



Eleventh United Nations Congress on Crime Prevention and Criminal Justice

Bangkok, 18-25 April 2005

Distr.: General
3 March 2005

Original: English

Annotated provisional agenda and organization of work

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Annotations

1. Opening of the Congress

The Eleventh United Nations Congress on Crime Prevention and Criminal Justice will be opened at the Queen Sirikit National Convention Center in Bangkok on Monday, 18 April 2005, at 10 a.m.

In its resolution 59/151, the General Assembly requested the Secretary-General to prepare an overview of the state of crime and criminal justice worldwide for presentation at the Congress, in accordance with past practice.

Documentation

Report of the Secretary-General on the state of crime and criminal justice worldwide (A/CONF.203/3)

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.203/15)

2. Organizational matters

(a) Election of the President and of other officers

In accordance with rule 6 of the provisional rules of procedure for United Nations congresses on crime prevention and criminal justice (A/CONF.203/2), the Congress is to elect from among the representatives of participating States a President, 24 Vice-Presidents and a Rapporteur-General, as well as a Chairman for each of the committees provided for in rule 45 of the provisional rules of procedure. Those officers will constitute the General Committee and will be elected on the basis of equitable geographical distribution, according to the following geographical pattern: seven representatives from African States, six from Asian States, three from Eastern European States, five from Latin American and Caribbean States and six from Western European and other States. The Presidency will not be counted for purposes of regional distribution as it has become established practice in major conferences of the United Nations held away from headquarters that the office of the President of the conference is bestowed on a representative of the host Government. Accordingly, it would be expected that the Congress would elect a representative of Thailand as its President. The regional groups are requested to make known their nominations for the offices in the General Committee prior to or during the pre-congress consultations.

Pre-congress consultations will be held in Plenary Room 1 at 3 p.m. on Sunday, 17 April 2005. In accordance with rule 43 of the provisional rules of procedure, all elections are to be held by secret ballot, unless the Congress decides otherwise in an election where the number of candidates does not exceed the number of elective places to be filled.

In accordance with rule 46 of the provisional rules of procedure, in addition to a President elected by the Congress pursuant to rule 6, each committee should itself elect a Vice-Chairman and a Rapporteur from among the representatives of participating States; moreover, subcommittees and working groups should each elect

a Chairman and no more than two Vice-Chairmen from among the representatives of participating States.

It is recommended that agreement be reached before the opening of the Congress on the list of candidates for those offices, thus allowing elections by acclamation and dispensing with the need for a secret ballot.

(b) Adoption of the rules of procedure

The provisional rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders were approved by the Economic and Social Council in its resolution 1993/32.

(c) Adoption of the agenda

The provisional agenda for the Eleventh Congress, as finalized by the Commission on Crime Prevention and Criminal Justice, was approved by the General Assembly in its resolution 58/138. In its resolution 57/171, the Assembly decided that the theme of the Congress would be “Synergies and responses: strategic alliances in crime prevention and criminal justice”.

(d) Organization of work

In its resolution 58/138, the General Assembly approved the provisional agenda for the Congress, including the holding of six technical workshops on the following subjects:

1. Enhancing international law enforcement cooperation, including extradition measures.
2. Enhancing criminal justice reform, including restorative justice.
3. Strategies and best practices for crime prevention, in particular in relation to urban crime and youth at risk.
4. Measures to combat terrorism, with reference to the relevant international conventions and protocols.
5. Measures to combat economic crime, including money-laundering.
6. Measures to combat computer-related crime.

At its thirteenth session, the Commission on Crime Prevention and Criminal Justice, as the preparatory body for the Congress, discussed substantive and organizational aspects of the Congress on the basis of a report by the Secretary-General on the preparations for the Congress (E/CN.15/2004/11). Following consultations with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network assisting in the organization of the workshops, it was recommended that items 1, 2, 3, 4 and 8 of the provisional agenda be considered in meetings of the plenary, while items 6 and 7 and Workshops 1, 2 and 3 be allocated to Committee I. Agenda item 5 and Workshops 4, 5 and 6 will be allocated to Committee II. The two committees will report to the plenary.

In its resolution 58/138, the Assembly encouraged Governments to undertake preparations for the Congress at an early stage by all appropriate means with a view

to contributing to a focused and productive discussion on the topics and to participating actively in the organization of and follow-up to the workshops.

The proposed organization of work is contained in the annex to the present document.

High-level segment

In its resolution 56/119, the General Assembly decided that each congress should include a high-level segment at which States would be represented at the highest possible level and would be given an opportunity to make statements on the topics of the congress. It later reiterated its invitation to Member States to be represented at the Eleventh Congress at the highest possible level, for example by Heads of State or Government or government ministers and attorneys general, and to participate actively in the high-level segment. A list of speakers will be opened two weeks before the opening of the Congress, on 4 April 2005.

The high-level segment will offer an opportunity to high-level representatives of Governments: (a) to report on the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century and the related plans of action, to discuss their experiences in undertaking criminal justice reforms and exchange views on good and promising practices and to describe major developments, achievements and expectations in crime prevention and criminal justice; and (b) to participate in an exchange of views on the implications of the report of the High-level Panel on Threats, Challenges and Change (A/59/565 and Corr.1). In transmitting the report, the Secretary-General concluded that there was an urgent need for the nations of the world to come together and reach a new consensus, both on the future of collective security and on the changes needed if the United Nations was to play its part.

Special treaty event: treaties on organized crime, corruption and terrorism

A special treaty event will be held from 23 to 25 April 2005, concurrently with the high-level segment, to enable participating States to undertake treaty action relating to the United Nations Convention against Transnational Organized Crime and its three Protocols, the United Nations Convention against Corruption and the four United Nations conventions against terrorism. The only one of these conventions that remains open for signature, the Convention against Corruption, will be open for signature at United Nations Headquarters until 9 December 2005. Delegations intending to undertake treaty action during the special treaty event are requested to inform the Treaty Section of the Office of Legal Affairs of the Secretariat of their intention to do so and to submit copies of instruments of ratification, acceptance, approval or accession, including, where appropriate, texts of declarations, reservations and notifications, to the Treaty Section by 1 April 2005 for verification. Where it is intended to sign the Convention against Corruption, a copy of the full powers, where necessary, must also be submitted to the Treaty Section by 1 April 2005 for verification. Under the established international practice, only Heads of State, Heads of Government or ministers for foreign affairs are empowered, by virtue of their functions, to sign treaties on behalf of their States without having to produce full powers to that effect. All other representatives wishing to sign treaties must be in possession of appropriate full powers, which expressly authorize signature of specified treaties by a named representative issued

and signed by one of the above-mentioned authorities. Likewise, instruments of ratification, acceptance, approval or accession must be signed by the same authorities. It should be noted that full powers are distinct from credentials authorizing participation at the Congress.

More information on treaties related to organized crime, terrorism and corruption is available on the Internet at www.unodc.org and <http://untreaty.un.org>.

(e) Credentials of representatives to the Congress

(i) Appointment of members of the Credentials Committee

In accordance with rule 4 of the provisional rules of procedure, a Credentials Committee composed of nine members is to be appointed by the Congress on the proposal of the President. Its membership should, as far as possible, be the same as that of the Credentials Committee of the General Assembly at its preceding session. At the fifty-ninth session of the Assembly, the Committee was composed of the following States: Benin, Bhutan, China, Ghana, Liechtenstein, Russian Federation, Trinidad and Tobago, United States of America and Uruguay.

(ii) Report of the Credentials Committee

In accordance with rule 4 of the provisional rules of procedure, the Credentials Committee is to examine the credentials of representatives and report to the Congress.

Documentation

Provisional rules of procedure for United Nations congresses on crime and criminal justice (A/CONF.203/2)

3. Effective measures to combat transnational organized crime

Action against transnational organized crime

The report of the High-level Panel on Threats, Challenges and Change (A/59/565 and Corr.1) recommends that combating organized crime requires better international regulatory frameworks and extended efforts in building state capacity in the area of the rule of law, as well as concerted efforts regarding effective implementation of the existing instruments.

The Organized Crime Convention entered into force on 29 September 2003, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, on 25 December 2003, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, on 28 January 2004.

Pursuant to article 32 of the Organized Crime Convention, the Conference of the Parties to the Convention was constituted and held its first session in Vienna from 28 June to 9 July 2004. The second session will be held in Vienna from 10 to 21 October 2005.

In its resolution 2004/24, the Economic and Social Council, determined to strengthen international cooperation in the confiscation and disposal of the proceeds of crime covered by the Organized Crime Convention and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of

1988, and recognizing that a model bilateral agreement on sharing confiscated proceeds of crime could facilitate greater international cooperation in that matter, requested the Secretary-General to convene an open-ended intergovernmental expert group to prepare such a draft model bilateral agreement. The group met from 26 to 28 January 2005.

In its resolution 58/140, the General Assembly stressed the need to enhance the operational activities of the United Nations Office on Drugs and Crime (UNODC) to assist, in particular, developing countries, countries with economies in transition and countries emerging from conflict; urged States and relevant international organizations to develop national, regional and international strategies and other necessary measures which complement the work of the United Nations Crime Prevention and Criminal Justice Programme in addressing effectively the significant problems posed by the smuggling of migrants and trafficking in persons; and invited all States to support operational activities of the Programme through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund.

In its resolution 2004/33, the Economic and Social Council commended UNODC for assisting Member States by responding to an increasing number of requests for advisory services and technical assistance; and reiterated the need to have adequate resources available to further operationalize the activities of the Office, taking into account the integrated approach to drugs and crime.

Trafficking in persons, especially women and children, and smuggling of migrants

In its resolution 58/137, the General Assembly urged Member States to employ a comprehensive approach to combating trafficking in persons, incorporating law enforcement efforts and the confiscation and seizure of the proceeds of trafficking, the protection of victims and preventive measures; called upon Member States to collaborate through improved technical cooperation, information campaigns on the techniques and methods of traffickers, programmes of education, as well as vocational training in social skills and assistance in the reintegration of victims of trafficking, and through a focus on post-conflict regions where patterns of human trafficking were emerging as a new phenomenon and the incorporation of anti-trafficking measures into early intervention; and requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session.

Trafficking in human organs

In its resolution 59/156, the General Assembly, alarmed at the potential growth of exploitation by criminal groups of human needs, poverty and destitution for the purpose of trafficking in human organs, using violence, coercion and kidnapping, especially of children, with a view to exploiting them by means of organ transplant operations, requested the Congress to pay attention to the issue of the illicit removal of and trafficking in human organs; and requested the Secretary-General to prepare a study on the extent of the phenomenon of trafficking in human organs for submission to the Commission at its fifteenth session.

Trafficking in firearms

In its resolution 55/65, the General Assembly called upon States to adopt effective measures, including possible national legislative measures, and to enhance cooperation to stem the illicit trade in small arms, which, as a result of its close link to the illicit drug trade, was generating extremely high levels of crime and violence within the societies of some States, threatening the national security and the economies of those States. In its resolution 56/124, the Assembly, welcoming the call on States and appropriate international and regional organizations in a position to do so to provide assistance to combat the illicit trade in small arms and light weapons linked to drug trafficking, transnational organized crime and terrorism, as expressed by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, urged all States to take appropriate action to address the linkages between the illicit traffic in small arms and light weapons and the illicit trade in narcotic drugs through increased international cooperation and by ensuring full implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

Use of explosives by organized criminal groups

In its resolution 54/127, the General Assembly requested the Secretary-General to convene an expert group to prepare a study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes. That study, together with the recommendation of the expert group, was submitted to the Commission at its eleventh session, but because of time constraints the Commission was unable to review the recommendations and to take appropriate action.

Kidnapping

In its resolution 2002/16, the Economic and Social Council urged Member States that had not already done so to adopt the legislative or other measures necessary to establish as a serious crime in their domestic legislation kidnapping in all its modalities; encouraged Member States to foster international cooperation, especially between law enforcement authorities, through information exchange; and exhorted Member States to strengthen their measures against money-laundering and to provide international cooperation and mutual assistance through the tracing, detection, freezing and confiscation of proceeds of kidnapping. In its resolution 2003/28, the Council stressed that organized criminal groups and terrorist groups as well as all perpetrators were responsible for any harm or death that resulted from a kidnapping committed by them and should be punished accordingly; and invited Member States that had not yet done so to adopt the legislative or other measures necessary to establish kidnapping as a serious crime in their domestic legislation.

In its resolution 59/154, the General Assembly, concerned at the increase in the practice of kidnapping in various countries and at the growing tendency of organized criminal groups and terrorist groups to resort to kidnapping, encouraged Member States to continue to foster international cooperation, especially extradition, mutual legal assistance, collaboration between law enforcement authorities and exchange of information; and requested UNODC to prepare a

handbook, for use by competent authorities, of proven and promising practices in the fight against kidnapping; and to provide technical assistance to States.

Illicit trafficking in protected species of wild flora and fauna

In its resolution 2001/12, the Economic and Social Council, taking note of the principles on which are founded the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Convention on Biological Diversity, recognizing the links between transnational organized crime and illicit trafficking in protected species of wild flora and fauna, as well as the need to prevent, combat and eradicate such illicit traffic, urged Member States to adopt, in accordance with the Convention on International Trade in Endangered Species, the measures necessary for establishing such trafficking as a criminal offence in their domestic legislation. In its resolution 2002/18, the Council invited all Member States further to promote and organize regional networks for information exchange with a view to preventing, combating and eradicating illicit trafficking in protected species of wild flora and fauna and to consider measures to regulate access to genetic resources on mutually agreed terms, in accordance with relevant domestic law and relevant international agreements. Furthermore, in its resolution 2003/27, the Council urged all Member States to cooperate with the Secretary-General and competent entities of the United Nations system, in particular UNODC, the secretariat of the Convention on International Trade in Endangered Species and that of the Convention on Biological Diversity, with a view to preventing, combating and eradicating trafficking in such protected species; and also urged Member States to adopt preventive measures, as well as to review their criminal legislation with a view to ensuring that offences relating to trafficking in protected species were punishable by appropriate penalties.

Theft of and trafficking in cultural property

In its resolution 58/17, the General Assembly invited Member States to consider adopting and implementing the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; welcomed the adoption of the International Code of Ethics for Dealers in Cultural Property by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and invited those who dealt with trade in cultural property and their associations to encourage the implementation of the Code; and urged Member States to introduce effective national and international measures to prevent and combat illicit trafficking in cultural property, including special training for police, customs and border services.

In its resolution 2004/34, the Economic and Social Council, noting with appreciation the Cairo Declaration on the Protection of Cultural Property and the related recommendations and alarmed that organized criminal groups were involved in trafficking in stolen cultural property and that the international trade in looted, stolen or smuggled cultural property was estimated at several billion dollars per year, requested the Secretary-General to direct UNODC, in close cooperation with UNESCO, to convene an expert group meeting to submit relevant recommendations to the Commission at its fifteenth session.

Organized crime in post-conflict situations

In its resolution 2002/15, the Economic and Social Council encouraged UNODC to provide technical assistance and advisory services to Member States in support of criminal justice reform, including in the framework of peacekeeping and post-conflict reconstruction, drawing on the United Nations standards and norms in crime prevention and criminal justice. In its resolution 2004/25, the Council, concerned about the activities of organized criminal groups engaged in trafficking in human beings, drug trafficking and money-laundering and about the destabilizing impact of those activities on national security and peacekeeping and reconstruction efforts and recognizing the importance of the rule of law in post-conflict reconstruction and the consolidation of peace, invited UNODC to develop assessment tools for criminal justice reform; and, in its resolution 2004/39, requested UNODC to consider specific strategies to assist countries emerging from conflicts in their drug control and related crime prevention efforts. In its resolution 2004/28, the Council also requested UNODC to continue to work with the Department of Peacekeeping Operations of the Secretariat and other relevant entities responsible for providing assistance to countries in post-conflict situations.

In its resolution 55/65, the General Assembly expressed its concern that the demand for, production of and trafficking in illicit drugs and psychotropic substances continued to threaten seriously the socio-economic and political systems, stability, national security and sovereignty of many States, especially those involved in conflicts and wars, and that trafficking in drugs could make conflict resolution more difficult.

Workshop 1. Enhancing International Law Enforcement Cooperation, including Extradition Measures

The Model Treaty on Extradition was adopted by the General Assembly in its resolution 45/116 and the Model Treaty on Mutual Legal Assistance in its resolution 45/117. Complementary provisions for the Model Treaty on Extradition are annexed to Assembly resolution 52/88; and complementary provisions for the Model Treaty on Mutual Assistance in Legal Matters are annexed to Assembly resolution 53/112.

The various United Nations conventions targeting the most serious forms of crime all define as one of their main objectives the enhancement of international cooperation in law enforcement and contain a wide range of provisions relevant to that aim, as well as mutual assistance, extradition and transfer of proceedings.

Workshop 6. Measures to Combat Computer-related Crime

In its resolution 55/63, the General Assembly welcomed the work of the Tenth Congress on computer-related crime, and noted the work of the Committee of Experts on Crime in Cyberspace of the Council of Europe, the work of the Conference of the Group of Eight on a dialogue between government and industry on safety and confidence in cyberspace and the recommendations of the Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas.

In its resolution 56/121, the General Assembly invited Member States, when developing national law, policy and practice to combat the criminal misuse of

information technologies, to take into account the work and achievements of the Commission on Crime Prevention and Criminal Justice and of other international and regional organizations; and in its resolution 56/261, the Assembly took note of the plans of action for implementation of the Vienna Declaration, in pursuance of which States would endeavour to support a number of actions, including the criminalization of the misuse of information technologies, the development and implementation of rules and procedures that would ensure that computer- and telecommunication-related crimes could be effectively investigated; ensure that law enforcement personnel were trained and equipped to be able to respond effectively to requests for assistance in the tracing of communications and other measures necessary for the detection and investigation of transnational high-technology and computer-related crimes; and engage in discussions on actions against high-technology and computer-related crime and the effects of technological change with industries involved in the development and deployment of computers, telecommunication equipment, network software and hardware and so on. Furthermore, in its resolution 57/239, the Assembly took note of the elements annexed to the resolution, with a view to creating a global culture of cybersecurity; and invited Member States and all relevant international organizations to take the elements and the need for a global culture of cybersecurity into account in their preparations for the World Summit on the Information Society; and in its resolution 58/199, the Assembly encouraged Member States and relevant regional and international organizations that had developed strategies to deal with cybersecurity and the protection of critical information infrastructure to share their best practices.

Documentation

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

Background paper on Workshop 1: Enhancing International Law Enforcement Cooperation, including Extradition Measures (A/CONF.203/9)

Background paper on Workshop 6: Measures to Combat Computer-related Crime (A/CONF.203/14)

Discussion guide (A/CONF.203/PM.1)

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)

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

In its resolution 1373 (2001), the Security Council noted with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms trafficking and illegal movement of nuclear, chemical, biological and other potentially deadly materials.

In its resolution 1377 (2001), the Security Council adopted a declaration on the global effort to combat terrorism, in which it affirmed that a sustained,

comprehensive approach involving the active participation and collaboration of all Member States was essential to combat the scourge of international terrorism; recognized that many States would require assistance in implementing all the requirements of resolution 1373 (2001); and invited States to inform the Counter-Terrorism Committee of areas in which they required such support.

In its resolution 56/88, the General Assembly reiterated its call upon all States to adopt further measures, to prevent terrorism and to strengthen international cooperation in combating terrorism; and urged all States that had not yet done so to consider, as a matter of priority, becoming parties to relevant conventions and protocols on terrorism. In its resolution 56/123, the Assembly invited the Secretary-General to consider, in consultation with Member States and the Commission, the ways in which UNODC could contribute to the efforts of the United Nations system against terrorism. In its resolution 56/253, paragraph 103, the Assembly requested the Secretary-General to make proposals to strengthen the Terrorism Prevention Branch in Vienna. In its resolution 56/261, the Assembly took note with appreciation of the plans of action for the implementation of the Vienna Declaration on Crime and Justice, which included a plan of action against terrorism.

In its resolution 2002/19, the Economic and Social Council reaffirmed the important role that UNODC had to play in promoting effective action to strengthen international cooperation and in providing technical assistance; and stressed that the Office should include in its activities the provision to States of technical assistance for the signature, accession, ratification and effective implementation of the international conventions and protocols related to terrorism. In its resolution 1456 (2003), the Security Council adopted a declaration on the issue of combating terrorism, in which it reaffirmed that any acts of terrorism were criminal and unjustifiable and that terrorism in all its forms and manifestations constituted one of the most serious threats to peace and security; called on all States to take urgent action to prevent and suppress all active and passive support to terrorism, and in particular to comply fully with all its relevant resolutions; called upon States to become parties to all relevant international conventions and protocols relating to terrorism and to support all international initiatives taken to that aim; and also called on States to bring to justice those who financed, planned, supported or committed terrorist acts or provided safe havens, in accordance with international law, in particular on the basis of the principle to extradite or prosecute.

In its resolution 57/173, the General Assembly expressed its support for the high priority given to technical cooperation and advisory services in the field of crime prevention and criminal justice, including in the areas of prevention and control of transnational organized crime and terrorism. In its resolution 57/292, on strengthening the Terrorism Prevention Branch, the Assembly reaffirmed the role of UNODC in contributing to the prevention of international terrorism in all its forms and manifestations. In its resolution 58/136, the Assembly welcomed the establishment of the Global Programme against Terrorism, launched by UNODC, which provided the appropriate framework for activities supporting Member States in their fight against terrorism, in particular through the implementation of the universal conventions and protocols related to terrorism; and invited Member States to provide information on the nature of links between terrorism and other forms of crime in order to increase synergies in the delivery of technical assistance by the Office. In its resolution 59/153, the Assembly condemned the acts of violence

perpetrated in many parts of the world against humanitarian personnel and United Nations and its associated personnel; commended UNODC for its work in preventing and combating terrorism through the provision of technical assistance, in close consultation with the Counter-Terrorism Committee, for the implementation of Security Council resolution 1373 (2001); requested UNODC to intensify its efforts to provide technical assistance, including training judicial and prosecutorial personnel in the proper implementation of the universal conventions and protocols related to terrorism; and invited Member States to examine ways and means to reinforce international cooperation in criminal justice matters pertaining to terrorism prevention during the Congress, with a view to enhancing global efforts in the fight against terrorism.

In its resolution 1566 (2004), the Security Council expressed deep concern at the increasing number of victims, including children, caused by acts of terrorism motivated by intolerance or extremism in various regions; decided to establish a working group consisting of all members of the Council to consider and submit recommendations to it on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities; and requested the working group to consider the possibility of establishing an international fund to compensate victims of terrorist acts and their families.

Workshop 4. Measures to Combat Terrorism, with reference to the Relevant International Conventions and Protocols

In its resolution 1373 (2001), the Security Council decided to establish the Counter-Terrorism Committee. In the declaration annexed to its resolution 1377 (2001), the Council invited the Committee to explore ways in which States could be assisted and to explore the availability of existing technical, financial, regulatory, legislative or other assistance programmes that might facilitate the implementation of resolution 1373 (2001).

Documentation

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)

Background paper on Workshop 4: Measures to Combat Terrorism, with reference to the Relevant International Conventions and Protocols (A/CONF.203/12)

Discussion guide (A/CONF.203/PM.1)

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)

5. Corruption: threats and trends in the twenty-first century

In its resolution 55/61, the General Assembly decided to begin the elaboration of an effective international legal instrument against corruption in Vienna, at the headquarters of UNODC, and decided to establish an ad hoc committee for the negotiation of such an instrument. In its resolution 55/188, the Assembly called for further international and national measures to combat corrupt practices and bribery

in international transactions and for international cooperation in support of those measures; and also called for increased international cooperation in regard to devising ways and means of preventing and addressing illegal transfers, as well as repatriating illegally transferred funds to the countries of origin.

In its resolution 2001/13, the Economic and Social Council expressed its concern that funds of illicit origin derived from acts of corruption included public funds, whose diversion might seriously threaten economic and political progress, in particular in developing countries; and requested UNODC to support Governments that requested technical assistance in combating the transfer of funds of illicit origin and in returning such funds.

In its resolution 56/260, the General Assembly requested the Ad Hoc Committee for the Negotiation of a Convention against Corruption to complete its work by the end of 2003. In its resolution 58/4, the Assembly adopted the United Nations Convention against Corruption. The Convention was opened for signature at a high-level political signing conference held in Merida, Mexico, in December 2003. In its resolution 59/155, the Assembly urged Member States to consider signing and ratifying the Convention as soon as possible, in order to allow its early entry into force and subsequent implementation.

In its resolution 59/242, on preventing and combating corrupt practices and the transfer of funds of illicit origin and returning such assets to the countries of origin, the Assembly called for further international cooperation in support of national, subregional and regional efforts to prevent and combat corrupt practices.

Documentation

Working paper prepared by the Secretariat on corruption: threats and trends in the twenty-first century (A/CONF.203/6)

Discussion guide (A/CONF.203/PM.1)

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)

6. Economic and financial crimes: challenges to sustainable development

In its resolution 2004/26, the Economic and Social Council expressed concern at the proliferation of national and transnational cases of fraud and related economic crimes and the involvement of organized criminal groups, modern technologies and the criminal misuse and falsification of identity in such cases; expressed its conviction that criminal misuse and falsification of identity were commonly associated with other illicit activities, including money-laundering, of organized criminal groups, corruption and terrorism and that the proceeds of fraud were used to finance such activities; encouraged Member States to cooperate with one another in efforts to prevent and combat fraud and the criminal misuse and falsification of identity, including through the Organized Crime Convention and other appropriate international instruments, and to consider the review of domestic laws on fraud and criminal misuse and falsification of identity, where necessary and appropriate, to facilitate such cooperation; requested the Secretary-General, subject to extrabudgetary resources, to convene an intergovernmental expert group to prepare

a study on fraud and the criminal misuse and falsification of identity; and invited the Congress to consider and discuss the issues of fraud and the criminal misuse and falsification of identity.

In its resolution 2004/29, the Council recognized that the laundering of the proceeds of crime had spread internationally and had become a worldwide threat to the stability and security of financial and commercial systems; urged Member States that had not yet done so to strengthen their capacity to prevent, control, investigate and suppress serious crimes related to money-laundering, including money-laundering related to the financing of terrorism; recommended that Member States hold consultations with UNODC and other relevant bodies when drafting legislation against money-laundering in order to ensure that it was in conformity with applicable international instruments and relevant standards; and requested UNODC to continue its work against money-laundering through the provision of training, advisory assistance and long-term technical assistance.

Workshop 5. Measures to Combat Economic Crime, including Money-laundering

The High-level Panel on Threats, Challenges and Change, having identified transnational organized crime as one of the six interconnected threats to collective security, recommended that a comprehensive convention on money-laundering be negotiated as a way of addressing that threat. Similar recommendations were made by regional preparatory meetings for the Congress.

Documentation

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

Background paper on Workshop 5: Measures to Combat Economic Crime, including Money-laundering (A/CONF.203/13)

Discussion guide (A/CONF.203/PM.1)

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)

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

In its resolution 55/59, the General Assembly endorsed the Vienna Declaration on Crime and Justice adopted by the States Members and other States participating in the high-level segment of the Tenth Congress. In its resolution 56/261, the Assembly took note of the plans of action for the implementation of the Vienna Declaration, including specific measures recommended for national and international actions to implement and to follow up on the commitments undertaken in paragraph 22 of the Vienna Declaration and to promote the use and application of the United Nations standards and norms in crime prevention and criminal justice in national law and practice.

In its resolution 2002/15, the Economic and Social Council reaffirmed the importance of those United Nations standards and norms and the need to maintain a balance between the current main priority issue of combating transnational

organized crime and the other priority issues of the United Nations Crime Prevention and Criminal Justice Programme; took note of the report of the Secretary-General on reform of the criminal justice system: achieving effectiveness and equity and the use and application of United Nations standards and norms, especially concerning juvenile justice and penal reform; also took note of the reports of the Secretary-General on the implementation of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, on the implementation of the United Nations Declaration on Crime and Public Security and on the implementation of the International Code of Conduct for Public Officials and considered the first cycle of information-gathering on the use and application of the United Nations standards and norms to have been completed; requested the Secretary-General to convene a meeting of a group of experts to evaluate the results achieved and the progress made in the application of those United Nations standards and norms, to review the present system of reporting, to assess the advantages to be expected in using a cross-sectoral approach and to make concrete proposals to be considered by the Commission at its twelfth session; recognized that acute prison overcrowding might result in the violation of basic human rights of prisoners and prison staff; invited Member States to undertake the necessary efforts to solve the problem of prison overcrowding, inter alia, by introducing or making appropriate use of alternatives to imprisonment; requested the Secretary-General to strengthen cooperation between UNODC and other relevant partners, in particular the other members of the coordination panel on technical advice and assistance in juvenile justice established in line with the Guidelines for Action on Children in the Criminal Justice System, including follow-up to the recommendations of the Committee on the Rights of the Child on juvenile justice matters; and invited UNODC to continue, in cooperation with the institutes of the Programme network and other entities, to strengthen juvenile justice systems and to improve the rehabilitation and treatment of juvenile offenders, as well as to improve the protection of child victims.

In its resolution 2003/30, the Economic and Social Council decided to group United Nations standards and norms in crime prevention and criminal justice in four categories for the purpose of targeted collection of information, in order to better identify the specific needs of Member States and to provide an analytical framework with a view to improving technical cooperation; called upon Member States, intergovernmental and non-governmental organizations, the institutes of the Programme network and United Nations entities to focus on identifying difficulties encountered in their application; and requested UNODC, in collaboration with the institutes, to provide support to Member States requesting assistance in the use and application of those United Nations standards and norms, including by developing resource materials and organizing training courses and workshops.

In its resolution 2004/27, the Economic and Social Council recognized that the participation of child victims and witnesses of crime in the criminal justice process was essential in order to effectively prosecute various forms of crime, including in cases of sexual exploitation of children, trafficking in children and other forms of transnational organized crime where children were often the only witnesses; requested the Secretary-General to convene an intergovernmental expert group in order to develop guidelines on justice in matters involving child victims and witnesses of crime; and invited the Congress to consider and discuss the issue of guidelines on justice for child victims and witnesses of crime.

In its resolution 2004/28, the Economic and Social Council expressed its desire to reform and streamline the process of information-gathering with regard to the application of United Nations standards and norms in crime prevention and criminal justice; requested the Secretary-General to forward the instruments for gathering information on United Nations standards and norms related primarily to persons in custody, non-custodial sanctions and juvenile and restorative justice to Member States, intergovernmental and non-governmental organizations and the institutes of the Programme network and other United Nations entities for their comments; also requested the Secretary-General to keep the development of legal, institutional and practical arrangements for international cooperation under review, through appropriate mechanisms, such as the revision of the manuals on extradition and mutual legal assistance and preparation of model laws, in order to make international cooperation and technical assistance more effective; and invited the Congress to address the issues raised in the resolution.

Workshop 2. Enhancing Criminal Justice Reform, including Restorative Justice

In its resolution 2002/12, the Economic and Social Council encouraged Member States to draw on the basic principles on the use of restorative justice programmes in criminal matters (annexed to the resolution) in the development and operation of restorative justice programmes; and called upon Member States that had adopted restorative justice practices to make information about those practices available to other States upon request.

Workshop 3. Strategies and Best Practices for Crime Prevention, in particular in relation to Urban Crime and Youth at Risk

In its resolution 2002/13, the Economic and Social Council invited Member States to draw upon the Guidelines for the Prevention of Crime (annexed to the resolution) in the development or strengthening of their policies in the field of crime prevention and criminal justice; requested Member States to establish or strengthen international, regional and national crime prevention networks, with a view to developing knowledge-based strategies, exchanging proven and promising practices, identifying elements of their transferability and making such knowledge available to communities throughout the world. Further, in its resolution 2003/26, the Council encouraged Member States to draw upon the Guidelines when developing, implementing and evaluating urban crime prevention programmes and projects and to share their experience gained in that regard. In its resolution 2004/31, the Council welcomed the initiative of the United Nations Human Settlements Programme to collaborate with UNODC on technical assistance in relation to crime prevention, including the links between local and transnational organized crime, through operational projects, joint workshops and the compilation of useful practices and guidelines; and encouraged municipalities to join the Safer Cities Programme network.

Documentation

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)

Background paper on Workshop 2: Enhancing Criminal Justice Reform, including Restorative Justice (A/CONF.203/10)

Background paper on Workshop 3: Strategies and Best Practices for Crime Prevention, in particular in relation to Urban Crime and Youth at Risk (A/CONF.203/11)

Discussion guide (A/CONF.203/PM.1)

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)

8. Adoption of the report of the Congress

In accordance with rule 52 of the provisional rules of procedure, the Eleventh Congress is to adopt a report, the draft of which is to be prepared by the Rapporteur-General. It is recommended that the report of the Congress contain the declaration, the conclusions and recommendations of the Congress on the various substantive items of its agenda and the outcome of the workshops. The report should also contain the decisions of the Congress, a brief account of the events leading to the Congress, the proceedings, including a summary of the substantive work conducted by the plenary and the committees, as summary of the proceedings of the high-level segment and an account of the action taken.

It is also recommended that in accordance with past practice each regional group be requested to designate, before the opening of the Congress, two persons to serve as “friends of the Rapporteur-General”, as well as two persons to work in a similar capacity with the rapporteur of each of the committees, with a view to preparing the draft report of the Congress.

In its resolution 59/151, the General Assembly requested the Commission on Crime Prevention and Criminal Justice at its fourteenth session to give high priority to considering the conclusions and recommendations of the Eleventh Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the Assembly at its sixtieth session.

Annex

Proposed organization of work for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

The proposed organization of work, presented below, has been revised in accordance with General Assembly resolutions 58/138 and 59/151, in consultation with the Commission on Crime Prevention and Criminal Justice, as the preparatory body for the Congress and the institutes assisting in the organization of the workshops.

<i>Day</i>	<i>Plenary</i>	<i>Committee I</i>	<i>Committee II</i>
Sunday, 17 April 2005			
Afternoon	Pre-Congress consultations		
Monday, 18 April 2005			
Morning	Agenda item 1. Opening of the Congress Agenda item 2. Organizational matters Agenda item 3. Effective measures to combat transnational organized crime		
Afternoon	Agenda item 3 (<i>continued</i>)	Agenda item 6. Economic and financial crimes: challenges to sustainable development	Agenda item 5. Corruption: threats and trends in the twenty-first century
Tuesday, 19 April 2005			
Morning	Agenda item 3 (<i>continued</i>)	Agenda item 6 (<i>continued</i>)	Agenda item 5 (<i>continued</i>)
Afternoon	Agenda item 3 (<i>continued</i>)	Agenda item 6 (<i>continued</i>)	Agenda item 5 (<i>continued</i>)
Wednesday, 20 April 2005			
Morning	Agenda item 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	Agenda item 7. Making standards work: fifty years of standard-setting in crime prevention and criminal justice	Agenda item 5 (<i>continued</i>)
Afternoon	Agenda item 4 (<i>continued</i>)	Agenda item 7 (<i>continued</i>)	Workshop 5. Measures to Combat Economic Crime, including Money-Laundering

<i>Day</i>	<i>Plenary</i>	<i>Committee I</i>	<i>Committee II</i>
Thursday, 21 April 2005			
Morning	Agenda item 4 (<i>continued</i>)	Workshop 1. Enhancing International Law Enforcement Cooperation, including Extradition Measures	Workshop 5 (<i>continued</i>)
Afternoon	Agenda item 4 (<i>continued</i>)	Workshop 1 (<i>continued</i>)	Workshop 4. Measures to Combat Terrorism, with Reference to the Relevant International Conventions and Protocols
Friday, 22 April 2005			
Morning	Informal consultations	Workshop 2. Enhancing Criminal Justice Reform, including Restorative Justice	Workshop 4 (<i>continued</i>)
Afternoon	Informal consultations	Workshop 2 (<i>continued</i>)	Workshop 6. Measures to Combat Computer-related Crime
Saturday, 23 April 2005			
Morning	High-level segment	Workshop 3. Strategies and Best Practices for Crime Prevention, in particular in relation to Urban Crime and Youth at Risk	Workshop 6 (<i>continued</i>)
Afternoon	High-level segment (<i>continued</i>)	Workshop 3 (<i>continued</i>)	Informal consultations
Sunday, 24 April 2005			
Morning	High-level segment (<i>continued</i>)	Informal consultations	Informal consultations
Afternoon	High-level segment (<i>continued</i>)	Informal consultations	Informal consultations
Monday, 25 April 2005			
Morning	High-level segment (<i>continued</i>) Consideration of recommendations		
Afternoon	High-level segment (<i>continued</i>) Outcome of the deliberations of Committee I and Committee II Agenda item 8. Adoption of the report of the Congress Closure of the Congress		