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**Follow-up to the Twelfth United Nations Congress  
on Crime Prevention and Criminal Justice and  
preparations for the Thirteenth United Nations  
Congress on Crime Prevention and Criminal Justice****Follow-up to the Twelfth United Nations Congress on Crime  
Prevention and Criminal Justice and preparations for the  
Thirteenth United Nations Congress on Crime Prevention  
and Criminal Justice****Report of the Secretary-General***Summary*

In its resolution 66/179, the General Assembly invited Member States to provide their suggestions in relation to the overall theme, the agenda items and the topics for the workshops of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, and requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-first session on the suggestions made by Member States. In the same resolution, the General Assembly requested the Commission to approve at its twenty-first session the overall theme, the agenda items and the topics for the workshops of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice.

The present report provides information on national legislative action and policy directives to implement the principles contained in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World and the recommendations of the Twelfth Congress. It also contains an overview of suggestions made by Member States in relation to the overall theme, the agenda items and the topics for the workshops of the Thirteenth Congress, to be held in Doha in 2015.

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\*\* E/CN.15/2012/1.



## I. Introduction

1. On the recommendation of the Commission on Crime Prevention and Criminal Justice at its twentieth session and approval of the Economic and Social Council, by its resolution 2011/30, the General Assembly adopted resolution 66/179, entitled “Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice”. In the resolution, the General Assembly took note of the report of the Secretary-General on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (E/CN.15/2011/15) and reiterated its invitation to Governments to take into consideration the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,<sup>1</sup> and the recommendations adopted by the Twelfth Congress when formulating legislation and policy directives, and to make all efforts, where appropriate, to implement the principles contained therein, taking into account the economic, social, legal and cultural specificities of their respective States.

2. In the same resolution, the General Assembly invited Member States to provide their suggestions in relation to the overall theme, the agenda items and the topics for the workshops of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, and requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-first session on the suggestions made by Member States. The Assembly also recommended that, in order to strengthen the outcome of future crime congresses, the number of their agenda items and workshops be limited, and encouraged the holding of side events that were focused on and complemented the agenda items and workshops. Finally, in its resolution, the General Assembly requested the Commission to approve at its twenty-first session the overall theme, the agenda items and the topics for the workshops of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice.

3. As at 31 January 2012, pursuant to Assembly resolution 66/179, replies had been received from the following States: Algeria, Australia, Bulgaria, Canada, China, Costa Rica, Ecuador, El Salvador, Finland, Guatemala, Mozambique, Myanmar, Panama, Poland, Qatar, Spain, Thailand and United States of America.

4. The present report provides information on national legislative action and policy directives to implement the principles contained in the Salvador Declaration and the recommendations of the Twelfth Congress. It also contains an overview of suggestions made by Member States in relation to the overall theme, the agenda items and the topics for the workshops of the Thirteenth Congress, to be held in Doha in 2015.

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<sup>1</sup> A/CONF.213/18, chap. I, resolution 1.

## II. Brief overview and analysis of replies received from Governments

### Algeria

5. Algeria proposed as a general theme for the Thirteenth Congress “Prevention and fight against cybercrime”. Under the umbrella of that theme, Algeria also suggested the following agenda items: the protection of minors in the information age; the fight against the use of the Internet for terrorist purposes; the fight against crime, including transnational organized crime, committed through the use of information and communication technologies; and international cooperation to fight crime, including transnational organized crime, committed through the use of information and communication technologies, in particular mutual legal assistance, law enforcement cooperation and technical assistance.

### Australia

6. Australia proposed the retention of one of the agenda items of the Twelfth Congress: “Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime”. It was further suggested that an agenda item or theme be included on capacity-building and technical assistance activities to promote international crime cooperation.

7. Australia also expressed its preference that a theme on linkages between different forms of transnational organized crime be included in the agenda of the Thirteenth Congress. In that regard, it was noted that the regional transnational organized crime threat assessment for East Asia and the Pacific was due to be finalized in the first half of 2012, which would be the first such regional threat assessment to be completed. As such, the inclusion of that theme could provide an opportunity for a representative from the UNODC Regional Centre for East Asia and the Pacific, located in Bangkok, to make a presentation on the transnational organized crime threat assessment for East Asia and the Pacific and the lessons learned and outcomes derived therefrom.

### Bulgaria

8. Bulgaria underlined its obligations as a party to the principal international instruments against transnational organized crime and crimes posing a serious threat to society, and a party to the existing international human rights instruments. It was also reported that Bulgaria was actively involved in international cooperation in criminal matters at the bilateral, regional and international levels and was further engaged in close cooperation with international organizations and law enforcement agencies, including the International Criminal Police Organization (INTERPOL), the European Police Office (Europol), Eurojust, the Southeast European Law Enforcement Centre (SELEC) and the European Anti-Fraud Office (OLAF).

9. Moreover, Bulgaria provided information on activities of the Ministry of the Interior in areas such as the promotion of international cooperation, including through information exchange, for countering transnational organized crime with growing links to other criminal activities and emerging new forms of crime; enhancing the capacity of national authorities to fight cybercrime and increasing the security of computer networks; the cooperation with Internet service providers and

non-governmental organizations to ensure a safe Internet environment for children and youth; the protection of the interests of owners of intellectual property rights, directly or through specialized associations on copyright management, and cooperation to that end with non-governmental organizations and the private sector; specialized training activities and exchange of experience with foreign counterparts; the prevention of and the fight against violence against women, as well as trafficking in persons and the protection of victims of trafficking through the implementation of national policies and strategies by the National Commission for Combating Human Trafficking, which is chaired by the Minister of the Interior; the fight against drug trafficking in the context of transnational organized crime and the promotion of bilateral, regional and international cooperation to tackle related challenges; implementing legislation and strengthening international cooperation to curb trafficking in cultural property, including the recovery and return of such property; and developing strategies to combat money-laundering and illicit capital flows, as well as adopting mechanisms on detecting and seizing proceeds of crime.

### **Canada**

10. Canada provided a comprehensive proposal containing not only suggestions in relation to the agenda of the Thirteenth Congress, but also proposals pertaining to its structure, conduct and outcome, taking into account the recommendations made by the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice at its meeting held in Bangkok from 15 to 18 August 2006 (see E/CN.15/2007/6).

11. With regard to ways and means to improve the efficiency of the process involved in preparing and conducting the United Nations congresses on crime prevention and criminal justice, Canada was of the view that the Commission on Crime Prevention and Criminal Justice should continue the discussion already started at its twentieth session in 2011, reflect on the current structure of the agenda of the Congresses, and decide whether adjustments should be made in order to render the process more efficient. In that regard, it was recalled that the General Assembly, in its resolution 46/152, identified as main tasks of the crime congresses the provision of suggestions for future work within the crime programme, the identification of emerging issues of concern to the world community and the provision of a political framework to guide the work of the Commission in the five years between successive congresses.

12. Canada noted that there had been criticism regarding the large number of agenda items that had to be merged at the last minute in preparation for the Twelfth Congress. Canada argued that trying to accommodate, in the name of consensus-building, a number of issues that did not really fit together, or discussing similar issues under an agenda item and during a workshop, did not favour focused discussions and an exchange of views between Congress delegates. Furthermore, too many agenda items and workshops also made it difficult for smaller delegations to participate in all the meetings taking place during the Congress, including the ancillary meetings, which represented one of the elements of added value of the congresses. Canada argued that the Commission should be more disciplined in choosing precise and well-delineated issues, which would allow for a more focused and dynamic discussion and exchange of information.

13. Recalling that participants in the meeting of the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice held in Bangkok in 2006 recognized the beneficial impact of the high-level segment as an integral part of the proceedings of the congresses, Canada was of the view that the high-level segment should be maintained. Consistent with the mandate of the congresses, Ministers and other high-level officials should be encouraged to focus their interventions on the main theme of the Congress, with a view to providing suggestions for future work within the crime programme and identifying emerging issues of concern to the world community. Reiterating the recommendation made at the twentieth session of the Crime Commission to restructure the high-level segment of the crime congress, holding it at the beginning of the crime congress and reducing its duration (E/2011/30, para. 91), Canada stressed that the Commission should, at its twenty-first session, reflect on that issue and decide on the best format for the high-level segment of the Thirteenth Congress.

14. Canada further highlighted that the way agenda items had been addressed in the Congress plenary proceedings proved not to be conducive to interactive exchanges between participants. Therefore, the time might have come to abolish agenda items of general discussion as they currently existed in favour of more focused discussions and exchange of views between Congress delegates. Canada suggested doing away with the agenda items altogether, and, instead, devoting more time to the workshops, which were more interactive and better suited to fulfilling two of the main tasks of the congresses, namely, providing suggestions for future work within the crime programme and identifying emerging issues of concern to the world community. Member States wishing to make statements on the general theme of the Congress would be invited to do so at the high-level segment.

15. Moreover, Canada underlined that the workshops should be maintained and that more time should be allocated to them in the agenda of the Congress. Devoting more time to the workshops would allow for more in-depth discussion of the agenda items. In turn, such in-depth discussions would serve to nourish the future work of the Crime Commission. Canada suggested that, while each workshop generally produced a series of conclusions and recommendations, it should also be tasked with developing one paragraph to be included in the Congress declaration. That would ensure that substantive input was developed in the presence of substantive experts. Canada further recommended that the number of workshops be limited and that no workshop be held on the last day of the Congress. That would allow the results of the deliberations of each workshop to be presented and discussed on the last day of the Congress, leading to the adoption of the final Congress declaration. Canada was also of the view that the workshops should continue to be organized in close collaboration with the institutes of the United Nations crime prevention and criminal justice programme network.

16. Canada also noted that the ancillary meetings organized by civil society should be encouraged, with more participation from Member States, as such interaction with key players in the criminal justice system was beneficial to all. Bearing that in mind, the number of ancillary meetings should also be limited in order to maximize the participation of delegates.

17. With regard to the adoption of a declaration as the outcome of the Congress, Canada described a dilemma linked to its negotiation and formulation. On the one

hand, starting the negotiation of the Congress declaration at the earliest possible opportunity saved some time and considerable resources. On the other hand, the further in advance a declaration was negotiated, the more disconnected it would be from the actual deliberations of the Congress. As a solution, Canada proposed leaving until the actual holding of the Congress the part of the declaration to be produced by the Congress, for example, the paragraphs to be drafted by each workshop, while the rest of the declaration would be negotiated in advance and not on site.

18. Regarding the thematic approach for the Thirteenth Congress, Canada observed that the congresses had, in recent years, adopted inward-looking agendas, looking at how Member States define and respond to specific forms of crime. Canada proposed departing from that practice and adopting a new approach for the Thirteenth Congress, which would focus on an outward-looking theme — to be determined — and which would further look at how crime, crime prevention and criminal justice fitted within the broader global agenda, rather than at how Member States defined and responded to specific forms of crime.

19. In that context, the next Congress could consider how national and global policymaking had changed in the era of high-tech globalization, what the implications were for crime prevention, criminal justice and the treatment of offenders and how those issues fitted within the broader context of global issues. It could also consider crime issues as a component of a range of other specific global development issues, such as international legal order, rule of law, human rights, conflict and reconstruction, economic and trade issues and transport and communications issues. That contextual approach might lead to some new and unconventional discussions and solutions. For example, if the discussion established that a particular issue was a problem in terms of social, economic, reconstruction, migration and other contexts, that could lead to recommendations in favour of more coordinated strategies for responding in the same ways in the different contexts and for integrating crime-reduction into those other agendas. To structure the discussions and reassure various delegations and other stakeholders that specific issues would not be excluded, the overarching theme would form the basis of a series of more specific sub-themes that would be integrated into the agenda as workshop topics.

20. Canada highlighted that one advantage of the proposed approach was that it would be broad enough and should permit sufficient latitude to encompass the various issues that Member States might insist on seeing addressed, while proposing a new contextual perspective through which the discussions might take place. As Canada did not wish to suggest specific topics, it referred to the following indicative examples of sub-themes that could be addressed under the proposed “outward-looking” approach, bearing in mind that the number of sub-themes would have to be limited: crime, human rights and the rule of law (that would include both the role of criminal justice in protecting human rights and the role of human rights in the justice system, and the role of the rule of law in both); crime and international peace, security and reconstruction (post-conflict and post-disaster situations); crime and technological change, including cybercrime, as well as the use of technologies by organized criminal groups and for trafficking, among other crimes; and crime and trade, commerce and the global economy (that could cover specific areas of economic crime and possibly corruption).

**China**

21. China proposed the following topics for the Thirteenth Congress: strengthening of international cooperation to develop the capacity of all countries to prevent and combat cybercrime; the establishment of bilateral and multilateral mechanisms for international exchange and cooperation to combat transnational organized crime; and the expansion of international cooperation and exchange in the area of non-traditional forms of crime.

22. China further reported that it had adopted a series of legislative, administrative and judicial measures and focused on expanding its international cooperation, which, in turn, had led to tangible results in national efforts to combat terrorism, economic fraud and identity-related crime, transnational organized crime, cybercrime and corruption, as well as to extending legal aid and strengthening international cooperation. China elaborated on the adoption of legislative decisions and the strengthening of anti-terrorism efforts, including through the establishment of legal definitions of terrorist activities, organizations and their members by reference to the international conventions to which China had acceded; the adoption of a multi-pronged approach to the prevention and punishment of economic fraud; the progress made in the field of prevention of crimes against children and the strengthening of the protection of their rights; the promotion of international cooperation to combat corruption; the strengthening of criminal justice assistance to combat transnational organized crime effectively; the improvement of online security to enhance capacity to prevent and combat cybercrime; and the amendment of legislation to extend the scope of legal aid from trials only to pretrial proceedings and to cases where the suspect might face a sentence of life imprisonment.

**Costa Rica**

23. Costa Rica reported on national action to strengthen international cooperation in criminal matters, including through proposals to sign bilateral agreements in the fields of extradition and mutual legal assistance, the ratification and implementation of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption and the promotion of information-exchange in the region. With respect to the national level, Costa Rica referred to institutional training to improve capacity to counter organized crime and money-laundering. Videoconferences had been widely used for the purpose of witness testimony in criminal proceedings. Reference was also made to the creation of a website containing information on trafficking in persons at the national and international levels, as well as the development of a manual on investigative and prosecution practices in cases of trafficking in persons. In addition, it was reported that specialized prosecutors on drug trafficking and theft of motor vehicles functioned under the Deputy Attorney against organized crime.

**Ecuador**

24. Ecuador proposed the following topics for inclusion in the agenda of the Thirteenth Congress: new legal developments for the criminalization of trafficking in cultural property and the ways to combat it; an analysis of new and sophisticated ways of trafficking in cultural property; the use of information and communication technologies for trafficking in cultural property and the creation of a legal basis for criminalizing such behaviour and establishing controls; development of proceedings

to restore cultural property; strategies to intensify international cooperation in that field; and the establishment of appropriate mechanisms to repatriate cultural objects to their countries of origin. In addition, Ecuador proposed the following as additional topics: the protection of the human rights of persons deprived of their liberty; and issues of restorative justice.

25. Ecuador further reported on national action to prevent and address child and youth crime, including educational and awareness-raising activities, inter-agency coordination, the collection of statistical data and training. It was reported that specific proposals for legislative action were pending before the National Assembly dealing with trafficking in cultural property and international cooperation to combat it, including through the Organized Crime Convention. In that context, a proposal was made by Ecuador for the negotiation of an additional protocol to the Organized Crime Convention to cover trafficking in cultural property. Furthermore, Ecuador reported that bilateral treaties on the same issue were being considered for conclusion, and a special unit for the investigation of crimes against cultural patrimony was created in 2010 within the organizational structure of the Office of the Attorney General.

### **El Salvador**

26. El Salvador suggested as a general theme of the Thirteenth Congress the prevention and control of new forms of crime, including environmental crime, trafficking in cultural property and cybercrime. Among the topics suggested for the plenary proceedings and the workshops of the Congress were the following: effective gender equality in crime prevention and access to justice; legislation and policies to prevent victimization; protection against illicit traffic of cultural property; new forms of crime; prevention of youth crime; strengthening of synergies between the private and public sectors to prevent and combat crime; cybercrime; and alternative forms of imprisonment, including community service.

27. El Salvador also provided information on its legislation against criminal groups and on its institutional mechanism to deal with trafficking in persons and the protection of victims. In the field of international cooperation in criminal matters, reference was made to an Ibero-American agreement on the use of videoconferences in international cooperation among justice systems, adopted by the Conference of Ministers of Justice of Ibero-American Countries (COMJIB). El Salvador also referred to efforts for the harmonization of legislation to efficiently fight organized crime in Central America, made by COMJIB and the Spanish Agency of International Development Cooperation (AECID). El Salvador further reported on action to promote the modernization of educational curricula and the improvement of the penitentiary system.

28. El Salvador stressed that its national authorities were developing guidelines to update the prosecution and prevention of crimes that can affect society. Further, the country is a party to bilateral agreements to fight corruption, drug trafficking and terrorism.

### **Finland**

29. Instead of proposing an overall theme or agenda items for the Thirteenth Congress, Finland proposed the inclusion of a workshop topic on “Trafficking in

human beings for the purpose of forced labour and labour exploitation". In support of that proposal, Finland noted that, according to the International Organization for Migration, the number of international migrants had grown worldwide over recent years. It was expected that that number would increase further in the near future, as the labour force was rapidly growing in less developed countries, while the demand for migrant labour was likely to increase in the developed world. Finland stressed that the ongoing economic upheaval and downturn might result in yet unexpected new migration flows of people in search of better economic opportunities. In that context, more attention needed to be devoted to the challenge of trafficking in persons for the purpose of labour exploitation, as, internationally, trafficking in persons had largely been addressed so far in the context of sexual exploitation, rather than labour exploitation.

30. Finland further proposed the following possible themes/focus areas for the Thirteenth Congress: the challenging definition of trafficking for labour exploitation and how forced labour and labour exploitation are defined through the use of examples from different jurisdictions and case law; operationalizing the indicators of exploitation and training key labour actors for the identification of victims; the investigation of trafficking for labour exploitation, with a focus on complex investigations across jurisdictions; the role of key labour actors, especially recruitment agencies and employers, in the prevention of trafficking for labour exploitation; victim assistance, including what works for victims of labour trafficking, the definition of victims' needs and an assessment of whether existing measures are adequate and targeted; and data collection issues.

#### **Guatemala**

31. Guatemala suggested topics related to the general theme of international cooperation in criminal matters as follows: international cooperation for carrying out joint investigations; gender perspective in the analysis of transnational organized crime; standardization of criminal types; asset recovery; standardization of definitions of criminal conduct; and platforms for information-exchange for the fight against organized crime and corruption.

32. Guatemala suggested the following topics for the workshops of the Thirteenth Congress: independence of the bodies in charge of the criminal prosecution and the effective application of the Guidelines on the Role of Prosecutors; contemporary forms of slavery linked to organized crime; access to justice in cases of homicide of women committed by organized criminal groups; the role of civil society in the fight against corruption and organized crime; bank secrecy and information-exchange; and prevention of torture and extrajudicial executions.

#### **Panama**

33. Panama reported on national efforts to enhance security and fight organized crime. It was stressed that several draft laws had been presented to the National Assembly aiming at establishing new legal norms against related criminal activities, as well as modernizing existing normative frameworks. Topics covered by that legislative action included firearms, security agencies, trafficking in persons, seizure and confiscation of proceeds of crime and the establishment of a stricter framework of sanctions. Other legislative action in preparation was related to smuggling of migrants, as well as witness and victim protection. Panama also

reported on national initiatives to strengthen and modernize law enforcement and public security agencies through increased funding for specialized and trained human resources and the acquisition of equipment. In addition, bilateral agreements have been concluded to enable the exchange of information and cooperation in the fight against transnational organized crime.

#### **Poland**

34. Poland submitted the following proposed topics for workshops of the Thirteenth Congress: issues related to the prevention of domestic violence and the rights of victims, in particular with regard to legal and penal measures isolating abusers from their victims, as well as cooperation between authorities in charge of the prevention of that type of violence and good practices relating to the upholding of the rights of victims; the effectiveness of prosecution of serious crimes, such as organized crime, terrorism, human trafficking, cybercrime, economic fraud, money-laundering, corruption, drug trafficking, and sexual crimes against women and children; effective mechanisms for the seizure, restraint and confiscation of proceeds of crime; and international cooperation in criminal matters to effectively prevent, prosecute and punish crime.

#### **Qatar**

35. Qatar, as the host country of the Thirteenth Congress, expressed its preference that the Congress deal with economic crime in its various manifestations, as it was a challenge that could seriously threaten the strategic, political and economic interests of both developed and developing countries. Building on the outcomes of previous congresses, especially the Eleventh Congress in Bangkok and the Twelfth Congress in Salvador, Brazil, Qatar underlined that the Thirteenth Congress would be the appropriate forum for the exchange of information and experiences among Member States with a view to further developing concerted action and fine-tuning practical measures to curb economic crime in its different forms.

36. To further elaborate its proposal, Qatar highlighted that, while economic crimes could be perpetrated by individuals, the level of sophistication and organization involved in many such crimes, in particular those with large illicit profits, suggested the involvement of organized criminal groups, and that the inextricable links and the relationship of economic crime to drug trafficking and other activities by transnational organized criminal groups had long been demonstrated. Similarly, evidence indicated the existence of close links between economic crime and corruption offences, in that corruption offences might be committed to facilitate economic crimes such as fraud, or the proceeds derived from the commission of an economic crime might be used for bribery/corruption purposes in both the public and the private sectors.

37. Qatar also drew attention to the fact that the proceeds of economic crime were a crucial parameter in the relevant discussion and emphasized the need for effective and robust mechanisms for the identification, tracing, freezing or seizure and confiscation of proceeds of crime at both the domestic and international levels. Such mechanisms should also enable the disposal of confiscated proceeds of crime in accordance with the requirements set forth in relevant international legal instruments, including the Convention against Corruption, which, as a major

breakthrough, included a separate chapter on asset recovery and made the return and disposal of assets derived from corruption offences a fundamental priority.

38. Consequently, the main theme of the Thirteenth Congress could reflect the necessity to devote attention to that particularly complex cluster of criminal activities, while the substantive topics of the agenda of the Congress could revolve around specific aspects of the main theme, including aspects pertaining to legislative approaches, law enforcement and investigation measures, preventive policies and strategies, and international cooperation. In that regard, the Congress could provide a conducive environment for shaping the crime prevention and criminal justice agenda of the international community in the field of economic crime. Additionally, the workshops could further complement the substantive discussions under the agenda items by offering the opportunity to discuss practical difficulties, solutions and best practices in greater depth.

### **Spain**

39. Spain reported that its Penal Code had been reformed incorporating modifications to comply with international obligations to which the country was bound and which related to the fight against corruption; the fight against terrorism and organized crime; trafficking in persons, including trafficking for the purpose of removal of organs; the protection of victims of sexual crimes; the special protection of women and children in armed conflicts; crimes against the environment; illicit drug trafficking; and cybercrime.

### **Thailand**

40. Thailand proposed the following as an overall theme for the Thirteenth Congress: "Meeting the challenges of transnational threats: integrated crime prevention and criminal justice strategies for a more secure world". In doing so, Thailand recalled that the report of the United Nations High-level Panel on Threats, Challenges and Change stated, inter alia, the following:

Transnational organized crime facilitates many of the most serious threats to international peace and security. Corruption, illicit trade and money-laundering contribute to State weakness, impede economic growth and undermine democracy. These activities create permissive environment for civil conflict. (A/59/565 and Corr.1, para. 23)

Recalling the need for a United Nations system-wide approach that integrated responses to transnational organized crime (including criminal justice reform) into its peacekeeping, peacebuilding, security, development and disarmament activities, Thailand was of the view that the time had come for the Congress to take a visionary approach that corresponded to the increasing nexus between transnational organized crime and the issue of security. It was underscored that the overall theme stated above not only reflected its importance for many Member States from all regions and their substantial concern, but also set the trend for integrating crime prevention and criminal justice into a broader global security and development agenda.

41. With respect to agenda items, Thailand suggested that emphasis be placed on the links between transnational organized crime and drug trafficking as threats to international peace and security. That suggestion went back to Thailand's proposal

to include that issue as a workshop topic for the Twelfth Congress in Brazil. Thailand underlined that the issue had steadily gained consensus support following the adoption of the Salvador Declaration, in which the Congress acknowledged the increasing links between transnational organized crime and drug trafficking in the context of the world drug problem. In addition, bearing in mind that the Security Council had recognized the major dangers posed by drug trafficking and organized crime for peace and international security and held several debates related to this question, Thailand was of the view that it was an emerging trend that the Congress should discuss further.

42. Under that agenda item, the following issues, for example, could be examined: the international legal and policy framework related to the links between transnational organized crime and drug trafficking, including the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the Organized Crime Convention and the Protocols thereto, and the Convention against Corruption, as well as the 2009 Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem; integrated crime prevention and criminal justice responses to transnational organized crime and drug trafficking and problems arising from their increasing links, such as law enforcement, investigative techniques, prosecution, mutual legal assistance, extradition, justice reform and awareness-raising; the negative impact of transnational organized crime and drug trafficking on the security environment (international, regional and national), particularly in the post-conflict societies and fragile States; and the way forward and recommendations, particularly proposals to strengthen a United Nations system-wide approach that integrates responses to transnational organized crime and drug trafficking into its peacekeeping, peacebuilding, security, development and disarmament activities.

43. Regarding the workshops topics, Thailand indicated best practices in the treatment of women in detention and in custodial and non-custodial settings and the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) as a possible topic. In that context, it was recalled that the question of standards and norms had long been on the agenda of successive congresses and that it was at the Twelfth Congress that the issue of women's corrections figured prominently, thus setting the stage for the adoption of the Bangkok Rules by the General Assembly at its sixty-fifth session, in 2010. Thailand argued that the Thirteenth Congress would be a timely and appropriate occasion for Member States to exchange best practices and accumulated experiences on the implementation of the Bangkok Rules following the first five years of their existence. It was further stressed that, should there be an agreement on the topic, the newly established Thailand Institute of Justice would be keen to collaborate with UNODC and other agencies to organize the workshop. The proposed workshop could examine and discuss, for example, the following issues: a global overview of the state of the treatment of women in detention and in custodial and non-custodial settings and sharing of national best practices and experiences in the implementation of the Bangkok Rules; practical solutions for issues related to legislation, procedures, policies and practices for women prisoners, alternatives to imprisonment for women offenders, and their reintegration into society; the provision of technical assistance and advisory services in the implementation of the Bangkok Rules, as well as cooperation among

relevant United Nations entities, intergovernmental and regional organizations and non-governmental organizations in that regard; and the dissemination of the Bangkok Rules and related training and awareness-raising activities and the promotion of research and programmed evaluation in that field.

44. A second possible workshop topic for the Thirteenth Congress suggested by Thailand was that of transitional justice and the rule of law in conflict and post-conflict societies. It was noted in that regard that transitional justice had been an important component of the United Nations work, particularly in the context of maintaining peace and security in conflict and post-conflict societies. While transitional justice was a cross-cutting issue involving various United Nations entities, the issue itself had not yet been explicitly addressed within the context of the crime congresses and the Commission on Crime Prevention and Criminal Justice. In the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies, it was highlighted that transnational organized crime was taking root in conflict and post-conflict settings, constituting an emerging threat to peace and security, development and the rule of law (S/2011/634). In that same report, the Secretary-General indicated his plan to provide effective support to national and regional capacity to combat transnational organized crimes and to set up appropriate anti-corruption bodies to support such endeavours. Bearing that in mind, Thailand emphasized that the Thirteenth Congress had a major role to play in delineating the future direction of crime prevention and criminal justice policies vis-à-vis transitional justice and the rule of law. It was further stressed that, should there be an agreement on that topic, the newly established Thailand Institute of Justice would be keen to collaborate with the UNODC and other agencies to organize this workshop. The proposed workshop could examine and discuss, for example, the following issues: a global overview of transitional justice and the rule of law in conflict situations and post-conflict societies, including the role of truth commissions; sharing of best practices and experiences in implementing transitional justice/rule of law programmes, from the perspectives of both the Rule of Law Coordination and Resource Group and States; practical solutions to respond to the threats emanating from transnational organized crime and drug trafficking in conflict and post-conflict societies; and the provision of technical assistance and advisory services on strengthening police, judicial, corrections and anti-corruption institutions in conflict and post-conflict situations, as well as promotion of relevant research.

#### **United States of America**

45. The United States proposed two agenda items for the Thirteenth Congress. The first was “Trafficking in human beings for the purpose of forced labour and labour exploitation”. The background argumentation to justify that proposal was similar to that used by Finland. A second proposal was for an agenda item entitled “Effective implementation of strategies and standards and norms, and measuring progress”. The United States argued that that topic would try to address what was working in the implementation of strategies and standards and norms, what was not working in that area and how related knowledge could be generated. The theme would provide an opportunity to review past criminal law reform measures and their effectiveness and contribution to promoting the rule of law. It would further focus on evaluation methods, assessment tools and indicators.

### **III. Preliminary informal consultations in preparation for the Thirteenth Congress**

46. With a view to streamlining at the earliest possible stage the preparatory arrangements to ensure the proper planning and efficiency of the Thirteenth Congress, UNODC held informal consultations with the national authorities of the host country of the Thirteenth Congress in Doha in November 2011. During those informal consultations, UNODC stressed the need for advance planning and close coordination with all parties involved in the preparation of the Congress, including the relevant counterparts of the host Government and the institutes of the United Nations crime prevention and criminal justice programme network. The UNODC representative briefed the national authorities of Qatar on key substantive aspects pertaining to the preparation, conduct and structure of the Thirteenth Congress. The briefing also included information on preparatory arrangements of an administrative nature (such as planning missions and the host country agreement). An indicative timeline was also presented to the authorities of Qatar delineating all the necessary steps and milestones of preparatory action on the road to the holding of the Thirteenth Congress in Doha, with a precise identification of the sequence of such actions, based on practice followed in the preparations for previous Congresses. The national authorities of Qatar reiterated their commitment to make all possible efforts to facilitate the preparations for the Congress.

### **IV. Conclusions**

47. The General Assembly, in its resolution 66/179, requested the Commission on Crime Prevention and Criminal Justice to approve the overall theme, the agenda items and the topics of the workshops of the Thirteenth Congress at its twenty-first session. In this regard, the Commission may wish to take into account the proposals and suggestions made by a number of Member States on those substantive aspects of the Thirteenth Congress. The Commission may also wish to take into consideration, when shaping the core strategic approach, objective and vision of the Thirteenth Congress, the fact that the event will mark the sixtieth anniversary of United Nations congresses on crime prevention and criminal justice.

48. The Commission may wish to bear in mind that the earlier that a decision is taken on the overall theme, the agenda items and the workshop topics of the Thirteenth Congress, the easier it will be to undertake preparatory activities. In particular, the development of the discussion guide and arrangements for the regional preparatory meetings, as well as consultations on the workshop programmes with the institutes of the United Nations crime prevention and criminal justice programme network, will be greatly facilitated. Further, the Secretariat will be able to consult with relevant non-governmental organizations for the organization of the ancillary meetings.

49. The Commission may wish to recall the recommendations of 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, which were endorsed by the General Assembly in its resolution 62/173. The Intergovernmental Group of Experts had

concluded that it remained of great importance to maintain the ability of congresses to tackle new and emerging trends and issues while preserving the capacity to advance consideration of mainstream crime prevention and criminal justice issues. To achieve those goals, the Group of Experts reiterated the need to ensure that future congresses, including their preparatory process, concentrated their efforts on carefully selected and sharply focused issues (E/CN.15/2007/6, para. 35).

50. The Intergovernmental Group of Experts had recommended that in selecting the substantive topics for a congress, the Commission should give consideration to the following:

(a) Issues on the agenda should be of substantial concern and importance to as many States as possible from all regions;

(b) A balance should be struck between issues related to crime prevention and control on the one hand and issues related to criminal justice on the other;

(c) Issues of political significance on which consensus has already been reached, but for which a reiteration of political commitment might be warranted or desirable, or on which progress in action by the international community would be registered;

(d) Issues likely to command consensus for the first time;

(e) Emerging issues that do not enjoy consensus and are not likely to do so in the near future, but that warrant more discussion and accumulation of knowledge.”<sup>2</sup>

51. Furthermore, it recommended that the following criteria should be used for the selection of workshop topics:

(a) Within the overall framework of the substantive items before a congress, the workshops should have a narrower scope, targeting specific issues, which might include emerging trends;

(b) The topics of the workshops should be relevant, or of substantial concern and importance, to as many States as possible from all regions;

(c) The workshops should focus on practical solutions, including best practices;

(d) The workshops should foster an exchange of views, raise awareness and create a body of knowledge for practitioners, policymakers, representatives of non-governmental organizations and the academic and scientific professional community, as well as the private sector as appropriate;

(e) Wherever appropriate, the workshops should stimulate and create opportunities for international cooperation and technical assistance.”<sup>3</sup>

52. Building on the mandate given to it by the General Assembly, the Commission may wish to reach a consensus on the priorities and views of Member States on the overall theme of the Congress, as well as the agenda items and workshops topics, and, thus, approve all three components at its twenty-first session. Alternatively, the

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<sup>2</sup> E/CN.15/2007/6, para. 37.

<sup>3</sup> Ibid., para. 39.

Commission may wish to identify the overall theme of the Congress and decide to devote more discussions to the agenda items and workshops topics between the holding of the twenty-first session in March 2012 and the reconvened twenty-first session in December 2012. In that case, final approval by the Commission will take place at its reconvened twenty-first session, with subsequent endorsement by the General Assembly in December 2013.

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