



# Eleventh United Nations Congress on Crime Prevention and Criminal Justice

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

**Bangkok, 18-25 April 2005**

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\* The present document is an advance version of the report. The final report will be issued as a United Nations sales publication.



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## Chapter I

### Resolutions adopted by the Congress

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

#### Resolution 1

#### **Bangkok Declaration**

#### **Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice**

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

*Having assembled* at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice in Bangkok from 18 to 25 April 2005 to decide to take more effective concerted action, in a spirit of cooperation, to combat crime and seek justice,

*Convinced* that the United Nations congresses on crime prevention and criminal justice, which constitute a major intergovernmental forum, have contributed to national policies and practices by facilitating the exchange of views and experience, mobilizing public opinion and recommending policy options at the national, regional and international levels, thus making a significant contribution to progress and the promotion of international cooperation in crime prevention and criminal justice,

*Recalling* the work of the ten previous United Nations congresses,

*Reaffirming* the responsibility vested in the United Nations Crime Prevention and Criminal Justice Programme to work, together with Member States and regional and international organizations, in the field of crime prevention and criminal justice,

*Greatly concerned* by the expansion and dimensions of transnational organized crime, including illicit drug trafficking, money-laundering, trafficking in persons, smuggling of migrants, illegal arms trafficking and terrorism, and any existing links between them, and by the increasing sophistication and diversification of the activities of organized criminal groups,

*Emphasizing* that enhancing dialogue among civilizations, promoting tolerance, preventing the indiscriminate targeting of different religions and cultures and addressing development issues and unresolved conflicts will contribute to international cooperation, which is among the most important elements to combat terrorism in all its forms and manifestations, and reaffirming that no terrorist act can be justified in any circumstances,

*Reaffirming* that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and should adopt such measures in conformity with the Charter of the United Nations and international law, in particular international human rights, refugee and humanitarian law,

*Alarmed* by the rapid growth, geographical extent and effects of new economic and financial crimes, which have emerged as significant threats to national economies and the international financial system,

*Highlighting* the need for an integrated and systemic approach to combating corruption and money-laundering, within existing frameworks and instruments, in particular those under the aegis of the United Nations, since those crimes can be conducive to the perpetration of other criminal activities,

*Noting with appreciation* the work of the regional preparatory meetings for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice,<sup>1</sup>

*Declare as follows:*

1. We proclaim our political will and commitment to achieve the aspirations and objectives as set out in this Declaration.

2. We reaffirm our continued support for and commitment to the United Nations and to the United Nations Crime Prevention and Criminal Justice Programme, especially the Commission on Crime Prevention and Criminal Justice and the United Nations Office on Drugs and Crime, the United Nations Interregional Crime and Justice Research Institute and the institutes of the Programme network, and resolve to strengthen the Programme further through sustained funding, as appropriate.

3. In a spirit of common and shared responsibility, we reaffirm our readiness to seek to improve international cooperation in the fight against crime and terrorism, at the multilateral, regional and bilateral levels, in areas including, among others, extradition and mutual legal assistance. We seek to ensure our national capacity and, where appropriate, the coherence of our international capacity, through the United Nations and other relevant global and regional organizations, to engage in international cooperation, in particular in the prevention, investigation, prosecution and adjudication of transnational organized crime and terrorism and in discovering any existing links between them.

4. We welcome the entry into force of the United Nations Convention against Transnational Organized Crime and two of its Protocols.<sup>2</sup> We call upon all States that have not yet done so to seek to ratify or accede to and implement the provisions of that Convention and its Protocols, as well as the provisions of the United Nations Convention against Corruption<sup>3</sup> and the international instruments against terrorism. In implementing the provisions of those instruments, we commit ourselves to full compliance with our obligations under international law, in particular international human rights law, refugee law and humanitarian law. We support every effort to facilitate the implementation of those instruments.

5. We call upon donor States and financial institutions to continue to make adequate voluntary contributions on a regular basis for the provision of technical assistance to developing countries and to countries with economies in transition, in order to help build their capacity to prevent and tackle crime in all its forms and apply the United Nations standards and norms in crime prevention and criminal

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<sup>1</sup> A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1.

<sup>2</sup> General Assembly resolution 55/25, annexes I-III.

<sup>3</sup> General Assembly resolution 58/4, annex.

justice and, in particular, to facilitate their becoming parties to and implementing the international instruments against terrorism and the relevant international instruments against crime, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption and the international drug control conventions.

6. We support a more integrated approach within the United Nations in relation to the provision of assistance for building capacity in crime prevention and criminal justice, and in cooperation in criminal matters of a transnational character, as a contribution to the establishment and strengthening of the rule of law.

7. We seek to improve our responses to crime and terrorism nationally and internationally, inter alia, by collecting and sharing information on crime and terrorism and on effective countermeasures, in accordance with national legislation. We welcome the important work done by the United Nations Office on Drugs and Crime and the United Nations Crime Prevention and Criminal Justice Programme network in the area of trends in crime and justice.

8. We are convinced that upholding the rule of law and good governance and proper management of public affairs and public property at the local, national and international levels are prerequisites for creating and sustaining an environment for successfully preventing and combating crime. We are committed to the development and maintenance of fair and efficient criminal justice institutions, including the humane treatment of all those in pre-trial and correctional facilities, in accordance with applicable international standards.

9. We recognize the role of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in contributing to the prevention of and the fight against crime and terrorism. We encourage measures to strengthen this role within the rule of law.

10. We recognize that comprehensive and effective crime prevention strategies can significantly reduce crime and victimization. We urge that such strategies address the root causes and risk factors of crime and victimization and that they be further developed and implemented at the local, national and international levels, taking into account, inter alia, the Guidelines for the Prevention of Crime.<sup>4</sup>

11. We note that countries emerging from conflict are particularly vulnerable to crime, in particular organized crime and corruption, and therefore we recommend that Member States, regional organizations and international entities such as the United Nations Office on Drugs and Crime, in coordination with the Department of Peacekeeping Operations of the Secretariat and other relevant entities, provide more effective responses to these problems, in order to re-establish, strengthen or sustain the rule of law and deliver justice in post-conflict situations.

12. With regard to the increased involvement of organized criminal groups in the theft of and trafficking in cultural property and illicit trafficking in protected species of wild flora and fauna, we recognize the importance of combating these forms of crime and, bearing in mind the relevant international legal instruments, such as the Convention on Means of Prohibiting and Preventing the Illicit Import,

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<sup>4</sup> Economic and Social Council resolution 2002/13, annex.

Export and Transfer of Ownership of Cultural Property,<sup>5</sup> the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>6</sup> and the Convention on Biological Diversity,<sup>7</sup> we call upon Member States to take effective measures to strengthen international cooperation.

13. We note with concern the rise of kidnapping and trafficking in persons as serious, profitable and inhumane forms of organized crime, often committed with the objective of funding criminal organizations and, in some cases, terrorist activities, and hence recommend that measures be devised to combat these crimes and that attention be given to the creation of practical mechanisms for countering them. We recognize the need to implement measures intended to provide adequate assistance and protection to victims of kidnapping and trafficking in persons and their families.

14. Mindful of General Assembly resolution 59/156 of 20 December 2004, on preventing, combating and punishing trafficking in human organs, we note the serious concerns raised about the illicit removal of and trafficking in human organs and will examine with interest the report of the Secretary-General requested in that resolution.

15. We reaffirm the fundamental importance of implementation of existing instruments and the further development of national measures and international cooperation in criminal matters, such as consideration of strengthening and augmenting measures, in particular against cybercrime, money-laundering and trafficking in cultural property, as well as on extradition, mutual legal assistance and the confiscation, recovery and return of proceeds of crime.

16. We note that, in the current period of globalization, information technology and the rapid development of new telecommunication and computer network systems have been accompanied by the abuse of those technologies for criminal purposes. We therefore welcome efforts to enhance and supplement existing cooperation to prevent, investigate and prosecute high-technology and computer-related crime, including by developing partnerships with the private sector. We recognize the important contribution of the United Nations to regional and other international forums in the fight against cybercrime and invite the Commission on Crime Prevention and Criminal Justice, taking into account that experience, to examine the feasibility of providing further assistance in that area under the aegis of the United Nations in partnership with other similarly focused organizations.

17. We recognize the importance of giving special attention to the need to protect witnesses and victims of crime and terrorism, and we commit ourselves to strengthening, where needed, the legal and financial framework for providing support to such victims, taking into account, inter alia, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.<sup>8</sup>

18. We call upon Member States to take steps, in accordance with their domestic laws, to promote access to justice, to consider the provision of legal aid to

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<sup>5</sup> United Nations, *Treaty Series*, vol. 823, No. 11806.

<sup>6</sup> *Ibid.*, vol. 993, No. 14537.

<sup>7</sup> *Ibid.*, vol. 1760, No. 30619.

<sup>8</sup> General Assembly resolution 40/34, annex.

those who need it and to enable the effective assertion of their rights in the criminal justice system.

19. We note with concern the problem of trafficking in illicit drugs and the serious socio-economic consequences it entails, and therefore we call for the strengthening of international cooperation in combating that form of organized crime.

20. We will strengthen international cooperation in order to create an environment that is conducive to the fight against crime, including by promoting growth and sustainable development and eradicating poverty and unemployment through effective and balanced development strategies and crime prevention policies.

21. We call upon States that have not yet done so to become parties to and implement the universal instruments against terrorism. In order to enhance the capacity of States to become parties to and implement those instruments and to comply with the relevant Security Council resolutions against terrorism, we express our support for the continuing efforts of the United Nations Office on Drugs and Crime, within its mandate and in coordination with the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate of the Security Council, to assist States in their efforts to ratify and implement those instruments, through the provision of technical assistance upon request. This might include assistance to criminal justice systems to facilitate the effective implementation of those instruments.

22. We express the hope that the ongoing negotiation of the draft comprehensive convention on international terrorism will be concluded as soon as possible. In this context, we recognize that arriving at a possible definition of terrorism is one of the key issues to be resolved. We call upon Member States to consider signing and ratifying the International Convention for the Suppression of Acts of Nuclear Terrorism.<sup>9</sup>

23. We are convinced that the expeditious entry into force and subsequent implementation of the United Nations Convention against Corruption are central to the efforts at the international level to fight corruption, and therefore we accord high priority to supporting efforts to that end, and we call upon all States that have not yet done so to seek to sign, ratify or accede to it.

24. We are also convinced that the proper management of public affairs and public property and the rule of law are essential to the prevention and control of corruption, including, *inter alia*, through effective measures for its investigation and prosecution. Furthermore, we recognize that, in order to curb corruption, it is necessary to promote a culture of integrity and accountability in both the public and the private sector.

25. We are convinced that asset recovery is one of the essential components of the United Nations Convention against Corruption and, for that reason, we emphasize the need to adopt measures to facilitate asset recovery that are consistent with the principles of that convention.

26. We are conscious of the challenge of investigating and prosecuting complex cases involving economic and financial crimes, including money-

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<sup>9</sup> General Assembly resolution 59/290, annex.

laundering. We call upon Member States to strengthen policies, measures and institutions for national action and international cooperation in the prevention, investigation and prosecution of economic and financial crimes, including money-laundering, and such crimes conducted via, or facilitated by, information technologies, in particular in connection with the financing of terrorism and trafficking in illicit drugs.

27. We are conscious of the crucial importance of tackling document and identity fraud in order to curb organized crime and terrorism. We seek to improve international cooperation, including through technical assistance, to combat document and identity fraud, in particular the fraudulent use of travel documents, through improved security measures, and encourage the adoption of appropriate national legislation.

28. We recommend that voluntary contributions and appropriate technical assistance be made available to developing countries, to strengthen their capacity in order to support their efforts to fight economic and financial crimes effectively.

29. As appropriate, we endeavour to use and apply the United Nations standards and norms in our national programmes for crime prevention and criminal justice reform and to undertake, as needed, efforts to ensure their wider dissemination. We endeavour to facilitate appropriate training for law enforcement officials, including prison officials, prosecutors, the judiciary and other relevant professional groups, taking into account those norms and standards and best practices at the international level.

30. We recommend that the Commission on Crime Prevention and Criminal Justice give consideration to reviewing the adequacy of standards and norms in relation to prison management and prisoners.

31. We note with concern that the physical and social conditions associated with imprisonment may facilitate the spread of HIV/AIDS in pre-trial and correctional facilities and thus in society, thereby presenting a critical prison management problem; we call upon States to develop and adopt measures and guidelines, where appropriate and in accordance with national legislation, to ensure that the particular problems of HIV/AIDS are adequately addressed in such facilities.

32. To promote the interests of victims and the rehabilitation of offenders, we recognize the importance of further developing restorative justice policies, procedures and programmes that include alternatives to prosecution, thereby avoiding possible adverse effects of imprisonment, helping to decrease the caseload of criminal courts and promoting the incorporation of restorative justice approaches into criminal justice systems, as appropriate.

33. We affirm our determination to pay particular attention to juvenile justice. We will consider ways to ensure the provision of services to children who are victims of crime and children in conflict with the law, in particular those deprived of their liberty, and also to ensure that those services take into account their gender, social circumstances and developmental needs and the relevant United Nations standards and norms, as appropriate.

34. We stress the need to consider measures to prevent the expansion of urban crime, including by improving international cooperation and

capacity-building for law enforcement and the judiciary in that area and by promoting the involvement of local authorities and civil society.

35. We express our profound gratitude to the people and Government of Thailand for their warm and generous hospitality towards the participants and for the excellent facilities provided for the Eleventh Congress.

## **Resolution 2**

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

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

*Having examined* the report of the Credentials Committee,<sup>10</sup>

*Approves* the report of the Credentials Committee, as orally amended.

## **Chapter II**

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

2. The Eleventh United Nations Congress on Crime Prevention and Criminal Justice was convened in accordance with paragraph (d) of the annex to General Assembly resolution 415 (V) of 1 December 1950, which provided for the convening every five years of an international congress in the field, as well as in pursuance of Assembly resolutions 46/152, annex, of 18 December 1991, 56/119 of 19 December 2001, 57/170 of 18 December 2002, 58/138 of 22 December 2003 and 59/151 of 20 December 2004.

3. In its resolution 56/119, the General Assembly decided that the institutes of the United Nations Crime Prevention and Criminal Justice Programme network should be invited to assist in the preparations for the workshops to be held within the framework of the United Nations congresses on crime prevention and criminal justice. On the recommendation of the Commission on Crime Prevention and Criminal Justice, acting as the preparatory body of the Eleventh Congress, the Assembly adopted resolution 58/138, in which it decided on the six issues to be considered by the workshops to be held within the framework of the Eleventh Congress and emphasized the importance of the workshops.

4. Regional preparatory meetings for the Eleventh Congress were held in Addis Ababa from 1 to 3 March 2004, in cooperation with the Economic Commission for Africa; in Bangkok from 29 to 31 March 2004, in cooperation with the Economic and Social Commission for Asia and the Pacific; in San José from 19 to 21 April 2004, at the invitation of the Government of Costa Rica and in cooperation with the Latin American Institute for the Prevention of Crime and the Treatment of Offenders; and in Beirut from 28 to 30 April 2004, in cooperation with the Economic and Social Commission for Western Asia.<sup>11</sup> A number of preparatory activities related to the organization of the workshops were also undertaken.

<sup>10</sup> A/CONF.203/17.

<sup>11</sup> For the reports of the regional preparatory meetings, see A/CONF.203/RPM.1/1,

5. In its resolution 57/171 of 18 December 2002, the General Assembly accepted with gratitude the offer of the Government of Thailand to host the Eleventh Congress and decided that the main theme of the Congress should be “Synergies and responses: strategic alliances in crime prevention and criminal justice”. In its resolution 58/138, the Assembly decided to hold the Eleventh Congress from 18 to 25 April 2005; and also decided that the high-level segment of the Eleventh Congress should be held during the last three days of the Congress to allow Heads of State or Government or government ministers to focus on the main substantive agenda items of the Congress. In its resolution 59/151, the Assembly reiterated its invitation to Member States to be represented at the highest possible level and to participate actively in the high-level segment. Progress reports on preparations for the Eleventh Congress were submitted to the Economic and Social Council and the General Assembly in 2003 (A/58/87-E/2003/82) and in 2004 (A/59/123-E/2004/90).

## **Chapter III**

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

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

6. The Eleventh United Nations Congress on Crime Prevention and Criminal Justice was held in Bangkok from 18 to 25 April 2005, pursuant to General Assembly resolutions 56/119, 57/170, 58/138 and 59/151.

#### **B. Pre-Congress consultations**

7. In conformity with the practice followed at United Nations special conferences and pursuant to General Assembly resolution 56/119, informal pre-Congress consultations were held on 17 April 2005. Participation in the consultations was open to representatives of all States invited to the Congress. A number of recommendations on the organization of work of the Congress were agreed upon in the course of the consultations (see A/CONF.203/L.1).

#### **C. Attendance**

8. The following States were represented at the Congress: Afghanistan, Algeria, Andorra, Angola, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Denmark, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Holy See, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kiribati, Kuwait, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mexico,

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A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1.

Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Samoa, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

9. The following units of the Secretariat were represented by observers: Executive Office of the Secretary-General, Office of Legal Affairs, Department of Economic and Social Affairs, United Nations Human Settlements Programme, United Nations Office on Drugs and Crime, Secretariat of the Economic and Social Commission for Asia and the Pacific, Office of the United Nations High Commissioner for Human Rights, Office of the United Nations High Commissioner for Refugees, Office for the Coordination of Humanitarian Affairs, Department of Public Information, Office of Internal Oversight Services, Counter-Terrorism Committee Executive Directorate, United Nations Interim Administration Mission in Kosovo, United Nations Assistance Mission in Afghanistan and United Nations Operation in Burundi.

10. The United Nations Development Programme was represented by an observer.

11. The United Nations Interregional Crime and Justice Research Institute and the following regional and affiliated institutes of the United Nations Crime Prevention and Criminal Justice Programme network were also represented by observers: Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control affiliated with the United Nations, African Institute for the Prevention of Crime and the Treatment of Offenders, International Centre for Criminal Law Reform and Criminal Justice Policy, Australian Institute of Criminology, International Institute of Higher Studies in Criminal Sciences, Naif Arab University for Security Sciences, International Centre for the Prevention of Crime, Institute for Security Studies and Korean Institute of Criminology. The International Scientific and Professional Advisory Council was also represented by an observer.

12. The following specialized agencies were also represented by observers: Food and Agriculture Organization of the United Nations, International Civil Aviation Organization, World Bank, International Monetary Fund and International Fund for Agricultural Development.

13. The following intergovernmental organizations were represented by observers: African Union, Asia/Pacific Group on Money Laundering, Asian Development Bank, Asian-African Legal Consultative Organization, Cites, Commonwealth of Independent States, Council of Arab Ministers of the Interior, Council of Europe, Council of the European Union, Customs Cooperation Council (also known as the World Customs Organization), European Commission, European Police Office, Financial Action Task Force on Money Laundering, Inter-American Development Bank, Intergovernmental Agency of la Francophonie, International Committee of the Red Cross, International Criminal Court, International Criminal Police Organization, International Federation of Red Cross and Red Crescent Societies, International Organization for Migration, League of Arab States, Organization for

Economic Cooperation and Development, Organization of American States, Pacific Islands Forum secretariat and Scandinavian Research Council for Criminology.

14. The following non-governmental organizations were represented by observers: Academy of Criminal Justice Sciences, American Correctional Association, American Society of Criminology, Amnesty International, Asia Crime Prevention Foundation, Asian Forum for Human Rights and Development, Defence for Children International, Foundation FCPAT International (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes), Friends World Committee for Consultation, Howard League for Penal Reform, Human Rights Advocates, Inter-American Bar Association, International Association against Drug Abuse and Drug Trafficking, International Association of Penal Law, International Association of Prosecutors, International Bureau for Children's Rights, International Commission of Catholic Prison Pastoral Care, International Corrections and Prisons Association for the Advancement of Professional Corrections, International Council of Women, International Federation of Non-governmental Organizations for the Prevention of Drug and Substance Abuse, International League for Human Rights, International Prisoners Aid Association, International Real Estate Federation, International Society for Criminology, International Society for Traumatic Stress Studies, International Society of Social Defense and Humane Criminal Policy, Interreligious and International Federation for World Peace, Japan Federation of Bar Associations, Muslim World League, Penal Reform International, Prison Fellowship International, Soroptimist International, Transparency International, World Federation of United Nations Associations and World Society of Victimology.

15. Over 1,100 individual experts participated in the Eleventh Congress as observers.

#### **D. Opening of the Congress**

16. The Eleventh United Nations Congress on Crime Prevention and Criminal Justice was officially opened, on behalf of the Secretary-General of the United Nations, by Antonio Maria Costa, Secretary-General of the Eleventh Congress, Under-Secretary-General of the United Nations, Director-General of the United Nations Office at Vienna and Executive Director of the United Nations Office on Drugs and Crime (UNODC).

17. The Eleventh Congress observed a minute of silence for the late Pope John Paul II and the late Prince Rainier of Monaco.

18. The Secretary-General of the Eleventh Congress read an opening message to the Congress from the Secretary-General of the United Nations. In his message, the Secretary-General of the United Nations emphasized that organized crime was a leading threat to international peace and security and that the United Nations congresses on crime prevention and criminal justice should serve as a reminder of how much more needed to be done to tackle that threat. He noted the progress made in building a framework of international standards and norms for the fight against organized crime and terrorism. He emphasized that a global strategy for that fight must include the universal ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (General Assembly resolution 55/25, annexes I-III, and 55/255, annex), the United Nations Convention against Corruption (Assembly resolution 58/4, annex) and the

universal counter-terrorism instruments. He appealed to States to take advantage of the special treaty events organized on the occasion of the Eleventh Congress and the sixtieth session of the General Assembly to sign and ratify the relevant instruments. He urged Member States to provide adequate resources to UNODC in view of its mandates relating to assisting States in adhering to and implementing those international instruments. In concluding, he emphasized that the Eleventh Congress provided a unique opportunity for the international community to reaffirm its commitment and stand firmly united against the threat of crime.

19. Upon being elected President of the Eleventh Congress, Suwat Liptapanlop, Minister of Justice of Thailand, addressed the Congress. He expressed his appreciation for the decision by the General Assembly to accept the offer of the Government of Thailand to host the Eleventh Congress. The President noted that earlier United Nations congresses on crime prevention and criminal justice had played a major role in formulating policy options and normative standards applicable to all States. He called for effective responses to the interconnected threats of transnational organized crime, corruption and terrorism, which needed to include a combination of different elements, such as enhanced international regulatory frameworks, compliance of the international community with those frameworks, improved cooperation among States and political will, commitment and determination in taking appropriate measures at the national, regional and international levels.

20. In his opening message, the Secretary-General of the Eleventh Congress pointed out that the Congress provided an opportunity not only for debate, but also, most importantly, for vigorous recommendations and decisions. He recalled the achievements of the previous United Nations congresses on crime prevention and criminal justice, particularly with regard to paving the way for the development of United Nations standards and norms and, more recently, for the successful negotiation of the Organized Crime Convention and the Convention against Corruption. The Eleventh Congress was presented with the challenge of ensuring the implementation of those instruments, addressing major global threats that required immediate action. He stressed that the rule of law and viable criminal justice systems were the best deterrents to both crime and terrorism. He emphasized that, while there were differing views among States regarding the development by the international community of new international instruments on emerging concerns, in particular cybercrime and money-laundering, whatever decision the Congress took, it needed to be clear, leaving no doubt on the issues that deserved further action. He proposed two challenges to Member States: to invest in the ratification and implementation of existing conventions and to be creative regarding new legal instruments. He noted that the Congress was in a unique position to deal with those challenges, inter alia, by means of the Bangkok Declaration, which should show the international community the way forward in the areas of crime prevention and criminal justice.

21. The representative of Indonesia, speaking on behalf of the Group of 77 and China, expressed the strong belief that the Eleventh Congress and Member States should give the highest priority to the effective implementation of the existing international instruments against organized crime, corruption and terrorism. The Group, being concerned about the follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 56/261,

annex), had recommended that the Commission on Crime Prevention and Criminal Justice consider including in the agenda for its annual sessions a separate item on follow-up to the United Nations congresses on crime prevention and criminal justice. The representative highlighted the importance of international cooperation, in particular in relation to asset recovery, and welcomed such initiatives of UNODC. He noted with concern the higher risk of kidnapping in many parts of the world and the increased involvement of organized criminal groups in stolen or smuggled cultural property, as well as illicit trafficking in protected species of flora and fauna and their products. He also noted that an open-ended group of experts should be established, under the aegis of the United Nations, to examine the feasibility of an international convention for facilitating international cooperation in countering such forms of crime as money-laundering, theft of and trafficking in cultural property, kidnapping and cybercrime. He called for the expansion of the technical assistance provided by UNODC in countering money-laundering, strengthening the rule of law and building capacities to implement the universal instruments against terrorism.

22. The representative of Egypt, speaking on behalf of the Group of African States, called upon the international community to provide African States with the necessary technical assistance to ratify and effectively implement the provisions of the Organized Crime Convention and the Protocols thereto and the Convention against Corruption. He noted that the link between transnational organized crime, financial crime, drug trafficking, corruption and terrorism was pronounced in Africa, where crime and drug problems were developmental issues, as they undermined democracy, good governance and the rule of law and had negative consequences for peace and security. He expressed support for the drafting and adoption of a convention against theft of and trafficking in cultural property, a convention against cybercrime, a code of conduct against terrorism and a comprehensive convention against terrorism.

23. The representative of Luxembourg, speaking on behalf of the European Union, encouraged the international community to examine ways of optimizing the effectiveness of the work of the United Nations congresses on crime prevention and criminal justice, the Commission on Crime Prevention and Criminal Justice and all other international forums where views could be exchanged or international policy could be developed concerning crime prevention and criminal justice. He noted that the European Union was well aware of the threats posed both by the growing involvement of national and transnational organized criminal groups in all forms of illegal activity, such as trafficking in human beings, drug trafficking, corruption and economic and financial crime, and by the links between organized crime and terrorism. He acknowledged the significant contribution of UNODC and the Commission to efforts to fight organized crime, terrorism and corruption. He noted the cooperation arrangements that UNODC had entered into with the European Police Office (Europol) and with the European Commission. He reported on a number of measures taken by, inter alia, the European Union, the European Commission and the Council of Europe to address those important issues in the field of crime prevention and criminal justice.

24. At its 2nd plenary meeting, on 18 April 2005, the Eleventh Congress heard an address delivered on behalf of King Bhumibol Adulyadej of Thailand by Crown Prince Maha Vajiralongkorn, who welcomed all participants of the Congress. The Crown Prince noted that problems arising in any one place must inevitably reverberate and have an effect in other places, near and far, forcing nations to

cooperate closely, not only in the prevention and the attempted solution of problems, but also in the promotion of progress and prosperity in all spheres of life. He emphasized the importance of effective cooperation among Member States in the prevention of crime and the development of criminal justice systems, for the benefit of not only individual countries, but also the entire international community.

25. The Secretary-General of the Eleventh Congress, speaking on behalf of the Secretary-General of the United Nations, conveyed his special thanks to the royal family, the Minister of Justice and the people of Thailand for hosting the Congress. He noted that the globalization of the current threats to international peace and security could no longer be contained by a single country. He stated that transnational organized crime and terrorism posed risks to national sovereignty and democracy and that there was a need to find shared solutions to those collective threats. He emphasized that the High-level Panel on Threats, Challenges and Change had clearly indicated in its report (A/59/565 and Corr.1) that the time for change had come. He noted that the recommendations of the Congress would form part of a larger strategy for change, which would be further discussed by the General Assembly at its sixtieth session.

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

26. At its 1st plenary meeting, on 18 April 2005, the Eleventh Congress elected by acclamation Suwat Liptapanlop (Thailand) as President of the Congress.

27. At the same meeting, the Congress also elected by acclamation Eugenio Curía (Argentina) as Rapporteur-General, Matti Joutsen (Finland) as Chairman of Committee I, Iskander Ghattas (Egypt) as Chairman of Committee II, Fikrat Mammadov (Azerbaijan) as First Vice-President and the following States as Vice-Presidents: Algeria, Australia, Austria, Bolivia, Brazil, Burkina Faso, Canada, Chile, China, Croatia, Czech Republic, Democratic Republic of the Congo, Gambia, India, Indonesia, Iran (Islamic Republic of), Italy, Malawi, Norway, Pakistan, Peru, Republic of Korea and Uganda.

28. On 19 April, Committee II elected by acclamation Michel Bouchard (Canada) as Vice-Chairman and Esmaeil Baghaei (Islamic Republic of Iran) as Rapporteur.

29. On 19 April, Committee I elected by acclamation Anna Mphetlhe (Botswana) as Vice-Chairperson. On 21 April, Committee I elected by acclamation Kamaluddin Ahmed (Bangladesh) as Rapporteur.

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

30. At its 1st plenary meeting, on 18 April, the Congress adopted by consensus its rules of procedure (A/CONF.203/2).

#### **G. Adoption of the agenda**

31. At its 1st plenary meeting, on 18 April, the Congress adopted the provisional agenda (A/CONF.203/1) as approved by the General Assembly in its resolution 58/138. The agenda was as follows:

1. Opening of the Congress.
2. Organizational matters:
  - (a) Election of the President and of other officers;
  - (b) Adoption of the rules of procedure;
  - (c) Adoption of the agenda;
  - (d) Organization of work;
  - (e) Credentials of representatives to the Congress:
    - (i) Appointment of members of the Credentials Committee;
    - (ii) Report of the Credentials Committee.
3. Effective measures to combat transnational organized crime.
4. International cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of the United Nations Office on Drugs and Crime.
5. Corruption: threats and trends in the twenty-first century.
6. Economic and financial crimes: challenges to sustainable development.
7. Making standards work: fifty years of standard-setting in crime prevention and criminal justice.
8. Adoption of the report of the Congress.

## **H. Organization of work**

32. At its 1st plenary meeting, on 18 April 2005, in accordance with the recommendations of the pre-Congress consultations held on 17 April (A/CONF.203/L.1), the Congress approved its organization of work, on the understanding that 22 April (in plenary and in the afternoon meeting of Committee II) and 24 April (in Committee I and Committee II) would be reserved for informal consultations and that any further adjustments that might be required would be made during the Congress. Accordingly, the high-level segment and the consideration of agenda items 1-4 and 8 would be allocated to plenary meetings, the consideration of agenda items 6 and 7 and workshops 1, 2 and 3 would be allocated to Committee I and the consideration of agenda item 5 and workshops 4, 5 and 6 would be allocated to Committee II. The Congress also approved a number of recommendations with regard to arrangements for the high-level segment and to the report of the Congress, as recommended during the pre-Congress consultations.

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

33. At its 1st plenary meeting, on 18 April, in accordance with rule 4 of the rules of procedure (A/CONF.203/2) and as proposed by the President, the Congress decided that the following States should be appointed members of the Credentials

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Committee: Argentina, Benin, Chile, China, Ghana, Indonesia, Liechtenstein, Russian Federation and United States of America.

## Chapter IV

### High-level segment of the Congress

34. The high-level segment of the Congress was held in plenary from 23 to 25 April 2005. In conjunction with the high-level segment, a special treaty event was held to provide an opportunity for States to undertake treaty action in respect of the Organized Crime Convention and the Protocols thereto, the Convention against Corruption and the following four international instruments against terrorism deposited with the Secretary-General of the United Nations: the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (General Assembly resolution 3166 (XXVIII), annex); the International Convention against the Taking of Hostages (Assembly resolution 34/146, annex); the International Convention for the Suppression of Terrorist Bombings (Assembly resolution 52/164, annex); and the International Convention for the Suppression of the Financing of Terrorism (Assembly resolution 54/109, annex).

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

35. Statements were made by 88 high-level officials. At the first meeting of the high-level segment, on 23 April, the following high-level officials made statements:

Suwat Liptapanlop

Minister of Justice of Thailand and President of the Congress

Antonio Maria Costa

Executive Director of the United Nations Office on Drugs and Crime and Secretary-General of the Congress

Chidchai Vanasatidya

Deputy Prime Minister of Thailand

Akinlolu Olujinmi

Attorney General and Minister of Justice of Nigeria (on behalf of the Group of African States)

Luc Frieden

Minister of Justice and Defence of Luxembourg (on behalf of the European Union)

Tonio Borg

Deputy Prime Minister and Minister for Justice and Home Affairs of Malta

Ricardo Mangué Obama Nfube

Second Vice-Prime Minister of Equatorial Guinea

Philip Maxwell Ruddock

Attorney General of Australia

Baroness Scotland of Asthal  
Home Office Minister for Criminal Justice of the United Kingdom of Great  
Britain and Northern Ireland

Fikrat F. Mammadov  
Minister of Justice of Azerbaijan

Mohamed Bouzoubaa  
Minister of Justice of Morocco

Hamid Awaluddin  
Minister for Law and Human Rights of Indonesia

Johannes Koskinen  
Minister of Justice of Finland

Aftab Khan Sherpao  
Minister of the Interior of Pakistan

Ali bin Fetais Al-Marri  
Attorney General of Qatar

36. At the second meeting of the high-level segment, on 23 April, the following high-level officials made statements:

Pendukeni Ivula-Ithana  
Minister of Justice and Attorney-General of Namibia

Charles Nqakula  
Minister of Safety and Security of South Africa

Ahmed Alabdulla  
Minister of Justice of Kuwait

Vong Vathana Ang  
Minister of Justice of Cambodia

Daniel Lipsic  
Deputy Prime Minister and Minister of Justice of Slovakia

Ghorbanali Dorri Nadjafabadi  
Attorney General of the Islamic Republic of Iran

Alberto Bernardes Costa  
Minister of Justice of Portugal

Fusen Zhang  
Minister of Justice of China

Kunihiro Matsuo  
Prosecutor General of Japan

Hussain bin Ali al-Hilali  
Attorney General of Oman

Björn Bjarnason  
Minister of Justice of Iceland

Gintaras Buzinskas  
Minister of Justice of Lithuania

Boureima Badini  
Minister of Justice of Burkina Faso

Baboucarr Jatta  
Secretary of State, Department of the Interior of the Gambia

Robert Wallner  
Prosecutor General of Liechtenstein

Sang-Hee Kim  
Vice-Minister of Justice of the Republic of Korea

Mutahar Rashad al-Masri  
Vice-Minister of the Interior of Yemen

Sylweryusz Krolak  
Under-Secretary of State of Poland

Ana Maria de Miguel Langa  
Under-Secretary of Justice of Spain

Macabangkit Lanto  
Under-Secretary of Justice of the Philippines

37. At the third meeting of the high-level segment, on 24 April, the following high-level officials made statements:

Stephen Stedman  
Special Adviser to the Secretary-General of the United Nations

Patricia Olamendi Torres  
Under-Secretary for Multilateral Affairs and Human Rights of Mexico

Cemil Çiçek  
Minister of Justice of Turkey

Snježana Bagić  
State Secretary of the Ministry of Justice of Croatia

Christopher Martin Ellison  
Minister for Justice and Customs of Australia

Mahmoud Ould Nemine  
Secretary-General of the Ministry of Justice of Mauritania

Eduardo Salhuana Cavides  
Minister of Justice of Peru

Juan Escalona Reguera  
Attorney-General of Cuba

Kalombo T. Mwansa  
Minister of Home Affairs of Zambia

Barbara Katalin-Kibedi  
Secretary of State of the Ministry of Justice of Romania

Waldir Pires  
Minister of State for Control and Transparency of Brazil

Maurice Kamto  
Vice-Minister of Justice of Cameroon

Le The Tiem  
Vice-Minister of Public Security of Viet Nam

A. Novikov  
Deputy Minister of Internal Affairs of the Russian Federation

Guilhermina Contreiras da Costa Prata  
Vice-Minister of Justice of Angola

Chia Kwang Chye  
Deputy Minister of Internal Security of Malaysia

P. V. Bhide  
Additional Secretary of the Ministry of Home Affairs of India

38. At the fourth meeting of the high-level segment, on 24 April, the following high-level officials made statements:

Trond Prytz  
State Secretary, Ministry of Justice and the Police of Norway

Michel Bouchard  
Associate Deputy Minister, Department of Justice of Canada

Roland Miklau  
Assistant Deputy Minister, Federal Ministry of Justice of Austria

Mohieddine Touq  
Ambassador of Jordan to Belgium

Amar Belani  
Ambassador of Algeria to Malaysia

Lamia Aasi  
Ambassador of the Syrian Arab Republic to Malaysia

Luis Alberto Sepulveda  
Ambassador of Chile to Thailand

Tymon M. Katlholo  
Director, Directorate on Corruption and Economic Crime of Botswana

Kembo Mohadi  
Minister of Home Affairs of Zimbabwe

Peng Kee Ho  
Senior Minister of State of the Ministry of Home Affairs and Law of Singapore

Cristian Kambinga  
Vice Minister for Cooperation of the Democratic Republic of the Congo

Elizabeth Verville  
Special Representative, Acting Deputy Assistant Secretary for Crime,  
Department of State of the United States of America

Mikael Tollerz  
Director-General for International Affairs, Ministry of Justice of Sweden

Bernardo Stadelmann  
Vice-Director of the Federal Office of Justice of Switzerland

Eladio Aponte Aponte  
Justice of the Supreme Tribunal of Justice of the Bolivarian Republic of Venezuela

Peter Wilkitzki  
Director-General, Federal Ministry of Justice of Germany

Oscar Cabello Sarubbi  
Ambassador and Permanent Representative of Paraguay to the United Nations (Vienna)

Mario Gutiérrez Jimenez  
Brigadier General, Regional Commander of the National Police of Colombia

J.D.A. Wijewardena  
Ambassador of Sri Lanka to Thailand

Dionyssis Kalamvrezos  
Head of the United Nations Department, Ministry of Foreign Affairs of Greece

39. At the fifth meeting of the high-level segment, on 25 April, the following high-level officials made statements:

Abdulkaki M. Swadi  
Adviser, Ministry of Justice of Iraq

Eugenio Maria Curia  
Director General of the Legal Counsel, Ministry of Foreign Affairs of Argentina

Dorothe C. Sossa  
Minister of Justice of Benin

Guy de Vel  
Director-General, Council of Europe

Iskandar Ghattas  
Assistant Minister of Justice for International and Cultural Cooperation Division of Egypt

Tun Shin  
Deputy Attorney General of Myanmar

Salvatore Pennacchio  
Apostolic Nuncio of the Holy See

Patrick Villemur  
Ambassador of France to the United Nations (Vienna)

Michalakis Katsounotos  
Inspector, Legal Officer to the Minister of Justice and Public Order of Cyprus

Dato Haji Kifrawi bin dato Haji Kifli  
Attorney General of Brunei Darussalam

Paul Robotham  
Ambassador of Jamaica to Japan

Kedar Paudel  
Joint Secretary, Ministry of Law, Justice and Parliamentary Affairs of Nepal

Lala Ratsiharovala  
Minister of Justice of Madagascar

Friedrich Hamburger  
Ambassador of the European Commission to Thailand

Mohammed bin Ali Koman  
Secretary-General of the Council of Arab Ministers of the Interior

Mohamed Redouane Ben Khadra  
Legal Counsellor, Director-General of the League of Arab States

40. At the 5th plenary meeting, on 20 April, the Vice-President of Gabon, Mr. Didjob Divung Di Ndinge, also delivered a high-level statement to the Congress.

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

41. In opening the high-level segment, the Secretary-General of the Eleventh Congress appealed to representatives to speak up and speak out on behalf of victims of crime, whose future might be changed by the deliberations of the Congress. He highlighted the broad range of issues on the agenda of the Congress and noted the many changes that had taken place since the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna in 2000, including the recognition of terrorism, weapons of mass destruction and organized crime as global threats. He stated that the previous 10 congresses had resulted in the development of important standards and norms in criminal justice, which showed how their agendas had mirrored changing threats. He identified a number of pressing criminal justice issues, including those relating to prison conditions and rights of victims. He pointed out that the Secretary-General, in introducing the report of the High-level Panel on Threats, Challenges and Change (A/59/565 and Corr.1, para. 5) had stated that the High-level Panel had argued for a “comprehensive concept of collective security: one that tackles new and old threats and addresses the security concerns of all States—rich and poor, weak and strong”, and he noted that the world was watching the Congress and awaiting its output. He called for fast-track universal ratification and implementation of the conventions and protocols related to crime and terrorism and implementation of the standards and norms relating to criminal justice.

42. The Deputy Prime Minister of Thailand called for all States to enhance cooperation and to give priority attention to both crime prevention and criminal justice. In order to prevent crime, the root cause of the problem—poverty—had to be eradicated. The Deputy Prime Minister highlighted many important initiatives introduced by the Government of Thailand to combat trafficking in drugs, poverty and corruption as impediments to development. He underscored in particular the programme of the King of Thailand entitled “Sufficient economy”, which focused on a variety of measures including crop substitution. He further described the full array of legislative and other measures adopted to combat terrorism. He noted the attention given to measures to protect human rights and to develop proactive

concepts of community justice and restorative justice. He appealed for enhanced technical assistance to developing countries and called on representatives to utilize the Congress fully for the East to meet the West and for the North to meet the South.

43. All of the speakers expressed their gratitude to Thailand for the extraordinary hospitality and tremendous efforts in the organization of a very successful Congress. States also conveyed their thanks to UNODC for preparation and organization of the Congress, as well as the quality of the documents.

44. It was noted that since the holding of the Tenth Congress, in 2000, the international community had moved towards a global consensus on the tools necessary to protect societies and citizens from transnational organized crime and corruption. Some speakers noted that the role of Governments was to ensure the effective implementation of those instruments.

45. Globalization and technologies had brought many benefits to societies, but they also generated new opportunities for crime and criminals. As a result, the continuing need to develop and maintain institutional capacity to address the new challenges at the multilateral level was recognized. Speakers emphasized the obligation of the international community to ensure that the Commission on Crime Prevention and Criminal Justice and the secretariat that supported it had the capacity to meet the challenge and to continue to play a leadership role. Several representatives reaffirmed their Governments' commitment to support UNODC in its efforts in that regard.

46. Speakers repeatedly emphasized that the international community should not lose sight of the underlying causes of crime, such as poverty, unemployment, illiteracy and other socio-economic conditions, as well as the terrible effects of conflict. Any efforts to combat crime should also be aimed at bringing about economic development and education and should be guided by and within the context of the rule of law and sustainable development and be underpinned by democracy, good governance and respect for human rights.

47. There was an important need not only to cooperate on a governmental level, but also to enlist the leaders of faiths, civil society and all sectors of society, at the national and international levels, to show cross-sectional solidarity against crime. Speakers noted the need to align and integrate the responses of the international community with greater urgency to achieve the common goals of global security, stability and peace. It was noted that above and beyond the differences that existed in religion and cultures, and despite unresolved disputes, over 3,000 people had gathered in Bangkok for the Eleventh Congress to discuss one common concern: crime in all its manifestations.

48. Some speakers reported on progress in implementing the United Nations Millennium Declaration (General Assembly resolution 55/2) and working towards the Millennium Development Goals. It was noted that the United Nations needed to be in a position to support States in advancing those goals and responding to the major threats and challenges the world faced. The process of United Nations reform to enable it to tackle new threats to international peace and security effectively was mentioned by several speakers. Many speakers expressed their support for the recommendations of the High-level Panel on Threats, Challenges and Change contained in its report entitled "A more secure world: our shared responsibility" (A/59/565 and Corr.1), and for the proposals made by the Secretary-General in his report entitled "In larger freedom: towards development, security and human rights

for all” (A/59/2005), which spelled out specific recommendations and actions required to enable the world body to act against the contemporary interrelated threats of organized crime and international terrorism. They expressed their hope that the General Assembly at its sixtieth session would take appropriate steps to translate those proposals into action. The Special Adviser to the Secretary-General of the United Nations, in addressing the Congress, expressed the aspiration of the Secretary-General that States would agree on a new and comprehensive concept of collective security for the twenty-first century; one that tackled old and new threats and that addressed the security concerns of all States. He urged participants to take the necessary measures towards a much stronger record of compliance and implementation of the commitments undertaken, in particular with regard to the ratification and implementation of the international instruments against drugs, crime, corruption and terrorism. He called upon States to provide UNODC with adequate resources to allow the Office to fulfil its key role in overseeing the implementation of those instruments. In referring to the report of the Secretary-General, he stated that development would not be enjoyed without security, that security would not be enjoyed without development and that neither would be enjoyed without respect for human rights.

49. The ever-increasing global threat posed by transnational organized crime, in all of its varied manifestations, was acknowledged by all speakers. It severely hampered sustainable socio-economic development, perpetuated inequality, lowered productivity, reduced efficiency and effectiveness and undermined the integrity of social, economic, cultural and political order. There was recognition of its multi-faceted nature, evidenced by the continuation of familiar forms of criminality and the rise of new crimes. It was stressed that young democracies, developing countries and countries with economies in transition were especially vulnerable to transnational organized crime.

50. It was noted that, while the growth in organized crime posed a significant challenge, the international community was not a defenceless victim. Since the holding of the Tenth Congress, in 2000, much had been achieved, in particular the adoption and entry into force of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I), its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Assembly resolution 55/25, annex II) and its Protocol against the Smuggling of Migrants by Land, Sea and Air (Assembly resolution 55/25, annex III); moreover, its Protocol against the Illicit Manufacture of and Trafficking in Firearms, Their Parts and Components and Ammunition (Assembly resolution 55/255, annex) had been adopted and was expected to enter into force shortly.

51. There was discussion of the various types of organized crime affecting States. Deep concern was expressed over the serious problem of trafficking in human beings. Some speakers noted successes in responding to that problem by effective implementation of the Trafficking in Persons Protocol, including its comprehensive definition of the crime. Measures such as training, education and the involvement of all stakeholders in the development of strategies against trafficking in human beings were also emphasized. There was a particular need to establish comprehensive mechanisms to provide assistance to and protection of victims so as to encourage the victims of trafficking to testify.

52. While the international drug control conventions and the many efforts relating to their implementation had resulted in much progress, illicit drug trafficking remained a major scourge. Drug trafficking clearly illustrated the connection between transnational crime and local crime as the international supply of illicit drugs ended up in local communities. In addition to continued accession to and implementation of the relevant drug control conventions with a view to universal adherence, speakers highlighted the need for multifaceted strategies to combat that particular form of crime.

53. Speakers from countries in regions suffering from conflict described particular problems with trafficking in firearms and outlined how amnesty and buy-back programmes had been used to stem the flow of arms and disrupt the activities of criminal groups.

54. Several speakers identified kidnapping as a very serious problem and highlighted various initiatives adopted to combat it.

55. Some speakers pointed to evolving criminal activity that also deserved attention, especially in developing countries, including trafficking in protected species of wild fauna and flora and diverse forestry products and organized looting of genetic resources. Some other issues identified were trafficking in human organs, money-laundering, identity fraud, illegal immigration, automobile theft and fraud. Some States called for periodic reports from the United Nations on the progress being made in combating those different forms of organized crime.

56. Many speakers acknowledged that novel technologies had created new opportunities for criminals and daunting challenges for criminal justice systems. Criminals were now able to communicate with ease across jurisdictions. As several speakers noted, that had given way to new crimes involving computer hacking, attacks on computer networks and the abuse of the Internet for the commission of offences. Several speakers called for enhanced efforts to develop a systematic and structured mechanism to combat those modern crimes and outlined their efforts in that regard.

57. Some speakers noted that because of the complicated underlying causes of organized crime, it was not sufficient to focus only on combating it. The international community needed to consolidate research findings on transnational organized crime in order to give priority attention to prevention.

58. It was noted that victims could not be forgotten in the fight against crime. Several speakers referred to the need for criminal justice systems to recognize the role and rights of victims. Other speakers emphasized the rights of witnesses and the importance of witness protection, highlighting the measures adopted in that regard.

59. Speakers identified corruption as a priority concern, emphasizing its negative impact on economic development, democracy, good governance, the rule of law and the stability of financial markets. It undermined the social fabric and ethical values, and weakened the trust of citizens in the State and its institutions.

60. Speakers announced the intention of their Government to ratify the United Nations Convention against Corruption in time to take an active part in the first session of the Conference of the States Parties, while urging other Member States to follow their example to ensure the speedy ratification and implementation of the Convention. Several speakers acknowledged the innovative nature of the Convention, especially because of the comprehensive chapter on preventive

measures and the enshrinement of asset recovery as a fundamental principle. In view of the forthcoming entry into force of the Convention, several representatives stressed that Member States should focus on transforming the instrument into a practical reality through implementation and effective follow-up by the Conference of the States Parties.

61. Several speakers shared the experience of their country in implementing measures and strategies to counter corruption. In that context, it was underscored that those mandated with the fight against corruption had to meet the highest standards of integrity to be able to lead by example in the campaign against corruption.

62. Speakers concurred on the importance of preventive measures, including the promotion of integrity in the public sector, the adoption of regulations on conflict of interest, as well as modern and transparent budgetary, accounting, auditing and procurement practices.

63. Several speakers also highlighted the value of strategic alliances involving the public and private sector and civil society. The importance of building a culture of lawfulness among youth was highlighted as a key component of a comprehensive preventive strategy. Numerous speakers also reconfirmed the significance of the thorough collection, analysis and dissemination of information on the nature, scope and root causes of corruption with a view to raising awareness, facilitating the sharing of experiences and developing comprehensive and integrated national policies and strategies.

64. Stressing the need for better cooperation in the recovery of assets derived from corruption, many speakers welcomed the achievement of the United Nations Convention against Corruption to include for the first time in an international legal instrument a comprehensive chapter on asset recovery. It was further argued that the commitment entailed in the Convention to collaborate internationally in the tracing of the proceeds of corruption and to return such assets in accordance with the provisions of the Convention should be pursued with the same vigour that the international community evidenced in the fight against terrorism.

65. The multiple challenges faced by countries that had emerged from a systemic corrupt environment was raised. In such a situation, dealing with past acts of corruption and recovering the respective proceeds was essential for any Government when trying to regain the trust of its citizens and overcome the culture of impunity. However, there were significant challenges when an often weakened criminal justice system needed to be used to investigate and prosecute numerous cases of past corruption, often committed by alleged offenders who had fled the country. At the same time, there was a need to trace and recover assets looted through corrupt practices and transferred abroad, which required effective international cooperation.

66. Many speakers underscored the vital importance of cracking down on economic and financial crime, which was often committed by organized criminal groups and terrorists. One tool highlighted by several speakers as particularly effective in that regard was a comprehensive regime for the freezing and confiscation of the proceeds of criminal activities, employing conviction and non-conviction-based approaches.

67. In that context, some speakers expressed concern about the continuing application of bank secrecy by several financial safe havens posing serious

obstacles to the effective prevention and control of money-laundering. Several speakers called for a renewed focus on the prevention and control of money-laundering and the confiscation of criminal proceeds, with a view to impeding criminals from disguising and benefiting from their ill-gotten gains.

68. In that connection, several representatives confirmed their commitment to complying with the revised Forty Recommendations of the Financial Action Task Force on Money Laundering and its nine special recommendations on terrorist financing.

69. Several officials spoke of the threat posed to peace and security by criminal action carried out by mercenaries. They called on States to exchange information effectively and use intelligence agencies to prevent action by such groups. They also called for laws that would ensure that such offenders could be prosecuted, and they advocated measures to prevent the use of territories for training or other support activities for mercenaries.

70. Some speakers also made reference to child sex tourism as a criminal matter of serious concern and highlighted legislation that had been adopted to combat it.

71. There was consistent recognition that terrorism was a major threat to international peace and security. There was uniform condemnation of terrorism in all its forms and manifestations. While some speakers referred to terrorist attacks in their territories, there was unanimous recognition that terrorism was a global phenomenon, not constrained by international borders. It was a common threat, which required a common, concerted, coordinated and comprehensive international response. Speakers welcomed the Secretary-General's strategy against terrorism, consisting of the five "Ds": dissuasion, deterrence, denial, development and defence of human rights. Several speakers stressed that while being strongly committed to the fight against terrorism, to succeed that fight needed to be always waged in full respect for basic civil liberties and obligations under international law, including human rights, refugee law and international humanitarian law.

72. Speakers called for the ratification and implementation of the universal instruments against terrorism by all States so as to create a global legal framework against terrorism. They further welcomed the adoption by the General Assembly of the International Convention for the Suppression of Acts of Nuclear Terrorism (Assembly resolution 59/290, annex). Many speakers noted the need for progress in the work on the draft comprehensive convention on international terrorism, calling for concerted efforts towards its speedy conclusion and adoption. Several speakers underlined that while the use of violence and terrorism on innocent civilians had no place in societies, it was important to address the root causes and underlying factors of terrorism. Such causes were identified as a mixture of social, political and economic factors, including poverty, inequality, regional conflict and foreign occupation. Some speakers noted the importance of peaceful settlement of regional disputes and the establishment of a fair and just international economic order, including the improvement of social conditions, as important aspects when tackling the underlying causes of terrorism. Some speakers emphasized the importance of General Assembly resolutions related to the issue of root causes of terrorism and the right of people to self-determination when defining terrorism. Some speakers noted their geographic location on major trading routes as enhancing their vulnerability to terrorism. Promoting dialogue between cultures was regarded as another important component of the response to terrorism.

73. Many speakers emphasized that terrorism had no religion, race, creed or nationality, nor was it confined to a particular culture or geographical region. It was noted that terrorists were inspired by political motives not by religion. There was a need to avoid double standards and selectivity when addressing terrorism.

74. The importance of combating the financing of terrorism was highlighted by many speakers. One of the strongest weapons that the international community had in the fight against transnational organized crime and terrorism was the ability to disrupt funding.

75. Many speakers recognized the role of the United Nations, particularly the Counter-Terrorism Committee of the Security Council and its Executive Directorate, in coordinating the global response to terrorism.

76. Reference was made to Security Council resolution 1373 (2001) of 28 September 2001, in which the Council had noted the close connection between transnational organized crime, illicit drugs, money-laundering, arms trafficking and illegal movement of nuclear, chemical and biological materials and international terrorism. There was general recognition that terrorist groups used organized crime in order to facilitate and finance their terrorist activities.

77. Corruption was recognized as facilitating an enabling state of weak and destabilized Governments in which terrorist and organized criminal groups could grow. It was noted that the High-level Panel on Threats, Challenges and Change had stated in its report that, more than ever before, security threats were interrelated (A/59/565 and Corr.1, para. 17).

78. While not all measures to fight terrorism were regarded as appropriate for use against other forms of crime, including organized crime, international cooperation and strengthening the overall criminal justice system were regarded as effective means to fight all forms of crime.

79. Many speakers noted the record of their Government in ratifying and implementing existing international and regional instruments related to drugs, organized crime, corruption and terrorism. Speakers reported on domestic, subregional and regional measures to step up the fight against terrorism, organized crime, drug trafficking and corruption, including legislative and institutional measures, such as enacting and amending national laws and establishing specialized bodies and task forces, developing national strategies and action plans and building their capacities. In several cases, those measures included publicity and education as a way to raise public awareness. Many speakers noted that such measures should also include proper focus on the victims, including victim compensation. Some speakers referred to the particular roles of relevant regional and international organizations and working together with neighbouring partners.

80. Voices were united in identifying international cooperation as an essential tool in combating all forms of crime. It was stressed that the globalization of the threats made it imperative to have a global alliance in response, with the international community joining forces across borders and continents just as the criminals had done. There was a need for a multilateral approach reflecting solidarity among Governments while stressing that any alliance against crime needed to be built on the rule of law. There was also a need for the international community to agree on a blueprint for improving cooperation. Implementation of the various international conventions was imperative to provide a sound legal basis for cooperation. There

needed to be a new vigour to increasing international cooperation through well-targeted, properly resourced and comprehensive measures, which balanced effective enforcement with respect for human rights. Speakers emphasized that the international community had to abandon old outdated methods for cooperation and replace them with flexible, broad and open regimes that allowed for universal cross-border cooperation covering mutual legal assistance, extradition and the transfer of sentenced prisoners.

81. Several speakers identified important bilateral, regional and multilateral activities undertaken to advance cooperation, including the negotiation of treaties on extradition and mutual assistance and agreements on cooperation, and innovative regional approaches, such as mutual recognition and the European arrest warrant. Some speakers highlighted the provision in the United Nations Convention against Corruption that allowed for the rendering of mutual assistance for non-compulsory measures even in the absence of dual criminality as a positive step towards enhancing international cooperation. Speakers highlighted the importance of police cooperation through regional organizations and the International Criminal Police Organization (Interpol) and the use of liaison officers, as well as the need for the development of contacts and networks among various law enforcement authorities and prosecutors. The establishment of a specialized international forum of prosecutors and investigators, under the auspices of the United Nations, was suggested. Examples were given of the use of new communications technology to enhance the speed and effectiveness of cooperation. Some speakers described international conferences, summits and events hosted by their Governments, which had aided in the development of joint approaches towards combating all forms of criminality. Several speakers made reference to the International Criminal Court and its important role in responding to the gravest of crimes: genocide, crimes against humanity and war crimes. They called for States to ratify the Rome Statute of the International Criminal Court and to cooperate with the Court.<sup>12</sup>

82. Several speakers highlighted the need for training and capacity-building for the various actors involved in the international cooperation regimen, as well as exchange and sharing of best practices for effective cooperation. Examples were given of programmes and centres through which training on dealing with conflicting jurisdictional cases was delivered.

83. Speakers expressed their satisfaction with the high profile given at the Congress to crucial criminal justice issues as countries came under increasing pressure to adapt their justice systems to new conditions. In that respect, several speakers emphasized the important role of United Nations standards and norms in crime prevention and criminal justice as valuable guidelines and an illustration of best practices. The development over the past 50 years of that remarkable compendium of legal text had contributed enormously to the enhancement of crime prevention and criminal justice. It was crucial to exchange information on the use and application of those standards and to make progress in implementation.

84. Speakers emphasized challenges and issues that criminal justice systems faced with an emphasis on new reform initiatives in their States. They addressed key principles of strengthening the rule of law, respect for human rights and good governance as basic ingredients for effective crime prevention and criminal justice.

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<sup>12</sup> United Nations, *Treaty Series*, vol. 2187, No. 38544.

85. The rule of law was a prerequisite for the trust of the people in the State and its institutions. Rule of law and integrity of the judicial system were also prerequisites to ensuring the development and maintenance of fair, effective and efficient criminal justice institutions. Such institutions had to enshrine due process, the independence of the judiciary and an effective and impartial police and prison system. The criminal justice system also had to provide for transparency and public participation.

86. Among the priority issues of criminal justice reform listed by speakers were improvement in criminal procedure and sentencing, protection of victim rights, the streamlining of criminal justice systems and institutions, and social reintegration of offenders. In the view of many speakers, measures aimed at simplifying and accelerating court proceedings, including programmes for restorative justice, also had been accorded appropriate priority at the Congress. Several speakers described their proactive efforts to put in place community justice programmes and provisions for access to justice and restorative justice. They cautioned that it was important not to lose sight of the victims of crime, including victims of terrorism, and the need to be responsive to them. Offender/victim conciliation and mediation were referred to by some speakers as being important in maintaining dialogue about conflicts and ensuring that reconciliation was beneficial to both parties. The importance of active involvement and participation of civil society in the fight against various forms of crime was underscored by many. It was noted that Governments needed to work closely with non-governmental organizations and civil society to uphold the rule of law and ensure good governance, accountability and transparency.

87. Overcrowding in prisons was an issue of concern for many speakers. In that context, community service and measures to limit the number and length of prison sentences for less serious offences were highlighted as important measures. Several speakers also placed emphasis on the need to set up a prison service aimed at rehabilitating, reforming and reintegrating prisoners, preparing them for a normal and productive return back into society at the end of their prison term, noting the importance of combining imprisonment with education and programmes designed to minimize the risk of recidivism and assisting offenders in developing skills that would help their reintegration into society. It was noted that the United Nations had made considerable and important efforts to promote more humane treatment of prisoners and it should continue to give high priority to that matter. A suggestion was made to give consideration to the proposal for developing a charter of fundamental rights of prisoners. Alternatives to imprisonment, including diversion programmes and the promotion of community service, were mentioned, in particular in relation to juveniles and children.

88. Several speakers also discussed an array of initiatives relating to juvenile justice, as well as measures designed to discourage youth crime and address juvenile delinquency in a holistic and comprehensive manner.

89. Several speakers noted the support of their Government to the principle of restorative justice as an important alternative to prosecution and imprisonment and as a means of holding offenders accountable in a manner that was responsive to the needs of offenders, victims and the community. It could further serve to reduce the rate of recidivism. Restorative justice presented a holistic approach combining a tool for criminal justice with an instrument for social engineering. Other speakers noted that, as an evolving area, it was important to conduct research to establish the impact, efficiency and implications of restorative justice. Speakers stressed the

importance of learning from one another's experience and sharing good practice in that regard.

90. Some speakers referred to the use of new technologies in the areas of crime prevention and criminal justice. The use of video links in court cases in order to protect witnesses and victims was mentioned as a tool particularly applicable to vulnerable groups such as children. At the same time, it was noted that law enforcement should similarly take full advantage of new technologies to enhance investigative capacity. Examples were given of enhanced use of closed-circuit television (CCTV) technology, deoxyribonucleic acid (DNA) databases, and science for detection of latent fingerprints.

91. Several speakers recognized the responsibility of the international community to ensure that terrorists, organized criminal groups and criminals in general could not find safe haven by preying on weaker States. Well-organized technical assistance for developing countries and countries with economies in transition and countries emerging from conflict was of paramount importance in ensuring that those States had sufficient capacity to fight all forms of crime. To that end, Governments, the private sector, the non-governmental community and development partners should join together in their efforts. Several speakers called for donor countries to come to the aid of other States with limited capacity and resources, including through the cancellation of foreign debt. Other speakers described various technical assistance programmes that they were delivering in support of capacity-building in other States.

92. The use of UNODC as an effective body for the delivery of technical assistance was highlighted by several speakers. The role of the Office in providing tailor-made assistance to countries in areas such as money-laundering, international cooperation, asset confiscation and recovery, organized crime and corruption was commended, as was the assistance provided for promoting the ratification and implementation of the universal instruments against drugs, transnational organized crime, terrorism and corruption, including through the development of legislative technical cooperation tools. There was agreement that the Office should be supported in its efforts to provide technical cooperation projects and activities with a view to implementation of the international conventions and to build national capacities. Many States called for continuing and enhanced support and financial contributions for its work. Some speakers also made reference to other United Nations institutes and regional and international organizations and the role they could play in the delivery of programmes for assistance. One speaker proposed that, in order to create better synergy and improve the utilization of scarce resources, the Office should establish a common assistance programme in order to build the capacity of States in the legal field, based on a solid rule-of-law approach to addressing serious crimes of a transnational nature.

93. There were varying views expressed on the issue of whether new international instruments should be negotiated. Some speakers were of the view that the United Nations conventions against organized crime, terrorism and corruption had already provided the necessary legal framework and that, collectively, a strong focus should be maintained on effective implementation of those existing international instruments. Efforts in that regard should not be weakened by spreading resources too thinly with time-consuming negotiations aimed at developing new instruments. Other speakers expressed opinions in favour of beginning early the negotiation of new international instruments.

94. Because of the diversification of money-laundering techniques, its cross-cutting usage in relation to various forms of criminality and its threat to legitimate economies, some speakers suggested that a comprehensive convention against money-laundering should be developed, as recommended by the High-level Panel on Threats, Challenges and Change. Other speakers were of the view that, because regional and bilateral initiatives were insufficient, a global instrument incorporating a comprehensive legislative and operational framework for international cooperation with respect to extradition and mutual legal assistance should be developed.

95. Other suggestions included the development of a universal convention against cybercrime, a convention against theft of and trafficking in cultural property and a code of conduct against terrorism.

96. Many speakers noted the importance of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 55/59, annex) and its plans of action (Assembly resolution 56/261, annex) and reported on steps taken towards the implementation of the Vienna Declaration. They also called for the Commission on Crime Prevention and Criminal Justice to follow closely action to implement the declaration to be adopted at the Eleventh Congress.

97. Many speakers recognized that the United Nations congresses on crime prevention and criminal justice constituted a dynamic forum for the exchange of information and experience, sharing of expertise and identification of emerging trends. The congresses had had a considerable impact and should continue to be used to formulate a road map for the enhancement of effective crime prevention and criminal justice. Similarly, the declaration to be adopted at the Eleventh Congress should be an integral instrument for advancing initiatives to prevent and combat crime in all its forms and to enhance international cooperation.

98. It was noted that the Governments of Brazil, Burkina Faso, Pakistan and Qatar had all offered to host the Twelfth United Nations Congress on Crime Prevention and Criminal Justice. The representative of Qatar referred to the second World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice, to be held in Doha in November 2005, and to Economic and Social Council resolution 2004/30 of 21 July 2004, in which the Council had welcomed the initiative of Qatar to host the event and had invited the Summit to contribute to ensure that its programme was targeted to further strengthening international cooperation in criminal matters.

99. Determination and international cooperation were of the utmost importance when fighting terrorism, drug trafficking, organized crime and corruption. Ultimately, it would be the unity of the international community, universal beliefs, shared determination and combined strength that would enable Governments to overcome the threats posed by crime and to fulfil their responsibilities towards their citizens in that area.

100. The role of Eduardo Vetere, Executive Secretary of the Congress, as a catalyst, moving forward new ideas in the field of crime prevention and criminal justice for more than 30 years, was recognized. It was noted that his conviction and commitment had created a stage where all States could work comfortably to discuss critical issues in that field and agree on new directions to be taken.

101. In connection with statements delivered by some speakers, two representatives exercised the right of reply in accordance with rule 22 of the rules of procedure for the congresses (A/CONF.203/2).

### **C. Treaty actions undertaken at the special treaty event**

102. The following treaty actions were undertaken at the special treaty event held from 23 to 25 April 2005, during the high-level segment of the Eleventh Congress:

(a) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly in its resolution 54/109 of 9 December 1999: accession by the Syrian Arab Republic (relevant documents received on 24 April 2005);

(b) United Nations Convention against Transnational Organized Crime, adopted by the Assembly in its resolution 55/25 of 15 November 2000: accession by Zambia (relevant documents received on 24 April 2005);

(c) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the Assembly in its resolution 55/25 of 15 November 2000: accession by Zambia (relevant documents received on 24 April 2005);

(d) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the Assembly in its resolution 55/25 of 15 November 2000: accession by Zambia (relevant documents received on 24 April 2005);

(e) 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, adopted by the Assembly in its resolution 55/255 of 31 May 2001: accession by Zambia (relevant documents received on 24 April 2005);

(f) United Nations Convention against Corruption, adopted by the Assembly in its resolution 58/4 of 31 October 2003: ratification by Croatia (relevant documents received on 25 April 2005).

103. The following treaty actions were undertaken at United Nations Headquarters from 19 to 25 April 2005, during the Eleventh Congress:

(a) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly in its resolution 3166 (XXVIII) of 14 December 1973: accession by the Bolivarian Republic of Venezuela (relevant documents received on 19 April 2005);

(b) International Convention against the Taking of Hostages, adopted by the Assembly in its resolution 34/146 of 17 December 1979: ratification by Gabon (relevant documents received on 19 April 2005);

(c) International Convention for the Suppression of Terrorist Bombings, adopted by the Assembly in its resolution 52/164 of 15 December 1997: accession by Tunisia (relevant documents received on 22 April 2005);

(d) United Nations Convention against Transnational Organized Crime: accession by Djibouti (relevant documents received on 20 April 2005);

(e) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children: accession by Djibouti (relevant documents received on 20 April 2005);

(f) Protocol against the Smuggling of Migrants by Land, Sea and Air: accession by Djibouti (relevant documents received on 20 April 2005); ratification by the Bolivarian Republic of Venezuela (relevant documents received on 19 April 2005);

(g) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition: notification pursuant to article 13, paragraph 2, by Uganda (relevant documents received on 21 April 2005);

(h) United Nations Convention against Corruption: ratification by Djibouti (relevant documents received on 20 April 2005); ratification by Hungary (relevant documents received on 19 April 2005); signature by the Czech Republic (relevant documents received on 22 April 2005).

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

104. At the sixth meeting of the high-level segment, on 25 April 2005, the Congress adopted the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice (A/CONF.203/L.5). (For the text, see chapter I, resolution 1.)

105. After adoption of the Bangkok Declaration, the representatives of the Netherlands, Canada and Mexico made statements in which they expressed their concern that non-governmental and intergovernmental organizations had not had an opportunity to participate in the deliberations on the draft Declaration. The representatives of China, Jordan and the United Arab Emirates also made statements.

### **Chapter V**

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

##### **A. Effective measures to combat transnational organized crime**

###### **Proceedings**

106. At its 1st plenary meeting, on 18 April 2005, the Congress allocated to the plenary agenda item 3, entitled “Effective measures to combat transnational organized crime”. The Congress considered the item at its 2nd, 3rd and 4th plenary meetings, on 18 and 19 April. For its consideration of the item, the Congress had before it the following documents:

(a) Working paper prepared by the Secretariat on effective measures to combat transnational organized crime (A/CONF.203/4 and Corr.1);

(b) Report of the High-level Panel on Threats, Challenges and Change entitled “A more secure world: our shared responsibility” (A/59/565 and Corr.1);

(c) Report of the Secretary-General entitled “In larger freedom: towards development, security and human rights for all” (A/59/2005);

(d) Discussion guide (A/CONF.203/PM.1 and Corr.1);

(e) Reports of the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1).

107. At the 2nd plenary meeting, on 18 April, the President of the Congress made an introductory statement. The Executive Secretary of the Congress also made an introductory statement. Statements were made by the representatives of Thailand, Indonesia, El Salvador, Sweden and China.

108. At the 3rd plenary meeting, on 19 April, the Executive Secretary of the Congress made an introductory statement. The observer for the United Nations Interregional Crime and Justice Research Institute (UNICRI) made a progress report on a joint UNICRI/UNODC draft study, which was presented to the Congress for comments. Statements were made by the representatives of Germany, Egypt, Bangladesh, Malaysia, the Russian Federation, the Philippines, Afghanistan, Japan, Turkey, Italy, Belgium, Finland, Kuwait and Algeria.

109. At the 4th plenary meeting, on 19 April, statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland, Canada, Cuba, Australia, the United Arab Emirates, Nigeria, Argentina, the Islamic Republic of Iran, Mauritania, Morocco, Norway, the Republic of Korea, Sri Lanka, the Gambia, Brazil, India and Benin. Statements were also made by the observers for the International Federation of Red Cross and Red Crescent Societies, the League of Arab States, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, Interpol, the World Society of Victimology, the Japan Federation of Bar Associations and Penal Reform International.

### **General discussion**

110. The Executive Secretary of the Congress began the discussion by referring to a UNODC initiative against trafficking in persons, which highlighted the stark realities of transnational organized crime. He informed the Congress of the progress made in recent years in efforts to combat such crime, as evidenced by the rapid negotiation, adoption and entry into force of the Organized Crime Convention and two of its three Protocols. He highlighted the importance of the universal ratification and effective implementation of those instruments. He recalled the recommendations contained in the report of the High-level Panel on Threats, Challenges and Change (A/59/565 and Corr.1) and invited the Congress to consider the report in its deliberations. He also referred to the first session of the Conference of the States Parties to the United Nations Convention against Corruption and emphasized the important role that the Congress could play in providing guidance to it.

111. It was generally agreed that transnational organized crime was one of the most serious security challenges facing the international community. Representatives noted its devastating effect on people’s lives and on socio-economic development in all regions of the world. Several speakers referred to the conclusion of the High-level Panel on Threats, Challenges and Change that transnational organized crime constituted one of the six clusters of threats that the international community must be concerned with. The speakers also drew the attention of the Congress to some of

the impediments identified by the High-level Panel and possible ways to overcome them.

112. A number of speakers highlighted the critical importance of the Organized Crime Convention and its Protocols in the fight against transnational organized crime. Several speakers stressed that universal adherence to the Convention and its Protocols was necessary for the full potential of those instruments to be realized. Of equal importance for many speakers was the need for States to fully implement those instruments by adopting or amending the relevant legislation. Several speakers noted that organized crime was constantly expanding and had diverse manifestations. They emphasized the need for States to follow a similarly broad approach in dealing with organized crime, expanding their efforts to combat such crime to cover a wide range of criminal activity, including newer forms of criminal activity such as illegal logging, smuggling of goods, illegal trafficking in hazardous waste, illegal fishing activities, sea piracy, offences against maritime security and the environment, and theft of and trafficking in cultural property.

113. Several speakers focused on those forms of transnational organized crime which were especially relevant to their jurisdiction or region. Many speakers commented on the problem of trafficking in human beings and the need to enhance efforts to combat that particularly appalling crime. Speakers referred to the need for effective legislation that included provisions on particular offences. Some delegates noted that efforts to counter trafficking in persons should place equal emphasis on the demand side and on the supply side of the problem. A number of participants emphasized the need for States to take steps to implement fully those provisions of the Organized Crime Convention and those recommendations of the Financial Action Task Force on Money Laundering relating to the financing of terrorism and to money-laundering. They also stressed the need to provide for the confiscation of assets and for repatriation in corruption cases. Many participants stated that cybercrime and the use of technology by criminal groups posed serious problems. They highlighted the need for effective specialized legislation to deal with those problems. Some suggested that consideration be given to finding out how best to address those problems at the international level. Several speakers commented on the harm to a nation's heritage resulting from theft of and trafficking in cultural property. Some speakers noted that, despite the considerable progress achieved through initiatives at the national and international levels, drug trafficking had continued to pose a serious destabilizing threat in many countries. It was suggested that the issue of a convention on explosive substances be revisited. Many representatives referred to the linkage between transnational organized crime and terrorism. They noted that criminals used terrorist methods to achieve criminal goals and terrorists used the profits of crime to finance terrorism. They called for effective action against terrorism including the successful conclusion of the negotiation of the comprehensive convention on international terrorism. Some participants also emphasized the important role played by identity fraud in terrorism and organized crime. The ongoing work of UNODC on countering both fraud and the criminal misuse and falsification of identity was welcomed.

114. It was noted that countering transnational organized crime required an integrated global response that, in turn, required effective coordination at the national level, as well as at the regional and international levels. Reference was made to the work of the intergovernmental expert group to prepare a draft model bilateral agreement on disposal of confiscated proceeds of crime covered by the

United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, held in Vienna from 26 to 28 January 2005 (E/CN.15/2005/7). Representatives welcomed the draft model agreement recommended by the expert group for consideration by the Commission on Crime Prevention and Criminal Justice. Some raised the issue of the possibility and desirability of negotiating additional international legal instruments, such as a global convention on extradition and mutual legal assistance. While recognizing the considerable progress made during the previous few years in the development of an effective network of bilateral, regional and multilateral instruments for cooperation and the rendering of assistance, several participants noted that much work remained to be done to make those instruments effective in practice. Several speakers advocated the complementary use of informal cooperation measures, including use of police-to-police and prosecutor-to-prosecutor channels and arrangements. The need for effective information-sharing was also highlighted. Some delegates underscored the need for more modern, flexible legislation on mutual legal assistance and extradition, whereby having in place a treaty might not be a precondition for rendering assistance. Reference was made to the increasing number of smaller groups involved in transnational organized crime. It was noted that, whereas the main concern in the past had been the small number of large offences, in future there might be a large number of smaller offences. Such a development would pose an entirely different challenge to mutual legal assistance, extradition and other forms of cooperation.

115. Many participants reported on action taken at the national level to combat organized crime. Several spoke of the development of comprehensive plans and national strategies for action against such crime. Adopted legislative measures, including provisions on criminalization, were also described. Some speakers noted the importance of having effective, proportional and dissuasive criminal penalties that could be applied to offences involving such crime. A number of participants highlighted training and education programmes that had been conducted especially for law enforcement personnel, prosecutors and judges. Others described statistical studies and research that had been carried out. It was reported that some States had established centres or other entities specialized in fighting organized crime, while others had reorganized their law enforcement and intelligence-gathering infrastructure to ensure a more coordinated approach to dealing with that problem. Several delegates underscored the need for improving programmes for the protection of witnesses and victims in cases involving organized crime and described the legal measures that had been adopted in their countries for that purpose. A number of participants outlined efforts in their countries to improve international cooperation. Some reported on the current status of bilateral and multilateral instruments on cooperation. During the discussion about efforts to combat organized crime and improve international cooperation, participants described regional initiatives and best practices.

116. A large number of speakers underscored the importance of providing technical assistance and building capacity to enable developing countries and countries with economies in transition to implement fully the Organized Crime Convention and its Protocols and other relevant instruments and measures to combat transnational organized crime. Many of those speakers expressed their appreciation for the efforts of UNODC to date in providing and implementing assistance programmes in various countries. They called for more support to be given to UNODC through increased financial contributions. Representatives of donor countries reported on

various technical assistance programmes that were in place, which covered a range of issues, including countering trafficking in persons, police training and general programmes to develop capacity in areas concerning law and justice. It was noted that countries that had suffered natural disasters or were emerging from conflict were particularly vulnerable to organized crime. Several speakers called on the international community to pay special attention to the particular needs of such States. Some representatives noted the link between organized crime, poverty and unemployment and called for an overall increase in the financial support provided to developing countries and to countries with economies in transition.

117. Several delegates noted that the success of efforts to prevent and combat transnational organized crime was dependent on respect for the rule of law and on the establishment and maintenance of an effective law enforcement and criminal justice system. Further, some delegates stressed that efforts to respond to the threat of transnational organized crime must always ensure respect for human rights. Some participants emphasized the effectiveness of a multifaceted strategy involving the private sector and civil society in the fight against organized crime.

118. A number of suggestions were made to improve measures for preventing and combating transnational organized crime, including raising awareness of the dangers posed by such crime, establishing or strengthening mechanisms to facilitate information exchange, making increased use of modern technology to enhance law enforcement and criminal justice capabilities and launching campaigns to inform potential victims, in particular victims of trafficking in persons. Suggestions were also made on following a more integrated approach within the United Nations in relation to the provision of assistance for building capacity in the areas of crime prevention, criminal justice and cooperation in criminal matters of a transnational character, with a view to strengthening the rule of law.

### **Conclusions and recommendations**

119. During the discussion on effective measures to combat transnational organized crime, there was agreement on a number of conclusions and recommendations.

120. It was recommended that a multifaceted strategy should be employed in the fight against transnational organized crime; and the strategy should take into account the broader socio-economic context. It was noted that transnational organized crime posed a serious threat to national security and stability. In order to be successful, efforts to prevent and combat such crime must safeguard the rule of law and ensure respect for human rights.

121. One form of organized crime that was of particular concern was trafficking in persons. There was a need to take effective measures to prevent such trafficking, as it had a devastating effect on its victims.

122. There was broad consensus on the need to ensure the universal ratification and full implementation of the international instruments against transnational organized crime and the effective functioning of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, inter alia, by making certain that adequate funding was made available from the regular budget of the United Nations.

123. International cooperation was essential to efforts to prevent and combat transnational organized crime.

124. The need for technical assistance for achieving both goals was underscored and, in this connection, the provision of support, including in the form of additional financial contributions, for the activities of UNODC was strongly encouraged.

125. It was pointed out that there was a need for a more integrated approach within the United Nations in relation to the provision of assistance for building capacity in the areas of crime prevention, criminal justice and cooperation in criminal matters of a transnational character, in order to develop and enhance the rule of law.

## **B. International cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of the United Nations Office on Drugs and Crime**

### **Proceedings**

126. At its 1st plenary meeting, on 18 April 2005, the Congress allocated to the plenary agenda item 4, entitled “International cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of the United Nations Office on Drugs and Crime”. The Congress considered the item at its 5th, 6th, 7th and 8th meetings, on 20 and 21 April 2005. For its consideration of the item, the Congress had before it the following documents:

(a) Working paper prepared by the Secretariat on international cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of the United Nations Office on Drugs and Crime (A/CONF.203/5);

(b) Discussion guide (A/CONF.203/PM.1 and Corr.1);

(c) Reports of the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1).

127. At the 5th to 8th meetings, the Congress held a discussion on international cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of the United Nations Office on Drugs and Crime. At the 5th meeting, the representative of the Secretariat made an introductory statement. Statements were also made by the Vice-President of Gabon and the representatives of Sweden, Thailand, Ukraine, the Philippines, China, El Salvador, Angola, Germany, Italy, Cuba, Argentina, Egypt, Indonesia and Viet Nam.

128. At the 6th meeting, statements were made by the representatives of Iraq, Canada, Colombia, the Republic of Korea, Austria, Oman, Sri Lanka, Australia, Mauritania, France, Mozambique, Malaysia, Benin and Afghanistan. The observers for the Executive Directorate of the Counter-Terrorism Committee of the Security Council, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and Penal Reform International, a non-governmental organization, also made statements.

129. At the 7th meeting, statements were made by the representatives of the Syrian Arab Republic, Croatia, the Islamic Republic of Iran, Turkey, Romania, Spain, Paraguay, Burkina Faso, Morocco, Kuwait, Serbia and Montenegro, the United Kingdom, Japan, Nigeria, Chile, Algeria and Cyprus. The observers for the

Office of the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees and the Council of Europe also made statements.

130. At the 8th meeting, statements were made by the representatives of the Bolivarian Republic of Venezuela and Azerbaijan. Statements were also made by the observers for Interpol, the Intergovernmental Agency of la Francophonie, the World Society of Victimology, the International Centre for Criminal Law Reform and Criminal Justice Policy and the International Society for Traumatic Stress Studies. Two individual experts also made statements.

### **General discussion**

131. A representative of the Secretariat made an introductory statement. He underlined the links that exist between terrorism and other forms of crime, in particular organized crime. Like many contemporary security threats, transnational organized crime and terrorism were influenced by the continuously evolving environments in which they were rooted. The representative of the Secretariat noted that one reason for terrorist groups to become involved in organized criminal activities and tactics was to generate funds, especially in times when other means of funding had become scarce. He cautioned that the combination of political and economic motivation in groups that were prepared to use terror tactics posed a complex threat to national and international security. The terrorist of the future could be less ideological, more likely to harbour ethnic grievances and harder to distinguish from other criminals.

132. The representative of the Secretariat recalled that the High-level Panel on Threats, Challenges and Change had noted that, while the impact of those changes was yet to be fully understood, they heralded a fundamentally different security climate, one whose unique opportunities for cooperation were matched by an unprecedented scope for destruction. He noted that, to the extent that the threats were interconnected, the response of the international community should be comprehensive and integrated. It was in the interest of all States to cooperate with other States to address the threats jointly, he said. In concluding, he presented key aspects of a coherent response to terrorism and transnational organized crime, including the ratification and legislative incorporation of the instruments against terrorism, illicit drugs and transnational organized crime; the development of national policies against terrorism and organized crime based upon the rule of law; and the enhancement of international cooperation.

133. In the subsequent discussion, all speakers unanimously condemned terrorism in all its forms and manifestations. Terrorism was considered to be one of the most serious threats to freedom, democracy, human rights, international peace and security and humanity. It was a main source of destabilization for States and societies, undermined economic and social development and could not be justified or excused. Speakers emphasized the need to take appropriate action against terrorist acts, irrespective of the place where they were committed or who committed them. Some speakers stressed that terrorism was not linked to any specific religion or culture and that there should be no distinction between “good” and “bad” terrorism. In that context, it was noted that responses to terrorism needed to be standardized, avoiding selectivity.

134. Representatives called unanimously for the speedy ratification and full implementation of the universal counter-terrorism instruments. The need to make progress in the work on the draft comprehensive convention on international terrorism, in particular with a view to developing a clear definition of terrorism, was highlighted. It was noted that the report of the Secretary-General entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005) provided a good basis on which a compromise between all States could be achieved. In that context, speakers welcomed the recent adoption by the General Assembly of the International Convention for the Suppression of Acts of Nuclear Terrorism as an important step forward. Furthermore, some speakers called for an international conference against terrorism, in line with the Secretary-General's global strategy for fighting terrorism, announced in March 2005.

135. Once a threat to individual nations, today terrorism was a transnational phenomenon affecting rich and poor nations alike. Speakers emphasized that it could only be defeated with the active participation of all States and regional organizations resolutely pursuing a policy of international cooperation. The central role of the United Nations as a global organization in the fight against terrorism and in promoting international cooperation was generally recognized. Speakers welcomed the establishment of the Counter-Terrorism Committee Executive Directorate, with its clear mandate to evaluate the needs of countries and coordinate and facilitate technical assistance in support of Security Council resolution 1373 (2001). The United Nations provided the global foundation for all efforts in responding, collectively, to crime and terrorism. Speakers emphasized the clear mandate of UNODC to assist countries in strengthening and improving their national crime prevention and criminal justice capabilities and reinforcing international cooperation.

136. Speakers emphasized the importance of international cooperation as a main element of any effort to prevent and combat terrorism and transnational organized crime. They recognized that international instruments and national legislation remained meaningless if not effectively enforced. The need for better mechanisms for international cooperation, including the means to simplify and expedite international cooperation procedures, was highlighted. Eurojust was mentioned by some speakers as an example of speeding up mutual legal assistance. Several speakers stressed the need for increased sharing and exchange of information between law enforcement and intelligence agencies for improved law enforcement cooperation. In that context, the role of the red notice system of Interpol was emphasized by some speakers.

137. Speakers noted with concern the connection that existed between terrorism and other forms of criminal behaviour, such as illicit drug trafficking, arms trafficking and money-laundering, which had already been recognized by the Security Council in its resolution 1373 (2001), as well as by the High-level Panel on Threats, Challenges and Change, which had noted that, more than ever before, security threats were interrelated. Many speakers made reference to the information contained in the working paper prepared by the Secretariat on the issue of links between terrorism and other criminal activities (A/CONF.203/5) and expressed their satisfaction with the analysis of the available information. That was further strengthened by the statement made by the observer for Interpol, who referred to evidence confirming the links between terrorist and organized criminal groups. Some speakers went even further and stressed that the fight against terrorism could

not be successful without also fighting organized crime, armed separatism, extremism, drug trafficking and the proliferation of small arms and weapons of mass destruction, as those phenomena were inseparable and dependent on one another. In that regard, one representative recalled the recommendations on the links between terrorist crimes and transnational organized crime contained in the report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.<sup>13</sup>

138. While most speakers supported an integrated approach to the fight against terrorism and other forms of organized crime, other speakers noted that distinctions needed to be made between fighting crime and fighting terrorism. The observer for the Counter-Terrorism Committee Executive Directorate noted that, while there were clear links between terrorism and organized crime, as recognized by the General Assembly and the Security Council, the phenomena were still distinct. Terrorism was a criminal phenomenon of a special nature endangering peace and security. Thus it had added new dimensions to international crime for which the Council, in its resolution 1373 (2001), established specific counter-terrorism measures of highest priority. One speaker cautioned that the tools developed in the fight against terrorism and in the context of a serious threat to national security should not be used, or abused, in the fight against other forms of criminal activity.

139. Reference was made to the United Nations Millennium Declaration, which acknowledged the need to take concerted action against terrorism. Speakers referred to the need for a comprehensive, consistent and multi-faceted response to terrorism. In that regard, some speakers underlined the crucial role of the criminal justice system in the fight against terrorism. Speakers emphasized the importance of a response to terrorism based on the rule of law, in which a fair and viable criminal justice system was an essential element, in particular in countries emerging from conflict. The observer for the Office of the United Nations High Commissioner for Human Rights recalled statements made by the High Commissioner on numerous occasions that terrorism must be confronted in a manner that respected human rights and the rule of law. Several speakers emphasized that appropriate responses to victims of terrorism needed to form an integral part of any counter-terrorism strategy. In that regard, reference was made to the important mandate of the working group established by the Security Council in its resolution 1566 (2004) of 8 October 2004, in particular with regard to the creation of an international fund to compensate victims of terrorism.

140. Speakers emphasized that any response to terrorism at the national, regional and international levels needed to be based upon common and agreed values, norms, standards and institutions. Among those norms and values were the rule of law and respect for international law, in particular human rights, refugee and humanitarian law, and fundamental freedoms. In that context, reference was made to the report of the Secretary-General entitled "In larger freedom" (A/59/2005), in which the need to ensure the compatibility of counter-terrorism measures with international human rights law was emphasized.

141. Many speakers underlined the importance of addressing the root causes and underlying factors of terrorism. Such causes were identified as a mixture of social,

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<sup>13</sup> See *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995 (A/CONF.169/16/Rev.1)*.

political and economic factors. Weak States, uncontrolled territories and territories under military occupation were regarded by some speakers as breeding grounds for terrorism. One representative suggested that when addressing the causes of terrorism the focus should be on good governance, human rights and the integration of migrants. One speaker suggested carrying out regional sociological studies of terrorism in order to determine to what extent inequalities had an impact on the emergence of terrorism and to demonstrate where additional assistance was required. Some speakers noted the importance of the peaceful settlement of regional disputes and the establishment of a fair and just international economic order, including the improvement of social conditions, as important aspects when addressing the underlying causes of terrorism. Some speakers emphasized the importance of General Assembly resolution 3034 (XXVII) of 18 December 1972 and other relevant resolutions related to the issue of root causes of terrorism and the right of people to self-determination.

142. Speakers expressed their satisfaction with the Terrorism Prevention Branch of UNODC for the technical assistance provided to States towards becoming parties to and implementing the relevant universal instruments against terrorism. Several speakers made reference to specific national, subregional and regional workshops for the ratification and implementation of the universal anti-terrorism instruments. In that context, reference was made to the contribution of the legislative assistance tools produced by the Office to assist States in that process. Some speakers noted the significant contribution made by the Office over the years, through its training and assistance programmes, to improving and reinforcing crime prevention and criminal justice capabilities. It was noted that even when not specifically directed to counter-terrorism, efforts to strengthen national policing and law enforcement, border security and control and customs and immigration screening all made important positive contributions to the overall international action to combat terrorism and transnational organized crime. That notion was further reiterated by the observer for the Counter-Terrorism Committee Executive Directorate.

143. Some speakers advocated a greater role for the United Nations and for UNODC in fighting terrorism and for strengthening the Terrorism Prevention Branch, to enable the Branch to provide enhanced technical assistance to States in reviewing domestic legislation and procedures and strengthening capacity to implement laws, rules and procedures, in particular in terms of professional training of criminal justice officials.

144. Some speakers called upon the international community and UNODC to provide continued, reinforced assistance to developing countries, countries with economies in transition and countries emerging from conflict in their efforts to ratify and fully implement the universal counter-terrorism instruments. In the context of calling for adequate financial resources for the Terrorism Prevention Branch to carry out its tasks effectively, some representatives recalled contributions already made to the Office.

145. Most speakers made reference to their national action against terrorism, which included legislative and institutional measures, such as enacting and amending national laws and establishing specialized anti-terrorism bodies, and building their capacities. In several cases, those measures included publicity and education as a way to raise public awareness. Many speakers noted that such measures should also include proper focus on the victims of terrorism, including victim compensation.

146. Many speakers noted the record of their Government in ratifying existing universal and regional instruments related to the prevention and suppression of international terrorism. Several speakers outlined specific measures taken by some countries in the process of bringing national legislation into compliance with international standards in order to implement the ratified instruments and take into full consideration the requirements of Security Council resolution 1373 (2001). Legislative measures that had been adopted included criminalization of new offences, enhancing capacity to prevent, prosecute and sanction terrorist acts and specific steps to identify the financing of terrorism, including new provisions for the seizure and confiscation of funds. Other measures included the creation of specialized counter-terrorism bodies, inter-agency coordination mechanisms and capacity-building in police, customs and intelligence agencies to respond effectively to the threat of international terrorism. A number of speakers also referred to their having signed or ratified bilateral or subregional agreements for international cooperation, in particular on extradition, mutual legal assistance and the transfer of prisoners.

147. Some speakers referred to the particular roles of relevant regional and international organizations, such as the Asia-Pacific Economic Cooperation, the Association of Southeast Asian Nations, the European Union, the League of Arab States, the Organization of American States, the Council of Europe, the African Union, the Organization for Security and Cooperation in Europe, the Southern African Development Community, the Financial Action Task Force on Money Laundering and the Counter-Terrorism Action Group of the Group of Eight.

148. The observers for the Office of the United Nations High Commissioner for Human Rights, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, the Intergovernmental Agency of la Francophonie, the International Centre for Criminal Law Reform and Criminal Justice Policy and Penal Reform International provided examples of terrorism prevention activities undertaken by their organizations, including activities on international cooperation and activities jointly conducted with UNODC.

### **Conclusions and recommendations**

149. Countries should ratify the relevant universal instruments against terrorism and review legislation with a view to implementing those instruments in their national legislation and practice, including through developing comprehensive security policies with full respect for the rule of law.

150. Countries should strengthen their capacity for border control as well as their law enforcement and intelligence agencies to combat terrorism effectively, with a view to the full implementation of the universal counter-terrorism instruments and Security Council resolution 1373 (2001). In the same vein, countries should make efforts to enhance interstate and inter-State coordination, cooperation and information exchange.

151. The United Nations should intensify its efforts in providing assistance and technical cooperation, in particular to countries emerging from conflict, including through developing and implementing assistance tools, such as model laws and training manuals on international cooperation. In that context, the United Nations should include in its peacekeeping and post-conflict programmes, measures against

terrorism and organized crime in the context of establishing a functioning criminal justice system with full respect for the rule of law.

## **C. Corruption: threats and trends in the twenty-first century**

### **Proceedings**

152. At its 1st to 4th meetings, on 18 to 20 April 2005, Committee II held a general discussion on agenda item 5, entitled “Corruption: threats and trends in the twenty-first century”. For its consideration of that item, the Committee had before it the following documents:

(a) Working paper prepared by the Secretariat entitled “Corruption: threats and trends in the twenty-first century” (A/CONF.203/6);

(b) Discussion guide (A/CONF.203/PM.1 and Corr.1);

(c) Reports of the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1).

153. At the 1st meeting, on 18 April, the Chairman of Committee II made an introductory statement. A representative of the Secretariat gave a presentation. Statements were made by the representatives of Thailand, Sweden, Turkey, Finland, Algeria, Norway, Nigeria, Cameroon and France.

154. At its 2nd meeting, on 19 April, Committee II heard statements by the representatives of Nigeria, the Philippines, China, Indonesia, El Salvador, Canada, Benin, Egypt, Austria, Burkina Faso, the Republic of Korea, Switzerland, South Africa and Cameroon.

155. At the 3rd meeting, on 19 April, statements were made by the representatives of the Islamic Republic of Iran, the Netherlands, Australia, Brazil, Chile, Botswana, Kuwait, Mongolia, Germany, Qatar, the United Arab Emirates and Latvia. Statements were also made by the observers for Prison Fellowship International and Penal Reform International. The observer for Interpol also made a statement.

156. At the 4th meeting, on 20 April, statements were made by the representatives of Argentina, Oman, Ukraine, the United States of America, Mexico, Morocco and Azerbaijan. Statements were also made by the observers for the Interreligious and International Federation for World Peace and the World Society of Victimology.

### **General discussion**

157. Opening the discussion on agenda item 5, the Chairman of Committee II emphasized the major challenges posed by corruption, its negative impact on national economies, democracy, political stability and maintenance of the rule of law, as well as its facilitating nature for the commission of other crimes, including money-laundering, organized crime and terrorism. In this connection, he acknowledged that the entry into force of the Organized Crime Convention and the adoption of the United Nations Convention against Corruption represented major achievements, as well as promising responses to the threats associated with corruption.

158. In his introductory statement, the representative of the Secretariat emphasized that, while the United Nations Convention against Corruption had been moving towards its entry into force at a faster rate than the Organized Crime Convention, the instruments of ratification deposited with the Secretary-General revealed a lack of balance between developing and developed countries, as no developed countries had ratified the Convention against Corruption. That might have a negative impact on the effectiveness of the Conference of the States Parties to the United Nations Convention against Corruption, the implementation mechanism of the Convention that would be established within a year after its entry into force. He stressed that the proper functioning of that body for giving practical effect to the provisions of the Convention against Corruption would require an optimum equilibrium between participating States. Therefore, he urged all Member States to take the steps necessary to ensure the speedy ratification of the Convention.

159. The representative of the Secretariat also provided a brief overview of threats and trends in corruption, referring to political corruption, to corruption within the judicial sector and to the role of the private sector in the fight against corruption. Moreover, he elaborated on the linkages between corruption and conflict, stressing the importance of adopting specific anti-corruption measures as part of overall efforts to re-establish the rule of law in post-conflict reconstruction. Referring to the innovative provisions on asset recovery in the Convention against Corruption, he emphasized the need to complement that legal framework with technical assistance geared towards enhancing the capacity of national criminal justice systems to successfully deal with the recovery of proceeds of corruption.

160. Delegates agreed that effective national and international anti-corruption strategies required strong political leadership, sustained public vigilance and a multidisciplinary and carefully structured approach, consisting of both preventive and law enforcement measures. They shared their countries' experiences in formulating measures and strategies to counter corruption, including the enactment of relevant legislation to criminalize corruption-related practices and the establishment of specialized independent authorities to tackle corruption and ensure coherence of relevant policies, as well as coordination of national or local agencies involved in related issues. Convinced that prevention was better than repression, other representatives reported on specific preventive measures, such as the adoption of codes of conduct for the public and private sectors, the provision of professional ethics training for civil servants working in particularly sensitive areas, the disclosure of assets and the promotion of transparency in the management of all public affairs, as well as raising public awareness about the risks and negative effects of corruption and encouraging the reporting of incidents of corruption by, for example, establishing anti-corruption hotlines.

161. Several representatives noted the immense damage to their national economies and development efforts caused by the massive looting of State assets. Representatives of developing and developed countries alike stressed that one landmark achievement of the Convention against Corruption was that it was the first international legal instrument to include a comprehensive chapter on asset recovery as a fundamental principle of the Convention, emphasizing the promising added value of the Convention as a major boost to the unrewarded efforts of developing countries to return illicitly acquired assets. It was emphasized that it was the responsibility of all States to ensure the sound implementation of the Convention, including the provisions on asset recovery. In this connection, several delegates

welcomed the recent initiative launched by the Executive Director of UNODC in order to assist Member States in building capacities to prevent the looting and laundering of assets, investigate and prosecute relevant cases, formulate mutual legal assistance requests and cooperate at the international level to ensure the speedy recovery of assets. It was further argued by some representatives that the provisions on asset recovery should be applied not only to assets diverted through corruption-related practices, but also to proceeds of other crimes, in particular those committed by organized criminal groups.

162. Several representatives mentioned the need to actively involve other stakeholders in the fight against corruption and to build strategic partnerships with, among others, civil society, the private sector, non-governmental organizations, the media and educational institutions. Moreover, several representatives were in favour of encouraging the involvement of women in designing, implementing and monitoring anti-corruption strategies. With particular respect to the involvement of businesses in the fight against corruption, it was further argued that any awareness-raising effort should bear in mind the influence of shareholders on the conduct of companies, especially those doing business in the developing world.

163. Several representatives voiced their concern about the considerable repercussions of corruption on national criminal justice systems, including the judiciary, prosecution services and law enforcement agencies. In this context, specific reference was made to the Interpol Global Standards to Combat Corruption in Police Forces/Services and the Interpol library of best practices on investigative techniques in relation to corruption. It was stressed that corruption-related practices also occurred within penitentiary systems and that such practices, which ranged from extortion and sexual abuse of inmates to the sale of illicit drugs in prisons, thus jeopardized fundamental human rights of prisoners and their chances of being rehabilitated and reintegrated into society.

164. Representatives underlined the considerable work that UNODC had carried out prior to the adoption of the Convention against Corruption, including the development of the International Code of Conduct for Public Officials (General Assembly resolution 51/59, annex) and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions (Assembly resolution 51/191, annex), as well as the provision of technical assistance to Member States through its Global Programme against Corruption.

165. Some representatives, including those of developed countries, reported that the process for the ratification in their respective national legal systems was well on its way. In view of the forthcoming entry into force of the Convention against Corruption, it was noted by several representatives that, in order to ensure effective implementation of its provisions at the national level, there was a need for the Conference of the States Parties to establish a strong monitoring and evaluation machinery, which should be streamlined, taking into account already existing review mechanisms of other international and regional instruments against corruption. Several delegates reported on their positive experiences with existing monitoring mechanisms, as they provided an objective evaluation of national efforts to combat corruption and an opportunity to make further improvements on existing institutional and legal frameworks.

166. Delegates pledged their readiness to cooperate fully in the fight against corruption on all fronts and at all levels, bilaterally as well as regionally and globally.

167. All representatives emphasized the acute need to enhance and strengthen international cooperation mechanisms for combating corruption, in particular by promoting extradition and mutual legal assistance. They underscored the importance of updating and streamlining existing treaty framework and relevant domestic legislation in line with the provisions of the Convention against Corruption and the Organized Crime Convention.

168. Many representatives pointed out that the requirements set out in the Convention against Corruption could not be fully met without appropriate technical assistance. There was agreement that UNODC should be supported in its efforts to carry out technical cooperation projects and activities with a view to building national capacities. Moreover, some participants emphasized the need for improved inter-agency coordination in the provision of technical assistance, making reference to the ongoing work of the International Group for Anti-Corruption Coordination.

### **Conclusions and recommendations**

169. Summarizing the discussion, the Chairman stated that, in order to tackle the scourge of corruption in an efficient manner, more concerted action was required to build effective responses at the global level, including the possible development of a global plan of action against corruption. He recalled that, although the Organized Crime Convention had regulated public sector corruption, Member States felt that there was a need for a much more comprehensive instrument to deal with the multifaceted problem of corruption in an equally multidisciplinary and comprehensive manner. In view of that, the adoption of the Convention against Corruption was a milestone in the efforts of the international community to establish an international legal framework against corruption. That instrument, particularly its provisions on asset recovery, constituted a decisive step towards enhancing international cooperation in that area. The Chairman also underscored the importance of providing technical cooperation to assist Member States in putting in place appropriate regulatory regimes and establishing independent anti-corruption bodies, as well as in promoting the necessary administrative reforms to ensure accountability in both the public and private sectors and to create a culture of good governance, which were effective deterrents to corruption-related practices.

170. There was unanimous agreement that corruption often had devastating consequences for sustainable development and democratic governance, as well as for the free and fair flow of international trade and investment. Moreover, all participants regarded the fight against corruption as an integral and indispensable component of the United Nations initiatives aimed at the achievement of the Millennium Development Goals.

171. Participants called upon all States to strive towards the speedy ratification and effective implementation of the Convention against Corruption. They accorded high priority to the need to establish appropriate and efficient legal and administrative mechanisms and methods for facilitating the return of proceeds of corruption in accordance with the provisions of the Convention.

172. Participants also emphasized the need to enhance technical assistance provided to Member States in drafting appropriate legislation and building the capacity of

national institutions to give practical effect to the provisions of the Convention against Corruption. They called upon UNODC to continue supporting relevant projects and activities, including those involving the preparation of a legislative guide for facilitating the development of relevant implementing laws, the dissemination of good practices in countering corruption and the expansion of the Global Programme against Corruption.

## **D. Economic and financial crimes: challenges to sustainable development**

### **Proceedings**

173. At its 1st to 3rd meetings, on 18 and 19 April, Committee I held a general discussion on agenda item 6, entitled “Economic and financial crimes: challenges to sustainable development”. For its consideration of the item, the Committee had before it the following documents:

(a) Working paper prepared by the Secretariat on economic and financial crimes: challenges to sustainable development (A/CONF.203/7);

(b) Discussion guide (A/CONF.203/PM.1 and Corr.1);

(c) Reports of the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1).

174. At the 1st meeting, on 18 April, the Chairman of Committee I made an introductory statement. A representative of the Secretariat briefly introduced the agenda item. Statements were made by the representatives of Canada, Sweden, Indonesia, China, Oman, Ghana, Egypt, Algeria, Thailand and Portugal. A statement was also made by an individual expert.

175. At the 2nd meeting, on 19 April, statements were made by the representatives of Thailand, the United States, the Republic of Korea, Nigeria, Italy, the United Kingdom, Morocco, Luxembourg (on behalf of the European Union), Australia, Mauritania, Cameroon, Brazil, Norway, Denmark, Venezuela (Bolivarian Republic of), Ukraine and Switzerland.

176. At the 3rd meeting, on 19 April, statements were made by the representatives of Finland, the Philippines, Turkey, Germany, France, Sri Lanka, Spain, Peru and Argentina. Statements were also made by the observers for the Council of Europe, the Asia/Pacific Group on Money Laundering, the Japan Federation of Bar Associations and the Asia Crime Prevention Foundation.

### **General discussion**

177. In his introductory statement, the representative of the Secretariat reviewed the key issues outlined in the documents that had been prepared on agenda item 6.

178. There was agreement that increases in economic and financial crimes were driven by globalization and related advances in information technology and that such crimes had a profound impact on development. The speakers emphasized that such crimes not only had an adverse effect on the economic climate and business confidence, but also undermined the tax base, interfered with competition and had a

negative long-term impact on democracy and good governance. It was noted that such crimes caused greater harm to developing countries, whose people were particularly vulnerable, than to developed countries; moreover, developing countries had fewer resources with which to confront the problem. Another consequence of such crimes was the disruption of payment systems and the diversion of economic activity out of the formal financial system. One speaker emphasized the damage to his country's image as a result of it being seen as a source of economic and financial crimes, in particular fraud.

179. It was pointed out that the losses incurred as a result of economic and financial crimes were not just of a financial nature: citizens could lose the feeling that they were living in a fair and just society or lose their trust and confidence in government. Government action against perpetrators of such crimes must be prompt in order to forestall the build-up of public resentment and the loss of confidence. It was noted that economic and financial crimes were non-violent and did not have an immediate impact on the public; thus, such crimes could go unnoticed for long periods and their impact could have time to grow. Such crimes posed a considerable threat to good governance, as many offenders had both inclination and the capacity to intervene in the legal and political process to further their aims, including by using corruption. In the light of such factors, one speaker suggested that economic and financial crimes constituted a global challenge that was as significant as any other, including terrorism, and that such crimes might cause even greater damage.

180. Speakers highlighted several areas of concern, including the significantly increased incidence of fraud using telephones, e-mail and the Internet; growing theft and misuse of identities; a substantial increase in the number and scope of predicate offences generating proceeds; and the emergence of groups (which might not be directly associated with those carrying out the predicate offences) specializing in the laundering of funds derived from criminal activity. In addition, regulation was made difficult by weak international legal frameworks, poor government capacities and the increasing volume of global financial transactions. It was indicated that many of those factors also made it easier for terrorists to abuse the international financial system.

181. Several speakers pointed out the difficulties involved in accurately defining economic and financial crime and the need to do so before considering any new international instrument. It was suggested that international cooperation was more difficult where there was no agreement on the nature of the offences. It was noted, however, that conceptualizing economic and financial crime might be difficult due to the many possible offences involved. In addition to such definitional concerns, speakers identified the need for better information on the scale and methods of economic and financial crime in order to best develop and implement countermeasures. That would also allow the identification of potential risks so that pre-emptive action could be taken. One representative put forward the idea of developing, under the auspices of the United Nations and in partnership with the private sector, a better analysis and definition of high-technology crime.

182. Many representatives outlined measures taken or being taken in their countries to counter economic and financial crimes. Such measures included improving legislation to bring it into compliance with the relevant international conventions and standards; upgrading police and judicial capacities, including by creating specialized units and task forces; providing specialized training; and setting up financial intelligence units. There was agreement that there should be a balance

between repressive and preventive action. Prevention should include promoting the use of the formal financial sector while, at the same time, ensuring control of informal transfer systems, registering financial dealers and requiring the reporting of suspicious transactions. The importance of asset confiscation as a disincentive to criminal activity was also highlighted: seized assets could be channelled back into efforts to counter crime. In some countries, specialized courts had been established to deal with cases involving economic and financial crimes, including money-laundering.

183. Several speakers concluded that strong political will was an element that was vital to efforts to tackle such problems. Governments must serve as role models, ensuring public trust and taking swift and decisive action, particularly against perpetrators within their own ranks. That, in turn, would give law enforcement authorities the confidence they needed to act without fear. It was also concluded that measures taken against economic and financial crimes should not violate human rights.

184. Participants recognized that action at the national level was not sufficient to deal with such problems. Success depended on international cooperation preventing criminals from finding safe havens in environments that were the least regulated. A wide range of interventions were identified, such as greater adherence to bilateral and multilateral agreements that removed barriers to cooperation; the harmonization of domestic legislation; encouragement of information-sharing at the international level; increased cooperation involving international police and judicial authorities, including in the freezing and confiscation of criminal proceeds; and increased training in countering money-laundering (including in international exchanges) in order to keep pace with developments. One representative pointed out that the signing of bilateral agreements on the exchange of information between financial intelligence units was an effective means of international cooperation; however, another noted that one significant barrier to effective international exchange was the absence of a “culture of cooperation”.

185. Many representatives indicated steps that were being taken in their countries to promote greater cooperation with the private sector, which was seen as a key partner in countering economic and financial crimes. One speaker emphasized that the response to such crimes must go beyond law enforcement authorities and include other members of the community, such as the business sector, trade unions, self-regulating professions and civil society in general, with a view to improving preventive responses, an approach similar to the one taken in relation to situational crime prevention. The aim was to increase the risk of detection and prosecution and forfeiture of criminal assets. In several countries, associations in the private sector were involved in the preventive regime. One speaker emphasized the importance of using corporate governance as a key tool against economic and financial crimes.

186. There was general consensus on the need to implement existing conventions and standards in the area of countering money-laundering. However, representatives differed with one another on the question of the present need for an international instrument against money-laundering. A number of speakers advocated the negotiation of such an instrument on the basis that it could have universal legal force, under the auspices of the United Nations, particularly when considering that existing instruments did not cover all aspects of the issue. One speaker argued that such an instrument could make mandatory all provisions against money-laundering contained in the United Nations conventions and could make standards such as the

recommendations of the Financial Action Task Force on Money Laundering universally applicable. Another suggested the possibility that a new international instrument against money-laundering could bridge the gap by transforming some current standards into international law.

187. Many other speakers, however, believed that existing international conventions and standards (and global and regional forums) addressed the problem sufficiently and that an attempt to draft a new international instrument against money-laundering could weaken what had already been achieved. They argued that there was no compelling need at the present time for such a new international instrument, as there were already four United Nations conventions with provisions on countering money-laundering, as well as various other international standards, notably the recommendations of the Financial Action Task Force, to which a large number of Member States had subscribed. In addition, those standards had been recognized by other organizations, including the International Monetary Fund and the World Bank. The negotiation of a new international instrument could increase the risk of undercutting existing standards, as it might not be possible to agree at the international level on an equally strong set of measures. In view of those considerations, it was felt that effective implementation of existing international instruments on the subject should take precedence over the negotiation of any new one.

188. Some representatives considered the idea of developing new international legal instruments on economic and financial crime. Others, however, expressed caution about that idea, adding that there should be sufficient evidence that such instruments were needed and that the issues were ready for negotiation. Account should also be taken of the extensive effort required to develop such international instruments. It was noted that, while a clearer definition of what constituted economic and financial crime would be useful to international cooperation and the United Nations would be the proper forum in which to undertake such discussions, a piecemeal approach that would emphasize individual aspects of economic and financial crime (such as Internet fraud) should be avoided. It was pointed out that the focus should be on the offence rather than on the methods by which the offence was perpetrated.

### **Conclusions and recommendations**

189. A number of conclusions were reached on agenda item 6:

- (a) The significant impact of economic and financial crimes, particularly in developing countries;
- (b) The importance of the effective implementation of existing United Nations conventions containing provisions related to money-laundering;
- (c) The need for more data on the nature and extent of financial and economic crimes, particularly in emerging areas such as identity theft, in order to formulate better responses;
- (d) Emphasis should be placed on measures to improve cooperation between government and the private sector in preventing economic and financial crime, as well as working together to identify new vulnerabilities;
- (e) The significance of balancing law enforcement measures with those aimed at prevention;

(f) The need for effective technical assistance to be provided, including by UNODC, to developing countries in order to improve their law enforcement, prosecutorial and judicial capacities to confront the problem of economic and financial crime, in particular in view of the advances in technology and the resulting new opportunities for such crime.

## **E. Making standards work: fifty years of standard-setting in crime prevention and criminal justice**

### **Proceedings**

190. At its 4th and 5th meetings, on 20 April 2005, Committee I held a general discussion on agenda item 7, entitled “Making standards work: fifty years of standard-setting in crime prevention and criminal justice”. For its consideration of the item, the Committee had before it the following documents:

(a) Working paper prepared by the Secretariat on making standards work: fifty years of standard-setting in crime prevention and criminal justice (A/CONF.203/8);

(b) Discussion guide (A/CONF.203/PM.1 and Corr.1);

(c) Reports of the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1);

(d) Report of the Intergovernmental Expert Group Meeting to Develop Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, held in Vienna on 15 and 16 March 2005 (E/CN.15/2005/14/Add.1).

191. At the 4th meeting, on 20 April 2005, the Executive Secretary of the Congress introduced the agenda item. Statements were made by the representatives of China, Thailand, Malawi, Argentina, Algeria, Finland, Mauritania, Austria, the Republic of Korea, Indonesia, Uganda and the Philippines. Statements were also made by the observers for the International Centre for Criminal Law Reform and Criminal Justice Policy, the International Organization for Migration, Penal Reform International, Defence for Children International, Friends World Committee for Consultation, the Japan Federation of Bar Associations and Prison Fellowship International.

192. At its 5th meeting, on 20 April 2005, statements were made by the representatives of Sweden, Canada, Germany, Turkey, Oman, the Islamic Republic of Iran, Chile and the United States. Statements were also made by the observers for the Council of Arab Ministers of the Interior, the International Centre for the Prevention of Crime, the International Commission of Catholic Prison Pastoral Care and the World Society of Victimology. The meeting was also addressed by an individual expert.

### **General discussion**

193. In his introductory statement, the Executive Secretary of the Congress invited the Committee to watch a documentary film entitled “Making Standards Work”, commissioned by the United Nations Information Service and produced by the non-governmental organization “Two Hands Free”. The video was inspired by the

fiftieth anniversary of the adoption of the Standard Minimum Rules for the Treatment of Prisoners<sup>14</sup> and was dedicated to the memory of the former Chairman of Penal Reform International, Ahmed Othmani, who had died in a tragic accident in 2004.

194. The Executive Secretary noted that, as illustrated by the documentary film, the international community had made considerable strides in the implementation of standards and norms, but that more work remained to be done. He praised individuals, institutions and non-governmental organizations for their efforts and dedication in the implementation of standards and norms. The Eleventh Congress provided a unique opportunity to review the achievements made in the history of standard-setting in crime prevention and criminal justice over the last 50 years. It also provided an opportunity to chronicle the achievements made in applying standards and norms and to identify the challenges that lay ahead and propose recommendations on how best to tackle them, based on best practices. He outlined the history of standard-setting since the First Congress on the Prevention of Crime and the Treatment of Offenders, held in 1955, and the role played by the congresses and the Commission on Crime Prevention and Criminal Justice in that process. In conclusion, he drew attention to the charter of fundamental rights of prisoners recommended by the regional preparatory meetings for Africa (A/CONF.203/RPM.3/1 and Corr.1), Latin America and the Caribbean (A/CONF.203/RPM.2/1) and Western Asia (A/CONF.203/RPM.4/1) for consideration by the Eleventh Congress.

195. Several speakers paid tribute to Ahmed Othmani and his pioneering work in advocating the rights of prisoners. Many speakers emphasized the importance of the implementation of standards and norms in crime prevention and criminal justice, through criminal justice reform, respect for the rule of law and protection of fundamental rights.

196. Many speakers expressed their appreciation to the Secretariat for the working paper on making standards work (A/CONF.203/8) and their support for the recommendations contained in paragraph 55 of that paper, emphasizing the need to continue assessing the impact of standards and norms. Other speakers gave examples of the influence of standards and norms in their criminal justice systems through legislative and institutional reform, including in the areas of juvenile justice, treatment of prisoners, alternatives to imprisonment and restorative justice.

197. A large number of representatives made reference to prison reform inspired by the Standard Minimum Rules for the Treatment of Prisoners. Others reported the impact of other standards in their criminal justice systems, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33, annex), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (Assembly resolution 45/112, annex), the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Assembly resolution 40/34, annex), the basic principles on the use of restorative justice programmes in criminal matters (Economic and Social Council resolution 2002/12, annex), the Guidelines for the Prevention of Crime (Council resolution 2002/13, annex), the Model Treaty on

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<sup>14</sup> *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.

Extradition (Assembly resolutions 45/116, annex, and 52/88, annex), the Model Treaty on Mutual Assistance in Criminal Matters (Assembly resolutions 45/117, annex, and 53/112, annex I) and the safeguards guaranteeing protection of the rights of those facing the death penalty (Council resolution 1984/50, annex).

198. Some speakers stressed the importance of alternative sanctions, noting that a fully functioning criminal justice system was incomplete when it provided imprisonment as the only option for sentencing. Accordingly, there was a need for more use of parole and probation, as well as other non-custodial sanctions. One speaker reported that the use of mediation through dispute settlement councils in his country had contributed to the reduction of cases going to court, thereby reducing also the case backlog.

199. A number of speakers called for greater use of restorative justice. One speaker stated that his country was committed to the use of restorative justice and that it would use that remedy more in the future, because of its proven beneficial value to the enhancement of peace and stability in society.

200. The importance of the independence of the judiciary as one of the essential pillars in the maintenance of the rule of law was also underscored by many representatives. In that regard, they cited the impact of the Basic Principles on the Independence of the Judiciary<sup>15</sup> and the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex) on their criminal justice systems.

201. Many speakers stressed the importance of providing training in implementation of standards and norms to professionals involved in the administration of justice, such as police officers, prosecutors, correctional facilities personnel, probation officers, social workers, magistrates and judges. They also emphasized the importance of wide dissemination of standards and norms in local languages. They called for the publication of a revised compendium on standards and norms in all six official languages of the United Nations and, where possible, for its translation into local languages.

202. Some speakers noted the difficulties in implementing standards and norms at the national level owing to a lack of adequate resources, especially in developing countries. In that regard, reference was made to the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa and its plan of action, which called for a broad interpretation of legal aid to include advice, assistance and education and representation not only by legally trained lawyers, but also through law clinics, the use of paralegals, offices of public defenders and justice centres.

203. Emphasis was placed on the special needs of women prisoners (whose numbers were rising more rapidly than those of men prisoners in many countries), including pregnant women and those with small children. Problems included physical conditions in correctional facilities, lack of separate facilities for women, lack of female staff, lack of redress, lack of trained staff and the risk of sexual abuse by prisoners and staff.

204. Several speakers reported that their countries had set up separate juvenile justice systems or improved the existing one, in accordance with international

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<sup>15</sup> *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

standards and norms. That was done through legislative changes, the establishment of specialized rehabilitation centres that provided for education and vocational training, recreational and sporting facilities and training of specialized staff such as judges, social workers and probation and correctional staff. Some speakers expressed concern over the large number of children who were still in detention, most of them in police custody and pre-trial detention facilities. Others referred to the benefits of using diversion, alternative sanctions and restorative justice for children in conflict with the law and provided examples of best practices in the field.

205. The application of standards and norms in institution-building and strengthening or re-establishing the rule of law in countries emerging from conflict and in post-conflict situations, including in situations where United Nations peacekeeping operations were in place, was emphasized. In that regard, the need to include well-trained prosecutors, judges and prison and probation officers in such operations was stressed.

206. Many speakers welcomed the proposed charter of fundamental rights of prisoners, recommended by the regional preparatory meetings for Africa, Latin America and the Caribbean and Western Asia for consideration by the Eleventh Congress. One representative expressed the support of his Government for the rights of prisoners, but questioned the value that such a charter would add to the existing body of standards and norms in crime prevention and criminal justice.

#### **Conclusions and recommendations**

207. There was broad agreement on the need to continue giving priority to the implementation of standards and norms, both in developing and developed countries. A balance should be maintained between responding to emerging threats, such as terrorism and transnational organized crime, and respect for and implementation of human rights instruments and humanitarian law in criminal justice systems.

208. There was consensus that effective implementation of standards and norms required proper allocation of resources at the national level, as well as to the United Nations in order to facilitate the provision of technical assistance.

209. There was general agreement on the need for innovative approaches in the administration of justice, including the use of alternatives to imprisonment for minor offences, especially by first-time offenders, juvenile offenders and drug abusers, the use of restorative justice, including mediation and conciliation, and the need to take into consideration the rights of victims, in particular those of women and children.

210. The Committee recommended that:

(a) The use and application of United Nations standards and norms in crime prevention and criminal justice should continue to be accorded high priority within the United Nations system and should remain a standing item on the agenda of the Commission on Crime Prevention and Criminal Justice. In that context, the Congress commended the cluster approach in the assessment of use and application of standards and norms in accordance with Economic and Social Council resolution 2003/30 of 22 July 2003. Future reviews of their application should focus on identifying difficulties and problems, as well as the best practices to overcome

them, with a view to facilitating international cooperation through the sharing of such information and enhancing the impact of technical cooperation activities;

(b) States should ensure that relevant applicable human rights law becomes an integral part of their criminal justice systems and that the relevant international human rights instruments are consistently applied, especially when confronting complex forms of criminal activities, such as organized crime or acts of terrorism;

(c) States should consider mechanisms to promote, as appropriate, the widest possible application of United Nations standards and norms, including by coordinating the work of national authorities and agencies involved, as well as promoting exchange of information between them. Such mechanisms should have the support of relevant non-governmental and civil society organizations;

(d) UNODC, subject to availability of extrabudgetary resources, should publish an updated version of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*<sup>16</sup> in the six official languages of the United Nations and, where possible, translate it into other languages, in order to ensure its widest possible dissemination;

(e) UNODC should be provided with adequate resources to enable it to provide technical assistance in criminal justice reform to States, upon request;

(f) Considering that remand prisoners constitute the majority of the prison population in many countries and that, because of prison overcrowding, many prisoners are housed in inhumane conditions and often subjected to gross violations of human rights and even to torture and inhuman or degrading treatment, consideration should be given to the standards and norms in relation to prison management and prisoners;

(g) The Commission on Crime Prevention and Criminal Justice should consider the recommendations contained in the report of the Intergovernmental Expert Group Meeting to Develop Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, held in Vienna on 15 and 16 March 2005 (E/CN.15/2005/14/Add.1), in accordance with Economic and Social Council resolution 2004/27 of 21 July 2004;

(h) The Commission on Crime Prevention and Criminal Justice should give consideration to reviewing the adequacy of standards and norms in relation to prison management and prisoners;

(i) Since mandatory sentences restrict the discretion of the courts in considering the circumstances of each offender and in applying alternative sanctions, States that have not yet done so should consider enacting legislation that provides for flexibility in sentencing, as well as for the imposition of non-custodial measures.

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

211. At its 1st plenary meeting, on 18 April 2005, the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, in accordance with rule 4 of the rules of procedure of the Congress, appointed a Credentials Committee

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<sup>16</sup> United Nations publication, Sales No. E.92.IV.1 and corrigendum.

composed of the following States: Benin, Bhutan,<sup>17</sup> China, Ghana, Liechtenstein, Russian Federation, Trinidad and Tobago,<sup>18</sup> United States of America and Uruguay.<sup>18</sup>

212. The Credentials Committee held one meeting, on 23 April 2005.

213. Mr. Luis Plaza Gentina (Chile) was unanimously elected Chairman of the Committee.

214. The Committee had before it a memorandum by the Executive Secretary of the Congress, dated 23 April 2005, on the status of credentials of representatives of States attending the Congress. Additional information on credentials received by the Executive Secretary of the Congress after the issuance of the memorandum was provided to the Committee by the Secretary of the Committee. On the basis of the information made available to it, the Committee noted that, as at 23 April 2005, each of the following 102 States had submitted for its representatives credentials issued by the Head of State or Government or by the Minister for Foreign Affairs, as provided for in rule 3 of the rules of procedure of the Congress: Afghanistan, Algeria, Andorra, Angola, Argentina, Australia, Azerbaijan, Bangladesh, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Egypt, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Gabon, Gambia, Ghana, Greece, Guatemala, Haiti, Holy See, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Turkey, Uganda, Ukraine, United Arab Emirates, United States, Venezuela (Bolivarian Republic of), Viet Nam and Zambia.

215. The Committee also noted that the designation of representatives of the following 27 other States participating in the Congress had been communicated by means of facsimile or in the form of letters or notes verbales by their ministries, embassies, permanent missions to the United Nations or other government offices or authorities, or through local United Nations offices: Austria, Belgium, Belize, Benin, Bulgaria, Burundi, Cambodia, Costa Rica, Democratic People's Republic of Korea, Ethiopia, Germany, Guinea, Guinea-Bissau, Kiribati, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Pakistan, Peru, Samoa, Saudi Arabia, Senegal, Sri Lanka, Togo, United Kingdom, Yemen and Zimbabwe.

216. The Chairman proposed that the Committee adopt the following draft resolution:

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<sup>17</sup> Subsequently replaced by Indonesia.

<sup>18</sup> Subsequently replaced by Argentina and Chile.

*“The Credentials Committee,*

*“Having examined the credentials of the representatives to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, referred to in paragraphs 4 and 5 of the present report,<sup>19</sup>*

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

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

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

217. The draft resolution proposed by the Chairman was adopted by the Committee without a vote.

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

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

219. At its sixth meeting of the high-level segment and closing meeting on 25 April, the Congress adopted the draft resolution entitled “Credentials of representatives to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice”, recommended by the Credentials Committee in its report (A/CONF.203/17, para. 10). (For the text of the resolution, see chapter I, resolution 2.)

## **Chapter VI**

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

#### **A. Workshop on Enhancing International Law Enforcement Cooperation, including Extradition Measures**

220. At its 6th and 7th meetings, on 21 April 2005, Committee I held the Workshop on Enhancing International Law Enforcement Cooperation, including Extradition Measures. The Workshop was organized in cooperation with the European Institute for Crime Prevention and Control, affiliated with the United Nations, and the International Institute of Higher Studies in Criminal Sciences. The Workshop had before it the following documents:

(a) Background paper on the Workshop on Enhancing International Law Enforcement Cooperation, including Extradition Measures (A/CONF.203/9);

(b) Discussion guide (A/CONF.203/PM.1 and Corr.1);

(c) Reports of the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1).

<sup>19</sup> A/CONF.203/17.

221. The Chairman of the Committee made an introductory statement. Statements were made by the representatives of Ukraine, the United States, Ghana, Sweden, China, France, Oman, Finland, Chile, Algeria, Turkey, Morocco and Thailand.

222. Statements were made by the representatives of Brazil, Samoa, Cameroon, Egypt, Thailand, China, Luxembourg (also on behalf of the European Union), the Philippines, Slovenia, Indonesia and Portugal. A statement was made by the observer for the Asia Crime Prevention Foundation.

223. The Workshop consisted of two panels. The first dealt with law enforcement cooperation and the second focused on issues related to extradition and mutual legal assistance. Eleven presentations were made during the Workshop, including a demonstration of mutual legal assistance request writer software, developed by UNODC.

### **General discussion**

224. In his introductory statement, the Chairman of the Committee stated that, in view of the internationalization of crime and the increasing mobility of offenders in fleeing from one jurisdiction to another in order to avoid punishment, there was an urgent need to expand international cooperation, including law enforcement cooperation, extradition and mutual legal assistance. He stated that there was also a need for an integrated approach to international cooperation in criminal matters, in order to avoid piecemeal solutions while using the full array of available forms of cooperation in a complementary way.

225. There was agreement that enhancing, improving and streamlining international cooperation were crucial to efforts to effectively combat crime, in particular transnational organized crime, corruption and international terrorism. Participants outlined initiatives that had been taken in their respective countries to develop and promote successful strategies and efficient mechanisms for international cooperation, including the conclusion of relevant bilateral and regional treaties, agreements or arrangements; accession to multilateral instruments containing provisions on international cooperation; the adoption of legislation to supplement treaty arrangements or regulate procedural aspects of cooperation; and the development or reform of existing national and international structures and mechanisms to improve coordination and facilitate cooperation. Many participants also reported that the legal systems in their countries provided flexibility concerning the legal basis for providing assistance to other States. Thus, they confirmed that, particularly in extradition proceedings, cooperation could be possible even in the absence of a treaty, by virtue of reciprocity or comity.

226. Some participants called for a more coordinated approach to combating crime, one that would involve more open channels of information and an improved exchange of intelligence between law enforcement, regulatory, customs, tax and other relevant agencies. It was also suggested that, in international cooperation in criminal matters, an integrated approach to the execution of requests would, for example, enable States to gather foreign evidence to support simultaneous requests for both restraint and seizure of proceeds of crime and the extradition of a fugitive. Such an approach would prevent fragmentary action and facilitate the proper administration of justice. Participants referred to the detailed provisions on all available forms of international cooperation in criminal matters in the United Nations instruments against drug trafficking, transnational organized crime and

corruption, noting that they could be used as the legal basis for providing and receiving a comprehensive range of judicial and law enforcement assistance in a given case. Reference was made to the disposal of confiscated proceeds of crime as an autonomous form of international cooperation. Reference was also made to a recent UNODC initiative involving the organization of an intergovernmental expert group meeting to develop a draft model bilateral agreement on disposal of confiscated proceeds of crime.

227. Several participants noted that both law enforcement and judicial cooperation had been hampered by a number of problems, such as different legal systems and structures, the absence of communication channels for the transmission of basic information and different priorities and approaches. Other participants stated that delays caused by inflexible and bureaucratic procedures were additional obstacles to effective cooperation. In addition, it was noted that concerns over national sovereignty and general political considerations sometimes hindered cooperation, leading to the perception that political considerations outweighed or even excluded the administration of justice. Other impediments reported during the workshop were lack of willingness to cooperate or to comply with the obligations set forth in the applicable instruments, as well as lack of trust in the integrity of the criminal justice system of the other State involved. Several participants, in particular participants from developing countries, noted that other impediments included lack of resources for building or strengthening the appropriate institutions, as well as a shortage of expertise in addressing practical problems encountered in day-to-day operational work. For those countries, technical assistance was vital, and the role of UNODC in this context was acknowledged.

228. With respect to extradition proceedings, some participants highlighted the difficulties arising from strict application of extradition principles and grounds for refusal, such as the political offence exception to extradition, prohibition of the extradition of nationals, exclusionary evidentiary rules and rigid interpretation of the double criminality requirement. In relation to the last-mentioned requirement, it was argued that preference should be given to a more pragmatic approach, according to which the dual criminality test would be focused on whether the factual conduct was punishable by both the requested State and the requesting State, even if under differently named statutory categories. In addition, one participant suggested the non-application of that requirement in the context of international cooperation for purposes of confiscation. It was pointed out that many international instruments against terrorism had narrowed the political offence refusal ground by excluding from it the offences covered by those instruments. Participants shared their countries' experiences in dealing with other grounds for refusal of an extradition request, such as the potential imposition or execution of the death penalty in the requesting State or the possible discriminatory treatment of the person sought after being surrendered to the requesting State. It was reiterated during the workshop that measures aimed at streamlining the extradition process should be taken with due respect to maintenance of the rule of law and protection of human rights. Moreover, it was stated that the same standards on the principle of legality and human rights safeguards should be applied in cases where States circumvented extradition requirements by resorting to deportation procedures in lieu of extradition. One participant described his country's experience with constitutional challenges by fugitives alleging that those safeguards had not been met.

229. Many participants underscored the fact that particular importance should be attached to the alignment and, where possible and appropriate, harmonization of relevant national laws and procedures on international cooperation, noting in particular the progress made in that field in recent years. In this connection, Member States needed to use existing international instruments as the legal framework for providing assistance and to expand their network of bilateral and regional treaties and agreements to supplement those instruments. One participant proposed the conclusion of an ad hoc international instrument on extradition with a view to consolidating uniform practice in related cases. Some cautioned against the development of additional international instruments regulating cooperation in criminal matters in view of the confusion or overlapping obligations that such a proliferation of normative standards might entail. Others suggested that, for the time being, emphasis should be shifted from the development of new instruments to the full implementation of the existing ones in the most effective manner.

230. Many participants noted that a substantive prerequisite for enhancing and speeding up cooperation was the designation of national authorities to receive and transmit related requests and the establishment of direct communication channels between them. Specific proposals were also made for identifying alternative ways to facilitate international casework cooperation, including by outposting liaison officers, prosecutors and magistrates who could assist in fostering mutual trust and confidence between the States concerned in both law enforcement cooperation and mutual legal assistance. Several participants reported that such outposting of personnel was already in use in their countries. There was agreement that that practice should be promoted and expanded in order to improve coordination and help resolve the day-to-day casework problems arising between countries.

231. Many participants emphasized the need to reduce delays and cumbersome practices that hampered the prompt and expeditious response to requests for cooperation. One participant stressed that the proper formulation of requests for assistance and the transmission of complete and precise information were prerequisites for avoiding problems such as documents being sent back and forth because the incoming request did not comply with the law or procedures. Other participants drew attention to delays encountered in extradition practice, arguing that simplified extradition procedures, implemented over the previous few years at the regional level, should be promoted with a view to minimizing formalities and requirements and facilitating the surrender of fugitives to requesting States in a timely manner.

232. Many participants agreed that the development of more effective systems for sharing information, at the regional and international levels, was essential to increasing the efficiency and effectiveness of law enforcement cooperation mechanisms. Some participants also supported the use of such systems for sharing intelligence. Others drew attention to the need to ensure adequate data protection and safeguards in such exchanges at the national and international levels. It was pointed out that Interpol was developing an "orange notice" system to warn of imminent threats.

233. It was suggested by many participants that further action needed to be taken towards establishing the appropriate legal framework and providing adequate resources for joint investigative teams in cross-border investigations, prosecutions and judicial proceedings.

234. During the Workshop, recent examples were given of concerted action at the regional level aimed at promoting inter-State cooperation to combat crime, especially crime of a transnational nature. Reference was made to initiatives taken to streamline and promote mutual legal assistance, law enforcement cooperation and extradition among member States of the European Union, such as the establishment and operation of Eurojust and Europol and the implementation of the new European arrest warrant surrender procedure. It was pointed out that, although it was still too early to draw conclusions, the first year of implementation of the European arrest warrant procedure had demonstrated that the procedure had led to a substantial reduction in the time needed to surrender a fugitive (an average of 45 days), compared with the time needed under traditional extradition procedures. Noting the apparent success of the European arrest warrant procedure, one participant suggested that consideration be given to the possibility of introducing a uniform international arrest warrant procedure as a practical measure to improve cooperation at the international level.

235. Many participants drew attention to the need to establish and promote training programmes for personnel involved in cases involving international cooperation, especially officers and practitioners from developing countries and from countries with economies in transition, with a view to upgrading both technical expertise and linguistic skills. In this connection, some participants referred to the need for initiatives aimed at bolstering technical cooperation, including the provision of adequate resources for that purpose. Other participants pledged their willingness to support technical assistance activities and projects to enhance national capabilities in addressing requests for international cooperation. They noted with appreciation the considerable work carried out by UNODC in that area, particularly in terms of providing model instruments for drafting legislation or preparing training tools based on best practices. The participants welcomed, in particular, the initiative of UNODC to develop the request writing software demonstrated during the workshop, which was to be made available to interested Member States by the end of June 2005. It was noted that the software had been designed to be used as a tool to guide practitioners through each step of the drafting process, using checklists to prompt the entry of the information necessary for the requested State to execute the request; it would then generate the draft request, ready for signature. The software also contained Internet links to a wide range of information on treaties, national legislation and contact particulars of central authorities and contact persons for direct communication. Several participants emphasized the need to ensure that the material would be made available in multilingual versions, so that it would benefit as many Member States as possible. In this connection, one participant reported on recent collaborative action with UNODC to enable the software tool to be used by Portuguese-speaking countries in the near future.

### **Conclusions and recommendations**

236. It was noted that no State acting alone could provide an effective response to problems involving transnational crime. The international instruments against transnational organized crime, corruption and terrorism had been developed in order to enable concerted responses to be provided to those threats, and those instruments were not self-implementing. Accordingly, transnational crime could not be dealt with in a comprehensive manner without the effective law enforcement and judicial cooperation of all States. At the operational level, it would be essential to deepen and intensify mutual trust and confidence among practitioners in Member States and

to facilitate and consolidate understanding and respect for different legal systems and procedures. Emphasis was placed on setting priorities in order to substantially reduce bureaucracy so that it would not hamper cooperation and to build capacity and strengthen the relevant institutions, particularly in countries lacking the necessary resources.

237. Accordingly, there was consensus among the participants in the Workshop that:

(a) Member States should, ensure the full and effective implementation of the provisions on international cooperation contained in the United Nations instruments against transnational organized crime, illicit drug trafficking, corruption and terrorism;

(b) Member States should monitor, evaluate and, where appropriate, revise relevant bilateral and regional treaties or arrangements, as well as national laws, structures, policies, procedures and practices, in order to enable full, simplified and effective international cooperation among their law enforcement and justice systems;

(c) In order to help States to build up their capacity to achieve the above, Member States, international financial institutions, UNODC and other providers of technical assistance should assist requesting States in obtaining the appropriate resources and expertise. For that purpose, better use should be made of available resources and tools, including the relevant model treaties and model legislation, as well as other best practice and training materials developed by UNODC;

(d) Member States should accord special priority to putting in place appropriate measures and direct communication channels in order to speed up the cooperation process and build mutual confidence and trust.

## **B. Workshop on Enhancing Criminal Justice Reform, including Restorative Justice**

238. At its 8th and 9th meetings, on 22 April 2005, Committee I held the Workshop on Enhancing Criminal Justice Reform, including Restorative Justice, organized in cooperation with the International Centre for Criminal Law Reform and Criminal Justice Policy. The Committee had before it the following documents:

(a) Background paper on the Workshop on Enhancing Criminal Justice Reform, including Restorative Justice (A/CONF.203/10);

(b) Discussion guide (A/CONF.203/PM.1 and Corr.1);

(c) Reports of the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1).

239. The Workshop was divided into four panels and heard 15 panel presentations. At the 8th meeting of the Committee, the Workshop was introduced by a representative of the Secretariat and addressed by the Associate Deputy Minister of Justice of Canada. Two panels, which considered three sub-themes, were held. The first panel reviewed examples of integrated, comprehensive, system-wide criminal justice reforms. The second panel discussed collaboration and cooperation, focusing on regional and international initiatives.

240. The Workshop continued at the 9th meeting with the presentation of the two remaining panels. The third panel presented an overview of restorative justice worldwide, giving examples of three case studies of restorative justice programmes. The fourth panel dealt with justice for youth and vulnerable groups. A number of panellists made concluding remarks.

241. At the 8th meeting of the Committee, statements were made by the representatives of the United Kingdom, Finland, Algeria, Senegal, Pakistan, Morocco and Turkey. At the 9th meeting, statements were made by the representatives of Benin, Malawi, Oman, Egypt, France, Samoa and the United Arab Emirates. Statements were also made by the observers for the International Centre for Criminal Law Reform and Criminal Justice Policy, the International Bureau for Children's Rights, Defence for Children International and the World Society of Victimology.

### **General discussion**

242. In his introductory statement, the representative of the Secretariat noted that the Workshop was part of an important focus by the United Nations on effective and equitable reform of the criminal justice system, through the use and application of standards and norms in crime prevention and criminal justice. In particular, he explained that the main objectives of the Workshop were to exchange information on recent successful criminal justice reform initiatives; to encourage international research into evidence-based approaches for the further development of restorative justice practices; and to identify opportunities to share information and technical assistance requirements, including in post-conflict situations, in line with the goals set in the Vienna Declaration on Crime and Justice and the plans of action for its implementation.

243. In his opening address, the Associate Deputy Minister of Justice of Canada noted the importance accorded by his Government, as well as the International Centre for Criminal Justice Reform and Criminal Justice Policy, to addressing issues related to criminal justice reform at the Commission on Crime Prevention and Criminal Justice. Canada had been instrumental in the adoption of the basic principles on the use of restorative justice programmes in criminal matters. He urged the Workshop participants to consider, in particular, the legal and financial framework necessary to support victims of crime, especially those from vulnerable communities.

244. In the panel on criminal justice reform overview, the panellists identified the following as key areas for reform: access to justice; police, judicial and correctional reform; restorative justice; and youth crime prevention. They noted that to foster public involvement in sustainable criminal justice reform required the integration of civil society in a multisectoral approach in partnership with relevant stakeholders, including the private sector. It was also important to establish clear objectives and realistic benchmarks, which had to be monitored and evaluated regularly.

245. In the panel on comprehensive reform, two specific examples were presented. The first example, the Security, Justice and Growth Programme in Nigeria, was aimed at improving access to and the quality of safety, security and justice for poor people and their livelihoods. In that regard, it was noted that Africa's history over the last 50 years had been blighted by two weaknesses: a lack of capacity to design and deliver policies; and a lack of accountability. While improvement of both of these was first and foremost the responsibility of African countries and peoples,

support by rich nations was indispensable. The second example, the Access to Justice Project of the Public Defender's Office of Chile, included restoration of the basic rights of citizens, such as the right to be heard, the right to be informed of charges and the right to be represented by counsel, which had been abrogated during the dictatorship period. Under the new legislation, access to justice was promoted by the Public Defender's Office, which offered a decentralized service to all persons accused of a crime, irrespective of their means.

246. The panel on collaboration and cooperation focused on a set of transitional criminal codes developed jointly by the Irish Centre for Human Rights, the Office of the United Nations High Commissioner for Human Rights and UNODC in collaboration with a number of individual experts. The codes were based on lessons learned in peacekeeping operations and were tailored to meet the exigencies of a conflict or post-conflict situation, where efforts in the past had proved inadequate and had lacked strategic vision and a comprehensive approach. The codes comprised a compendium of laws and procedures that sought to address each element of criminal justice—the courts, the police and prisons—in a cohesive and integrated manner. The compendium consisted of four annotated draft models: the transitional criminal code, regulating penal matters, the code of criminal procedure and the transitional detention act, regulating procedural and substantive issues relating to pre-trial detention and imprisonment, and the transitional law enforcement powers act. The codes were supplemented by guidelines for application of model codes. One practical example of collaboration in the Pacific region involved cooperation among countries to address the challenges posed by transnational organized crime; the cooperation included harmonization of legislation and border control policies, information-sharing and improved communication and coordination. Another example was the introduction of restorative justice mechanisms in juvenile justice legislation in the Latin American region, where all but three countries had enacted comprehensive juvenile justice codes.

247. The panel on restorative justice, youth and vulnerable groups focused on an overview of restorative justice around the world and on three examples of best practices. While there was no universal definition of restorative justice, three main restorative justice processes could be identified: victim offender mediation, conferencing and circles. In the victim offender mediation model, a trained facilitator typically brought together the victim and the offender to discuss the crime, the resulting harm suffered and the steps needed to right the wrong done to the victim. In the conferencing model, in addition to the victim, offender and facilitator, family members, friends and government representatives might also participate. The circles model was the most inclusive, because in addition to the participation of the parties included under the conferencing model, interested members of the community could also participate. While there were variations of each of the above models, restorative justice processes appropriate to specific cultures and contexts were constantly emerging. Offenders could make amends in several ways, by offering an apology, by paying monetary compensation or replacing damaged property, or by performing free services to a charitable organization or governmental agency. In Canada, restorative justice was based on the need to have a clearly articulated strategy combining crime prevention, a tough response to serious crime and greater use of community sanctions for low-risk offenders. In Thailand, restorative justice was recently introduced in order to address the problems of case backlogs, prison overcrowding, special needs of juveniles in conflict with the law, concerns for the rights of victims and inadequate

public participation in the criminal justice system. It included pre-trial diversion programmes for drug addicts and treatment, reintegration and aftercare of drug offenders in their communities. In New Zealand, the restorative justice process focused on holding the offender accountable and promoting a sense of responsibility, while taking into consideration the interests of the victim, including reparation. Assessment of the current programmes had shown an increased rate of satisfaction among victims but it remained to be seen whether such programmes contributed to reducing recidivism.

248. The fourth panel, on youth justice and vulnerable groups, discussed specific aspects of criminal justice reform relating to juvenile justice indicators; restorative justice and victim policies in Belgium; and penal reform in Uganda. The pilot test of juvenile justice indicators was developed by the United Nations Children's Fund with the aim of comparing progress made by countries in the protection of the rights of children in conflict with the law and in the administration of juvenile justice. The indicators could be used for the countries reporting to the Committee on the Rights of the Child (established under the Convention on the Rights of the Child (General Assembly resolution 44/25, annex)) for monitoring and improvement of systems, advocacy and awareness-raising and research and publications. The project in Belgium explored the complementarity of restorative justice applications and victim policies. Considering that only some victims benefited from mediation, depending on the availability of the programme or the willingness of the magistrate, a general restorative vision on crime and criminal justice should be developed and key actors should be sensitized and involved in order to develop restorative justice applications in the best possible way. The presentation on Uganda focused on the need to carry out penal reform from a dynamic perspective, taking into account the interrelationships between activities and functions in the areas of legislation, law enforcement, judicial process, treatment of offenders and juvenile justice, in order to ensure greater coherence, consistency, accountability, equity and fairness within the framework of national development objectives. The acute problem of the physical conditions in prisons in Africa was highlighted, since this had a negative impact on the rights of prisoners, contributing to prison overcrowding and transmittal of infectious diseases, including HIV/AIDS. The need for HIV/AIDS policy guidelines and programmes aimed at reducing the vulnerability of individuals and communities to HIV/AIDS, with a special focus on prisoners, was particularly underscored.

249. In the general discussion that followed, several speakers noted the increased demands for access to justice for the accused and offenders, for victims and for communities. There was growing recognition of the importance of effective criminal justice for good governance, stability and prosperity of developed and developing countries, as well as societies in conflict.

250. Participants also noted the importance of coordinating reforms regionally and internationally with appropriate technical and financial assistance and the need to include the community, civil society and the private sector in reforms. This included making use of limited resources, but also providing adequate resources for least developed countries. It also included making use of organizations and institutions that might not be traditionally associated with the criminal justice system, especially with respect to restorative justice processes.

251. The importance of monitoring and long-term evaluation of criminal justice reform efforts was stressed by many participants, as this would help to ensure respect for international standards, as well as provide data on cost-effective and

evidence-based reforms. The need for further empirical research was also stressed, in order to plan, integrate and unite efforts to draw up a directory of proven best practices and concepts in criminal justice reform. There was also a need to develop additional tools, manuals, model laws and performance measures that could be transferred and adapted.

252. It was observed that in developing effective criminal justice enhancements, a number of important considerations should be borne in mind. These were the need to recognize diversity among and within Member States; the need to protect vulnerable members of society; the need to use imprisonment only when necessary; and the need to be guided by international human rights and standards and norms in crime prevention and criminal justice.

253. Several speakers emphasized the need for further reforms in the area of children in conflict with the law, in particular reducing custodial sanctions and abolition of the death penalty for juvenile offenders. Reference was also made to the guidelines on justice for child victims and witnesses of crime, which would be before the Commission on Crime Prevention and Criminal Justice at its fourteenth session.

254. Reference was also made to discussions relating to the reduction of the number of offences that carried capital punishment, in accordance with the safeguards guaranteeing protection of the rights of those facing the death penalty (Economic and Social Council resolution 1984/50, annex; see also Council resolutions 1989/64 and 1996/15).

#### **Conclusions and recommendations**

255. The Workshop noted:

(a) The need for continued commitment to the enhancement of criminal justice reform. This included effective and appropriate community, national, regional and international responses to increased demands for access to justice. Such measures should also take into account the diversity of conditions and circumstances of Member States, as well as relevant international standards;

(b) The need for comprehensive and integrated approaches to criminal justice reform. Wherever possible, criminal justice reforms should include all relevant parts of the domestic criminal justice system;

(c) The need for technical assistance, cooperation and collaboration when enhancing criminal justice reforms. International cooperation and the provision of financial and technical assistance, when necessary and possible, were essential to the success of criminal justice reform initiatives. In particular, there was a need for technical assistance to developing countries and countries with economies in transition in order to assist in institution-building, capacity-building, training of prosecutors, judges, law enforcement officials, including prison officials, and other relevant professional groups, taking into account best practices at the international level;

(d) The connection between enhancement of criminal justice and the Millennium Development Goals. This called for greater engagement with civil society, especially community groups, when designing and implementing criminal justice reforms and restorative justice measures.

256. Accordingly the Workshop recommended that Member States consider the following:

(a) Maximizing the effective use of limited resources through comprehensive criminal justice reforms, drawing when necessary on technical assistance and international cooperation;

(b) Using alternatives to imprisonment for appropriate categories of offences and offenders;

(c) Monitoring and evaluating criminal justice reforms to ensure that they are effective and evidence-based and that they comply with relevant international standards. Clear goals and measures of success should be established;

(d) Using and applying, as appropriate, existing United Nations standards and norms in national programmes for crime prevention and criminal justice reform, providing for mechanisms to ensure accountability and respect for the rule of law, in order to create an environment that successfully responds to crime;

(e) Developing the use of restorative justice processes and principles in accordance with the basic principles on the use of restorative justice programmes in criminal matters and drawing on international best practices;

(f) Strengthening, as necessary, the appropriate legal and financial framework to provide support to victims, especially women, children and migrants who are victims of trafficking in persons, in accordance with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

(g) Applying standards and norms in juvenile justice, and providing for the needs of child victims and witnesses of crime, taking into account their gender, social circumstances and developmental needs;

(h) Paying attention to the needs of vulnerable prison populations, such as minorities, indigenous groups, children and women, in order to provide a fair, safe, secure and humane treatment of offenders and assist them in their rehabilitation;

(i) Paying special attention to the pressing problem of prison overcrowding, which creates a range of difficulties for society including communicable diseases such as HIV/AIDS, by designing strategies to prevent the spread of HIV and other disease and mitigate the adverse health effects, and addressing the problem of communicable diseases such as HIV/AIDS and of persons infected by HIV/AIDS and other infectious disease;

(j) Provision by the United Nations Office on Drugs and Crime of technical assistance to enable requesting States to undertake programmes of criminal justice reform, including assistance to amend their criminal legislation and codes of criminal procedure;

(k) Development by the United Nations Office on Drugs and Crime of training manuals, model laws and other tools based on best practices in order to assist States to design strategies for crime prevention and criminal justice reform, including juvenile justice, penal reform, victim support and alternatives to imprisonment, subject to the availability of extrabudgetary resources;

(l) Consideration by the Commission on Crime Prevention and Criminal Justice of the recommendations contained in the report of the Intergovernmental Expert Group Meeting to Develop Guidelines on Justice in Matters involving Child

Victims and Witnesses of Crime, held in Vienna on 15 and 16 March 2005 (E/CN.15/2005/14/Add.1), in accordance with Economic and Social Council resolution 2004/27.

**C. Workshop on Strategies and Best Practices for Crime Prevention, in particular in relation to Urban Crime and Youth at Risk**

257. At its 10th and 11th meetings, on 23 April 2005, Committee I held the Workshop on Strategies and Best Practices for Crime Prevention, in particular in relation to Urban Crime and Youth at Risk. The Workshop was organized in cooperation with the International Centre for the Prevention of Crime. The Committee had before it the following documents:

(a) Background paper on the Workshop on Strategies and Best Practices for Crime Prevention, in particular in relation to Urban Crime and Youth at Risk (A/CONF.203/11 and Corr.1);

(b) Discussion guide (A/CONF.203/PM.1 and Corr.1);

(c) Reports of the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1).

258. At the 10th meeting, the Chairman made an introductory statement with particular reference to the progress made since the adoption of the guidelines for cooperation and technical assistance in the field of urban crime prevention (Economic and Social Council resolution 1995/9, annex) and the holding of the Tenth Congress, in 2000. He noted that a high point was the adoption of the Guidelines for the Prevention of Crime, which laid out the principles for effective strategies and practice. He also noted that although the overall level of knowledge and best practices had increased, effective implementation often remained problematic. He emphasized the need to demonstrate the effectiveness of crime prevention strategies, to convince relevant stakeholders at all levels to adopt a balanced approach to crime prevention, and to ensure that the principles of crime prevention were firmly embedded in legislation and management and organizational structures. In conclusion, he stated that best practices that had been recognized as successful in preventing and reducing crime took into account the special needs of minority populations and vulnerable groups, as well as the larger social, political and economic factors.

259. The Workshop consisted of six panels, during which 19 presentations were made. At the outset, the various topics of the Workshop were introduced. The morning meeting of the Workshop considered strategies and practices in relation to urban crime, while the afternoon meeting focused on strategies aimed at youth at risk of crime and victimization and those already in conflict with the law.

260. The Minister for Justice and Customs of Australia addressed the Committee at its 10th meeting. He underscored the importance of global and local level partnerships in crime prevention, with a special focus on local implications of transnational organized crime. He noted that, according to research conducted by the Australian Institute of Criminology, just under half of all persons detained by police had reported in interviews that they had been using drugs just prior to their

arrest. The research had also shown that drug use was concentrated among young people.

261. At the 10th meeting, statements were made by the representatives of El Salvador, Italy, Sweden, Oman, Finland, France, Argentina, Morocco, the United States and Samoa. At the 11th meeting, statements were made by the representatives of the United States, Indonesia and Egypt. Statements were also made by the observers for Defence for Children International and the American Society of Criminology.

### **General discussion**

262. The first introductory presentation referred to the urgent need to respond to issues of urban crime and youth at risk and noted that, in many countries, the intensification of urbanization, the lack of infrastructure and access to services or income, and increasing income disparities, had contributed to a breakdown of traditional family, social and cultural networks and support. Levels of crime, violence and insecurity in urban areas, especially in developing countries, had risen, often facilitated by illicit drugs and guns and the local manifestations of organized crime and trafficking in persons. Many urban areas contained high proportions of children and youth living in unstable and poor environments, which put them at high risk of crime and victimization. Many of those children were trafficked persons, or drug or small arms traffickers, while others became both perpetrators and victims of the ensuing violence. People living in urban areas, especially youth, were highly vulnerable and a ready source of recruitment for transnational organized crime. The links between local and transnational crime were evident.

263. The second introductory presentation stressed the challenges of urban crime prevention and its links to urban development and governance at the international, national and local levels, based on the experiences of the Safer Cities Programme, which implemented the coordinated strategic approach to crime prevention outlined in the Guidelines for the Prevention of Crime. Referring to the dramatic increase in marginalized neighbourhoods in large cities, which was associated with the rise of crime and insecurity, the need for concrete action by the relevant entities was stressed. In that respect, it was noted that the United Nations Human Settlements Programme (UN-Habitat) and UNODC had established close cooperation in formulating and implementing joint projects on crime prevention in urban areas.

264. The first panel presented three crime prevention initiatives, from Belgium, Chile and Peru, showing how Governments with very different political, economic and social histories and contexts had supported action to prevent crime. Panellists discussed the involvement of local governments and the integration of community participatory action through a variety of mechanisms. The panellists focused on the achievements and challenges of the various initiatives by reporting increased awareness and confidence of citizens in the police, improved social cohesion, more comprehensive crime prevention programmes and, in one case, a drastic reduction in the incidence of street crime. While there was no doubt about the success of selected components of the projects, the panellists indicated some challenges, including weak political support, difficulty in empowering citizens, lack of resources and the challenge of applying an international model to a local context.

265. The second panel presented demonstrations of long-term sustained and effective partnerships at the local level, supported by Governments. In the case of

the Safer Cities Programme in Dar es Salaam, the project had been successful despite the challenges and was ready to be replicated in other cities. The development of community-level policing in local communities in the Philippines, including a case study, focused on the decentralization of policing and building of trust. The balanced and multi-pronged series of strategies and interventions in Diadema, Brazil, had successfully reduced urban violence and the homicide rate by 65 per cent in five years.

266. The third panel focused on the challenges of developing focused strategies that were socially inclusive. The exceptional urban renewal strategies being rolled out in the eThekweni municipality in Durban, South Africa, combined careful community consultation with redevelopment, thus fostering healthy environments, employment, tourism and a decrease in crime. The panel also showcased the experience of strengthening community capacity in the municipality of Antananarivo, Madagascar.

267. The fourth panel was devoted to youth at risk. It showcased integrated youth policies in England and Wales, which provided a framework for crime prevention for youth at risk and those in conflict with the law, from early childhood up to the age of 19 years, with specific targeted prevention projects providing support and tackling the risk factors for youth most at risk. An early intervention project in Queensland, Australia, was also presented to demonstrate how carefully implemented and evaluated interventions, based on good knowledge and effective models, could be used in the development of children and families to increase their protection and reduce the risks of future crime and victimization. The panel also presented the draft national policy on child justice administration of Nigeria, which demonstrated how prevention could be built into legislation in order to change attitudes and establish standards; it also showed how informal policing, human rights and inclusionary approaches could be encouraged in local communities.

268. The panel on projects targeting specific groups at risk illustrated the importance of the inclusion and participation of young people in the development of interventions. It reviewed the strategic approach being developed in the Czech Republic to respond to the trafficking in and sexual exploitation of youth, especially young women. The main aim of the initiative was to create coalitions against trafficking with the objective of protecting potential victims and youth at risk in general. The involvement of non-governmental organizations was necessary, since they were key partners in identifying victims who would not turn to State agencies for help. A youth gang prevention and reintegration project being developed in Rio de Janeiro, Brazil, was also presented to show some challenging evidence of the importance and value of interventions aimed at children in gangs involved in armed conflict. An international study on children and youth participating in organized armed violence illustrated the emerging phenomenon of conflicts between juvenile gangs involved in trafficking in drugs at the local and transnational level. In Cambodia and Viet Nam, the House for Youth project had been expanding its supportive and training resources to street children and, increasingly, those who had been trafficked.

269. The last panel presented the toolkit developed by UN-Habitat and the Council for Scientific and Industrial Research, South Africa, in order to disseminate best practices and transferable models for crime prevention initiatives. Examples of training in crime prevention and regional and city-to-city exchanges, based on the experience of the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, were also discussed, followed by examples of technical

assistance involving projects for capacity-building, with particular reference to the South-South project of UNODC.

270. During the Workshop, the International Centre for the Prevention of Crime launched its new “Compendium of Promising Strategies and Programmes” on urban crime prevention and youth at risk, which underlined the extent to which integrated crime prevention was becoming established and embedded across all the regions, thereby reaffirming the principle of sustainability of crime prevention, as expressed in the Guidelines for the Prevention of Crime.

271. Several speakers stressed that strategies to deal with violence between juvenile gangs should not be limited to law-enforcement measures, but should also include the promotion of a social environment to facilitate the prevention of juvenile violence. An example of international cooperation was the Secure Central America Plan, which included a comprehensive strategy to prevent violent urban crime committed by youth gangs and to assist youth at risk.

272. Several speakers analysed the concept of youth at risk and in particular stressed that, while street children, juveniles in conflict with the law and members of gangs were often regarded as a “lost cause” by public authorities, they were in fact at risk of being further marginalized and subject to sexual exploitation, human trafficking, substance abuse and HIV/AIDS. It was also emphasized that minor acts of violence or involvement in petty offences, “uncivil behaviour” such as bullying or vandalism, were often the growing ground for involvement in more serious offending or victimization.

273. The importance of monitoring and long-term evaluation of crime prevention programmes in order to ensure a proper assessment of the results, especially with regard to their cost-effectiveness and sustainability, was stressed by many participants. This included building longitudinal knowledge and evidence-based follow-up action. Successful methods of evaluation included self-evaluation, assessment of the level of satisfaction of beneficiaries and replication of victim surveys.

274. Many speakers referred to restorative justice processes as a necessary component of their crime prevention strategies. The importance of community-based crime prevention initiatives was also stressed. In one country, elderly or disabled persons had been given the possibility to report offences from their residence and an online reporting system for minor offences had been created. Others provided examples of crime prevention initiatives involving restructuring, refocusing and retraining of law enforcement personnel. In particular, proximity policing had been established in several countries to bring the police closer to citizens and to promote a cooperative approach in order to reduce crime and increase feelings of security.

### **Conclusions and recommendations**

275. The Workshop on Strategies and Best Practices for Crime Prevention highlighted the strengths of crime prevention and noted that a major part of the international effort must lie with national and local authorities and communities in preventing the spread of everyday crime and violence. There was a major role for well-planned prevention at the local level. That presented a major challenge to which international, national, subregional and local governments must respond.

276. An increasing number of States were developing and applying viable, effective strategies to reduce crime and insecurity and promote community safety in urban areas and among youth at risk, in line with the United Nations crime prevention instruments, including the United Nations Millennium Declaration and the Millennium Development Goals, the Vienna Declaration on Crime and Justice and the Guidelines for the Prevention of Crime.

277. The Workshop recommended that Member States consider the following:

(a) Adopting and implementing the Guidelines for the Prevention of Crime and international standards and norms concerning the rights of young people;

(b) Establishing comprehensive strategies and policies to enable and support the development of policies related to urban crime prevention and youth at risk at the local government level;

(c) Empowering local authorities to establish integrated, strategic approaches to crime prevention, paying particular attention to youth at risk. This would require local authorities to take the lead and to work in a multi-sectoral manner, including local services and local administration, as well as with local community groups, non-governmental organizations, the media, the private sector and civil society;

(d) Formulating context-sensitive strategies focusing on the inclusion, rather than the exclusion, of youth at risk, including ethnic and cultural minorities and young men and women, and promoting and encouraging their active participation in decision-making in matters affecting them;

(e) Developing gender sensitive strategies, including specific provision for and targeting of particular groups of youth at risk. This would include those in the poorest urban areas, street children, those in youth gangs, sexually exploited youth and those affected by substance abuse, war, natural disasters or HIV/AIDS;

(f) Formulating strategies and implementing specific plans to promote community alternatives to custody and support for those released from custody, using restorative approaches that would focus on building individual and community capacities to resolve conflicts before they escalate;

(g) Developing interventions targeted at the most at-risk groups and areas, using, as far as possible, good practices and evidence-based approaches that would be adapted or developed in relation to the local context, needs and realities. In doing so, national, subregional and local governments would help to strengthen the factors that protect the most vulnerable, including women and children, and limit the facilitating environment for transnational crime;

(h) Implementing policies with a monitoring and evaluation component, in terms of process and outcomes, to facilitate the adaptation and broader application of cost-effective and sustainable best practices and evidence-based knowledge. This would require greater attention to the development of tools, such as indicators for evaluation, and to assisting diagnosis and strategic planning.

278. The Workshop recommended that the international community, including donors, consider facilitating and supporting the development of capacity-building at the national and local government level, for example, through city-to-city exchanges, as well as technical assistance and training, paying special attention to

transferable experience among developing countries, with the support of UNODC and UN-Habitat.

#### **D. Workshop on Measures to Combat Terrorism, with reference to the Relevant International Conventions and Protocols**

279. At its 7th and 8th meetings, on 21 and 22 April 2005, Committee II held the Workshop on Measures to Combat Terrorism, with reference to the Relevant International Conventions and Protocols. The Workshop was organized by the International Institute of Higher Studies in Criminal Sciences. The Workshop had before it the following documents:

(a) Background paper on the Workshop on Measures to Combat Terrorism, with reference to the Relevant International Conventions and Protocols (A/CONF.203/12);

(b) Discussion guide (A/CONF.203/PM.1 and Corr.1);

(c) Reports of the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1).

280. At its first meeting, the Workshop focused on the topic “International legal regime against terrorism: strengths and weaknesses”. The Chairman of the Committee made an introductory statement. A welcoming statement was made by the observer for the International Institute of Higher Studies in Criminal Sciences. The Chief of the Terrorism Prevention Branch of UNODC made a statement regarding the themes to be discussed. Presentations were made by four panellists. Statements were made by the representatives of Algeria, Brazil, the Syrian Arab Republic, Argentina, Spain and Nigeria (also on behalf of the African Union). Statements were also made by the observers for the Council of Europe, the International Centre for Criminal Law Reform and Criminal Justice Policy, the International Society for Traumatic Stress Studies and the International Association of Penal Law.

281. At its second meeting, the Workshop panel devoted its attention to the topic “Technical assistance for reinforcing anti-terrorist capacities”. The Chairman of the Committee opened the discussion. The Chief of the Terrorism Prevention Branch made a statement. Presentations were made by five panellists. Statements were made by the representatives of Indonesia, Egypt, Argentina, Algeria, China, the Syrian Arab Republic, the United States, the Islamic Republic of Iran, France, Afghanistan and Austria. Statements were also made by the observers for the International Association of Penal Law and the International Society of Social Defense and Humane Criminal Policy. An individual expert also made a statement.

#### **General discussion**

282. In opening the discussion, the Chairman of the Committee, referring to the international legal regime against terrorism, noted that one of the most important strengths of this regime had been the creation of the Counter-Terrorism Committee, established pursuant to Security Council resolution 1373 (2001) and subsequently the Counter-Terrorism Committee Executive Directorate. He stressed the need to ensure that domestic legislation reflected the international legal regime. He

emphasized that further training of criminal justice practitioners was needed to implement the regime. He noted that UNODC was a key provider of technical assistance and acknowledged the role of the Counter-Terrorism Committee and its Executive Directorate in that context.

283. In his welcoming statement, the observer for the International Institute of Higher Studies in Criminal Sciences recalled the work that had been carried out jointly by the Institute and UNODC, in particular expert meetings on extradition and mutual legal assistance in criminal matters.

284. In his introductory statement, the Chief of the UNODC Terrorism Prevention Branch highlighted the importance of the international legal framework that had been established to fight more effectively against international terrorism through enhanced international cooperation for which technical assistance was fundamental in reinforcing the anti-terrorist capacity. He stressed that the criminal justice system should have a central position in the fight against terrorism in accordance with the rule of law. That could be achieved through international cooperation that could be enhanced by the provision of specialized training and technical assistance.

285. Several speakers underscored the need to make the international legal regime against terrorism truly universal. To that end, it was stressed that all those Member States which had not yet become parties to the universal legal instruments against terrorism should intensify their efforts in that regard. Doing so would also allow Member States to have a common language when addressing the threat of terrorism. Some speakers, referring to regional instruments and initiatives against terrorism, noted that those instruments and initiatives could also contribute to the harmonization of laws. It was noted, however, that other international instruments and processes should also be included in that effort. One speaker called on the United Nations to promote the reform of domestic criminal law to ensure that the basic rights and principles in penal law were included. Another speaker noted that it would be useful to review the outstanding reservations made by Member States and referred to the work of the Council of Europe in that regard.

286. Most speakers emphasized the need for effective international cooperation in the fight against terrorism. In this context, it was also emphasized that there was a need to develop and disseminate among Member States technical assistance tools for enhancing mutual legal assistance and extradition in order to address obstacles and weaknesses faced by Member States in those areas. That would also serve to enhance the principle of *non bis in idem*. One participant noted that the political exception clause was an obstacle to international cooperation. Other obstacles to international cooperation, such as bureaucratic constraints and the notion of keeping information secret in investigations, were also discussed. One speaker noted that exchange of information often worked better when done directly between law enforcement agencies. An appeal was made to all States to implement their commitments to counter-terrorism efforts in a comprehensive manner and through extradition. In addition, a suggestion was made for an international convention dealing with extradition. The importance of establishing more flexible mechanisms to strengthen judicial cooperation was also mentioned. One speaker recommended that regional cooperation and cross-border cooperation between neighbouring States should be enhanced under the auspices of the United Nations in order to strengthen international cooperation for combating terrorism; such arrangements could make a useful contribution. Another speaker noted that, in order to follow a comprehensive approach to combating terrorism, cooperation at all levels was needed—nationally,

regionally and globally—and that, at each level, collaboration between all relevant actors was also necessary. Thus, both a vertical approach and a horizontal approach were required.

287. Many speakers also emphasized that, in the fight against international terrorism, it was essential to ensure full respect for human rights and the rule of law, keeping in mind that no democratic nation or civil society could ignore or violate the standards and norms in those areas.

288. Several speakers rejected any attempt to associate terrorism with a specific religion, nationality or ethnicity. One speaker noted that some States felt that they were being targeted by those who made such associations. A culture of dialogue and tolerance should thus be promoted. There was also a need to raise awareness in civil society concerning the threat of terrorism. To that end, it was suggested that efforts be made to educate members of civil society about the threat of international terrorism and ways and means of combating it.

289. Some speakers, noting that the universal instruments against terrorism neglected the victims of terrorism, encouraged the inclusion of provisions on the rights of victims of terrorism in future instruments. Some speakers noted that their countries had been victims of terrorism. One speaker stated that technical support provided by UNODC was needed to ensure that the rights of victims of terrorism were fully protected.

290. It was noted that a clear, universally accepted definition of terrorism would be useful in efforts to combat terrorism, as would international agreement on the draft comprehensive convention against terrorism that was currently under consideration. The need for the rapid completion of the negotiation of the draft convention was also emphasized. One speaker was of the view that that was necessary because bilateral agreements against terrorism were not sufficient. Other speakers, however, expressed the view that a comprehensive convention would not be a panacea and that the universal instruments against terrorism should all be implemented.

291. Several other speakers stressed the need to address the root causes of terrorism in order to better understand the phenomenon, thereby enabling the development of appropriate strategies. One speaker mentioned that, although terrorists should be punished, terrorism should be considered a social disorder, like any other crime and that the need for a long-term comprehensive programme to address the root causes of terrorism should be considered, as well as the need for national strategies to combat terrorism.

292. Several speakers referred to action taken by States to ratify the universal instruments against terrorism and to efforts to incorporate the relevant provisions of those conventions and protocols into their national legislation. Those speakers also elaborated on the implementation of national strategies for countering terrorism.

293. Several speakers expressed their support for the technical assistance being provided to requesting Member States, in particular by the UNODC Terrorism Prevention Branch. One speaker attributed the success of the Branch in that area to its expertise and professionalism, as well as to the coordination of its efforts with the Counter-Terrorism Committee Executive Directorate. It was noted that the nature and extent of the activities of the Branch in that regard contributed to the development of a comprehensive legal framework. It was pointed out that innovative solutions, such as those proposed in the guidelines for technical

assistance to combat terrorism (A/CONF.203/12, annex), were needed to fight terrorism while maintaining respect for the rule of law, for example, through the use of regional and subregional mentors.

294. One speaker expressed concern that elements referred to in section II of the background paper went beyond the scope of the Congress and the present mandate of the Branch. In that connection, it was mentioned that there were other, more appropriate, bodies in the United Nations system to address some of the issues raised, including human rights.

295. Several speakers noted links between terrorism and other related crime, in particular illicit drug trafficking. A vigorous campaign against drug trafficking worldwide was suggested to reduce financial or other types of support to terrorist organizations.

296. One speaker noted that Member States should face the reality that efforts against terrorism must be seen as being consistent with other public concerns, such as concern for the environment and good governance.

### **Conclusions and recommendations**

297. Based on the statements made during the panel discussion, a number of conclusions and recommendations could be made.

298. The Workshop on Measures to Combat Terrorism reached the following conclusions:

(a) Establishing a fully functional international legal regime against terrorism remains an unfulfilled basic preliminary requirement for combating and preventing international terrorism. The absence of a seamless network of corresponding national legislation is a fundamental obstacle to international cooperation against terrorism;

(b) Effective international cooperation in combating terrorism cannot be achieved without strengthening national mechanisms and arrangements for international cooperation in criminal matters in its various forms in individual Member States;

(c) Specialized training of criminal justice officers in the practical application of national legislation emanating from the universal legal instruments against terrorism is an essential requirement for advancing the implementation of national counter-terrorism measures in compliance with the provisions of those instruments;

(d) Criminal justice systems at the national level should, when combating terrorism, act in full compliance with the rule of law and due process and in accordance with relevant international law, in particular international human rights, refugee and humanitarian law, giving due regard to the rights of victims of terrorism.

299. On the basis of the above conclusions, the following recommendations were made:

(a) Those Member States which have not yet ratified all the universal legal instruments against terrorism should be encouraged to do so, including by seeking the required support from relevant technical assistance providers. Moreover, all

Member States should intensify their efforts to complete the incorporation of the provisions of those instruments into their legislation. All Member States should also consider signing and ratifying expeditiously the newly adopted International Convention for the Suppression of Acts of Nuclear Terrorism and initiate steps for incorporating its provisions into national legislation. Given the links between terrorism and transnational organized crime, corruption and illicit drug trafficking, due consideration should also be given to expediting action towards the ratification and implementation of the relevant United Nations instruments;

(b) All Member States should take urgent steps, as a matter of priority, to streamline and strengthen procedures for international judicial cooperation in preventing and countering terrorism, thus denying safe havens to terrorists by either extraditing or bringing them to justice. In addition, regional cooperation should be enhanced as a tool for strengthening international cooperation for combating terrorism. National mechanisms for more effective participation in international cooperation in counter-terrorism might include the establishment of a national central authority on mutual legal assistance and extradition;

(c) Member States should urgently make arrangements for training. Technical assistance is needed to accompany such efforts in many countries. Curricula and training manuals should be prepared for that purpose at the international level. UNODC should intensify training activities in support of States requiring assistance in the training of their criminal justice officers;

(d) It is essential that technical assistance measures in support of efforts to counter terrorism take account of these normative aspects as integral elements. In particular, as the lead United Nations entity in crime prevention and criminal justice issues, UNODC should support these efforts and continue to cooperate with the Counter-Terrorism Committee Executive Directorate and other United Nations entities;

(e) To make efforts more effective and more balanced, there is a need to develop a comprehensive global strategy of fighting terrorism that incorporates the necessity of strengthening concerted action at the national, regional and international levels and, at the same time, addressing root causes, fundamental human rights and the rule of law.

## **E. Workshop on Measures to Combat Economic Crime, including Money-Laundering**

300. At its 5th and 6th meetings, on 20 and 21 April 2005, Committee II held the Workshop on Measures to Combat Economic Crime, including Money-Laundering, organized in cooperation with the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and the Government of Sweden. The Committee had before it the following documents:

(a) Background paper on the Workshop on Measures to Combat Economic Crime, including Money-Laundering (A/CONF.203/13);

(b) Discussion guide (A/CONF.203/PM.1 and Corr.1);

(c) Reports of the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1).

301. At the 5th meeting, a general introductory statement was made by the Chairperson, followed by a welcoming statement by the Director of the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and a keynote address delivered by the Director-General of the Swedish National Economic Crime Bureau. Two panel discussions were held. The first panel reviewed trends in economic crime and countermeasures to combat such crime. The second panel discussion consisted of a case study of the legal issues that arose from the prevention and investigation of new types of economic crime. Statements were made by the representatives of Chile, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Brazil, the Philippines and Argentina.

302. At the 6th meeting, a keynote speech was delivered by the Secretary-General of the Anti-Money-Laundering Office of Thailand. Two further panel discussions were held. The third panel focused specifically on money-laundering, while the fourth panel discussion consisted of a case study of specific issues involved in money-laundering, including criminalization and investigation of money-laundering, asset forfeiture, victim restitution and preventive measures and the role of the financial sector for that purpose. Statements were made by the representatives of Australia, the Libyan Arab Jamahiriya, Italy, Benin, Brazil, the Syrian Arab Republic, Morocco, Egypt and Spain.

#### **General discussion**

303. In his welcoming statement, the Director of the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders stressed that the Workshop could provide an opportunity to enhance knowledge of economic crime and its countermeasures, as well as to explore effective ways to combat the threats posed by economic crime. The Director-General of the Swedish National Economic Crime Bureau noted the growing seriousness of economic crime, which created a great number of victims and substantial loss, emphasizing the importance of developing a comprehensive multidisciplinary strategy and of strengthening international cooperation. The Secretary-General of the Anti-Money-Laundering Office of Thailand emphasized the importance of international cooperation, as well as the significant role financial intelligence units could play in combating money-laundering.

304. One of the problems identified during the Workshop in relation to economic crime was the absence of any comprehensive agreed definition. Many of its components were identified, from tax offences to cybercrime to identity theft. Trying to address separately the various manifestations of economic crime carried the risk of overly fragmenting the approach to it. It was suggested that what was needed was an overall approach aimed at a synergy between the various components, which could guide the way in which investigations and prosecutions were handled.

305. It was noted that the difficulty of achieving a common definition on a global level was complicated by the fact that criminal policies varied from country to country, which presented a problem of how to determine the overall extent of the crimes. However, two principal trends could be identified in the criminalization of economic crimes. Some States took a broad approach and captured essentially any action or omission that ran counter to public economic policy. Others adopted a more narrow approach, covering only those acts which threatened basic principles of public economic order. It was noted that the types of penalty for those offences

could vary dramatically between States, ranging from severe criminal penalties to civil, disciplinary, administrative and economic sanctions. Suggested steps to facilitate effective action against economic crime included an enhanced emphasis on prevention and the use of non-criminal as well as criminal sanctions.

306. It was noted that economic crime affected not only individual victims, but could also carry broad economic consequences. This was particularly so for “market-based offences”, which were committed systematically and involved a supporting infrastructure, as opposed to predatory offences committed sporadically when opportunities arose. Taken to an extreme, market-based offences could compete with legitimate economic activity, penetrating and undermining it. For example, illicit commodities obtained through theft, fraud or smuggling might displace commodities produced and marketed legally. Further, fraudulent dealing in savings and investments could precipitate significant losses for individuals, businesses and States and could sometimes result in the collapse of a business or institution. The need to assess properly the threat posed by economic crime within a jurisdiction in order to combat it effectively was highlighted. An example was given of the form and impact of economic crime within one region.

307. The abuse of offshore financial centres as destinations for funds generated by economic crime was considered. It was emphasized that whether onshore or offshore, all financial centres shared an obligation to comply with international anti-money-laundering standards in order to prevent their being used for such a purpose. Preventive measures should be in place, ensuring due diligence on the part of financial institutions, so that suspicious activity could be spotted and reported, and providing ready access to financial records for the purposes of investigation and prosecution. It was noted that victims, perpetrators, evidence and proceeds might each be located in different countries, underscoring the need to harmonize national laws and procedures to enable a prosecuting State to secure the evidence, prosecute the offenders and recover the proceeds. There should also be high standards of law enforcement in each jurisdiction so that an offender could not take advantage of the weaknesses of one State in order to forestall prosecution in another. Further, it was suggested that adoption of international standards for civil (that is, non-conviction-based) forfeiture of proceeds would promote and facilitate the use of that efficacious method of forfeiture.

308. Some speakers pointed to alarming trends in the use of new technology in the commission of economic crimes, including fraud, blackmail and extortion. Those might include new crimes committed against computers and information technology networks, or traditional crimes supported by the use of the Internet and new technology. The trend of increased use of technology presented unique challenges for law enforcement authorities. Citing examples of successful cross-border investigations, States noted a greatly increased need to rely on international cooperation in investigations, as well as sharing of information, upon request and spontaneously, to prevent the commission of offences. An example was given of specific steps that could be taken to respond to the emerging problem of computer crime, using a range of measures, including regular consultation between the Government and the private sector, setting up databases to support research and investigations and creating a new offence of obtaining personal identification information for criminal purposes.

309. There was a discussion about the emerging problem of identity theft. While that criminal activity was growing rapidly at the global level, few countries had enacted a specific offence relating to it. Identity theft could be defined as the

collection, possession, transfer or use of personal identification information for the purpose of committing crime either for profit (for example by making unauthorized withdrawals from a person's bank account) or to further other criminal goals (such as facilitating the movement of terrorists). The information could be collected in a variety of ways including through use of the Internet. Such theft and the consequent passing along of or sale of information could involve several individuals and often meant that no one person had committed all the elements of the crime. That, combined with the frequent cross-border transfer of information, made detection and enforcement extremely difficult. It was noted that a key legal limitation in addressing identity theft was that personal identification information was generally not regarded as property, and so it did not meet traditional definitions of theft. Because traditional property offences were often not appropriate to address the problem, it was suggested that countries should legislate specifically against it, taking care not to legislate in overly broad terms so as not to capture otherwise legitimate activity. It was further noted that strategies to interdict identity theft should involve both criminal and civil mechanisms. States must also cooperate to detect and prevent trafficking in such information across borders. It was noted that, pursuant to Economic and Social Council resolution 2004/26 of 21 July 2004, the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity had been established. The first meeting of the Intergovernmental Expert Group had been held in Vienna on 17 and 18 March 2005 (E/CN.15/2005/11).

310. Consideration was given to best practice in effective prevention and investigation of economic crime. A thorough investigation of a complex case such as the one set out in the case study should consider all possible offences arising from the facts, including any corruption that might have furthered the crime. Examples could include corrupt officials of financial institutions who put their firms at financial risk in return for personal gain, or professionals who abused their position by assisting in the creation of false identities in order to further a fraud. In terms of prevention, these and other corruption risks could be addressed by way of a three-pronged strategy involving prevention, education and deterrence. Staff of institutions at risk should be given a clear anti-corruption policy to follow, which required them to disclose conflicts of interest, prevented their receiving inappropriate benefits from third parties and strictly prohibited the disclosure of confidential information. Such a policy should be backed up by training and a user-friendly complaint system that was confidential and protected "whistle-blowers".

311. Emphasis was placed on the need for greater use of proactive investigation techniques in matters relating to economic crime such as telephone and e-mail interception and undercover operations. The importance of computer forensic skills and financial investigation capability was also stressed, as these were important tools to detect perpetrators and to identify and seize the proceeds of the crime. The need to improve mutual legal assistance and to develop closer investigative cooperation at the early stages of cross-border cases was stressed. It was recommended that countries should enact comprehensive legislation criminalizing private sector corruption, set up centralized training courses for cybercrime investigators and simplify their procedures for mutual legal assistance and inter-agency investigative cooperation.

312. The use of a comprehensive asset confiscation regime, combining criminal conviction based and civil non-conviction based confiscation, as well as powers

under taxation laws, was identified as an effective tool to pursue the proceeds of economic crime accumulated by criminals. Such an approach in one jurisdiction resulted in recovery of millions of euros worth of illicit assets. It was noted that, while many asset confiscation regimes might involve shifting the burden of proof as to the origin of alleged criminal assets, several constitutional decisions had upheld such provisions provided they were prescribed by law and created a rebuttable presumption. In other countries, however, a reversal of the onus was not consistent with the fundamental legal principles. There was discussion on the use of civil asset confiscation regimes and on the prosecution of the same offender for both the predicate and laundering offences (so-called “self-laundering”) and the risk of breaching the rule against double jeopardy. It was noted that the law on that point varied between jurisdictions.

313. It was underscored that effective action against economic crime required the focus on preventive measures to be extended to the private sector. Examples in that regard included the development of an organizational integrity plan, proper screening of prospective employees and the use of audits. The importance of “whistle-blowers” in the detection of economic crime was also noted, as was the importance, at both the organizational and the national level, of having effective protection for “whistle-blowers”.

314. A proposal was made for the establishment of a fund for victims, into which confiscated proceeds would be paid and from which victims of fraud could be compensated. This could alleviate the problem of victims having to bring civil proceedings to recover their losses.

315. The major international instruments and standards with respect to money-laundering were reviewed, including the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>20</sup> the Organized Crime Convention and the United Nations Convention against Corruption, as well as the revised recommendations of the Financial Action Task Force on Money Laundering (FATF). Key provisions were highlighted that originated in the 1988 Convention and had been carried forward in other instruments. It was further noted that the three United Nations conventions required States to consider sharing confiscated assets and reversal of the burden of proof. The importance of the FATF recommendations in driving international standards was underscored. Key FATF recommendations were those calling on States to ratify and implement the relevant United Nations conventions; those calling for provisional measures and regimes for confiscation; the requirements for preventive measures, including customer due diligence; and the need for States to establish financial intelligence units and dedicated investigative bodies. Some new provisions in the most recent conventions were also noted, in particular the detailed chapter on asset recovery in the Convention against Corruption.

316. Delegates emphasized the need to follow international best practices as set out in the United Nations conventions and other international standards on money-laundering. Several strategies and practices to respond to the problem were proposed, such as strengthening detection of cross-border currency movements; improving information exchange between authorities of different countries, including by entering into memorandums of understanding, so that criminals could

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<sup>20</sup> United Nations, *Treaty Series*, vol. 1582, No. 27627.

not exploit bureaucratic loopholes; and enabling seizure of criminal assets in a country other than the one seeking them. Similarly, it was noted that police units specialized in financial investigations, coupled with enhanced training of officers, could yield improved results in this field.

317. In terms of internal control systems, a number of speakers pointed to the importance of properly vetting the staff of financial institutions to reduce the risk of their becoming involved in money-laundering. Such staff should receive continuous training to ensure compliance with relevant standards. It was noted that although wrongdoing might be discovered within banks, their management was often reluctant to report it for fear of adverse publicity and loss of confidence in the bank. From the point of view of investigators, a practical example was given of the importance of examining original banking documents when investigating money-laundering cases, since a photocopy of a purportedly signed document might not disclose, for example, that a person's original signature was not affixed thereto.

318. An example was given of recent anti-money-laundering legislative and regulatory initiatives within a State and some of the challenges it faced. Noted in particular was the need for a systematic and coordinated approach, with transparent application of the law, when establishing and enforcing a regulatory scheme. That required the use of common standards in assessing compliance. It was further noted that, while mutual assistance arrangements were in place within that State's region, in practice there were many delays and efforts were needed to make cooperation speedier and more effective. A regulatory regime recently instituted with respect to hawala operators within that State was described in detail. It was recognized that hawala played a crucial role in several countries by facilitating the transfer of funds by and to individuals who had no access to formal banking systems for a variety of reasons, including illiteracy and remote location. However, the need for control and regulation of hawala was acknowledged, given the potential for its abuse by money-launderers and terrorist financiers. The system adopted in the State was a simple regulatory regime aimed at providing adequate protection against abuse without alienating or overburdening Hawala operators.

319. The challenges facing States in implementing a comprehensive money-laundering regime were discussed, with emphasis on the benefits of having an integrated and harmonized legislative approach within a region and stressing the importance of international cooperation. Some speakers focused on the difficulty of enforcing sophisticated anti-money-laundering provisions in countries with largely cash-based economies and low rates of participation in the formal financial sector. It was stressed that effective action against money-laundering had to take account of the real-world circumstances in such countries.

320. A major obstacle to international cooperation against money-laundering experienced by some countries was the requirement for dual criminality and the application of the rule of specialty in the context of mutual legal assistance. Other practical impediments to effective cooperation were identified as delays in the execution of requests because of a lack of resources and training.

321. It was noted also that the effectiveness of such a regime depended upon the existence of a broad training programme for relevant officials, both domestically and jointly with other States. Concerns were expressed regarding aspects of asset confiscation, including constitutional problems relating to the lowering of evidentiary standards, breaching of banking privacy and reversal of the burden of

proof. On the last point, it was noted that despite a range of judicial pronouncements in various countries, much depended on the specific legal regime and actual constitutional provisions. The experience of many States had shown that a broad approach to predicate offences, encompassing all serious crime, was best in the area of money-laundering and asset forfeiture. Because those concepts were first captured internationally in the 1988 Convention, some countries had initially limited their money-laundering predicates to drug offences.

### **Conclusions and recommendations**

322. The Workshop on Measures to Combat Economic Crime, including Money-Laundering reached the following conclusions and recommendations:

#### *Economic crime in general*

- (a) Further research and improved data collection on economic crime should be carried out with a view to informing and improving technical assistance;
- (b) Enhanced cooperation between the Government and the private sector should be encouraged, including in education, training and information-sharing;
- (c) Legislation and other measures should aim to reflect an integrated approach to economic crime encompassing a broad range of offences, including computer crime and identity theft, cast in a flexible manner;
- (d) States should have at their disposal a wide range of investigative tools, such as undercover operations, mechanisms for interception, including e-mails, etc., and should extend technical assistance to build capacity in that regard;
- (e) There is a need for enhanced international cooperation by way of mutual legal assistance, information-sharing and investigative cooperation;
- (f) There is a significant need for technical assistance in order for States to build capacity to combat economic crime.

#### *Money-laundering*

- (a) Governments should respond quickly to money-laundering through effective monitoring of remittances and cross-border movement of cash;
- (b) States should pay particular attention to implementing a comprehensive regime for the prevention of money-laundering, as well as for the confiscation of assets, including, where appropriate, non-conviction-based confiscation of assets;
- (c) There is a need for further developing of national measures and international cooperation to address, inter alia, lack of training, delays in mutual legal assistance and challenges arising from the application of principles of specialty and dual criminality;
- (d) There is a significant need for technical assistance in order for States to implement relevant international conventions and anti-money-laundering standards effectively, as well as best practices in preventive measures, investigation and prosecution.

## **F. Workshop on Measures to Combat Computer-related Crime**

323. At its 9th and 10th meetings, on 22 and 23 April 2005, Committee II held the Workshop on Measures to Combat Computer-related Crime. The Workshop was organized in cooperation with the Korean Institute of Criminology. The Committee had before it the following documents:

- (a) Background paper on the Workshop on Measures to Combat Computer-related Crime (A/CONF.203/14);
- (b) Discussion guide (A/CONF.203/PM.1 and Corr.1);
- (c) Reports of the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1).

324. At the first meeting, on 22 April, an introductory statement was made by a representative of the Secretariat, followed by a welcoming statement by the President of the Korean Institute of Criminology. The keynote address for the Workshop was delivered by the Permanent Secretary of the Ministry of Information and Communication Technology of Thailand. Presentations were made on the topic "Cybercrime: theory and practice". During the discussion, statements were made by the representatives of Canada, Ukraine, Austria, the Libyan Arab Jamahiriya, France, Spain, the United Kingdom, Argentina, Morocco and Chile. Statements were also made by three individual experts.

325. At the second meeting, on 23 April, presentations were made on the topic "Resources and international cooperation for combating cybercrime". During the discussion, statements were made by the representatives of Italy, Egypt, Canada, the Libyan Arab Jamahiriya, Algeria, the United States, the United Kingdom and Argentina. A statement was also made by the observer for End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes.

### **General discussion**

326. In his introductory statement, the representative of the Secretariat outlined both the background to the Workshop and United Nations activities in the more general area of prevention of computer-related crime and its links to the information society, including that input in the second phase of the World Summit on the Information Society, to be held in Tunis from 16 to 18 November 2005. The observer for the Korean Institute of Criminology stressed that the Workshop would be a valuable forum to promote international cooperation.

327. During the Workshop, speakers acknowledged the critical importance of responding effectively to the challenge of computer-related crime, noting in particular its rapid evolution and the diversity of offences encompassed by it. It was noted that the growth in electronic commerce (e-commerce) was dramatically increasing the possibilities for criminal exploitation. Two panellists outlined new trends and threats in the field of computer-related crime. The increasing sophistication of computer-related crime was illustrated by a number of new developments, including: the speed with which new computer viruses and worms could travel, infecting millions of computers worldwide in a short period; the development of new hacking tools that were more powerful and easier to use; the rise of "phishing" (using counterfeit websites (or messages directing users to them)

for fraudulent purposes); the spread of false information; and the electronic theft of credit card data and other identity information. It was pointed out that new forms of technology were giving rise to new opportunities for criminal activity, including the exploitation of wireless networks. Advances in cryptography and steganography also enabled individuals to conceal their identities online or to impersonate other users. It was reported that another trend in computer-related crime was the combination of different criminal acts in furtherance of the same criminal enterprise (for example, the combination of “phishing”, the use of false identities and extortion).

328. Several aspects related to the so-called digital divide were discussed by participants. At the outset, it was recognized that that concept was more complex than a simple divide between developed and developing countries. Research presented at the Workshop indicated a clustering of “info-States” between the two extremes of the digital divide. Apparently, the overall divide was closing because those countries in the middle of the spectrum were making good progress. However, those countries with poorly developed computer and technology infrastructure were falling further behind all of the others. In short, the divide was widening at the bottom end of the spectrum. It was noted that the emerging nature of the digital divide provided new possibilities for computer-related crime. For example, countries at the lower end of the digital divide were used as staging grounds to launch cyber-attacks or as transit countries to mask the cybercrime trail. In addition, as the digital divide in some countries was closing rapidly, consumers were becoming more vulnerable to such crimes as tele-marketing fraud, “phishing” and online auction fraud. It was noted that, in cases where countries invested in technologies to upgrade State and other critical infrastructure, such as mobile telephone networks, new vulnerabilities would emerge. It was also noted that different sectors of a society—such as an emerging middle class, the high-technology business sector or poor people being integrated into the formal banking system—would be exposed to different kinds of crime in countries where the authorities might have little capacity to respond. For those reasons, the development of appropriate legal frameworks and expertise in the developing world was of great importance.

329. Many participants highlighted the speed at which computer-related crime was evolving and the need for law enforcement and the private sector to be ahead of the perpetrators. Several speakers underlined the importance of the exchange of information on new and emerging trends and the resulting vulnerabilities and threats. Participants described experiences in countries in which trends in computer-related crime were being monitored. One related aspect raised by some speakers was the need to prevent computer-related crime. One critical step in that direction was to raise the awareness of such crime among law enforcement authorities, members of the business community and potential victims. A presentation by the observer for Interpol underscored the importance of data collection, analysis and exchange, with particular reference to the use of the Internet by paedophiles to exchange images. Other proposals were made regarding data collection and monitoring, including the formulation of indicators and criteria to be used to monitor the content of websites. One speaker suggested that an international network of experts for sharing experiences and new knowledge should be established.

330. The Workshop participants considered the impact of computer-related crime on individual victims, in particular the impact of fraud and sexual exploitation. One panellist emphasized that special attention should be paid to the problem of sexual exploitation of children online. It was suggested that the information technology industry should seek to counter such crime by raising public awareness and setting new protection standards. It was argued that more attention should be given to finding out how victims could be protected and assisted, including in the course of the investigation, particularly in cases involving sexual exploitation and the circulation of pornographic material on the Internet. It became clear from the discussion that several critical grey areas remained, including the issue of how to respond to cases where pornographic images were digitally created, as well as the difficulties of determining the age of victims in cases involving child pornography. In addition, some questions were raised concerning what specific activities should be criminalized; for example, in the case of pornography, the question was whether the criminalized activity should be the viewing of the image or its electronic storage.

331. It was pointed out that the impact of computer-related crime went far beyond individual victims to include companies, organizations, governments and society in general. Computer-related crime often posed a threat to critical infrastructure, which in many countries was not controlled by the public sector, and such crime could have destabilizing effects on all segments of society. In that way, digital technology could also be misused for terrorist purposes.

332. One participant suggested that an inventory be conducted of the technological level and capacities of countries to respond to cases involving cybercrime. It was also suggested that a virtual forum of experts be created under the auspices of UNODC to facilitate the exchange of information on new trends and approaches in the area of computer-related crime. With regard to researching computer-related crime, it was suggested that many questions, including the extent of the involvement of organized criminal groups in such crime, remained unanswered. More research was needed into those and other related policy areas so that future opportunities for criminal activity could be identified. It was stated that, even in developed countries, there was only a relatively small number of experts working in those areas and that initiatives such as an online research network, supported by international agencies and the private sector, would provide opportunities for more information exchange, comparative analysis and transfer of knowledge.

333. It was noted that, within national jurisdictions, four key requirements should be in place to effectively respond to cases involving computer-related crime: experts dedicated to cybercrime; experts available on a 24-hour basis; continuous training, including training of specialists from other countries; and up-to-date equipment. The fulfilment of those requirements would also improve the quality of inter-State cooperation.

334. There was general agreement that the provision of technical assistance to developing countries must be given priority. Such assistance could take on a variety of forms, including: the provision of experienced personnel and advice from Member States and the private sector; the development of training courses and material; and measures to ensure that law enforcement officials were well informed about developments in technology. The United Nations Manual on the Prevention

and Control of Computer-related Crime,<sup>21</sup> published in 1994, was praised as a useful tool; however, it was emphasized that there was currently an urgent need for new and updated material. Several speakers pointed to bilateral assistance activities and training that were currently being undertaken. One key issue highlighted by many speakers was the need to develop expertise in gathering and using evidence of computer-related crime. In a discussion on the development of training material, it was stated that training for criminal justice practitioners should be tailored and delivered in a format that was easily accessible. While the training of specialized police officers and prosecutors was a requirement, it was increasingly the case that all investigators and law enforcement officials should have more advanced knowledge of aspects of computer-related crime, particularly in regard to the preservation of evidence. It was submitted that training should also be extended, particularly in developing countries, to include legislators and policymakers.

335. Speakers underlined the importance of a partnership with the private sector to formulate and implement effective measures to counter computer-related crime. As suggested by several practitioners, relationships between commercial entities and law enforcement agencies needed to be developed further, not only to reduce the level of computer-related crime, but also to speed up the response once it occurred. It was pointed out that the role of the public and private sectors, including Internet service providers, in efforts to combat computer-related crime was constantly evolving. One possible partnership strategy could include assistance from business in identifying areas where existing law was inadequate; building capacity, for example, by providing training for law enforcement authorities and by raising awareness of new trends and technologies; working with law enforcement authorities in investigations and sharing general information; educating consumers about issues of online safety; preventive elements such as building effective security mechanisms into products; and providing incentives to the public to obtain information on the activities of perpetrators of computer-related crime.

336. Many speakers underscored the importance of effective international law enforcement cooperation. The global reach of the Internet and the spread of e-commerce had resulted in national borders being of little relevance in cases involving computer-related crime. For that reason, speed was essential to the success of investigations. That required building close relationships with key partners in other countries, the private sector and civil society. Participants described current international cooperative initiatives, such as the contact network originally established by the Group of Eight and consisting of computer crime units available to law enforcement agencies 24 hours a day, seven days a week (on a “24/7” basis). The contact network, currently operating in about 40 countries, had proved to be effective in cases involving computer-related crime. One speaker, however, indicated that the contact network was available only in countries that had the capacity to deal with computer-related crime and that there was a need to bolster the skills required to counter such crime in developing countries.

337. Several speakers indicated that the development and harmonization of national legislation was a prerequisite for effectively dealing with cases involving computer-related crime. That applied in particular to the procedural laws and rules on the gathering and admissibility of evidence. It was suggested that, for that reason,

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<sup>21</sup> *International Review of Criminal Policy*, Nos. 43 and 44 (United Nations publication, Sales No. E.94.IV.5).

training programmes should also be made available for prosecutors and judges. It was noted that international cooperation in efforts to combat computer-related crime were complicated by the fact that many countries did not have any legislative provisions covering such crime. It was suggested that model laws on the subject should be developed, taking into account different legal systems.

338. Several panellists raised the issue of whether it was necessary to develop a new international instrument against computer-related crime. One panellist supported the idea of developing such an instrument, citing the importance of having a global legal framework and providing unified global standards in relation to computer-related crime. It was suggested that developing such an instrument might take a considerable amount of time and that it was preferable to begin the process earlier rather than later. Most speakers, however, argued that it might be premature to begin negotiations on such a convention. Numerous reasons were given for that, including the following: the Convention on Cybercrime,<sup>22</sup> adopted by the Committee of Ministers of the Council of Europe, had only recently entered into force and time was needed to evaluate its benefits; that Convention was open for signature not only to States in Europe but also to other States; and practical measures to enhance international cooperation should, for the time being, have the highest priority. One speaker noted that, while technical assistance constituted a significant element of the Organized Crime Convention and the Convention against Corruption, the subject of computer-related crime was such that technical assistance would need to be provided and capacity-building would need to take place before negotiations on an international convention against computer-related crime could begin, in order to ensure the full participation of all States in the negotiation process. One speaker expressed the view that, while it was premature to speak of a negotiation process, if negotiations ultimately did take place, the process should generally follow the precedent established by the negotiation of the Organized Crime Convention and the Convention against Corruption. Several speakers underscored the importance of States ratifying the Convention on Cybercrime. The representative of the United Arab Emirates expressed the view that paragraph 16 of the draft Bangkok Declaration did not reflect the significance attached by some States to the need to negotiate an international instrument against cybercrime, in particular as an instrument to promote international cooperation in that area.

339. Several speakers pointed to the recommendations provided in the background paper on the Workshop (A/CONF.203/14), suggesting that they provided a useful basis for discussion. No objections were raised about any of the recommendations contained in the document and many participants indicated that they supported them in principle.

### **Conclusions and recommendations**

340. The Workshop on Measures to Combat Computer-related Crime made the following conclusions and recommendations:

(a) The United Nations should play a leading role in assisting Member States in combating computer-related crime to safeguard the functioning of cyberspace, so that it would not be abused or exploited by criminals or terrorists. In that regard, consideration should be given to the establishment of a virtual forum or online

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<sup>22</sup> Council of Europe, *European Treaty Series*, No. 185.

research network to encourage communication among experts throughout the world on the issue of computer-related crime;

(b) Technical assistance and training should be provided by UNODC to States in order to address the lack of capacity and expertise to deal with the problems of computer-related crime. International cooperation should be developed in the areas of information exchange, research and analysis concerning computer-related crime. Consideration should be given to updating the United Nations Manual on the Prevention and Control of Computer-related Crime and the development of related training tools. Such tools should be made available internationally in order to share knowledge and information concerning ways and means of recognizing, protecting, preventing and handling new types of cybercrime;

(c) International law enforcement cooperation should be further enhanced, including by upgrading the capacity and skills of countries not currently linked to existing law enforcement networks that focus on cybercrime;

(d) States that had not done so should be encouraged to update and harmonize their criminal laws in order to counter computer-related crime more effectively, giving due attention to aspects related to the defining of offences, investigative powers and the collection of evidence. The sharing of experience among countries was critical to that endeavour and, in that regard, States should take into consideration the work of regional organizations;

(e) Governments, the private sector and non-governmental organizations should work together to counter computer-related crime, including by raising public awareness, engaging in preventive activities and enhancing the capacity and skills of criminal justice professionals and policymakers. Such cooperative efforts should include a strong focus on preventive aspects;

(f) The results of the Workshop on Measures to Combat Computer-related Crime should be made available to the second phase of the World Summit on the Information Society, to be held in Tunis from 16 to 18 November 2005.

## Chapter VII

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

341. At the sixth meeting of the high-level segment of the Congress, on 25 April, the Congress considered its draft report, prepared by the Rapporteur-General pursuant to rule 52 of the rules of procedure, which included the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, the conclusions and recommendations of the Congress on the various substantive items of its agenda and the outcome of the workshops. The draft report also included the decisions of the Congress, a brief account of the events leading to the Eleventh Congress, the proceedings of the Congress, including a summary of the substantive work concluded by the plenary and by the various committees, a summary of the proceedings of the high-level segment, an account of the treaty actions undertaken at the special treaty event held during the Congress and an account of the action taken in plenary meetings. The Chairman of the Credentials Committee, the Chairman of Committee I and the Chairman of Committee II presented the reports of their respective committees. The Rapporteur-

General introduced the draft report of the Congress, including the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice.

342. At the same meeting, the Congress adopted its report as contained in documents A/CONF.203/L.2 and Add.1-4 (deliberations of the plenary), A/CONF.203/L.3 and Add.1-5 (outcome of the deliberations of Committee I) and A/CONF.203/L.4 and Add.1-4 (outcome of the deliberations of Committee II). The report also included the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice (A/CONF.203/L.5). The reports of Committee I and Committee II had been approved, as orally amended, at the final meeting of the respective committees before being adopted by the plenary as part of the report of the Congress.

343. Closing statements were made by the President of the Eleventh Congress, the Secretary-General of the Congress, the Executive Secretary of the Congress and the representatives of Pakistan (on behalf of the Group of Asian States), Paraguay (on behalf of the Group of 77 and China), Luxembourg (on behalf of the European Union) and the Syrian Arab Republic (on behalf of the Group of Arab States).

344. In his closing statement, the President of the Eleventh Congress expressed the hope that the Bangkok Declaration would become a platform for the launch of further action for the suppression of crime and for enhancing criminal justice systems. He hoped too that, on the basis of the Declaration, the exchange of views and experiences among States would be intensified and that the five years leading to the Twelfth Congress would see major advances in the formulation of policies and international cooperation on crime prevention and criminal justice at all levels.

## Annex

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

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
A/CONF.203/1	2	Provisional annotated agenda and organization of work
A/CONF.203/2	2	Provisional rules of procedure for United Nations congresses on crime prevention and criminal justice
A/CONF.203/3	1	Report of the Secretary-General on the state of crime and criminal justice worldwide
A/CONF.203/4 and Corr.1	3	Working paper prepared by the Secretariat on effective measures to combat transnational organized crime
A/CONF.203/5	4	Working paper prepared by the Secretariat on international cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of the United Nations Office on Drugs and Crime
A/CONF.203/6	5	Working paper prepared by the Secretariat on corruption: threats and trends in the twenty-first century
A/CONF.203/7	6	Working paper prepared by the Secretariat on economic and financial crimes: challenges to sustainable development
A/CONF.203/8	7	Working paper prepared by the Secretariat on making standards work: fifty years of standard-setting in crime prevention and criminal justice
A/CONF.203/9	3	Background paper on the Workshop on Enhancing International Law Enforcement Cooperation, including Extradition Measures
A/CONF.203/10	7	Background paper on the Workshop on Enhancing Criminal Justice Reform, including Restorative Justice
A/CONF.203/11 and Corr.1	7	Background paper on the Workshop on Strategies and Best Practices for Crime Prevention, in particular in relation to Urban Crime and Youth at Risk
A/CONF.203/12	4	Background paper on the Workshop on Measures to Combat Terrorism, with reference to the Relevant International Conventions and Protocols
A/CONF.203/13	6	Background paper on the Workshop on Measures to Combat Economic Crime, including Money-Laundering

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
A/CONF.203/14	3	Background paper on the Workshop on Measures to Combat Computer-related Crime
A/CONF.203/15	1	Report of the Secretary-General of the Congress on fifty years of United Nations congresses on crime prevention and criminal justice: past accomplishments and future prospects
A/CONF.203/16 and Add.1-11	3, 4, 5, 6 and 7	Note by the Secretariat on the preliminary text of the draft Bangkok Declaration on Crime and Justice, Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice
A/CONF.203/17	2 (e)	Report of the Credentials Committee, submitted by the Chairman, Luis Plaza Gentina (Chile)
A/CONF.203/L.1		Report of the pre-Congress consultations held in Bangkok on 17 April 2005
A/CONF.203/L.2 and Add.1-4	8	Draft report
A/CONF.203/L.3 and Add.1-5	3	Report of Committee I: agenda items 6 and 7, the Workshop on Enhancing International Law Enforcement Cooperation, including Extradition Measures, Workshop on Enhancing Criminal Justice Reform, including Restorative Justice, and the Workshop on Strategies and Best Practices for Crime Prevention, in particular in relation to Urban Crime and Youth at Risk
A/CONF.203/L.4 and Add.1-4		Report of Committee II: agenda item 5, the Workshop on Measures to Combat Terrorism, with reference to the Relevant International Conventions and Protocols, the Workshop on Measures to Combat Economic Crime, including Money-Laundering and the Workshop on Measures to Combat Computer-related Crime
A/CONF.203/L.5		Draft Bangkok Declaration
A/CONF.203/PM.1 and Corr.1		Discussion guide
A/CONF.203/RPM.1/1		Report of the Asian and Pacific Regional Preparatory Meeting for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice
A/CONF.203/RPM.2/1		Report of the Latin American and Caribbean Regional Preparatory Meeting for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice
A/CONF.203/RPM.3/1 and Corr.1		Report of the African Regional Preparatory Meeting for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice
A/CONF.203/RPM.4/1		Report of the Western Asian Regional Preparatory Meeting for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
A/CONF.203/NGO/1	7	Statement submitted by International Council of Women and Soroptimist International (non-governmental organizations in general consultative status with the Economic and Social Council); and International Commission of Catholic Prison Pastoral Care, International Police Association, International Society of Social Defence, Italian Centre of Solidarity, National Council of German Women's Organizations and Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students) (non-governmental organizations in special consultative status with the Economic and Social Council)
A/CONF.203/NGO/2	3 and 7	Statement by Soroptimist International, a non-governmental organization in general consultative status with the Economic and Social Council
A/CONF.203/NGO/3	3, 4, 5, 6 and 7	Statement submitted by the Asia Crime Prevention Foundation, a non-governmental organization in general consultative status with the Economic and Social Council
A/CONF.203/NGO/4	6	Statement submitted by the Japan Federation of Bar Associations, a non-governmental organization in special consultative status with the Economic and Social Council
A/CONF.203/NGO/5	7	Statement by Defence for Children International, a non-governmental organization in special consultative status with the Economic and Social Council
A/CONF.203/NGO/6	5	Statement by International Association of Penal Law, International Society for Criminology and International Society of Social Defence (non-governmental organizations in special consultative status with the Economic and Social Council)
A/CONF.203/NGO/7	7	Statement by the International Institute of Higher Studies in Criminal Sciences, a non-governmental organization in special consultative status with the Economic and Social Council
A/CONF.203/NGO/8	7	Statement submitted by the World Society of Victimology, a non-governmental organization in special consultative status with the Economic and Social Council
A/CONF.203/NGO/9	3	Statement submitted by the Japan Federation of Bar Associations, a non-governmental organization in special consultative status with the Economic and Social Council

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
A/CONF.203/NGO/10	3, 4, 5 and 7	Statement submitted by Penal Reform International, a non-governmental organization in special consultative status with the Economic and Social Council
A/CONF.203/NGO/11	7	Statement submitted by Friends World Committee for Consultation, a non-governmental organization in general consultative status with the Economic and Social Council
A/CONF.203/NGO/12	7	Statement submitted by the Howard League for Penal Reform, a non-governmental organization in special consultative status with the Economic and Social Council
A/CONF.203/NGO/13	7	Statement submitted by the Howard League for Penal Reform, a non-governmental organization in special consultative status with the Economic and Social Council
A/CONF.203/NGO/14	7	Statement submitted by the Japan Federation of Bar Associations, a non-governmental organization in special consultative status with the Economic and Social Council
A/CONF.203/NGO/15	7	Statement submitted by Friends World Committee for Consultation (a non-governmental organization in general consultative status with the Economic and Social Council); and Defence for Children International, Foundation ECPAT International (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes), International Bureau for Children's Rights, Penal Reform International and World Society of Victimology (non-governmental organizations in special consultative status with the Economic and Social Council)
A/CONF.203/G/AZERBAIJAN		National paper submitted by the Government of Azerbaijan
A/CONF.203/G/BELGIUM		National paper submitted by the Government of Belgium
A/CONF.203/G/CHILE		National paper submitted by the Government of Chile
A/CONF.203/G/CROATIA/1 and 2		National paper submitted by the Government of Croatia
A/CONF.203/G/GERMANY		National paper submitted by the Government of Germany
A/CONF.203/G/INDONESIA		National paper submitted by the Government of Indonesia

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
A/CONF.203/G/JAPAN		National paper submitted by the Government of Japan
A/CONF.203/G/NIGERIA		National paper submitted by the Government of Nigeria
A/CONF.203/G/OMAN		National paper submitted by the Government of Oman
A/CONF.203/G/QATAR		National paper submitted by the Government of Qatar
A/CONF.203/G/REPUBLICOF KOREA		National paper submitted by the Government of the Republic of Korea
A/CONF.203/G/ROMANIA/1-4		National paper submitted by the Government of Romania
A/CONF.203/G/SOUTHAFRICA		National paper submitted by the Government of South Africa
A/CONF.203/G/SWEDEN		National paper submitted by the Government of Sweden
A/CONF.203/G/THAILAND		National paper submitted by the Government of Thailand
A/CONF.203/INF.1		Information for participants
A/CONF.203/MISC.1/Rev.1		Provisional list of participants
<b>Background documents</b>		
A/59/565 and Corr.1		Report of the High-level Panel on Threats, Challenges and Change entitled "A more secure world: our shared responsibility"
A/59/2005		Report of the Secretary-General entitled "In larger freedom: towards development, security and human rights for all"
E/CN.15/2005/14/Add.1		Report of the Intergovernmental Expert Group Meeting to Develop Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, held in Vienna on 15 and 16 March 2005