



# **Twelfth United Nations Congress on Crime Prevention and Criminal Justice**

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## **Provisional agenda and annotations**

1. Opening of the Congress.
2. Organizational matters.
  - (a) Election of the President and of other officers;
  - (b) Adoption of the rules of procedure;
  - (c) Adoption of the agenda;
  - (d) Organization of work;
  - (e) Credentials of representatives to the Congress:
    - (i) Appointment of members of the Credentials Committee;
    - (ii) Report of the Credentials Committee.
3. Children, youth and crime.
4. Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism.
5. Making the United Nations guidelines on crime prevention work.
6. Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime.
7. International cooperation to address money-laundering based on relevant United Nations and other instruments.
8. Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime.
9. Practical approaches to strengthening international cooperation in fighting crime-related problems.
10. Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families.
11. Adoption of the report of the Congress.



## **Annotations**

### **1. Opening of the Congress**

The Twelfth United Nations Congress on Crime Prevention and Criminal Justice will be opened at the Bahia Convention Centre in Salvador, Brazil, on Monday, 12 April 2010, at 10 a.m.

In its resolution 64/180, the General Assembly requested the Secretary-General to prepare an overview of the state of crime and criminal justice worldwide for presentation at the Twelfth Congress, in accordance with past practice.

### **Documentation**

Report of the Secretary-General on the state of crime and criminal justice worldwide (A/CONF.213/3)

### **2. Organizational matters**

#### **(a) Election of the President and of other officers**

Pursuant to rule 6 of the rules of procedure for United Nations congresses on crime prevention and criminal justice (A/CONF.213/2), the Twelfth 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 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 is expected that the Twelfth Congress will elect a representative of Brazil 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 at 3 p.m. on Sunday, 11 April 2010. Pursuant to rule 43 of the 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.

Pursuant to rule 46 of the rules of procedure, in addition to a Chairman elected by the Congress pursuant to rule 6, each committee as may be established pursuant to rule 45 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 Twelfth 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 rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders were approved in 1993 by the Economic and Social Council (resolution 1993/32) and were reissued in 2004 to reflect the fact that the title of the congresses had been changed, pursuant to General Assembly resolution 56/119, from “United Nations congresses on the prevention of crime and the treatment of offenders” to “United Nations congresses on crime prevention and criminal justice” (A/CONF.203/2).

Pursuant to rule 63 of the rules of procedure, the Commission on Crime Prevention and Criminal Justice is to make, after the completion of each Congress, appropriate recommendations to the Economic and Social Council for such amendments to the rules as it may deem necessary.

The rules of procedure were made available to the Commission at its eighteenth session (E/CN.15/2009/19). In the absence of any amendments, the Twelfth Congress will be conducted in accordance with the current rules of procedure, supplemented by the guidelines contained in paragraph 2 of General Assembly resolution 56/119.

**(c) Adoption of the agenda**

The provisional agenda for the Twelfth Congress, as finalized by the Commission on Crime Prevention and Criminal Justice at its seventeenth session, was approved by the General Assembly in its resolution 63/193. In the same resolution, the Assembly decided that the main theme of the Congress should be “Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world”.

**(d) Organization of work**

In its resolution 63/193, the General Assembly decided that the following issues would be considered in workshops:

1. International criminal justice education for the rule of law.
2. Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system.
3. Practical approaches to preventing urban crime.
4. Links between drug trafficking and other forms of organized crime: international coordinated response.
5. Strategies and best practices against overcrowding in correctional facilities.

At its eighteenth session, the Commission on Crime Prevention and Criminal Justice discussed substantive and organizational aspects of the Twelfth Congress on the

basis of a report of the Secretary-General on the preparations for the Twelfth Congress (E/CN.15/2009/9).

At the regional preparatory meetings for the Twelfth Congress convened pursuant to General Assembly resolution 62/173, it was decided to group the substantive items of the provisional agendas into clusters for joint consideration as follows:

(a) The substantive item “Children, youth and crime” was discussed together with the substantive item “Making the United Nations guidelines on crime prevention work”;

(b) The substantive item “International cooperation to address money-laundering based on relevant United Nations and other instruments” was discussed together with the substantive item “Practical approaches to strengthening international cooperation in fighting crime-related problems”;

(c) The substantive item “Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime” was discussed together with the substantive item “Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families”.

The same clustered approach is reflected in the proposed organization of work of the Twelfth Congress (see annex).

In its resolution 63/193, the General Assembly encouraged Governments to undertake preparations for the Twelfth Congress at an early stage by all appropriate means, including, where appropriate, the establishment of national preparatory committees, with a view to contributing to focused and productive discussion on the topics to be discussed in the workshops and to participating actively in the organization of and follow-up to the workshops.

#### *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.

In its resolution 63/193, the General Assembly decided that the high-level segment of the Twelfth Congress should be held during the last two days of the Congress in order to allow Heads of State or Government and Government ministers to focus on the main substantive agenda items. In the same resolution, the Assembly reiterated its invitation to Member States to be represented at the Twelfth Congress at the highest possible level, for example by Heads of State or Government, Government ministers or attorneys general, to make statements on the theme and topics of the Congress and to participate in thematic interactive round tables. In this regard, a list of speakers will be opened on 8 March 2010.

The Twelfth Congress may wish to follow established practice by offering an opportunity during the high-level segment for political leaders of Member States to deposit instruments of ratification or accession to the international instruments against transnational organized crime, corruption and terrorism. States intending to undertake treaty action at such an 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 19 March 2010 for verification.

More information on treaties related to transnational organized crime, terrorism and corruption is available on the websites of the Treaty Section (<http://treaties.un.org>) and of the United Nations Office on Drugs and Crime ([www.unodc.org](http://www.unodc.org)).

**(e) Credentials of representatives to the Congress**

**(i) Appointment of members of the Credentials Committee**

Pursuant to rule 4 of the rules of procedure, a Credentials Committee composed of nine members is to be appointed by the Twelfth 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 sixty-fourth session of the Assembly, the Credentials Committee was composed of the following States: Brazil, China, Jamaica, Philippines, Russian Federation, Spain, United Republic of Tanzania, United States of America and Zambia.

**(ii) Report of the Credentials Committee**

Pursuant to rule 4 of the rules of procedure, the Credentials Committee is to examine the credentials of representatives and report to the Twelfth Congress.

**Documentation**

Rules of procedure for United Nations congresses on crime prevention and criminal justice (A/CONF.213/2)

**3. Children, youth and crime**

In the report of the independent expert for the United Nations study on violence against children (A/61/299), attention was drawn to the unacceptable levels of violence affecting children in all areas of life, in particular in schools, in their families and within institutions, including criminal justice institutions. The study provided a global picture of violence against children and contained recommendations to prevent and respond to this issue. Although the primary responsibility for implementing the recommendations was felt to rest with the State, the participation of other actors at the national, regional and international levels was critical to assist the State in carrying out that task. Those actors included United Nations entities, civil society organizations (including national human rights institutions), professional bodies such as doctors' and nurses' associations, community associations, educators, parents and children.

In addition to the provisions of the Convention on the Rights of the Child (General Assembly resolution 44/25, annex) and the Optional Protocol thereto on the sale of children, child prostitution and child pornography (Assembly resolution 54/263, annex II), the following relevant United Nations standards and norms on crime prevention and criminal justice provide guidance in the areas of youth crime prevention, juvenile justice, children in detention and children as victims and witnesses of crime: the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (Assembly resolution 40/33,

annex); the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (Assembly resolution 45/110, annex); the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (Assembly resolution 45/112, annex); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Assembly resolution 45/113, annex); the Guidelines for Action on Children in the Criminal Justice System (Economic and Social Council resolution 1997/30, annex); the Guidelines for the Prevention of Crime (Council resolution 2002/13, annex) and the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Council resolution 2005/20, annex).

In its resolution 2009/26, entitled “Supporting national and international efforts for child justice reform, in particular through improved coordination in technical assistance”, the Economic and Social Council urged Member States to pay particular attention to or increase the attention paid to the issue of child justice and to take into consideration applicable international instruments and, as appropriate, applicable United Nations standards and norms for the treatment of children in conflict with the law, in particular juveniles deprived of their liberty, and child victims and witnesses of crimes, taking into account also the age, gender, social circumstances and development needs of such children. In the resolution, the Council also invited Member States to adopt, where appropriate, comprehensive national action plans on crime prevention and child justice reform dealing, in particular, with preventing child involvement in crime, ensuring access to legal assistance, especially for those children with scarce resources, and reducing the use and the duration of juvenile detention, especially at the pretrial stages, including through the use of diversion, restorative justice and alternatives to detention, the reintegration of children in conflict with the law into their communities and child-sensitive procedures for all children in contact with the justice system. Furthermore, the Council invited Member States and their relevant institutions to adopt, where appropriate, a comprehensive approach to child justice reform, including through policy reform, legal reform, the establishment of data collection and information management systems, the strengthening of institutional capacity, including with regard to social workers and providers of legal assistance, awareness-building and monitoring, and the establishment of child-sensitive procedures and institutions. Moreover, the Council invited Member States, as appropriate, to make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and by its members and to seek technical advice and assistance in the area of child justice from the members of the Panel in order to design, implement and monitor comprehensive child justice policies; and invited the members of the Panel to continue providing assistance to Member States, upon request and subject to the availability of resources, in the area of child justice, including by following up on the recommendations contained in the United Nations study on violence against children and setting up national data collection and criminal justice information systems with regard to children in conflict with the law, using as a guide the *Manual for the Measurement of Juvenile Justice Indicators*.

### **Documentation**

Working paper prepared by the Secretariat on children, youth and crime (A/CONF.213/4)

Discussion guide (A/CONF.213/PM.1)

Reports of the regional preparatory meetings for the Twelfth Congress (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)

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

Since the holding of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, the international legal framework against terrorism has evolved. In 2005, the General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism, which entered into force on 7 July 2007. Also in 2005, the international community introduced substantive changes to three existing international instruments through the adoption of the Amendment to the Convention on the Physical Protection of Nuclear Material, the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

The United Nations Global Counter-Terrorism Strategy was adopted by the General Assembly in 2006 (resolution 60/288) and was reaffirmed by the Assembly in 2008 subsequent to the review of implementation of the Strategy (resolution 62/272). The international community thus reasserted its firm resolve to strengthen the global response to terrorism through a broad range of counter-terrorism measures, underpinned by the commitment to uphold the rule of law and human rights.

The Counter-Terrorism Implementation Task Force was established by the Secretary-General in July 2005 to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system. The Task Force consists of 25 United Nations system entities and the International Criminal Police Organization (INTERPOL). Since the adoption of the United Nations Global Counter-Terrorism Strategy, the Task Force has been undertaking initiatives to support Member States' efforts to implement the Strategy in all its aspects.

In its resolution 62/172, the General Assembly recognized the importance of the development and maintenance of fair and effective criminal justice systems, including the humane treatment of all those in pretrial and correctional facilities, in accordance with applicable international law as a fundamental basis of any strategy to counter terrorism; and requested the United Nations Office on Drugs and Crime (UNODC), subject to the availability of extrabudgetary resources, whenever appropriate, to take into account in its technical assistance programme to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law.

In its resolution 63/195, the General Assembly, reaffirming the commitments undertaken by Member States in the United Nations Global Counter-Terrorism Strategy, requested UNODC to enhance its technical assistance to Member States, upon request, to strengthen international cooperation in preventing and combating terrorism through the facilitation of the ratification and implementation of the universal conventions and protocols related to terrorism, in close consultation with

the Counter-Terrorism Committee and its Executive Directorate, as well as to contribute to the work of the Counter-Terrorism Implementation Task Force, and invited Member States to provide the Office with appropriate resources for its mandate.

In its resolution 64/177, the General Assembly requested UNODC to intensify its efforts to continue to systematically develop specialized legal knowledge in the area of counter-terrorism and pertinent thematic areas of relevance to the mandates of the Office and to provide, upon request, technical assistance for building the capacity of Member States to ratify and implement the international conventions and protocols related to terrorism, especially through the preparation of technical tools and publications and the training of criminal justice officials. In the resolution, the Assembly also requested the Office, within its mandate and in coordination with the Counter-Terrorism Committee and its Executive Directorate and the Counter-Terrorism Implementation Task Force, to continue to work with international organizations and relevant entities of the United Nations system, as well as with regional and subregional organizations and arrangements, in the delivery of technical assistance, whenever appropriate.

#### **Documentation**

Working paper prepared by the Secretariat on provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism (A/CONF.213/5)

Discussion guide (A/CONF.213/PM.1)

Reports of the regional preparatory meetings for the Twelfth Congress (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)

### **5. Making the United Nations guidelines on crime prevention work**

The 2002 Guidelines for the Prevention of Crime (Economic and Social Council resolution 2002/13) provide guidance to Member States on the main elements of effective crime prevention. The Guidelines contain a set of basic principles underlying an effective and humane crime prevention strategy: (a) government leadership; (b) socio-economic development and inclusion; (c) cooperation and partnership; (d) sustainability and accountability; (e) knowledge-based action; (f) human rights/rule of law/culture of lawfulness; (g) interdependency; and (h) differentiation.

In the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice (General Assembly resolution 60/177, annex), adopted by the Eleventh Congress, Member States recognized that comprehensive and effective crime prevention strategies could significantly reduce crime and victimization, urging, at the same time, that such strategies should address the root causes and risk factors of crime and victimization and be further developed and implemented at the local, national and international levels, taking into account, inter alia, the Guidelines for the Prevention of Crime.



*Workshop on International Criminal Justice Education for the Rule of Law*

Since the First Congress, in 1955, the United Nations has made significant progress in developing a comprehensive and diverse body of standards and norms in crime prevention and criminal justice and in helping Member States put them into practice. These standards and norms constitute building blocks of how a criminal justice system should be structured; how criminal policies and strategies should be developed; and how a fair, effective and humane crime prevention and criminal justice system should operate. They also embody the expression of the legitimacy of international action, having been agreed upon by all Member States, and, as such, they have contributed to strengthening the rule of law worldwide.

Expanding and evolving international criminal justice education for the rule of law needs to include educational and training components not only on these standards and norms, but also on the legally binding United Nations instruments related to crime.

The following institutes of the United Nations Crime Prevention and Criminal Justice Programme network have assisted in the preparation and organization of the workshop: European Institute for Crime Prevention and Control, affiliated with the United Nations; International Institute of Higher Studies in Criminal Sciences; Raoul Wallenberg Institute of Human Rights and Humanitarian Law; and Korean Institute of Criminology.

*Workshop on Practical Approaches to Preventing Urban Crime*

In its resolution 63/195, the General Assembly drew attention to urban crime as one of the emerging policy issues in the field of crime prevention and criminal justice and invited UNODC to explore, within its mandate, ways and means of addressing it.

At its sixteenth session, in 2007, the Commission on Crime Prevention and Criminal Justice organized a thematic discussion entitled “Crime prevention and criminal justice responses to urban crime, including gang-related activities: preventive measures, including community-based responses; and criminal justice responses, including international cooperation”. In this context, a conference room paper was prepared by the Secretariat containing a series of questions for discussion by the Commission and background information on major urban crime issues, including the impact of urban crime perpetrated by, and affecting, youth around the world. The paper highlighted some of the issues encountered by Governments and city authorities seeking to meet the challenges posed by urban crime.

The International Centre for the Prevention of Crime has assisted in the preparation and organization of the workshop.

*Workshop on the Survey of United Nations and Other Best Practices in the Treatment of Prisoners in the Criminal Justice System*

The treatment of prisoners in the criminal justice system is governed by international human rights law, in particular the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)); the International Covenant on Civil and Political Rights (Assembly resolution 2200 A (XXI), annex) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment (Assembly resolution 39/46, annex) and its Optional Protocol (Assembly resolution 57/199, annex), and by standards and norms in crime prevention and criminal justice, in particular the Standard Minimum Rules for the Treatment of Prisoners (adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955 and extended by the Economic and Social Council by its resolution 2076 (LXII)), the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Assembly resolution 43/173, annex), the Basic Principles for the Treatment of Prisoners (Assembly resolution 45/111, annex), the status of foreign citizens in criminal proceedings (Council resolution 1998/22) and, in the field of international cooperation in criminal matters, the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners (adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1985). Other relevant standards and norms are the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Assembly resolution 3452 (XXX), annex); the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners (Council resolution 1984/47, annex); the Tokyo Rules; the Kampala Declaration on Prison Conditions in Africa (Council resolution 1997/36, annex); the Kadoma Declaration on Community Service (Council resolution 1998/23, annex I) and related recommendations on prison overcrowding (Council resolution 1998/23, annex II); the Arusha Declaration on Good Prison Practice (Council resolution 1999/27, annex); and the basic principles on the use of restorative justice programmes in criminal matters (Council resolution 2002/12, annex). These standards set out the internationally accepted good principles and practices in the treatment of prisoners and the management of penal institutions. In addition, the Beijing Rules and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Assembly resolution 45/113, annex) provide guidance on the treatment of children in conflict with the law, including the treatment of juveniles in custody.

At the regional preparatory meetings for the Twelfth Congress, the Government of Thailand, the host country of the Eleventh Congress, presented a proposal on the draft United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders and a project based on those draft Rules, called “Enhancing Lives of Female Inmates”. The project was an initiative of Princess Bajrakitiyabha Mahidol of Thailand, who had played a key role in providing support for disadvantaged female inmates in Thailand. Accordingly, the Ministry of Justice of Thailand was named as the implementing agency for the project. It was noted that the project was based on the realization that the applicable international standards on prison regimes, namely the Standard Minimum Rules for the Treatment of Prisoners, which had been in existence for more than 50 years, might require an updated and supplementary set of rules specifically for women prisoners. It was thus deemed appropriate that the project be promoted and further discussed at the international level.

The draft Rules were the result of the work of an expert round-table meeting held in Bangkok from 2 to 6 February 2009. That work had been brought to the attention of the Commission on Crime Prevention and Criminal Justice at its eighteenth session, in 2009. In its resolution 18/1, the Commission requested the Executive Director of UNODC to convene in 2009 an open-ended intergovernmental expert group meeting

to develop, consistent with the Standard Minimum Rules for the Treatment of Prisoners and the Tokyo Rules, supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings. That expert group meeting was held in Bangkok from 23 to 26 November 2009 and the outcome of its work is brought to the attention of the Twelfth Congress.

The European Institute for Crime Prevention and Control, affiliated with the United Nations, has assisted in the preparation and organization of the workshop.

*Workshop on Strategies and Best Practices against Overcrowding in Correctional Facilities*

In the Bangkok Declaration, Member States called for a review of the adequacy of the United Nations standards and norms addressing aspects related to the problem of overcrowding in prisons and other correctional facilities, and recognized the importance of further developing restorative justice policies, procedures and programmes that included alternatives to prosecution, thereby avoiding the possible adverse effects of imprisonment, helping to decrease the caseload of criminal courts and promoting the incorporation of restorative justice approaches into criminal justice systems, as appropriate.

The Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and the International Centre for Criminal Law Reform and Criminal Justice Policy have assisted in the preparation and organization of the workshop.

## **Documentation**

Working paper prepared by the Secretariat on making the United Nations guidelines on crime prevention work (A/CONF.213/6)

Background paper on the Workshop on International Criminal Justice Education for the Rule of Law (A/CONF.213/12)

Background paper on the Workshop on the Survey of United Nations and Other Best Practices in the Treatment of Prisoners in the Criminal Justice System (A/CONF.213/13)

Background paper on the Workshop on Practical Approaches to Preventing Urban Crime (A/CONF.213/14)

Background paper on the Workshop on Strategies and Best Practices against Overcrowding in Correctional Facilities (A/CONF.213/16)

Report submitted by the Chairman on the outcome of the open-ended expert group meeting to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings (A/CONF.213/17)

Discussion guide (A/CONF.213/PM.1)

Reports of the regional preparatory meetings for the Twelfth Congress (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)

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

The involvement of organized criminal groups in the commission of trafficking in persons and smuggling of migrants and the need to develop appropriate and effective responses to these forms of crime at the national and international levels have been acknowledged through the adoption and entry into force of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (General Assembly resolution 55/25, annex II), and the Protocol against the Smuggling of Migrants by Land, Sea and Air (Assembly resolution 55/25, annex III), both supplementing the United Nations Convention against Transnational Organized Crime (Assembly resolution 55/25, annex I).

At its fourth session, in 2008, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided to establish an open-ended interim working group to advise and assist it in the implementation of its mandate with regard to the Trafficking in Persons Protocol (decision 4/4).

In its resolution 63/194, the General Assembly recognized that the provision of effective support to the work of the Conference of the Parties should be an important part of the coordination efforts of the United Nations system on the issue of trafficking in persons; took note of the discussions at the thematic debate of the Assembly on human trafficking, held in New York on 3 June 2008, which included a discussion on the advisability of a United Nations strategy or plan of action on preventing trafficking in persons and protecting and assisting victims of trafficking; and called upon the Secretary-General to collect the views of all stakeholders, including Member States and regional and international organizations, on how to achieve the full and effective coordination of efforts against trafficking in persons of all Member States, organizations, machineries, treaty bodies and all other partners within and outside the United Nations system, including civil society, and to ensure the full and effective implementation of all legal instruments relevant to trafficking in persons, particularly the Organized Crime Convention and the Trafficking in Persons Protocol, without prejudice to the mandate of the working group established by the Conference of the Parties.

In its resolution 64/178, the General Assembly took note of the outcomes of the Conference of the Parties at its fourth session, in particular its decision 4/4, entitled "Trafficking in human beings", in which the Conference underlined the need to continue to work towards a comprehensive and coordinated approach to address the problem of trafficking in persons through the appropriate national, regional and international mechanisms and acknowledged that the Trafficking in Persons Protocol, was the principal legally binding global instrument to combat trafficking in persons, and in this regard, taking note also of the progress made by the Working Group on Trafficking in Persons during its meeting held in Vienna on 14 and 15 April 2009. The Assembly also took note with appreciation of the decision of the President of the sixty-third session of the Assembly to appoint the co-facilitators to start consultations and consideration by Member States of a United Nations global plan of action on preventing trafficking in persons, prosecuting traffickers and protecting and assisting victims of trafficking, and stressed the need for the consultations to be held in an open, inclusive and transparent manner, taking into account all the views expressed by Member States.

Pursuant to Economic and Social Council resolution 2006/27, the Inter-Agency Cooperation Group against Trafficking in Persons was established with the aim of fostering coordination and cooperation among relevant United Nations agencies and other international organizations in order to assist States in preventing and combating human trafficking. The Inter-Agency Cooperation Group was designed to promote effective and efficient use of existing resources, using to the extent possible mechanisms already in place at the regional and national levels, and to share information, experiences and good practices on the anti-trafficking activities of partner organizations with Governments, international, regional and non-governmental organizations and other relevant bodies.

### **Documentation**

Working paper prepared by the Secretariat on criminal justice responses to the smuggling of migrants and trafficking in persons: links to transnational organized crime (A/CONF.213/7)

Discussion guide (A/CONF.213/PM.1)

Reports of the regional preparatory meetings for the Twelfth Congress (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)

## **7. International cooperation to address money-laundering based on relevant United Nations and other instruments**

In recognition of the fact that efforts to counter money-laundering form a crucial component of the fight against crime, especially in its transnational dimensions, provisions on the criminalization of money-laundering and measures to prevent that activity figure prominently in the Organized Crime Convention and the United Nations Convention against Corruption (General Assembly resolution 58/4, annex).

In its resolution 63/195, the General Assembly urged UNODC to continue providing technical assistance to Member States to combat money-laundering through the Global Programme against Money-Laundering, in accordance with related United Nations instruments and internationally accepted standards, including, where applicable and appropriate, recommendations from relevant intergovernmental bodies, such as the Financial Action Task Force on Money Laundering, and relevant initiatives of regional, interregional and multilateral organizations against money-laundering.

### *Workshop on Links between Drug Trafficking and Other Forms of Organized Crime: International Coordinated Response*

The international community has recognized that the fight against drug trafficking should be pursued from the standpoint of the fight against transnational organized crime. As a result, the international legal framework on drug trafficking has been reinforced by the adoption and entry into force of additional legal instruments dealing either with transnational organized crime in general and other modalities of it, or with corruption, which can be used for facilitating drug trafficking.

On 8 December 2009, a debate before the Security Council focused on the issue of drug trafficking and its links to other forms of crime as a threat to international

peace and security. In that connection, the President of the Council made a statement on behalf of the Council stressing the importance of strengthening transregional and international cooperation on the basis of a common and shared responsibility to counter the world drug problem and related criminal activities, and in support of relevant national, subregional and regional organizations and mechanisms, including with a view to strengthening the rule of law. In the statement, the Council encouraged States to comply with their obligations to combat drug trafficking and other forms of transnational organized crime, to consider acceding to relevant international conventions and to investigate and prosecute, as appropriate, persons and entities responsible for drug trafficking and related crimes consistent with international human rights and due process standards.

The United Nations Interregional Crime and Justice Research Institute, in cooperation with the National Institute of Justice of the United States Department of Justice, has assisted in the preparation and organization of the workshop.

#### **Documentation**

Working paper prepared by the Secretariat on international cooperation to address money-laundering based on relevant United Nations and other instruments (A/CONF.213/8)

Background paper on the Workshop on Links between Drug Trafficking and Other Forms of Organized Crime: International Coordinated Response (A/CONF.213/15)

Discussion guide (A/CONF.213/PM.1)

Reports of the regional preparatory meetings for the Twelfth Congress (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)

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

In the Bangkok Declaration, Member States recognized the important contribution of the United Nations to regional and other international forums in the fight against cybercrime; reaffirmed the fundamental importance of the implementation of existing instruments and the further development of national measures against cybercrime; and welcomed efforts to enhance and supplement existing cooperation to prevent, investigate and prosecute high-technology and computer-related crime. In the Declaration, the Commission on Crime Prevention and Criminal Justice was invited to examine the feasibility of providing further assistance in the fight against cybercrime under the aegis of the United Nations, in partnership with other similarly focused organizations.

In its resolution 63/195, the General Assembly drew attention to cybercrime as one of the emerging policy issues in the field of crime prevention and criminal justice and invited UNODC to explore, within its mandate, ways and means of addressing it.

The Counter-Terrorism Implementation Task Force has established the Working Group on Countering the Use of the Internet for Terrorist Purposes. The objectives of the Working Group are to identify and bring together stakeholders and partners with a view to sharing information, as well as to identify possible ways to counter

the threat at the national, regional and global levels and to examine what role the United Nations might play in coordinating action by Member States.

At its eighteenth session, in 2009, the Commission on Crime Prevention and Criminal Justice organized a thematic discussion on economic fraud and identity-related crime. The purpose of the thematic discussion was to tap the expertise of various stakeholders from different fields, take stock of existing good practices and accumulate knowledge and experience, as well as identify gaps and develop an accurate and complete picture of the problem of identity-related crime and fraudulent practices linked to it. (See the note prepared by the Secretariat for the purposes of the thematic discussion (E/CN.15/2009/15).)

In its resolution 2009/22, the Economic and Social Council requested UNODC, in consultation with Member States and taking into account relevant intergovernmental organizations and, in accordance with the rules and procedures of the Council, experts from academic institutions, relevant non-governmental organizations and the private sector, to collect, develop and disseminate various training materials on different aspects of identity-related crime. In addition, the Council requested the Office to continue its efforts, in consultation with the United Nations Commission on International Trade Law, to promote mutual understanding and the exchange of views between public and private sector entities on issues related to economic fraud and identity-related crime, with the aim of facilitating cooperation between various stakeholders from both sectors.

#### **Documentation**

Working paper prepared by the Secretariat on recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime (A/CONF.213/9)

Discussion guide (A/CONF.213/PM.1)

Reports of the regional preparatory meetings for the Twelfth Congress (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)

### **9. Practical approaches to strengthening international cooperation in fighting crime-related problems**

Building on the provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the Organized Crime Convention and the Convention against Corruption include comprehensive provisions to strengthen international cooperation in criminal matters, with special emphasis on extradition, mutual legal assistance and international cooperation for purposes of confiscation.

At its second session, held in 2005, the Conference of the Parties to the Organized Crime Convention decided to establish an open-ended working group to hold substantive discussions on practical issues pertaining to extradition, mutual legal assistance and international cooperation for the purpose of confiscation (decision 2/2). In its decision 3/2, the Conference of the Parties decided that an open-ended working group on international cooperation would be a constant element of the Conference.

Asset recovery is considered a fundamental principle of the Convention against Corruption, with parties agreeing to afford one another the widest measure of cooperation and assistance. Chapter V of the Convention, on asset recovery, places emphasis on effective mechanisms to prevent the laundering of the proceeds of corrupt practices and on the recovery of assets diverted through corrupt practices, and includes specific provisions on the return and disposal of assets.

By its resolution 1/4, the Conference of the States Parties to the United Nations Convention against Corruption established an interim open-ended intergovernmental working group on asset recovery to advise and assist it in the implementation of its mandate on the return of proceeds of corruption. In its resolution 3/3, the Conference of the States Parties extended the mandate of the Open-ended Intergovernmental Working Group on Asset Recovery.

#### **Documentation**

Working paper prepared by the Secretariat on practical approaches to strengthening international cooperation in fighting crime-related problems (A/CONF.213/10)

Discussion guide (A/CONF.213/PM.1)

Reports of the regional preparatory meetings for the Twelfth Congress (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)

#### **10. Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families**

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (General Assembly resolution 45/158, annex), which entered into force on 1 July 2003, aims to protect the rights of all migrant workers and members of their families. The Convention seeks to prevent and eliminate the exploitation of migrant workers throughout the entire process by providing a set of binding international standards to address the treatment, welfare and human rights of both documented and undocumented migrants, as well as the obligations and responsibilities on the part of sending and receiving States.

Recognizing already in its preamble the need to provide migrants with humane treatment and full protection of their rights and identifying that protection as one of its basic purposes, the Smuggling of Migrants Protocol includes a series of provisions in this direction with a view, inter alia, to preventing the worst forms of exploitation of smuggled migrants, which often characterizes the smuggling process.

#### **Documentation**

Working paper prepared by the Secretariat on crime prevention and criminal justice responses to violence against migrants, migrant workers and their families (A/CONF.213/11)

Discussion guide (A/CONF.213/PM.1)



Reports of the regional preparatory meetings for the Twelfth Congress (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)

#### **11. Adoption of the report of the Congress**

Pursuant to rule 52 of the rules of procedure, the Twelfth 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 Twelfth Congress contain the declaration, 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 Twelfth Congress, a brief account of the events leading up to the Congress, the proceedings, including a summary of the substantive work conducted by the plenary and the committees, a 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 Twelfth 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 64/180, the General Assembly requested the Commission on Crime Prevention and Criminal Justice, at its nineteenth session, to give high priority to considering the conclusions and recommendations of the Twelfth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the Assembly at its sixty-fifth session. In the same resolution, the Assembly requested the Secretary-General to ensure proper follow-up to the resolution and to report thereon, through the Commission, to the Assembly at its sixty-fifth session.

## Annex

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

Day	Plenary	Committee I	Committee II
<b>Sunday, 11 April 2010</b>			
Afternoon	Pre-Congress consultations		
<b>Monday, 12 April 2010</b>			
Morning	Agenda item 1. Opening of the Congress Agenda item 2. Organizational matters Agenda item 3. Children, youth and crime Agenda item 5. Making the United Nations guidelines on crime prevention work		
Afternoon	Agenda item 3 ( <i>continued</i> ) Agenda item 5 ( <i>continued</i> )	Agenda item 4. Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism	Agenda item 8. Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime
<b>Tuesday, 13 April 2010</b>			
Morning	Agenda item 3 ( <i>continued</i> ) Agenda item 5 ( <i>continued</i> )	Agenda item 4 ( <i>continued</i> )	Agenda item 8 ( <i>continued</i> )
Afternoon	Agenda item 3 ( <i>continued</i> ) Agenda item 5 ( <i>continued</i> )	Agenda item 4 ( <i>continued</i> )	Agenda item 8 ( <i>continued</i> )
<b>Wednesday, 14 April 2010</b>			
Morning	Workshop on Practical Approaches to Preventing Urban Crime	Workshop on International Criminal Justice Education for the Rule of Law	Informal consultations
Afternoon	Workshop on Practical Approaches to Preventing Urban Crime ( <i>continued</i> )	Workshop on International Criminal Justice Education for the Rule of Law ( <i>continued</i> )	Informal consultations

<i>Day</i>	<i>Plenary</i>	<i>Committee I</i>	<i>Committee II</i>
<b>Thursday, 15 April 2010</b>			
Morning	Agenda item 6. Criminal justice responses to the smuggling of migrants and trafficking in persons and links to transnational organized crime Agenda item 10. Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families	Agenda item 7. International cooperation to address money-laundering based on relevant United Nations and other instruments Agenda item 9. Practical approaches to strengthening international cooperation in fighting crime-related problems	Workshop on the Survey of United Nations and Other Best Practices in the Treatment of Prisoners in the Criminal Justice System
Afternoon	Agenda item 6 ( <i>continued</i> )	Agenda item 7 ( <i>continued</i> )	Workshop on the Survey of Best Practices in the Treatment of Prisoners ( <i>continued</i> )
<b>Friday, 16 April 2010</b>			
Morning	Agenda item 6 ( <i>continued</i> )	Workshop on Strategies and Best Practices against Overcrowding in Correctional Facilities	Informal consultations
Afternoon	Agenda item 6 ( <i>continued</i> )	Workshop on Strategies and Best Practices against Overcrowding in Correctional Facilities ( <i>continued</i> )	Informal consultations
<b>Saturday, 17 April 2010</b>			
Morning	Informal consultations	Workshop on Links between Drug Trafficking and Other Forms of Organized Crime: International Coordinated Response	Informal consultations
Afternoon	High-level segment	Workshop on Links between Drug Trafficking and Other Forms of Organized Crime ( <i>continued</i> )	Informal consultations
<b>Sunday, 18 April 2010</b>			
Morning	High-level segment ( <i>continued</i> )	Informal consultations	Informal consultations
Afternoon	High-level segment ( <i>continued</i> )	Informal consultations	Informal consultations
<b>Monday, 19 April 2010</b>			
Morning	High-level segment ( <i>continued</i> )	Informal consultations	Informal consultations
Afternoon	Agenda item 11. Adoption of the report of the Congress Closure of the Congress		