



Twelfth United Nations Congress on Crime Prevention and Criminal Justice

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Agenda items 3, 4, 5, 6, 7, 8, 9 and 10

Children, youth and crime

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

Making the United Nations guidelines on crime prevention work

Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime

International cooperation to address money-laundering based on relevant United Nations and other instruments

Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime

Practical approaches to strengthening international cooperation in fighting crime-related problems

Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families

Draft Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World

Proposal of the Chairman of the informal consultations (Brazil)

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

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take more effective concerted action, in a spirit of cooperation, to combat crime and seek 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 meetings¹ for the Twelfth Congress and the documents prepared by the relevant working groups established by the Commission on Crime Prevention and Criminal Justice,²

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,

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,

Greatly concerned also by criminal acts against vulnerable groups, particularly those motivated by discrimination and other forms of intolerance,

Declare as follows:

1. We recognize that an effective, fair and humane criminal justice system is based on the commitment to uphold the protection of human rights in the administration of justice and the prevention and control of crime.

2. We also 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.

3. We acknowledge the value and impact of the United Nations standards and norms in crime prevention and criminal justice and realize that many of them have such a universal character and refer to issues of concern so widely shared that, if updated and supplemented as necessary, they may constitute a consolidated model to guide the international community thereon.

¹ 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.

² 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).

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.

5. We recognize the importance of having appropriate legislation for the protection of and assistance to victims of crime.

6. We acknowledge the important role of technical assistance in achieving sustainable and long-lasting results in the prevention, prosecution and punishment of crime, as well as the expertise of the United Nations Office on Drugs and Crime therein.

7. We acknowledge the leading role of the United Nations Office on Drugs and Crime in the delivery of assistance for preventing terrorism.

8. We take note of the draft 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 2009,³ and look forward to their adoption by the General Assembly.

9. 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 consider developing effective legislation to prevent, prosecute and punish this form of crime and to strengthen international cooperation in this area, bearing in mind the existing relevant international instruments.

10. We acknowledge the challenge posed by environmental crime, and encourage Member States to strengthen their national crime prevention and criminal justice policies in this area. We also invite Member States to enhance international cooperation to counter environmental crime, including through technical assistance and the exchange of best practices.

11. We are conscious of the threat 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 this form of crime and to enhance international cooperation in this area.

12. We are also conscious that piracy of digital media may be a source of profit for organized criminal groups. We invite the Commission on Crime Prevention and Criminal Justice to study this issue and provide guidance thereon.

13. We recognize that international cooperation in criminal matters is a cornerstone of the efforts of States to prevent, prosecute and punish transnational crime, and we encourage the continuation and reinforcement of such activities at all levels.

³ See E/CN.15/2010/2.

14. We call on those States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption⁴ and welcome the establishment of its Mechanism for the Review of Implementation.

15. We also call on those States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto⁵ and look forward to the ongoing initiatives aimed at exploring 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.

16. We encourage Member States to accede to the international instruments against terrorism, including its financing, and use those instruments, including, where appropriate, the relevant Security Council resolutions, to enhance international cooperation.

17. We 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.

18. 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 suggest to the Commission on Crime Prevention and Criminal Justice that it review this issue, taking into account new technologies, and explore the need for a specific convention to cover that gap.

19. We call on all States to adopt mechanisms to preserve the value of seized and confiscated assets and, where possible, dispose of them without delay.

20. We are convinced that criminal justice responses to youth crime should take into account the human rights and special needs of children and youth, as called for in the Convention on the Rights of the Child and the Optional Protocols,⁶ with a view to providing for the rehabilitation of both young offenders and youth and children who are victims or witnesses of crime.

21. Bearing in mind the relevance of the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime,⁷ we call on States to develop and strengthen, where appropriate, legislation, procedures, policies and practices for child victims or witnesses of crime.

22. We invite States to give careful consideration to preventing, prosecuting and punishing all forms of crime that target children and youth, 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 purpose of sexual exploitation, forced labour or removal of organs.

⁴ United Nations, *Treaty Series*, vol. 2349, No. 42146.

⁵ *Ibid.*, vols. 2225, 2237, 2241 and 2326, No. 39574.

⁶ *Ibid.*, vols. 1577, 2171 and 2173, No. 27531.

⁷ Economic and Social Council resolution 2005/20, annex.

23. 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.

24. 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 programmes to counter terrorism and its financing, with due respect for national priorities and realities.

25. We are determined to ensure that any action taken in pursuance of the international legal framework against terrorism, in particular the United Nations Global Counter-Terrorism Strategy, is carried out in the context of national realities and in full compliance with international law, including international human rights, humanitarian and refugee law.

26. We are convinced of the need to accelerate efforts to fully implement the United Nations guidelines on crime prevention and the prevention components of existing conventions and other relevant international standards and norms.

27. We recognize 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.

28. We are convinced that poverty alleviation and social and economic development, as much as the promotion of respect for cultural, racial and ethnic diversity and gender equality, are key elements of more effective crime prevention policies.

29. 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 the United Nations Office on Drugs and Crime and requesting States in the provision of technical assistance to strengthen their capacity to prevent crime.

30. We are determined to devote particular attention to the prevention of trafficking in persons and smuggling of migrants, including through awareness-raising campaigns, and to protect victims of trafficking in persons and smuggled migrants. Bearing in mind the vulnerabilities of those groups to acts of violence, we call on States to ensure the protection of their rights under international human rights and humanitarian law.

31. While acknowledging the right of States to sanction infringements of their immigration laws, we call on Member States to adopt measures to ensure that migrants per se are not seen as criminals and that they receive humane and worthy treatment from States, consistent with international human rights law.

32. We note 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.

33. We recommend that technical assistance and training be provided to countries, upon request, for building and improving the capacity of national authorities to enhance specialized expertise to deal with cybercrime and to detect, investigate and prosecute cybercrime, including criminal attacks against public infrastructure systems.

34. We invite the Commission on Crime Prevention and Criminal Justice to consider convening an intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, with a view to considering the opportunity for international, universal regulation in the area of countering cybercrime.

35. We strongly support the involvement of civil society and the media in promoting the use and application of the United Nations standards and norms in crime prevention and criminal justice to ensure a culture of respect for the rule of law. We undertake to 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.

36. We are concerned by the rise of urban crime and its impact on specific populations and places. We therefore recommend stronger coordination between security and social policies, with a view to addressing some of the root causes of urban violence.

37. We 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 considers vulnerable populations such as children and youth, women, ethnic minorities, migrant workers and immigrants.

38. We recommend the adoption and implementation of civil intercultural programmes, where appropriate, aimed at combating racism and xenophobia, reducing the exclusion of minorities and migrants and facilitating their integration in the urban setting.

39. We acknowledge the 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 those links.

40. We recognize that the penitentiary system is one of the key components of the criminal justice system. 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.

41. We call on the Commission on Crime Prevention and Criminal Justice to establish a working group to consider the need to prepare a draft convention on the treatment of prisoners based on the Standard Minimum Rules for the Treatment of

Prisoners,⁸ which should include, inter alia, all relevant mechanisms to make such treatment effective, take into account the need to provide detainees with education, medication and access to religious practice and make use of international cooperation as a means of enhancing their basic human rights.

42. We welcome the draft United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders, annexed to the present Declaration, and we recommend that the Commission on Crime Prevention and Criminal Justice consider them as a matter of priority.

43. We stress the need to reinforce alternatives to imprisonment, support rehabilitation and reintegration programmes, including educational and vocational programmes for prisoners, and address the special challenges posed by the fact that foreign nationals make up a large portion of the prison population in some countries.

44. We recommend that Member States reduce the use of pre-trial detention, where appropriate, and promote increased access to justice and legal defence mechanisms.

45. 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.

46. 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.

47. 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.

⁸ *Human Rights: A Compilation of International Instruments*, Volume I (First Part): *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.