



# Economic and Social Council

Distr.: Limited  
25 May 2017

Original: English

## Commission on Crime Prevention and Criminal Justice

### Twenty-sixth session

Vienna, 22-26 May 2017

Agenda item 5

### Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice

**Argentina, Australia, Chile, Costa Rica, Ecuador, France, Guatemala, Mexico, Thailand and Uruguay: revised draft resolution**

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

*The Commission on Crime Prevention and Criminal Justice,*

*Reaffirming* the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>1</sup> and welcoming the efforts made by Member States to achieve the aims and objectives of the Convention and comply with its provisions,

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

*Recalling also* the 2030 Agenda for Sustainable Development,<sup>2</sup> in which Member States acknowledged that gender equality and the empowerment of women and girls will make a crucial contribution to progress across all the Sustainable Development Goals and targets thereof, and that the systematic mainstreaming of a gender perspective into the implementation of the Agenda is crucial,

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

*Noting* the twenty-second anniversary of the adoption of the Beijing Declaration and Platform for Action at the Fourth World Conference on Women,<sup>3</sup> held in 1995, and the associated Global Leaders' Meeting on Gender Equality and Women's Empowerment: A Commitment to Action, held in September 2015, in

<sup>1</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

<sup>2</sup> General Assembly resolution 70/1.

<sup>3</sup> *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.



conjunction with the United Nations summit for the adoption of the post-2015 development agenda, and taking note of the Programme of Action of the International Conference on Population and Development,<sup>4</sup> adopted in 1994,

*Welcoming* the progress made in the implementation of the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,<sup>5</sup> adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in which Member States reaffirmed their commitment to mainstreaming a gender perspective into criminal justice systems and to implementing national strategies to promote the full protection of women and girls from all acts of violence,

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

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

*Recalling further* all relevant General Assembly resolutions addressing the mainstreaming of a gender perspective and the specific needs of men and women in the field of crime prevention, criminal justice and transnational organized crime, including the intensification of efforts to eliminate all forms of violence,<sup>6</sup> action against the gender-related killing of women and girls,<sup>7</sup> women in development<sup>8</sup> and trafficking in women and girls,<sup>9</sup>

*Recalling* relevant United Nations standards and norms in crime prevention and criminal justice, such as the Guidelines for the Prevention of Crime,<sup>10</sup> the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,<sup>11</sup> the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)<sup>12</sup> and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),<sup>13</sup>

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

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

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

<sup>4</sup> *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

<sup>5</sup> General Assembly resolution 70/174.

<sup>6</sup> General Assembly resolution 69/147.

<sup>7</sup> General Assembly resolution 70/176.

<sup>8</sup> General Assembly resolution 70/219.

<sup>9</sup> General Assembly resolution 71/167.

<sup>10</sup> Economic and Social Council resolution 2002/13, annex.

<sup>11</sup> General Assembly resolution 65/228, annex.

<sup>12</sup> General Assembly resolution 65/229, annex.

<sup>13</sup> General Assembly resolution 70/175, annex.

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

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

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

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

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

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

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

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

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

8. *Urges* Member States to enhance measures for protecting and empowering victims of violence against women in the criminal justice system, in a manner consistent with domestic legislation and, as appropriate, with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,<sup>11</sup> by

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

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

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

11. *Encourages* Member States to take into consideration the specific needs and circumstances of women subject to arrest, detention, prosecution, trial or the execution of a sentence to ensure that law enforcement, the judiciary and prison staff are trained on procedures related to gender sensitivity, victim identification and women's rights, to implement and enforce relevant policies and regulations in this area and to take appropriate measures to bring to justice perpetrators of abuse of women in custody or in prison settings, drawing, as appropriate, on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),<sup>12</sup> the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)<sup>14</sup> and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),<sup>13</sup>

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

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

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

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

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

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<sup>14</sup> General Assembly resolution 45/110, annex.

including when providing information on their implementation of the Convention and the Protocols thereto;

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

18. *Also requests* the United Nations Office on Drugs and Crime to continue to mainstream a gender perspective into all its practices, policies, programmes and tools related to transnational organized crime and to contribute appropriately, within its mandate, to the Sustainable Development Goals and the targets contained in the 2030 Agenda for Sustainable Development;<sup>2</sup>

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

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