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* A/CONF.213/1.



Draft Salvador Declaration

Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World¹

We, the States Members of the United Nations,

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

Recalling the work of the eleven previous United Nations congresses on crime prevention and criminal justice, the conclusions and recommendations of the regional preparatory meetings² for the Twelfth Congress and the documents prepared by the relevant working groups established by the Commission on Crime Prevention and Criminal Justice,³

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

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

¹ The present draft text as at 24 March takes into account the following: the content of the discussion guide (A/CONF.213/PM.1) prepared in accordance with General Assembly resolution 63/193 and in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, to better frame the discussions during the regional preparatory meetings for the Twelfth Congress; the reports, and recommendations contained therein, of the four regional preparatory meetings for the Congress (see A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1); the working papers on the substantive items of the provisional agenda for the Twelfth Congress and the background papers on the topics of the five workshops to be held within the framework of the Twelfth Congress, currently under preparation by the Secretariat; the comments and remarks received from Member States at the meeting on the preparation of the draft declaration of the Twelfth Congress, held in Vienna on 11 December 2009; and the informal consultations on the draft Declaration held in Vienna from 9 to 12 February and on 15, 22 and 24 March 2010.

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

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

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

Noting the increasing challenges posed to States by such criminal activities and considering the need to strengthen the capacity of States in the areas of crime prevention and criminal justice by fostering a culture of prevention and legality and by building institutional capacity and enhancing public participation and international cooperation,

[*Greatly concerned* by the global rise in acts of violence and other crimes against migrants, migrant workers and their families and other vulnerable groups and communities, including migrant women, motivated by racism, racial discrimination, xenophobia and related forms of intolerance [which have a negative impact] [and the negative impact of such crimes] on entire communities, beyond the consequences affecting individual victims,]

Declare as follows:

I. Criminal justice reform

1. We acknowledge the value and impact of the United Nations standards and norms in crime prevention and criminal justice and endeavour to use those standards and norms as guiding principles in designing and implementing our national crime prevention and criminal justice policies, laws, procedures and programmes.
2. Bearing in mind the universal character of the United Nations standards and norms in crime prevention and criminal justice, we invite the Commission on Crime Prevention and Criminal Justice to consider reviewing and, if necessary, updating and supplementing them. In order to render them effective, we recommend that appropriate efforts be made to promote the widest application of those standards and norms and to raise awareness of them among authorities and entities responsible for their application at the national level. [We also recommend, if considered appropriate by the Commission on Crime Prevention and Criminal Justice, initiating a process for consolidating those standards and norms in a set of United Nations principles for the criminal justice system, which could be known as the “Salvador Principles”.]
3. We recognize that it is the responsibility of each Member State to revise and maintain an effective, fair, accountable and humane crime prevention and criminal justice system that provides for an impartial and independent judiciary for the effective protection of human rights in the administration of and access to justice, as well as the prevention, investigation, prosecution and punishment of crime.
4. We acknowledge the need for Member States to ensure effective gender equality in crime prevention, access to justice and the protection offered by the criminal justice system, and the necessity to ensure that gender issues are addressed in crime prevention and criminal justice systems. We also stress the need to enhance efforts to prevent and respond appropriately to violence against women, and in this regard we recall the meeting of the intergovernmental expert group held in Bangkok from 23 to 25 March 2009, at which the expert group finalized the draft text of the

updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.]

5. We also recognize the importance of having appropriate legislation for the protection of and assistance to victims and of working to prevent revictimization of such victims.

6-8. We consider that technical assistance can play an important role in achieving sustainable and long-lasting results in the prevention, prosecution and punishment of crime, in particular by building, modernizing and strengthening our criminal justice systems and promoting the rule of law. Specific technical assistance programmes should thus be designed to achieve these aims, for all the components of the criminal justice system, in an integrated way and with a long-term perspective, enabling the capacity of requesting States to prevent and suppress the various modalities of crime affecting their societies, including organized crime. In this regard, the experience and expertise accumulated over the years by the United Nations Office on Drugs and Crime constitute a valuable asset.

10. We recognize the need for accurate information on global crime trends and patterns as the basis for informed discussion of crime prevention and criminal justice issues in the Commission on Crime Prevention and Criminal Justice and other appropriate forums. We invite the Commission to strengthen the capacity of the United Nations Office on Drugs and Crime to collect, analyse and disseminate accurate, reliable and comparable data on world crime trends and patterns, and we call on Member States to support the gathering and analysis of information and to consider designating focal points and provide information when requested to do so by the Commission.

10 bis. We recognize the importance of strengthening public-private partnerships [based on internationally agreed standards, such as those on human rights,] in preventing and countering crime in all its forms and manifestations. We are convinced that through the mutual and effective sharing of information, knowledge and experience and through joint and coordinated actions, Governments and businesses can develop, improve and implement measures to prevent, prosecute and punish crime, including emerging and changing challenges.

II. Emerging crime issues and threats

[11. We recognize the increasing risk of the convergence of transnational [[organized] crime [threats] [challenges] and [illicit networks]] [criminal phenomena], many of which are new or evolving. These [threats] [challenges] [crimes] are becoming more fluid and sophisticated and are able to cross borders. Addressing these transnational threats is an important priority [and involves all elements of transnational organized crime].]

Option 1

[12. Mindful, in particular, of the increasing involvement of organized criminal groups in the theft of and trafficking in cultural property, we welcome the decision of the Commission on Crime Prevention and Criminal Justice to engage in a thematic debate on protection against trafficking in cultural property. We call on States that have not yet done so to develop effective legislation, where appropriate and consistent with their legal and constitutional

frameworks, to prevent and combat this form of crime and to strengthen international cooperation in this area, bearing in mind the relevant international legal instruments, such as the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property⁴ and, where appropriate, the United Nations Convention against Transnational Organized Crime,⁵ as well as the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of moveable property.⁶]

[13. We recommend that the Commission on Crime Prevention and Criminal Justice and the United Nations Office on Drugs and Crime give serious consideration to exploring the development of specific guidelines for crime prevention with respect to trafficking in cultural property, including, inter alia, the criterion of due diligence when acquiring possession of a cultural object.]

Option 2

[*There has been a proposal to merge paragraphs 12 and 13.*]

[12 and 13. We support the work of [the United Nations Educational, Scientific and Cultural Organization] [the United Nations Office on Drugs and Crime], in cooperation with [the United Nations Educational, Scientific and Cultural Organization and] other competent organizations, [such as [the United Nations Educational, Scientific and Cultural Organization] [United Nations Office on Drugs and Crime]], and as directed by the Commission on Crime Prevention and Criminal Justice, to respond to crimes against cultural property, and invite Member States that have not yet done so to develop effective legislation, where appropriate and consistent with their legal and constitutional frameworks, to prevent, prosecute and punish this form of crime. We also invite Member States to strengthen international cooperation in this area, bearing in mind the relevant international legal instruments [, including by exploring, at sessions of the Commission on Crime Prevention and Criminal Justice, the development of specific guidelines on this matter].]

[14-16. [We note the [increasing] challenge posed by [transnational] environmental crime and are] Mindful of the active involvement of organized criminal groups in environmental crime,⁷ we encourage States to strengthen their national crime prevention and criminal justice policies [, inter alia, by developing comprehensive and integrated measures]. In this regard, we also encourage States to enhance cooperation at all levels to prevent, [prosecute] [punish] [combat] and eradicate environmental crime and share best practices. [We invite the Commission on Crime Prevention and Criminal Justice, in coordination with the relevant United Nations entities, to identify [efficient] ways [to promote the role of criminal [law] [justice]] in addressing environmental problems [as part of a broader global effort to conserve and

⁴ United Nations, *Treaty Series*, vol. 823, No. 11806.

⁵ *Ibid.*, vol. 2225, No. 39574.

⁶ *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.1, annex.

⁷ Environmental crime is to be interpreted in accordance with national legislation.

protect the environment].] [[We note the [increasing] challenge posed by environmental crime, and therefore] we believe that the prevention and criminal justice aspect of countering such crime [can be part of a] [broader global] effort to preserve and protect the environment.]]

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

18. We acknowledge [that [activities such as] [counterfeiting and, in particular,] piracy of digital media [could be] [can be] [may be] [are] a source of profit] for [some] organized criminal groups. We invite the Commission on Crime Prevention and Criminal Justice to consider requesting the United Nations Office on Drugs and Crime to [conduct, in cooperation with other competent organizations, a study on this phenomenon, including on the provision of] [provide] technical assistance in this area.

III. Specific recommendations

A. International cooperation in criminal matters

21. We recognize that international cooperation in criminal matters is a cornerstone of the efforts of States to prevent, prosecute and punish crime, particularly in its transnational forms. We acknowledge the need for increasing and reinforcing international cooperation at all levels. In this connection, we invite States to continue working with the United Nations Office on Drugs and Crime and other relevant organizations in this field.

22. We call on States that have become parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,⁸ the United Nations Convention against Corruption⁹ and the universal instruments against terrorism, including its financing, to use those instruments, where appropriate, to enhance international cooperation in criminal matters.

Option 1

[23. Aware of the existence of a gap in relation to certain types of crime not contemplated in the scope of application of the international conventions dealing with international cooperation in criminal matters, we call on Member States, through the Commission on Crime Prevention and Criminal Justice, to consider [the establishment of a working group to explore the feasibility of] the negotiation of a broader convention on international cooperation in criminal matters, [taking into account new technologies, such as by giving

⁸ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

⁹ *Ibid.*, *Treaty Series*, vol. 2349, No. 42146.

testimony by videoconference,] [comprising, among other things, the issues of extradition, mutual legal assistance and [cooperation for the purpose of confiscation] [asset recovery], with a view to promoting effective cooperation in the fight against any type of criminal behaviour beyond those foreseen in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,¹⁰ the Organized Crime Convention and the Convention against Corruption.]]

[23 bis. We encourage Member States, during such time as a convention on international cooperation in criminal matters may be considered, to continue to engage in the conclusion of bilateral treaties on extradition and mutual legal assistance.]

Option 2

23. Aware of the existence of a gap in relation to certain types of crime not contemplated in the scope of application of the international conventions dealing with international cooperation in criminal matters, we invite the Commission on Crime Prevention and Criminal Justice to consider identifying such possible gaps and needs and to present recommendations on how to address them, [with a view to the possible negotiation of a global convention on international cooperation in criminal matters], taking into account new technologies, such as by giving testimony by videoconference, including by focusing on a more efficient implementation of existing legal instruments.

Option 3

23. Aware of the existence of a gap in relation to certain types of crime not contemplated in the scope of application of the international conventions dealing with international cooperation in criminal matters, we call on Member States to ensure that their national legislation authorizes mutual legal assistance for a broader array of criminal offences.

[24. We recognize the need to deny criminals and criminal organizations the proceeds of their crimes and the resources to commit further offences. For that purpose, we encourage Member States to adopt effective mechanisms for the seizure, restraint and confiscation of the proceeds of crime, [including, [where consistent with national legal systems] [to the extent possible under national legislation], non-conviction-based forfeiture,] and for strengthening international cooperation in that regard, including through the sharing of information and other innovative measures to combat money-laundering. Furthermore, we encourage Member States to adopt measures for the sound administration of seized, restrained and confiscated assets in order to preserve their value[, including though prejudgement disposal of assets, where appropriate, and consistent with their national legal systems and due process].]

25. We also call on Member States to establish or strengthen, as appropriate, central authorities fully empowered and equipped to deal with requests for international cooperation in criminal matters.

¹⁰ Ibid., *Treaty Series*, vol. 1582, No. 27627.

B. Implementation of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption

[25 bis. We note with concern the rise of new and emerging forms of transnational organized crime, [and thus recommend that the Commission on Crime Prevention and Criminal Justice consider requesting the United Nations Office on Drugs and Crime to carry out an analysis of the applicability of the Organized Crime Convention to new and emerging forms of transnational organized crime].]

26. We welcome the entry into force of the Convention against Corruption and the large number of States having ratified or acceded to it. We call on those States that have not yet done so to consider ratifying or acceding to the Convention as a matter of priority and to fully implement its provisions. We are convinced, in particular, that doing so is essential to make asset recovery effective and expeditious. We welcome the establishment of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption by the Conference of the States Parties to the United Nations Convention against Corruption at its third session, held in Doha from 9 to 13 November 2009 [and look forward to the Mechanism becoming operational].

27. We call on those States that have not yet done so to consider ratifying or acceding to the Organized Crime Convention and the Protocols thereto as a matter of priority and to fully implement their provisions, as appropriate. We note with appreciation the decision taken by the General Assembly in its resolution 64/179 of 18 December 2009 to hold in 2010 a high-level meeting and a special treaty event, aimed at fostering universal adherence to the Convention and the Protocols thereto and strengthening international cooperation and the effective application of the Convention and its Protocols. In this regard, we call on the Secretary-General to ensure that all activities within the United Nations system related to the promotion and implementation of the Organized Crime Convention and the Protocols thereto are conducted under the overall leading guidance of the United Nations Office on Drugs and Crime.

28. We support the ongoing efforts to explore options regarding an appropriate and effective mechanism to assist the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in the review of the implementation of the Convention and the Protocols thereto, as soon as feasible, taking into account the importance of the matter to all Member States.

29. We recognize that our efforts to prevent, prosecute and punish organized crime and corruption require, among other things, the political will of the States parties for effective implementation of the measures for preventing, prosecuting and punishing money-laundering set forth in the Organized Crime Convention and the Convention against Corruption, [as well as international standards established by relevant organizations], [as well as the international standards established by the Financial Action Task Force on Money Laundering and recognized by the United Nations. We call on, in particular, the Financial Action Task Force on Money Laundering and its member States to enforce recommendations on transparency and beneficial ownership more effectively]. We commit to continue taking national and international action to prevent and punish the hiding and the facilitation of the hiding of the proceeds of corruption and crime. [We encourage Member States to [consider developing appropriate measures] [develop a strategy] to combat illicit

capital flows, corruption and money-laundering and [to develop policies] to curb the harmful effects of tax havens in facilitating such practices.]

[30. [We emphasize that the effectiveness of the measures of preventing, prosecuting and punishing money-laundering contained in the Organized Crime Convention and the Convention against Corruption depend on the political will of the States parties], as well as the good administration of the seized and confiscated assets, including the recovery of such assets. In this context, we call on Member States to adopt mechanisms in relation to asset recovery, the prejudgement disposal of seized assets and other preventive measures to preserve the value of those assets.]

[31. We encourage a further strengthening of the United Nations Committee of Experts on International Cooperation in Tax Matters, and we welcome the progress made towards transparency in the Organization for Economic Cooperation and Development Global Forum on Transparency and Exchange of Information for Tax Purposes.]

C. *Children, youth and crime*

32. We are convinced that responses to children and youth in conflict with the law should take into account their human rights and, as appropriate, special needs, particularly those of female youth and women offenders who are pregnant, as well as the Convention on the Rights of the Child and the Optional Protocols thereto,¹¹ as applicable, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),¹² the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),¹³ the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines)¹⁴ and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty,¹⁵ and that all appropriate steps should be taken to prevent offences and to rehabilitate and fully reintegrate children and youth in conflict with the law.

33. We call on Member States to draw on the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime,¹⁶ where appropriate, in the development of legislation, procedures, policies and practices for child victims or witnesses of crime. We invite Member States to pay particular attention to children and youth who are at higher risk of being victimized or revictimized, including those who are victims or witnesses of crime, which entails a negative impact on their psychological and physical integrity and well-being.

34. Recognizing that serious consideration should be given to the nature of the sanctions and the response of the judicial system to youth and children in conflict with the law, we recommend broader application, as appropriate, of alternative sanctions to incarceration and imprisonment of youth and children as well as of the use of restorative justice measures and more generally of all measures that foster the diversion of young offenders from the criminal justice system, [as well as increase

¹¹ Ibid., *Treaty Series*, vols. 1577, 2171 and 2173, No. 27531.

¹² General Assembly resolution 40/33, annex.

¹³ General Assembly resolution 45/110, annex.

¹⁴ General Assembly resolution 45/112, annex.

¹⁵ General Assembly resolution 45/113, annex.

¹⁶ Economic and Social Council resolution 2005/20, annex.

their sense of responsibility and reflection with respect to the illicit act,] and reduce chances of recidivism.

35. Recognizing the importance of protecting the rights of and mitigating the negative effects on the children of prisoners, we call for greater attention to the situation of such children and invite the Commission on Crime Prevention and Criminal Justice to consider requesting the United Nations Office on Drugs and Crime to provide technical assistance in this area.

36. We are determined to give careful consideration to emerging and evolving threats and forms of crime that target children and youth, in particular those living in vulnerable situations, as well as to all necessary steps to prevent and combat such threats and forms of crime, including bullying, sexual exploitation of children and the publishing of images of child abuse on the Internet, child prostitution, recruitment of children into criminal and terrorist groups and trafficking in children for the purposes of sexual exploitation, forced labour or removal of organs.

37. We therefore call on States to adopt adequate legal frameworks, build capacity to combat such forms of crime and to develop to that end multidisciplinary approaches involving civil society and non-governmental organizations. We recommend the promotion of cooperation at the bilateral, regional and international levels, as well as the reinforcement of mechanisms for the exchange of information and databases accessible to law enforcement agencies, in order to effectively combat crime committed against children.

38. We stress the importance of collecting, analysing and disseminating reliable data, consistent with relevant national legislation and respecting the special protection of privacy in relation to children and youth, and of conducting relevant research on all aspects of the relationship between youth and crime, including statistics classifying crime and imprisonment by age group of the offender.¹⁷

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

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

40. We undertake to provide effective preventive policies and responses in our national criminal justice systems to fight terrorism in all its forms and

¹⁷ The delegation of Mexico proposed the following language for this paragraph at a late stage of the informal consultations; hence, there was no time to bring it to the attention of the delegations during the informal consultations:

“We stress the importance of collecting, analysing and disseminating reliable data, consistent with relevant national legislation and respecting the special protections on privacy in relation to children and youth and of conducting relevant research, on all aspects of the relationship between youth and crime, including statistics classifying crime and imprisonment by age and sex group of the offender.”

The above text is reflected in the present footnote to allow its consideration during the consultations of the Twelfth Congress on the draft Declaration.

manifestations, including its financing. To that effect, we recommend that Member States develop strategies to identify and prioritize key issues in training and capacity-building programmes to counter terrorism and its financing, with due respect for national priorities and realities.¹⁸

41. We affirm our determination to take all necessary steps to establish an adequately functional national counter-terrorism strategy, based on the United Nations Global Counter Terrorism Strategy,¹⁹ and to ensure that any action taken in pursuance of the international legal framework against terrorism is in full compliance with international law, including international human rights, humanitarian and refugee law.²⁰

42. We stress the need for the provision of specialized and sector-wide technical assistance to build the capacity of Member States, upon request, in their fight against terrorism, including with regard to criminal justice aspects of providing support for victims of terrorism. We endeavour to make sufficient resources available to ensure the sustainability of the technical assistance work of the United Nations in the area of counter-terrorism, particularly the work of United Nations Office on Drugs and Crime and its Terrorism Prevention Branch in providing assistance, upon request, to States seeking to build capacity.²¹

¹⁸ The delegation of Mexico proposed the following language for this paragraph at a late stage of the informal consultations; hence, there was no time to bring it to the attention of the delegations during the informal consultations:

“We undertake to provide effective preventive policies and responses in our national criminal justice systems to fight terrorism in all its forms and manifestations, including its financing. To that effect, we recommend that Member States develop strategies to identify and prioritize key issues in overall training and capacity-building and training programmes to counter terrorism and its financing, with due respect for national priorities and realities, including for fostering the participation in the international and relevant regional legal frameworks.”

The above text is reflected in the present footnote to allow its consideration during the consultations of the Twelfth Congress on the draft Declaration.

¹⁹ Adopted by the General Assembly in its resolution 60/288 and reaffirmed by the Assembly in its review of implementation of the strategy (resolution 62/272).

²⁰ The delegation of Mexico proposed the following language for this paragraph at a late stage of the informal consultations; hence, there was no time to bring it to the attention of the delegations during the informal consultations:

“We affirm our determination to take all necessary steps to establish, when appropriate, an adequately functional national counter-terrorism strategy, based on the United Nations Global Counter-Terrorism Strategy, and to ensure that any action taken in pursuance of the international legal framework against terrorism is in full compliance with international law, including international human rights, refugee and humanitarian law.”

The above text is reflected in the present footnote to allow its consideration during the consultations of the Twelfth Congress on the draft Declaration.

²¹ The delegation of Mexico proposed the following language for this paragraph at a late stage of the informal consultations; hence, there was no time to bring it to the attention of the delegations during the informal consultations:

“We stress the need for the provision of specialized and sector-wide technical assistance to build and to enhance the capacity of Member States, upon request, in their fight against terrorism, including with regard to criminal justice aspects of providing support for victims of terrorism. We endeavour to make sufficient resources available to ensure the sustainability of the technical assistance work of the United Nations in the

E. United Nations guidelines on crime prevention

Option 1

43. We seek to devote greater effort to developing and implementing national action plans on crime prevention to address those factors conducive to crime and to committing the necessary resources to that end. We are convinced that poverty alleviation and social and economic development, as much as the promotion of respect for cultural, racial and ethnic diversity, are key elements of more effective crime prevention policies.

44. We recall the Geneva Declaration on Armed Violence and Development,²² having the aim of raising awareness among Member States of the relationship between armed violence and development, and stress the importance of the symbiotic relationship between disarmament and development and the important role of security. In this context, we recognize that sustained socio-economic development and the reduction of inequalities, including measures aimed at improving social inclusion, employment and education, constitute essential requirements for reducing levels of armed violence, and reaffirm that development, peace and security, and human rights are interlinked and mutually reinforcing.

45. We are also convinced that the development of crime prevention policies should be based on a participatory approach that includes States, intergovernmental organizations, non-governmental organizations, the media, the private sector and society at large in a coordinated manner.

46. We call on Member States and the international donor community to support requesting States by providing technical assistance to strengthen the capacity of those States to prevent crime, including by improving capacity for effective community policing and similar approaches aimed at building partnerships and trust between the police and communities for the identification, resolution and prevention of crime-related problems with the full participation of local communities.

47. We also call on Member States to develop and implement relevant and effective crime prevention strategies aimed at curbing violence against women, including through education, school curricula and public awareness campaigns.

Option 2

[42 bis. We are convinced of the need to accelerate our efforts to fully implement the United Nations guidelines on crime prevention as well as the

area of counter-terrorism, particularly the work of the United Nations Office on Drugs and Crime and its Terrorism Prevention Branch in providing assistance.”

The above text is reflected in the present footnote to allow its consideration during the consultations of the Twelfth Congress on the draft Declaration.

²² A/63/494, annex I.

prevention components of adopted conventions and other relevant international standards and norms.] (Canada)²³

[43. We stress the need for national and local action plans on crime prevention to take into account factors that place certain populations and places at higher risk of victimization and/or offending in a comprehensive, integrated and participatory manner, and for such plans to be based on the best available evidence and good practices. We urge that crime prevention be considered an integral element of strategies to foster social and economic development, including employment, health, housing and urban planning and promotion of respect for cultural, racial and ethnic diversity.] (Canada)

[44. We strongly recommend the allocation of appropriate resources to develop and implement effective crime prevention policies and programmes, and call on Member States and the international donor community to support requesting States by providing technical assistance to strengthen their capacity to prevent crime, including by building effective partnerships and trust between the police and communities.] (Canada)

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

48. We affirm our determination to devote particular attention to the need for the adoption and implementation of effective measures to prevent trafficking in persons, including through awareness-raising campaigns, and to protect victims of trafficking in persons while safeguarding their rights under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as other international humanitarian and human rights law instruments, particularly in view of the increased vulnerability of those individuals to acts of violence.

49. We also affirm our determination to devote particular attention to the need for the adoption and implementation of effective measures to prevent and combat smuggling of migrants, including through awareness-raising campaigns, protect smuggled migrants and ensure the protection of their rights under the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, as well as other

²³ The delegation of Switzerland proposed the inclusion of a separate paragraph 42 ter at a late stage of the informal consultations; hence, there was no time to bring it to the attention of the delegations during the informal consultations. The text of the additional paragraph was as follows:

“42 ter. We further recall the Geneva Declaration on Armed Violence and Development, having the aim of raising awareness on the interrelations between armed violence and development and urging development actors to implement armed violence sensitive programming aimed at reducing poverty and improving, inter alia, social inclusion, health, employment and education as a means of reducing or preventing crime and [armed] violence.”

The above text is reflected in the present footnote to allow its consideration during the consultations of the Twelfth Congress on the draft Declaration.

international humanitarian and human rights law instruments, particularly in view of the increased vulnerability of migrants to acts of violence.

Option 1

50. We support the ongoing efforts being made by the United Nations Office on Drugs and Crime to support the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in collecting information, including national and regional assessments, by States parties with respect to the implementation of the Convention and its Protocols and to gain a better understanding of the phenomena, their links and of the appropriate criminal justice system responses to such crimes.

Option 2

50. We encourage Member States to collect data from law enforcement and criminal justice systems relating to possible links existing among trafficking in persons, the smuggling of migrants and other forms of organized crime and the appropriate criminal justice system responses to such crimes, with a view to enhancing understanding of those issues and facilitating the exchange of best practices to address and combat them.

Option 1

51. We call on Member States to adopt measures that ensure that the basic human rights of migrants, migrant workers and their families are promoted and protected and ensure that they will not be viewed as criminals.

Option 2

51. We call on Member States to adopt measures that will ensure that migrants per se are not seen as criminals but, rather, as workers who should receive humane and worthy treatment from States. States, however, need to reserve the right to sanction infringements of their national immigration laws.

Option 3

51. We call on Member States to adopt measures, including awareness-raising measures, that ensure that trafficked persons and smuggled migrants are not perceived as criminals but, rather, as victims of transnational organized crime and are treated accordingly by criminal justice systems.

52. We call on Member States to intensify cooperation among countries of origin, transit and destination of trafficking in persons and to promote joint action between crime prevention and criminal justice institutions for that purpose, including reinforcing administrative cooperation among the relevant agencies of those countries.

53. We affirm our determination to eliminate violence against migrants, migrant workers and their families, and we call on Member States to adopt measures for preventing and addressing effectively cases of such violence and to ensure that those individuals receive humane and worthy treatment from States, regardless of their status. We also call on Member States to take immediate steps to incorporate

into crime prevention strategies and norms measures to prevent and combat crime associated with racism, xenophobia and related forms of intolerance. We emphasize the need to give due regard to considering ways in which migration policies may contribute to the prevention and combat of trafficking in persons and smuggling of migrants.²⁴

54. We note that the development of appropriate strategies to counter the violent crime experienced by migrant communities could include the improvement of accurate data collection; the collection of lessons learned from best practices; encouragement of the public to report crimes involving violence against migrants, migrant workers and their families; the promotion of activities to raise awareness of the rights of victims of such crimes; the facilitation of legal assistance to such victims; and the fostering of initiatives that promote greater harmony and tolerance in society, with a view to preventing related crimes.²⁵

G. *Cybercrime*

55. We recognize that the use of modern technologies is essential to improving the capacity of our national authorities to detect, investigate and prosecute cybercrime, such as the use of the Internet for terrorist purposes, including criminal attacks

²⁴ The delegation of Turkey proposed the following language for this paragraph at a late stage of the informal consultations; hence, there was no time to bring it to the attention of the delegations during the informal consultations:

“We affirm our determination to eliminate violence against migrants, migrant workers and their families and other vulnerable groups or communities, including migrant women, and we call on Member States to adopt measures for preventing and addressing effectively cases of such violence and to ensure that those individuals receive humane and worthy treatment from States, regardless of their status. We also call on Member States to take immediate steps to incorporate into international crime prevention strategies and norms measures to prevent and combat crime associated with racism, xenophobia and related forms of intolerance, including by exploring, at sessions of the Commission on Crime Prevention and Criminal Justice, the development of a model strategy and practical measures on the elimination of such crimes, in cooperation with relevant international organizations. We emphasize the need to give due regard to considering ways in which migration policies may contribute to the prevention and combat of trafficking in persons and the smuggling of migrants.”

The above text is reflected in the present footnote to allow its consideration during the consultations of the Twelfth Congress on the draft Declaration.

²⁵ The delegation of Turkey proposed the following language for this paragraph at a late stage of the informal consultations; hence, there was no time to bring it to the attention of the delegations during the informal consultations:

“We note that the development of appropriate strategies against violent crime experienced by migrant communities could include the improvement of accurate data collection; the adoption and full implementation of innovative anti-discrimination legislation, supported by specific incentives for educators, employers, landlords, as well as law enforcement and criminal justice personnel; the collection of lessons learned from best practices; encouragement of the public to report crimes involving violence against migrants, migrant workers and their families; the promotion of activities to raise awareness of the rights of victims of such crimes; the facilitation of legal assistance to such victims; and fostering initiatives that promote greater harmony and tolerance in societies with a view to preventing related crimes.”

The above text is reflected in the present footnote to allow its consideration during the consultations of the Twelfth Congress on the draft Declaration.

against public infrastructure systems. We therefore recommend that technical assistance and training be provided to States, upon request, for the purpose of building their capacity and enhancing specialized expertise to deal with cybercrime.

56. We are convinced that the development of information and communications technologies and the increasing use of the Internet create new opportunities for criminals and facilitate the growth of certain types of crime, such as child pornography and exploitation using the Internet, as well as fraud schemes. We are alarmed by the growing threat posed by such developments, in particular the use of computer-based methods by criminals and criminal groups.

Option 1

57. We recommend to the General Assembly, through the Commission on Crime Prevention and Criminal Justice, that it consider the initiation of a process for the negotiation of a United Nations convention against cybercrime, which would focus on the criminal aspects of the problem, promote efficient and effective national legislation, advance and strengthen international cooperation and foster the development of the required capacity of criminal justice systems to address effectively cybercrime, especially in its transnational dimensions.

Option 2

57. We commit ourselves to taking enhanced international action against cybercrime. We stress the urgent need to develop an effective international legal instrument against cybercrime, and we invite the Commission on Crime Prevention and Criminal Justice to request the Secretary-General to submit to it, at its twentieth session, in consultation with States, a thorough review and analysis of all relevant international instruments and recommendations as part of the preparatory work for the development of such an instrument.²⁶

58. We stress the importance of enhancing cooperation, in the areas of both prevention and repression, between national authorities and other stakeholders, including private sector entities, to better counter the threats posed by cybercrime.

59. We call on States and international organizations to promote a safer environment in the Internet in order to prevent sexual abuse of children, child pornography, paedophilia and other, related cybercrimes, including through the creation of national cybercrime focal points.

²⁶ The delegation of Mexico proposed the following language for this paragraph at a late stage of the informal consultations; hence, there was no time to bring it to the attention of the delegations during the informal consultations:

“We commit ourselves to taking enhanced international action against cybercrime.

We acknowledge the possible need to develop an effective international legal instrument against cybercrime, and we invite the Commission on Crime Prevention and Criminal Justice to consider requesting the United Nations Office on Drugs and Crime to review and analyse all relevant international instruments and to identify gaps that a possible future international instrument may serve to address.”

The above text is reflected in the present footnote to allow its consideration during the consultations of the Twelfth Congress on the draft Declaration.

60. We recommend the replication of good practices in crime prevention and control through the use of software, equipment and methodologies that enhance the efficiency of the criminal justice system responses in the fight against organized crime, including those dealing with financial flows.

61. We call on States to take effective measures to counter trafficking in cultural property via the Internet, and invite the United Nations Office on Drugs and Crime to collect and disseminate best practices in this regard. We recommend that institutions dealing with auctions, including auctions conducted through the Internet, be encouraged to ascertain the true provenance of cultural objects that are to be sold in those auctions and to provide in advance, to the extent feasible, information on the provenance of such cultural objects.

H. International criminal justice education for the rule of law

62. We recommend measures for broader education and awareness-raising with respect to the United Nations standards and norms in crime prevention and criminal justice to ensure a culture of respect for the rule of law.

63. We will endeavour to facilitate the review of our national criminal justice education programmes, taking into account, where appropriate, the United Nations standards and norms in crime prevention and criminal justice, with a view to including the content of those standards and norms, inter alia, in courses on the rule of law and making them better known to the media. Furthermore, we will promote appropriate training of officials entrusted with upholding the rule of law, including correctional facility officers, law enforcement officials and the judiciary, as well as prosecutors and defence lawyers, in the use and application of those standards and norms. We strongly support the involvement of civil society, including the media, in promoting the use and application of such standards and norms.

Option 1

I. Urban crime

64. We note with concern the considerable rise in urban crime, and we therefore call for the strengthening of relevant prevention strategies addressing the socio-economic factors underlying that trend. In order to combat that trend, governments at all levels should adopt various measures, which could include adequate urban planning and prevention strategies, with a special focus on populations at risk. We are committed to devoting particular attention to the development of concrete strategies to prevent urban crime, with an emphasis on the training of municipal police forces and their collaboration with local communities, and on crime prevention training aimed at dealing with emerging challenges related to urban settings.

65. We recommend that the international community, including United Nations entities and donors, collaborate to facilitate and support national and local government capacity-building programmes to counter urban crime through training and technical assistance and city-to-city exchanges.

66. We note with concern as well that the rise in armed violence associated with large-scale criminal activity, especially in urban areas, can undermine State institutions, spread fear and insecurity and contribute to a climate of

impunity. We stress the need to consider measures to reduce armed violence in order to promote development, as acknowledged in the report of the Secretary-General on promoting development through the reduction and prevention of armed violence,²⁷ including by improving international cooperation and capacity-building for law enforcement and the judiciary and by promoting the involvement of local authorities and civil society.

67. We are convinced that the active involvement of citizens, civil society organizations and local communities in the design and implementation of policies, strategies and action plans to prevent urban crime is essential to gaining a sound understanding of local situations and dealing effectively with the problem.

68. We recognize that specific groups, such as ethnic minorities and migrant communities, are particularly vulnerable to urban crime and related victimization, and we therefore recommend the adoption and implementation of civic intercultural programmes aimed at reducing the exclusion of minorities and migrants and facilitating their integration in the urban setting.

69. We recognize that violence against women, occurring in both the public and private realms and in urban and rural settings, constitutes a violation of the rights and freedoms of women and an obstacle to gender equality. We express deep concern at the pervasiveness of violence against women in all its forms and manifestations worldwide. We therefore reiterate the need to intensify efforts to address such challenges, particularly through effective crime prevention and criminal justice responses that are based on human rights, manage risk, promote victim safety and empowerment and ensure offender accountability.

[70. We recognize that combating violence against women requires specific and targeted crime prevention and criminal justice measures as well as the provision of adequate assistance and support to its victims. We support initiatives aimed at preventing and reducing gender-based violence through increased participation of women in decision-making, professional sensitization and public awareness campaigns, as well as innovative transport and urban design to make cities safer for women. In particular, we take note of the draft text of the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, as finalized by the intergovernmental expert group at its meeting held in Bangkok from 23 to 25 March 2009,²⁸ and we look forward to their adoption by the General Assembly.]

71. We recommend that data from law enforcement and criminal justice systems be made available in order to gain a better understanding of gender-based violence and the appropriate criminal justice system responses, including best practices to eliminate violence against women.

72. We recommend stronger coordination between security and social policies with a view to addressing the root causes of urban violence.

²⁷ A/64/228.

²⁸ See E/CN.15/2010/2.

73. We call on States to promote the physical and social recovery of public spaces through proper urban planning as an effective strategy to strengthen community relationships, the prevention of violence and the promotion of a culture of peace.

Proposal to replace paragraphs 69-71 with a new section, entitled “Violence against women”, to be inserted after section I. (“Urban crime”) (Norway)

[69. We recognize that violence against women, occurring in both the public and private realms and in urban and rural settings, constitutes a violation of the rights and freedoms of women and an obstacle to gender equality. We express deep concern at the pervasiveness of violence against women in all its forms and manifestations worldwide. We therefore reiterate the need to intensify efforts to address such challenges, particularly through effective crime prevention and criminal justice responses that are based on human rights, manage risk, promote victim safety and empowerment and ensure offender accountability.]

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[71. We recommend that data from law enforcement and criminal justice systems be made available in order to gain a better understanding of gender-based violence and the appropriate criminal justice system responses, including best practices to eliminate violence against women.]

Option 2 (United States of America)

I. Urban crime

64. Rural migration and ethnic migration are among the socio-economic factors that have contributed to the global growth of mega-cities, which are densely populated urban areas where crime is rampant and growing. To combat this rising trend in crime, governments at all levels should adopt multifaceted approaches that include urban planning to establish public areas and crime prevention strategies addressing the contributing socio-economic factors, including among populations at risk such as disadvantaged minority and migrant communities. To be successful, these approaches must be adequately funded, have the full support of political and community leadership, involving citizens and civil society, taking into consideration the needs of especially vulnerable groups, such as women, ethnic minorities and migrant communities and emphasizing the training of municipal police forces to work within local communities.

65. We recommend that the Commission on Crime Prevention and Criminal Justice continue to encourage efforts highlighting strategies and practical measures to combat urban crime, including the protection of victims of urban crime, such as the work of the intergovernmental expert group to review and update the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice at its meeting held in Bangkok from 23 to 25 March 2009.

Option 3 (Canada)

I. Urban crime

64. We recognize the growing concentration of populations living in urban centres, whether towns, cities or mega-cities, and the rise in urban crime, including armed violence in many centres, and its disproportionate impact on specific populations and places.

64 bis. We also recognize that the populations and places most vulnerable to crime and victimization vary from one urban centre to another and that prevention strategies should be informed by a comprehensive and inclusive assessment that has considered vulnerable populations such as children and youth experiencing violence in their homes, living on the street or involved in gangs; women and the impact of crime and violence on them; ethnic minorities; and groups transiting between rural locations and urban centres for employment. Such an assessment should take into account the nature of the crimes, including whether they constitute organized crime and/or are transnational in nature, and address emerging challenges.

65. We urge the development and use of knowledge-based responses tailored to the specific needs and circumstances of populations identified as being at risk and collaboration with the necessary sectors to ensure that the range of measures and manner of implementation are appropriate. For example, in the context of violence against women in urban centres, we support targeted strategies to prevent gender-based violence that include increased participation of women in decision-making, professional sensitization and awareness campaigns, and innovative transport and urban design to make cities safer for women.

66. We are committed to devoting particular attention to the full range of training that is required for the design, management and delivery of a systematic and integrated urban crime prevention strategy. Training of municipal police forces and the manner of their engagement and collaboration with local communities should be an important component of that strategy.

67. We are convinced of the need to accelerate our efforts to develop, particularly at the local level, an enduring and robust institutional capacity to prevent crime and victimization that is consistent with the principles, practices and roles for various orders of government and for civil society, as set out in various United Nations standards and norms, in particular the Guidelines for the Prevention of Crime.²⁹

68. We urge that priority be placed on developing effective and accountable governance models to prevent urban crime that engage all of the necessary sectors and civil society in a shared goal of measurably reducing crime and victimization and the associated risk factors. Further, we urge that good practices in this regard be shared, including those in relation to facilitating local-level access to necessary data, securing sound and accountable leadership and achieving appropriate and sustained funding.

²⁹ Economic and Social Council resolution 2002/13, annex.

69. We are convinced that the active involvement of citizens, civil society organizations and local communities in the identification of problems and in the design, implementation and evaluation of policies and action plans to prevent urban crime is essential, with an emphasis on the inclusion of the most vulnerable and marginalized groups and the organizations that serve them.

70. We recommend that the international community, including United Nations entities and donors, collaborate to facilitate and support national and local government capacity-building programmes to counter urban crime through training and technical assistance and city-to-city exchanges.

71. We call on States to promote the physical and social recovery of public spaces through proper urban planning, as an effective strategy to strengthen community relationships, as well as the prevention of violence and the promotion of a culture of peace.

J. Links between drug trafficking and other forms of organized crime

74. We acknowledge the growing links between drug trafficking and other forms of organized crime, such as money-laundering, trafficking in persons, smuggling of migrants, extortion, kidnapping and trafficking in firearms. Bearing in mind the principle of common and shared responsibility, we highlight the importance of identifying, disseminating and promoting national, regional and international good practices in addressing effectively the impact of these links [and their negative impact on the stability, security and sovereignty of States]. (France)

75. We reaffirm our commitment and determination to take immediate action at the highest level to address effectively the growing threats posed by transnational organized crime in its different forms and manifestations. In this connection, we undertake to streamline efforts to put in place or strengthen appropriate regimes and institutional mechanisms, as well as international cooperation schemes, to respond adequately to emerging challenges associated with the diversification, financing and transnational character of organized criminal activities.

76. We seek to improve the promotion and facilitation of international cooperation among law enforcement and other governmental agencies tasked with preventing and combating drug trafficking and other forms of organized crime. More specifically, we encourage States parties to the Organized Crime Convention and the Protocols thereto to make wider use of those instruments to fully utilize their significant potential in dealing with transnational organized crime, including drug trafficking.

K. Treatment of prisoners and prison overcrowding

77. We recognize that the penitentiary system is one of the key components of the criminal justice system and that reform of correctional institutions should be seen as an integral part of criminal justice reform efforts. Therefore, we endeavour to use the United Nations standards and norms for the treatment of prisoners as a source of guidance and inspiration in the development or updating of our national codes of penitentiary administration.

78. We call on the Commission on Crime Prevention and Criminal Justice to consider preparing a draft convention on the treatment of prisoners based on the

United Nations Standard Minimum Rules for the Treatment of Prisoners, which should include, inter alia, all relevant mechanisms to make such treatment effective and should take into account the need to provide detainees with education, medication and access to religious practice and the use of international cooperation as a means of enhancing their basic human rights.

79. We endorse the draft United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, to be contained in the annex to the present Declaration, and we recommend their adoption to the General Assembly, with a view to reflecting a gender-sensitive approach to the treatment of prisoners and addressing the special needs of women prisoners.

81. We are conscious of the numerous factors contributing to overcrowding in prison facilities, including in some countries the overuse of pretrial detention. We underline the importance of establishing in legal frameworks, and making use of, alternatives to imprisonment that could alleviate the overcrowding of correctional facilities. We stress the need to support rehabilitation and reintegration programmes, including educational and vocational programmes for prisoners, and to address the special challenges posed by the fact that foreign nationals make up a large portion of the prison population in some Member States.

82. We recommend that sustainable technical assistance continues to be provided, upon request, to build the capacity of States in the area of prison reform and prison management, including adequate training for prison officers.

83. We recommend that Member States reduce the use of pretrial detention, where appropriate, and promote increased access to justice and legal defence mechanisms, taking into consideration the principle of presumption of innocence and the reduction of prison overcrowding.

84. We also recommend that Member States, without prejudice to combating impunity, adequately consider the use of alternatives to imprisonment, including community service, restorative justice and electronic monitoring, as a further means of reducing prison overcrowding and preventing recidivism.

IV. Final recommendations

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

86. We acknowledge the importance of raising awareness and disseminating as broadly as possible the outcomes of the congresses on crime prevention and criminal justice as a means of enhancing knowledge about their role and functions and generating ideas about thematic areas for consideration at subsequent congresses.

87. We invite the Commission on Crime Prevention and Criminal Justice to design specific measures for the implementation and follow up of the commitments that we have undertaken in this Declaration.

88. We welcome with appreciation the offer of the Government of Qatar to act as host to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015, and recommend to the General Assembly that it accept that offer.

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