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Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

Report of the Secretary-General**

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* E/CN.15/2006/1.

** The present report was delayed by the late submission of replies by Member States.



I. Introduction

1. The present report has been prepared pursuant to Economic and Social Council resolution 2005/15 of 22 July 2005, entitled “Eleventh United Nations Congress on Crime Prevention and Criminal Justice”, in which the Council endorsed the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, as adopted at the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005 (A/CONF.203/18, chap. I, resolution 1).
2. The Bangkok Declaration was also endorsed by the General Assembly in its resolution 60/177 of 16 December 2005, entitled “Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice”, pursuant to which the Secretariat has distributed the report of the Eleventh Congress (A/CONF.203/18), including the Bangkok Declaration, to Member States, intergovernmental organizations and non-governmental organizations, so as to ensure that its recommendations are disseminated as widely as possible.
3. In its resolution 2005/15, the Economic and Social Council noted that the Governments of a number of States had offered to host the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, to be held in 2010, and requested the United Nations Office on Drugs and Crime (UNODC) to engage in consultations with the Governments concerned and to report thereon to the Commission on Crime Prevention and Criminal Justice. Pursuant to that request, the Secretariat sent a note verbale to the Governments of Brazil, Burkina Faso, Pakistan and Qatar, which had offered to host the Twelfth Congress in 2010.
4. Furthermore, Member States were requested by notes verbales of 26 September and 13 December 2005 to provide the Secretariat by 15 January 2006 with information on the implementation of resolution 2005/15. Member States were invited to take the Bangkok Declaration and the recommendations adopted by the Eleventh Congress into consideration in formulating legislation and policy directives and to make all efforts, where appropriate, to implement the principles contained therein, taking into account their economic, social, legal and cultural specificities. Member States were also invited to identify areas covered in the Bangkok Declaration where further tools and training manuals based on international standards and best practices were needed and to submit that information to the Commission on Crime Prevention and Criminal Justice to facilitate its consideration of areas of possible future activity by UNODC. Pursuant to resolution 2005/15, the Secretary-General was requested to seek proposals by Member States for ways and means of ensuring appropriate follow-up to the Bangkok Declaration for consideration and action by the Commission at its fifteenth session.
5. As at 28 February 2006, replies had been received from the following 21 States: Afghanistan, Australia, Belarus, Canada, Croatia, Cyprus, Egypt, Finland, Guatemala, Holy See, Japan, Latvia, Mexico, Morocco, Netherlands, Slovakia, Spain, Syrian Arab Republic, Thailand, Turkey and United States of America.
6. The present report contains an analysis of the replies received with regard to possible ways and means of ensuring appropriate follow-up to the Bangkok Declaration. It also provides information on action taken by Member States, as well

as on proposals of areas of possible future activity by UNODC. It includes a number of recommendations aimed at facilitating the consideration of the matter by the Commission at its fifteenth session.

II. Follow-up to the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice

A. Operationalization of the Bangkok Declaration

7. Pursuant to Economic and Social Council resolution 2005/15, Member States were requested to provide the Secretariat with proposals for ways and means of ensuring appropriate follow-up to the Bangkok Declaration for consideration and action by the Commission at its fifteenth session.

8. Several options were proposed during the thematic discussion on “Consideration of the conclusions and recommendations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice” at the fourteenth session of the Commission,¹ which took into account the experience gained with the follow-up to the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 2000 and endorsed by the General Assembly in its resolution 55/59 of 4 December 2000. The proposed options were:

(a) To follow the same procedure set out in the plans of action for the implementation of the Vienna Declaration (General Assembly resolution 56/261, annex);

(b) To update the Vienna Declaration in the light of the new developments and the political agreement reflected in the Bangkok Declaration, thus formulating a consolidated action plan framework;

(c) To use the resolutions adopted by the Commission as a point of departure for charting the way towards the implementation of the Bangkok Declaration;

(d) In view of the need for specialized and innovative mechanisms, a fourth option was added, combining both the use of resolutions and the plans of action.

9. Only a few countries expressed support in their replies to the note verbale for one of the options discussed. According to Finland, the follow-up should be done through resolutions adopted by the Commission. Slovakia mentioned that, to ensure continuity, it would prefer that the Vienna Declaration be updated and that a consolidated action plan framework be formulated, which would also make it possible to evaluate whether the goals set in the plans of action for the implementation of the Declaration had been met. Turkey replied that updating the Vienna Declaration in the light of the new developments and the political agreement reflected in the Bangkok Declaration, thus formulating a consolidated action plan framework, was its preferred option.

B. Monitoring the implementation of the follow-up mechanism

10. Whatever mechanism is chosen by the Commission to ensure appropriate follow-up to the Bangkok Declaration, it will be necessary to monitor implementation.

11. Experience has shown that using notes verbales to request information on the implementation of action plans or resolutions, in the absence of a structured questionnaire, has met with mixed success and has not always made it possible to assess the progress being made by Member States with the implementation or to make a comparative analysis between reporting cycles.

12. In its reply to the note verbale, Japan suggested that questionnaires might be the most practical and least burdensome method for monitoring and fostering follow-up work to the Bangkok Declaration. However, since several questionnaires were already circulated to Member States, such questionnaires should focus on the elements for priority action contained in Commission resolutions and have a limited number of questions.

13. Australia also proposed that reporting requirements be streamlined, as increased reporting requests were considered burdensome, especially for developing countries and countries with economies in transition, and suggested that reporting proceedings should be reviewed.

C. Organization of an intergovernmental expert group meeting

14. Other States expressed the opinion that additional analytical work was required. Canada and Thailand both proposed that an intergovernmental expert group meeting be organized, in cooperation with UNODC, shortly after the fifteenth session of the Commission, in order to discuss the best ways and means to operationalize the recommendations contained in the Bangkok Declaration. The meeting would consider the various proposals submitted by Member States, as well as the experience gained in the follow-up to previous congresses. Such work could also lead to the development of a methodology that could be used for future congresses, which would prevent the same discussion occurring after each congress and would allow for a more timely follow-up to the commitments made at each congress. Thailand proposed that such a meeting develop a model template that could function as a guide for the implementation of the Bangkok Declaration at the domestic level.

III. Action taken by Member States

15. In its resolution 2005/15, the Economic and Social Council invited Governments to take into consideration the Bangkok Declaration and the recommendations adopted by the Eleventh Congress in formulating legislation and policy directives and to make all efforts, where appropriate, to implement the principles contained therein, taking into account the economic, social, legal and cultural specificities of their respective States.

16. As did most of the other respondents, Afghanistan referred in its reply to the international instruments to which it had become party. Reference was made in particular to the drug-related treaties it had ratified and to the international instruments relating to counter-terrorism, organized crime and corruption it had signed, as well as to the human rights instruments it had recently acceded to or was in the process of acceding to.
17. Australia reported on action taken to improve international cooperation in the fight against terrorism and provided updated information on strategies and best practices regarding urban crime and youth at risk.
18. Belarus described government programmes in several areas, including high-technology crime, economic crime and trafficking in drugs and cultural assets, and provided information on its cooperation with various international organizations.
19. Canada reported that it was currently taking the Bangkok Declaration into account in formulating its legislation and policies, in particular in preventing the expansion of urban crime, in developing its restorative justice policies and in dealing with identity theft.
20. Cyprus provided information on action taken by its police forces, including preventive initiatives to counter juvenile delinquency, drug-related crime, domestic violence and child abuse and hooliganism, as well as measures taken to prevent and combat terrorism, organized crime, trafficking in human beings, money-laundering and corruption.
21. Egypt described action that had been taken in various substantive areas addressed in the Bangkok Declaration.
22. Guatemala indicated measures taken, inter alia, to combat transnational organized crime, corruption, trafficking in cultural property and protected species of fauna and flora, trafficking in human beings and money-laundering and initiatives undertaken to facilitate international cooperation in criminal matters, to ensure the rights of detainees and of juveniles in conflict with the law and the protection of witnesses and victims of crime, as well as to facilitate access to justice. Guatemala also mentioned the need for cooperation and for capacity-building assistance directed at the prosecutorial authorities, the police and the penitentiary system through the provision of expertise, infrastructure, equipment and technology.
23. The Holy See stressed that States should increase their efforts to address violence based upon religious intolerance and that respect for human dignity should underpin the implementation of the Bangkok Declaration.
24. Mexico reported on initiatives taken by the Office of the Prosecutor General in the field of crime prevention, including programmes for disabled persons, for detainees and their families, for persons with drug problems and for families of missing persons.
25. Morocco provided information on legislative measures taken to combat terrorism, financial crime and drug-related crime and reported on the various aspects (legislation, institutions, security, awareness-raising and international cooperation) of its action against smuggling of migrants and trafficking in human beings and on its comprehensive approach to crime prevention, which was also

intended to tackle poverty, analphabetism and social exclusion and which addressed the root causes of crime.

26. The Netherlands reported on legislative and policy initiatives taken and on its development cooperation programme, which focused on good governance and contributed to a better business and investment climate by fighting corruption, strengthening the financial sector and trade capacity and improving the macroeconomic position of recipient countries.

27. Spain referred to its participation in the action taken within the European Union to combat transnational organized crime and terrorism.

28. The Syrian Arab Republic provided information on action taken to counter transnational organized crime, including the removal of and trafficking in human organs and trafficking in cultural property and in endangered flora and fauna. Reference was made to new legislation adopted to combat the laundering of proceeds of crime and to control financial transactions with the aim of preventing the financing of terrorism.

29. Turkey reported on national activities in a variety of areas, including organized crime, bribery and corruption; the enforcement system; trafficking in persons and smuggling of migrants; drug trafficking; trafficking in human organs; crimes related to abuse of technology in telecommunication and computer network systems; money-laundering; terrorism; and the protection of witnesses.

30. The United States referred to its commitment to support global institutional capacity to tackle crime issues. Its foremost priority in working with UNODC was to ensure the effective implementation of the existing counter-drug and anti-crime conventions, in particular the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) and the Protocols thereto, as well as the United Nations Convention against Corruption (resolution 58/4, annex). It also supported the creation and implementation of policies and procedures to prevent trafficking in persons, to prosecute traffickers and protect victims of trafficking; and the provision of technical assistance by UNODC to Member States for the ratification and implementation of the legal instruments against terrorism, in coordination with the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate.

IV. Proposals of areas of possible future activity by the United Nations Office on Drugs and Crime

31. In its resolution 2005/15, the Economic and Social Council also invited Member States to identify areas covered in the Bangkok Declaration where further tools and training manuals based on international standards and best practices were needed and to submit that information to the Commission to be taken into account in its consideration of proposals for areas of further activity by UNODC.

32. The replies of a few Member States included specific suggestions in that regard.

33. Australia called for a strengthening of international cooperation to combat trafficking in illicit drugs, in line with paragraph 19 of the Bangkok Declaration.

34. Canada replied that it would strongly support more work being done by UNODC and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network concerning the development of a set of reporting guidelines for consideration by the Conference of the Parties to the United Nations Organized Crime Convention to help States parties in meeting their reporting obligations under that Convention. Such guidelines should be developed using a format consistent with the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*² developed by the International Centre for Criminal Law Reform and Criminal Justice Policy and UNODC.

35. Croatia suggested that further action was required to counter money-laundering, including through legislative measures and appropriate training, to prevent organized crime and corruption.

36. According to Finland, both training and training materials would be needed, especially regarding the investigation and processing of information technology offences and regarding human trafficking offences. Comprehensive new information was required about criminal phenomena and future threats and international cooperation needed to be further developed, including among authorities responsible for pre-trial investigation and prosecution. In that regard, attention needed to be given to the development of standards and best practices related to international procedural law. Finland also expressed the view that one of the most efficient means to combat crime was by passing comprehensive legislation on the forfeiture of criminal proceeds, which permitted the confiscation of those proceeds also abroad, and that further action and training were needed in that regard.

37. Latvia suggested that manuals should be developed with a view to facilitating the implementation of the Organized Crime Convention and its Protocols, which could also be used for the training of police forces.

V. Conclusions and recommendations

38. Only a few countries expressed their preference for one of the options considered during the thematic discussion at the fourteenth session of the Commission, namely, follow-up through new action plans; an update of the plans of action for the implementation of the Vienna Declaration; or through resolutions. A few other countries underlined the importance of streamlining questionnaires and reviewing the reporting process.

39. The Commission may therefore wish to consider the proposal made by some Member States to organize, in cooperation with UNODC, an intergovernmental expert group meeting shortly after the fifteenth session, in order to discuss the best ways and means to operationalize the recommendations contained in the Bangkok Declaration. The Commission may wish to suggest that such an expert group meeting should identify an appropriate follow-up mechanism, as well as an adequate reporting system to monitor the implementation of such a follow-up mechanism, so as to facilitate a final review of the follow-up to the Bangkok Declaration on the occasion of the Twelfth Congress, in 2010.

40. The Commission may also wish to take into account the suggestions made by a few Member States as to the areas in which further tools and training manuals based on international standards and best practices are needed when it considers areas of possible further activity by UNODC.

Notes

¹ Further details of the Commission's consideration of the matter are contained in chapter III of the report on its fourteenth session (*Official Records of the Economic and Social Council, 2005, Supplement No. 10* (E/2005/30), chap. III).

² United Nations publication, Sales No. E.05.V.2.
