of the United Nations Global Counter-Terrorism Strategy.

3. To implement the activities requested in operative paragraphs 1-6, the United Nations Office on Drugs and Crime would need:

(a) To undertake an increased level of technical assistance to those countries requesting such assistance and, especially, conduct an increased number of specialized training sessions;

(b) To develop enhanced specialized legal knowledge in the area of counter-terrorism and substantive expertise in pertinent thematic areas and cover increased in-depth substantive elements in the overall counter-terrorism programme activities;

(c) To elaborate an increased number of specialized technical assistance tools and substantive publications;

(d) To ensure the inclusion, in its technical assistance activities in counter-terrorism, of elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law;

(e) To coordinate the expanded work with the Counter-Terrorism Implementation Task Force and its Executive Directorate;

(f) To coordinate and cooperate with partner entities at the international, regional and subregional levels.

4. Should the Commission adopt operative paragraphs 1-6 of revised draft resolution E/CN.15/2009/L.7/Rev.1, additional extrabudgetary resources would be required for the provision of technical assistance in implementing the international conventions and protocols related to terrorism. It was recalled that the level of voluntary contributions received in 2008 for the activities related to the Terrorism Prevention Branch amounted to \$8.25 million. The level of extrabudgetary

requirements for 2009 was estimated at \$10 million. Hence, the full implementation of the activities set out in operative paragraphs 1-6 of the revised draft resolution would be subject to the availability of extrabudgetary resources. A relatively small element of the activities would be carried out drawing on the regular budget allocations proposed under subprogramme 1 (“Rule of law”) of section 16 (“International drug control, crime and terrorism prevention and criminal justice”) of the proposed programme budget for the biennium 2010-2011.

5. As concerns the provisions contained in operative paragraph 9, it was noted that section 16 (“International drug control, crime and terrorism prevention and criminal justice”) of the proposed programme budget for the biennium 2010-2011 amounted to \$38,258,800, at 2008-2009 rates, representing an increase of \$682,900, or 1.8 per cent, when compared with the biennium 2008-2009.

6. The attention of the Commission was drawn to the provisions of section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

## Annex II

### **Financial statement on the revised draft resolution entitled “International cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime”\***

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 7, 10 and 11 of revised draft resolution E/CN.15/2009/L.2/Rev.1, the Commission on Crime Prevention and Criminal Justice would:

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

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

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

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

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

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

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\* For the final text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2009/L.2/Rev.1, see chapter I, section B, draft resolution I. For the discussion, see chapter III, section A.

(c) Invite Member States and other donors to provide extrabudgetary resources to support the work set out in paragraphs 7 and 10 of the resolution.

3. In order to reflect the provisions of the revised draft resolution, the narrative of section 16 (“International drug control, crime and terrorism prevention and criminal justice”) of the proposed programme budget for the biennium 2010-2011 would need to be modified. The following output would need to be added under paragraph 16.56 (a) (viii) (b): “Meetings of the core group of experts on identity-related crime (20)”.

4. Should the Commission adopt revised draft resolution E/CN.15/2009/L.2/Rev.1, additional extrabudgetary resources in the amount of \$518,700 would be required as follows: \$82,000 for conference servicing of two meetings of the core group of experts on identity-related crime for a duration of five days each, with 15 participants and conference services including 60 pages of documentation (no interpretation services would be provided); and \$436,700 to provide for:

(a) Twelve work months of general temporary assistance at the P-3 level and six work months of general temporary assistance in the General Service (Other level) category for collection, development and dissemination of material and guidelines on the typology of identity-related crime and on relevant issues and to provide substantive input for the preparation of the meetings of the core group of experts;

(b) Travel of participants to the expert group meetings;

(c) Travel of staff for consultation purposes.

5. Hence, adoption of revised draft resolution E/CN.15/2009/L.2/Rev.1 would not entail any programme budget implications for the biennium 2008-2009.

## Annex III

### **Financial statement on the revised draft resolution entitled “International cooperation to prevent, combat and eliminate kidnapping and to provide assistance to victims of kidnapping”\***

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.
2. In operative paragraph 8 of revised draft resolution E/CN.15/2009/L.10/Rev.1, the Commission on Crime Prevention and Criminal Justice would request the United Nations Office on Drugs and Crime, in coordination with other relevant entities, to provide technical assistance to Member States, upon request, to enable them to strengthen their capacity to combat kidnapping, including by:
  - (a) Providing training for judges, judicial officials, prosecutors and law enforcement officials to promote their understanding of processes and mechanisms available for disbanding criminal organizations, including training in the use of special investigative techniques for the rescue of kidnapped persons, bearing in mind the particular need to safeguard and protect victims of kidnapping;
  - (b) Reviewing trends and enhancing understanding of the problem in order to create a basis for developing policies and strategies against kidnapping;
  - (c) Organizing practical courses or workshops for the exchange of experiences and best practices in combating kidnapping, in collaboration with international or regional organizations.
3. Should the Commission adopt revised draft resolution E/CN.15/2009/L.10/Rev.1, additional extrabudgetary resources would be required for the implementation of the technical cooperation activities.
4. Hence, adoption of revised draft resolution E/CN.15/2009/L.10/Rev.1 would not entail any programme budget implications for the biennium 2008-2009.

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\* For the final text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2009/L.10/Rev.1, see chapter I, section B, draft resolution III. For the discussion, see chapter III, section A.



## Annex IV

### **Financial statement on the draft resolution entitled “Follow-up to the Ministerial Conference on Illicit Drug Trafficking, Transnational Organized Crime and Terrorism as Challenges for Security and Development in the Caribbean”\***

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 3, 4 and 8 of draft resolution E/CN.15/2009/L.9, the Commission on Crime Prevention and Criminal Justice would:

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

(b) Request the United Nations Office on Drugs and Crime to facilitate mobilization of the resources necessary for effective implementation of the action plan for the Caribbean and the Santo Domingo partnership monitoring mechanism;

(c) Request the United Nations Office on Drugs and Crime to provide periodic updates on the implementation of the resolution.

3. Should the Commission adopt draft resolution E/CN.15/2009/L.9, additional extrabudgetary resources in the amount of \$1.7 million would be required to cover the costs related to the implementation of the Santo Domingo partnership monitoring mechanism. The implementation for the action plan for the Caribbean would be carried out with extrabudgetary resources, the exact amount of which had yet to be determined.

4. Hence, adoption of draft resolution E/CN.15/2009/L.9 would not entail any additional appropriation for the biennium 2008-2009.

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\* For the final text of the draft resolution, which originally appeared under the symbol E/CN.15/2009/L.9, see chapter I, section D, resolution 18/5. For the discussion, see chapter III, section A.

## Annex V

### **Financial statement on the revised draft resolution entitled “Improving the collection, reporting and analysis of data to enhance knowledge on trends in specific areas of crime”\***

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 3 and 5 of revised draft resolution E/CN.15/2009/L.12/Rev.1, the Commission on Crime Prevention and Criminal Justice would:

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

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

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

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

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

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

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\* For the final text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2009/L.12/Rev.1, see chapter I, section B, draft resolution IV. For the discussion, see chapter V, section A.

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

(b) Request the Executive Director of the United Nations Office on Drugs and Crime to submit to the Commission on Crime Prevention and Criminal Justice, at its nineteenth session, a report on the activities of the above-mentioned expert working group.

3. In order to reflect the provisions of the revised draft resolution, the narrative of section 16 (“International drug control, crime and terrorism prevention and criminal justice”) of the proposed programme budget for the biennium 2010-2011 would need to be modified. The following output would need to be added under paragraph 16.61 (a) (ii): “intergovernmental expert group to review current data collection tools, and the collection, collation, analysis and reporting processes (10)”.

4. Should the Commission adopt revised draft resolution E/CN.15/2009/L.12/Rev.1, estimated additional extrabudgetary resources of \$135,800 would be required in order to provide for conference servicing of the open-ended intergovernmental expert group, meeting for a total of 10 meetings, with interpretation in the six official languages of the United Nations, and translation and printing of one 20-page report in the six languages.

5. The United Nations Office on Drugs and Crime would also be required to undertake a review of the current tools for data collection for the intergovernmental expert group, for consultation and input for the development or revision of a reporting system, and to finalize a proposal for data collection and reporting. Extrabudgetary resources had already been provided for that purpose.

6. Hence, adoption of revised draft resolution E/CN.15/2009/L.12/Rev.1 would not entail any programme budget implications for the biennium 2008-2009.

## Annex VI

### **Financial statement on the revised draft resolution entitled “Supporting national and international efforts for child justice reform, in particular through improved coordination in technical assistance”\***

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.
2. In operative paragraphs 7 and 8 of revised draft resolution E/CN.15/2009/L.13/Rev.1, the Commission on Crime Prevention and Criminal Justice would:
  - (a) Invite the members of the Interagency Panel on Juvenile Justice to continue providing assistance to Member States, upon request and subject to the availability of resources, in the area of child justice, including by following up on the recommendations contained in the United Nations study on violence against children and setting up national data collection and criminal justice information systems with regard to children in conflict with the law, using as a guide the Manual for the Measurement of Juvenile Justice Indicators;
  - (b) Encourage the members of the Interagency Panel on Juvenile Justice to further increase their cooperation, to share information and to pool their capacities and resources in order to increase the effectiveness of programme implementation, including through, when appropriate, joint programming, and the development of common tools and awareness-raising.
3. Should the Commission adopt revised draft resolution E/CN.15/2009/L.13/Rev.1, implementation of the activities contained in operative paragraph 7 would entail the provision of technical assistance to be funded from extrabudgetary resources. As regards operative paragraph 8, it would entail the development of tools and manuals for which extrabudgetary resources would also be required.
4. The attention of the Commission was drawn to the provisions of section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.
5. Hence, adoption of revised draft resolution E/CN.15/2009/L.13/Rev.1 would not entail any programme budget implications for the biennium 2008-2009.

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\* For the final text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2009/L.13/Rev.1, see chapter I, section B, draft resolution V. For the discussion, see chapter V, section A.

## Annex VII

### **Financial statement on the revised draft resolution entitled “Supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings”\***

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 8-11 of revised draft resolution E/CN.15/2009/L.3/Rev.1, the Commission on Crime Prevention and Criminal Justice would:

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

(b) Welcome the offer by the Government of Thailand to act as host to the open-ended intergovernmental expert group meeting;

(c) Request the open-ended intergovernmental expert group meeting to draw upon the results of the work of the expert round-table meeting on the development of rules for the treatment of women prisoners and non-custodial measures for women offenders held in Bangkok from 2 to 6 February 2009;

(d) Also request the open-ended intergovernmental expert group meeting to submit the outcome of its work to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Salvador, Brazil, from 12 to 19 April 2010.

3. Should the Commission adopt revised draft resolution E/CN.15/2009/L.3/Rev.1, additional extrabudgetary resources in the amount of \$62,500 would be required to implement the activities relating to the convening of an intergovernmental expert group. That level of resource requirements would provide for travel of experts, travel of staff and contractual services for the printing of 60 pages of documentation. The United Nations Office on Drugs and Crime welcomed the offer of the Government of Thailand to defray those costs.

4. Hence, adoption of revised draft resolution E/CN.15/2009/L.3/Rev.1 would not entail any programme budget implications for the biennium 2008-2009.

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\* For the final text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2009/L.3/Rev.1, see chapter I, section D, resolution 18/1. For the discussion, see chapter V, section A.

## Annex VIII

### **Financial statement on the revised draft resolution entitled “Civilian private security services: their role, oversight and contribution to crime prevention and community safety”\***

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.
2. In operative paragraph 2 of revised draft resolution E/CN.15/2009/L.4/Rev.2, the Commission on Crime Prevention and Criminal Justice would establish an ad hoc open-ended intergovernmental expert group, and invite experts from academia and the private sector to be members of that group, in accordance with the rules and regulations of the Economic and Social Council, to study the role of civilian private security services and their contribution to crime prevention and community safety and to consider, inter alia, issues relating to their oversight by competent State authorities, and invite Member States and other donors to provide extrabudgetary contributions in accordance with the rules and procedures of the United Nations.
3. Should the Commission adopt revised draft resolution E/CN.15/2009/L.4/Rev.2, additional extrabudgetary resources would be required for the implementation of the related activities.
4. Hence, adoption of revised draft resolution E/CN.15/2009/L.4/Rev.2 would not entail any programme budget implications for the biennium 2008-2009.

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\* For the final text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2009/L.4/Rev.2, see chapter I, section D, resolution 18/2. For the discussion, see chapter V, section A.

## Annex IX

### **Financial statement on the draft resolution entitled “Support for the development and implementation of the regional programmes of the United Nations Office on Drugs and Crime”\***

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.
2. In operative paragraphs 7, 8 and 13 of draft resolution E/CN.15/2009/L.8, the Commission on Crime Prevention and Criminal Justice would:
  - (a) Request the United Nations Office on Drugs and Crime to continue to make every effort to ensure an effective process of consultation for the regional programmes and to ensure that such programmes were distributed as widely as possible;
  - (b) Also request the United Nations Office on Drugs and Crime to enhance, in a coordinated manner, its efforts in providing technical assistance and advisory services for the implementation of regional programmes;
  - (c) Request the Executive Director of the United Nations Office on Drugs and Crime to give high priority to the implementation of the regional programmes and to report on progress made on such implementation to the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice at their sessions to be held in the first half of 2011.
3. Should the Commission adopt draft resolution E/CN.15/2009/L.8, extrabudgetary resources in the amount of \$150,000 would be required to cover the costs related to the process of consultation and development of such regional programmes.
4. Hence, adoption of draft resolution E/CN.15/2009/L.8 would not entail any additional appropriation for the biennium 2008-2009.

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\* For the final text of the draft resolution, which originally appeared under the symbol E/CN.15/2009/L.8, see chapter I, section B, draft resolution II. For the discussion, see chapter VI, section A.

## Annex X

### **Financial statement on the draft resolution entitled “Improving the governance and financial situation of the United Nations Office on Drugs and Crime”\***

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 1, 2, 4, 5, 7 and 8 of draft resolution E/CN.15/2009/L.5, the Commission on Crime Prevention and Criminal Justice would:

(a) Adopt the recommendations of the open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime, contained in the annex to the resolution, subject to the provisions of the resolution;

(b) Decide to establish a standing open-ended intergovernmental working group on governance and finance, whose mandate should be in effect until the session of the Commission on Crime Prevention and Criminal Justice to be held in the first half of 2011, at which time the Commission should carry out a thorough review of the functioning of the working group and consider the extension of its mandate;

(c) Recommend with regard to the recommendation contained in paragraph 10 of the report of the Secretariat on the recommendations of the open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime,<sup>a</sup> through the Economic and Social Council, that the General Assembly, as part of the budget process for the biennium 2010-2011, should reallocate available resources in such a way that reconvened sessions of the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice could be held back to back in the second half of each year, in order to consider the reports of and recommendations proposed by the working group;

(d) Decide that the working group should hold at least two formal meetings, one in the third quarter of 2009 and one in the first quarter of 2010, and that the dates of those and possible additional informal meetings should be determined by the co-chairpersons of the working group, in consultation with the Secretariat;

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

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\* For the final text of the draft resolution, which originally appeared under the symbol E/CN.15/2009/L.5, see chapter I, section D, resolution 18/3. For the discussion, see chapter VI, section A.

<sup>a</sup> E/CN.7/2009/10–E/CN.15/2009/10.



(f) Request the Secretariat to provide the necessary assistance to facilitate the work of the working group, bearing in mind the limited resources available to the Secretariat.

3. As concerns the requests contained in operative paragraphs 1, 2, 7 and 8 of draft resolution E/CN.15/2009/L.5, it was noted that in order to reflect the provisions contained therein, the narrative of subprogramme 1 (“Rule of law”) of section 16 (“International drug control, crime and terrorism prevention and criminal justice”) of the proposed programme budget for the biennium 2010-2011 would need to be modified. Subject to the decision of the Commission, additional outputs would be included under paragraph 16.44 (a) (iii) and (iv). The following outputs would be inserted: “meetings of the working group on governance and finance (4)”.

4. Should the Commission adopt operative paragraphs 1, 2, 7 and 8 of draft resolution E/CN.15/2009/L.5, resources in the amount of \$125,600 would be required under section 2 (“General Assembly and Economic and Social Council affairs and conference management”) of the proposed programme budget for the biennium 2010-2011, in order to provide for conference servicing of the working group, meeting for a total of four meetings (two days), with interpretation in the six official languages of the United Nations. The documentation requirements of the working group would include documentation that had already been issued, as well as the recommendations of the working group (20 pages, in the six languages). The Department for General Assembly and Conference Management of the Secretariat had indicated that the requirements could be met on an “if available” basis if the timelines for the submission and processing of documentation as well as the dates for the meetings of the working group were determined in consultation between the Commission on Crime Prevention and Criminal Justice secretariat and the Department. Accordingly, no additional conference servicing resources would be required with regard to the implementation of the provisions contained in operative paragraphs 1, 2, 7 and 8. The General Assembly and the Economic and Social Council would be advised of the programme budget implications at the time of their deliberations on these recommendations, in accordance with established budgetary procedures.

5. As regards the request contained in operative paragraph 4, it was recalled that following the adoption of Economic and Social Council decision 1993/242, the Commission had been meeting annually for a period not exceeding eight working days. In addition, pursuant to General Assembly resolution 61/252, the Commission held a biennial reconvened session in odd-numbered years to approve the budget of the United Nations Crime Prevention and Criminal Justice Fund. Those reconvened sessions had been organized back to back with the reconvened sessions of the Commission on Narcotic Drugs. The recommendation contained in operative paragraph 4 would represent a change in the duration and frequency of the meetings of the reconvened sessions of the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice, and as such would require the approval of the Council.

6. If the reconvened sessions of the commissions were reduced to one day each and organized back to back on an annual basis, resources for conference services could be reallocated to service the same number of meetings as currently approved for the biennium. It was recalled that by its resolution 62/237 A, the General Assembly had approved regular budget resources totalling \$37,575,900 under section 16 (“International drug control, crime and terrorism prevention and criminal justice”) of the programme budget for the biennium 2008-2009. That amount also

provided for the travel of representatives to the reconvened sessions of the commissions in the second year of the biennium. If the commissions were to hold a reconvened session every year, additional requirements of \$30,000 would be required in the biennium 2010-2011 in order to provide for travel of representatives to the reconvened sessions to be held in 2010. The General Assembly and the Economic and Social Council would be advised of the programme budget implications at the time of their deliberations on these recommendations, in accordance with established budgetary procedures.

7. As regards the request contained in operative paragraph 5, resources of \$19,100 would be required under section 2 (“General Assembly and Economic and Social Council affairs and conference management”) of the programme budget for the biennium 2008-2009, in order to provide for conference servicing of the working group, meeting for a total of two meetings in 2009 (one day), with interpretation in the six official languages of the United Nations. No documentation other than existing United Nations Office on Drugs and Crime and United Nations official documents would be provided. The Department for General Assembly and Conference Management of the Secretariat has indicated that the requirements could be met on an “if available” basis if the dates for the meetings of the working group were determined in consultation between the Commission on Crime Prevention and Criminal Justice secretariat and the Department for General Assembly and Conference Management. Accordingly, no additional conference servicing resources would be required with regard to the implementation of the provisions contained in operative paragraph 5.

8. Hence, adoption of draft resolution E/CN.15/2009/L.5 would not give rise to any financial implications under the programme budget for the biennium 2008-2009.

9. The attention of the Commission was drawn to the provisions of section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

## Annex XI

List of documents before the Commission at its  
eighteenth session

<i>Symbol</i>	<i>Agenda item</i>	<i>Title or description</i>
E/CN.15/2009/1 and Corr.1	2	Provisional agenda and annotations
E/CN.15/2009/2 and Corr.1	3 (a) and 4	Report of the Secretary-General on international cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime
E/CN.7/2009/3– E/CN.15/2009/3	4 and 7	Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime
E/CN.15/2009/4	4 (a) and (b)	Report of the Secretary-General on international cooperation in combating transnational organized crime and corruption
E/CN.15/2009/5	4 (c)	Report of the Secretary-General on assistance in implementing the international conventions and protocols related to terrorism
E/CN.15/2009/6	4 (d)	Report of the Secretary-General on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network
E/CN.15/2009/7	4 (a)	Report of the Executive Director on international cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources
E/CN.15/2009/8	3 (b) and 6	Report of the Secretary-General on international cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa
E/CN.15/2009/9	5	Report of the Secretary-General on preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice
E/CN.7/2009/10– E/CN.15/2009/10	7	Report of the Secretariat on the recommendations of the open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime
E/CN.7/2009/11– E/CN.15/2009/11	7	Report of the Executive Director on the implementation of the consolidated budget for the biennium 2008-2009 for the United Nations Office on Drugs and Crime
E/CN.15/2009/12	6	Report of the Secretary-General on support of national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination

<i>Symbol</i>	<i>Agenda item</i>	<i>Title or description</i>
E/CN.15/2009/13	4	Note by the Secretariat on world crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice
E/CN.15/2009/14	6	Report of the Executive Director on effective crime prevention and criminal justice responses to combat sexual exploitation of children
E/CN.15/2009/15	3 (a) and (b)	Note by the Secretariat on economic fraud and identity-related crime; and penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems
E/CN.15/2009/16	6	Report of the Secretary-General on the use and application of standards and norms in crime prevention and criminal justice
E/CN.15/2009/17	7	Note by the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute
E/CN.15/2009/18	4	Note verbale dated 7 April 2009 from the Permanent Mission of Romania to the United Nations (Vienna) addressed to the United Nations Office on Drugs and Crime
E/CN.15/2009/19	5	Note by the Secretariat on the rules of procedure for United Nations congresses on crime prevention and criminal justice
E/CN.15/2009/L.1 and Add.1-6	10	Draft report of the Commission on its eighteenth session
E/CN.15/2009/L.2/Rev.1	4 (a)	International cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime: revised draft resolution
E/CN.15/2009/L.3/Rev.1	6	Supplementary rules specific to the treatment of women in detention or in custodial or non-custodial settings: revised draft resolution
E/CN.15/2009/L.4/Rev.2	6	Civilian private security services: their role, oversight and contribution to crime prevention and community safety; revised draft resolution
E/CN.15/2009/L.5	7	Improving the governance and financial situation of the United Nations Office on Drugs and Crime: draft resolution
E/CN.15/2009/L.6	4	Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors: draft resolution
E/CN.15/2009/L.7/Rev.1	4 (c)	Technical assistance for implementing the international conventions and protocols related to terrorism: revised draft resolution
E/CN.15/2009/L.8	7	Support for the development and implementation of the regional programmes of the United Nations Office on Drugs and Crime: draft resolution

<i>Symbol</i>	<i>Agenda item</i>	<i>Title or description</i>
E/CN.15/2009/L.9	4	Follow-up to the Ministerial Conference on Illicit Drug Trafficking, Transnational Organized Crime and Terrorism as Challenges for Security and Development in the Caribbean: draft resolution
E/CN.15/2009/L.10/Rev.1	4 (a)	International cooperation to prevent, combat and eliminate kidnapping and to provide assistance to victims of kidnapping: revised draft resolution
E/CN.15/2009/L.11	6	Measures to improve the treatment of offenders within the criminal justice system: draft resolution
E/CN.15/2009/L.12/Rev.1	6	Improving the collection, reporting and analysis of data to enhance knowledge on trends in specific areas of crime: revised draft resolution
E/CN.15/2009/L.13/Rev.1	6	Supporting national and international efforts for child justice reform, in particular through improved coordination in technical assistance: revised draft resolution
E/CN.15/2009/L.14	8	Report of the Commission on Crime Prevention and Criminal Justice on its eighteenth session and provisional agenda for its nineteenth session: draft decision
E/CN.15/2009/CRP.1	7	Report of the Board of Trustees on major activities of the United Nations Interregional Crime and Justice Research Institute
E/CN.15/2009/CRP.2	6	Report on the Technical Consultative Expert Group Meeting on Making the United Nations Crime Prevention Guidelines Work, held in Berlin, from 2 to 4 July 2008
E/CN.15/2009/CRP.3	4 (a) and (b) and 6	Report of the expert group meeting on crime statistics held in Vienna from 28 to 30 January 2009
E/CN.7/2009/CRP.4– E/CN.15/2009/CRP.4	4	Organized crime and its threat to security: tackling a disturbing consequence of drug control; report by the Executive Director of the United Nations Office on Drugs and Crime
E/CN.15/2009/CRP.5	4	Joint UNODC-ECA Workshop on Crime Statistics held in Addis Ababa from 9 to 12 December 2008
E/CN.7/2009/CRP.6– E/CN.15/2009/CRP.6	7	UNODC regional programmes: a strategic planning and implementation tool
E/CN.7/2009/CRP.7– E/CN.15/2009/CRP.7	7	Improving the governance and financial situation of the United Nations Office on Drugs and Crime: report by the open-ended intergovernmental working group
E/CN.15/2009/CRP.8	6	Draft United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders
E/CN.15/2009/CRP.9	3 (a)	Essential elements of criminal laws to address identity-related crime

<i>Symbol</i>	<i>Agenda item</i>	<i>Title or description</i>
E/CN.15/2009/CRP.10	3 (a)	Report on the meeting of the core group of experts on identity-related crime, held in Courmayeur, Italy, on 29 and 30 November 2007
E/CN.15/2009/CRP.11	3 (a)	Report on the second meeting of the core group of experts on identity-related crime, held in Vienna on 2 and 3 June 2008
E/CN.15/2009/CRP.12	3 (a)	Report on the third meeting of the core group of experts on identity-related crime, held in Vienna from 20 to 22 January 2009
E/CN.15/2009/CRP.13	3 (a)	Legal approaches to criminalize identity theft
E/CN.15/2009/CRP.14	3 (a)	Identity-related crime victim issues: a discussion paper
E/CN.15/2009/CRP.15	7	UNODC financial situation: presentation
E/CN.15/2009/NGO/1	5	Statement submitted by the Academic Council on the United Nations System
E/CN.15/2009/NGO/2	5	Statement submitted by the Asia Crime Prevention Foundation
E/CN.15/2009/NGO/3	3 (b)	Statement submitted by the Howard League for Penal Reform
A/CONF.203/2	5	Provisional rules of procedure for United Nations congresses on crime prevention and criminal justice
A/CONF.213/PM.1	5	Discussion guide for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice

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