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**Sixty-ninth session**  
Agenda item 105

## **Crime prevention and criminal justice**

### **Report of the Third Committee**

*Rapporteur:* Mr. Ervin Nina (Albania)

#### **I. Introduction**

1. At its 2nd plenary meeting, on 19 September 2014, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-ninth session the item entitled “Crime prevention and criminal justice” and to allocate it to the Third Committee.
2. The Third Committee considered the item at its 5th, 6th, 7th, 15th, 26th, 42nd, 52nd and 54th meetings, on 9, 10, 16 and 23 October and on 6, 24 and 25 November 2014. At its 5th, 6th and 7th meetings, on 9 and 10 October, the Committee held a general discussion on the item jointly with item 106, entitled “International drug control”. An account of the Committee’s discussion is contained in the relevant summary records ([A/C.3/69/SR.5-7](#), 15, 26, 42, 52 and 54).
3. For its consideration of the item, the Committee had before it the following documents:
  - (a) Report of the Secretary-General on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice ([A/69/89](#));
  - (b) Report of the Secretary-General on the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders ([A/69/92](#));
  - (c) Report of the Secretary-General on the implementation of the mandates of the United Nations crime prevention and criminal justice programme, with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime ([A/69/94](#));



(d) Note by the Secretary-General transmitting the report of the Conference of the States Parties to the United Nations Convention against Corruption on its fifth session ([A/69/86](#));

(e) Note by the Secretary-General transmitting the report containing the outcome of the meeting of the open-ended intergovernmental expert group on the development of a draft set of model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice ([A/69/88](#));

(f) Letter dated 2 October 2014 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General ([A/69/424](#)).

4. At the 5th meeting, on 9 October, the following documents under item 105 were brought to the attention of the Committee: [A/C.3/69/L.2](#), [A/C.3/69/L.3](#), [A/C.3/69/L.4](#), [A/C.3/69/L.5](#), [A/C.3/69/L.6](#) and [A/C.3/69/L.7](#). The documents contained draft resolutions recommended by the Economic and Social Council for action by the General Assembly.

5. At the same meeting, the Executive Director of the United Nations Office on Drugs and Crime and the Chair of the fifty-seventh session of the Commission on Narcotic Drugs made introductory statements (see [A/C.3/69/SR.5](#)).

## **II. Consideration of proposals**

### **A. Draft resolution [A/C.3/69/L.2](#)**

6. In its resolution 2014/15, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled “Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice”. The draft resolution was reproduced in a note by the Secretariat ([A/C.3/69/L.2](#)) that was brought to the attention of the Committee at its 5th meeting, on 9 October.

7. At the 15th meeting, on 16 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see [A/C.3/69/SR.15](#)).

8. At the same meeting, the Committee adopted draft resolution [A/C.3/69/L.2](#) (see para. 41, draft resolution I).

### **B. Draft resolution [A/C.3/69/L.3](#)**

9. In its resolution 2014/16, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled “Standard Minimum Rules for the Treatment of Prisoners”. The draft resolution was reproduced in a note by the Secretariat ([A/C.3/69/L.3](#)) that was brought to the attention of the Committee at its 5th meeting, on 9 October.

10. At the 15th meeting, on 16 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see [A/C.3/69/SR.15](#)).

11. At the same meeting, the Committee adopted draft resolution [A/C.3/69/L.3](#) (see para. 41, draft resolution II).

### **C. Draft resolution [A/C.3/69/L.4](#)**

12. By its resolution 2014/17, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled “International cooperation in criminal matters”. The draft resolution was reproduced in a note by the Secretariat ([A/C.3/69/L.4](#)) that was brought to the attention of the Committee at its 5th meeting, on 9 October.

13. At the 15th meeting, on 16 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see [A/C.3/69/SR.15](#)).

14. At the same meeting, the Committee adopted draft resolution [A/C.3/69/L.4](#) (see para. 41, draft resolution III).

### **D. Draft resolution [A/C.3/69/L.5](#)**

15. In its resolution 2014/18, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled “United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice”. The draft resolution was reproduced in a note by the Secretariat ([A/C.3/69/L.5](#)) that was brought to the attention of the Committee at its 5th meeting, on 9 October.

16. At the 15th meeting, on 16 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see [A/C.3/69/SR.15](#)).

17. At the same meeting, the Committee adopted draft resolution [A/C.3/69/L.5](#) (see para. 41, draft resolution IV).

18. After the adoption of the draft resolution, a statement was made by the representative of Singapore (see [A/C.3/69/SR.15](#)).

### **E. Draft resolution [A/C.3/69/L.6](#)**

19. By its resolution 2014/19, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled “Rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015”. The draft resolution was reproduced in a note by the Secretariat ([A/C.3/69/L.6](#)) that was brought to the attention of the Committee at its 5th meeting, on 9 October.

20. At the 26th meeting, on 23 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see [A/C.3/69/SR.26](#)).

21. At the same meeting, the Committee adopted draft resolution [A/C.3/69/L.6](#) (see para. 41, draft resolution V).

22. After the adoption of the draft resolution, a statement was made by the representative of Brazil (see [A/C.3/69/SR.26](#)).

#### **F. Draft resolution [A/C.3/69/L.7](#)**

23. By its resolution 2014/20, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled “International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences”. The draft resolution was reproduced in a note by the Secretariat ([A/C.3/69/L.7](#)) that was brought to the attention of the Committee at its 5th meeting, on 9 October.

24. At the 15th meeting, on 16 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see [A/C.3/69/SR.15](#)).

25. At the same meeting, the Committee adopted draft resolution [A/C.3/69/L.7](#) (see para. 41, draft resolution VI).

#### **G. Draft resolutions [A/C.3/69/L.16](#) and Rev.1**

26. At the 26th meeting, on 23 October, the representative of Italy introduced a draft resolution entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity” ([A/C.3/69/L.16](#)). Subsequently, Burkina Faso, Croatia, Georgia, Kyrgyzstan, Lebanon, Liberia, Micronesia (Federated States of), Panama, San Marino and Serbia joined in sponsoring the draft resolution.

27. At its 54th meeting, on 25 November, the Committee had before it a revised draft resolution ([A/C.3/69/L.16/Rev.1](#)), submitted by the sponsors of draft resolution [A/C.3/69/L.16](#) and Albania, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Costa Rica, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Paraguay, the Philippines, Portugal, Qatar, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia and Turkey.

28. The Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see [A/C.3/69/SR.54](#)).

29. At the same meeting, the representative of Italy orally revised operative paragraph 36 of the draft resolution by deleting the words “inter alia, under the Convention” after the words “international cooperation can be afforded”, and announced that Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, the Bahamas, Barbados, Belarus, Belize, Benin, Bolivia (Plurinational State of), Canada, Chile, China, Colombia, Côte d’Ivoire, the Dominican Republic, Ecuador,

Egypt, El Salvador, Eritrea, Guatemala, Guyana, Haiti, Iceland, Jamaica, Jordan, Kazakhstan, Kuwait, Madagascar, Malaysia, Mexico, Mongolia, Montenegro, Morocco, Peru, Poland, the Republic of Moldova, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Singapore, the Sudan, Suriname, Thailand, Trinidad and Tobago, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Uzbekistan had joined in sponsoring the draft resolution, as orally revised. Subsequently, Andorra, the Central African Republic, Honduras, the Lao People's Democratic Republic, New Zealand, Nigeria, the Russian Federation and Somalia also joined in sponsoring the draft resolution (see [A/C.3/69/SR.54](#)).

30. Also at the 54th meeting, the representatives of Armenia, Belarus, the Islamic Republic of Iran, the United States of America, Belgium and the United Kingdom of Great Britain and Northern Ireland made statements, subsequent to which the representatives of Armenia and the Lao People's Democratic Republic withdrew as sponsors of the draft resolution (see [A/C.3/69/SR.54](#)).

31. At the same meeting, the Committee adopted draft resolution [A/C.3/69/L.16/Rev.1](#), as orally revised (see para. 41, draft resolution VII).

#### **H. Draft resolutions [A/C.3/69/L.17](#) and [Rev.1](#)**

32. At the 15th meeting, on 16 October, the representative of Malawi, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution entitled "United Nations African Institute for the Prevention of Crime and the Treatment of Offenders" ([A/C.3/69/L.17](#)).

33. At its 26th meeting, on 23 October, the Committee had before it a revised draft resolution entitled "United Nations African Institute for the Prevention of Crime and the Treatment of Offenders" ([A/C.3/69/L.17/Rev.1](#)) submitted by the sponsors of draft resolution [A/C.3/69/L.17](#) and Italy, Mexico and Montenegro.

34. At the same meeting, the Committee adopted the draft resolution (see para. 41, draft resolution VIII).

#### **I. Draft resolutions [A/C.3/69/L.18](#) and [Rev.1](#)**

35. At the 42nd meeting, on 6 November, the representative of Colombia introduced a draft resolution entitled "Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption" ([A/C.3/68/L.18](#)) and announced that El Salvador, Guatemala, Mexico and Paraguay had joined in sponsoring the draft resolution. Subsequently, Morocco, Papua New Guinea and Turkey also joined in sponsoring the draft resolution.

36. At its 52nd meeting, on 24 November, the Committee had before it a revised draft resolution ([A/C.3/69/L.18/Rev.1](#)), submitted by the sponsors of draft resolution [A/C.3/69/L.18](#) as well as Costa Rica and Venezuela (Bolivarian Republic of).

37. At the same meeting, the representative of Colombia announced that Argentina, Australia, Chile, Ecuador, Egypt, Greece, Honduras, India, Mongolia,

Nigeria, Panama, Peru, the Philippines, Poland, Portugal, Qatar, Senegal, Spain, Thailand, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay had joined in sponsoring the draft resolution. Subsequently, Côte d'Ivoire, Eritrea, France, Lebanon, Madagascar, Montenegro, the Netherlands, the Russian Federation, Rwanda, Uganda and Ukraine also joined in sponsoring the draft resolution.

38. At the same meeting, the Committee adopted draft resolution [A/C.3/69/L.18/Rev.1](#) (see para. 41, draft resolution IX).

39. After the adoption of the draft resolution, a statement was made by the representative of Liechtenstein, (on behalf also of Iceland and Switzerland (see [A/C.3/69/SR.42](#)).

## **J. Draft decision proposed by the Chair**

40. At its 54th meeting, on 25 November, on the proposal of the Chair, the Committee decided to recommend to the General Assembly that it take note of the following documents (see para. 42):

(a) Report of the Secretary-General on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice ([A/69/89](#));

(b) Note by the Secretary-General transmitting the report of the Conference of the Parties to the United Nations Convention against Corruption on its fifth session held in Panama City from 25 to 29 November 2013 ([A/69/86](#));

(c) Note by the Secretary-General transmitting the report containing the outcome of the meeting of the open-ended intergovernmental expert group on the development of a draft set of model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice, which was held from 18 to 21 February 2014 in Bangkok ([A/69/88](#)).

### III. Recommendations of the Third Committee

41. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

**Draft resolution I**  
**Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice**

*The General Assembly,*

*Emphasizing* the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950,

*Acknowledging* that the United Nations congresses on crime prevention and criminal justice, as major intergovernmental forums, have influenced national policies and practices and promoted international cooperation in that field by facilitating the exchange of views and experience, mobilizing public opinion and recommending policy options at the national, regional and international levels,

*Recognizing* the significant contributions of the United Nations congresses on crime prevention and criminal justice in promoting the exchange of experience in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental organizations, non-governmental organizations and individual experts representing various professions and disciplines,

*Recognizing also* the efforts already made by the Government of Qatar to prepare for the hosting of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice in Doha, including its generous contribution to support the capacity of the Secretariat to ensure effective preparations for the Thirteenth Congress,

*Recalling* its resolution 56/119 of 19 December 2001 on the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, in which it stipulated the guidelines in accordance with which, beginning in 2005, the congresses, pursuant to paragraphs 29 and 30 of the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme,<sup>1</sup> should be held,

*Recalling also* its resolution 65/230 of 21 December 2010 and its resolutions 66/179 of 19 December 2011, 67/184 of 20 December 2012 and 68/185 of 18 December 2013 on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice,

<sup>1</sup> Resolution 46/152, annex.

*Recalling further*, in particular, that in its resolution 68/185 it decided to hold the Thirteenth Congress in Doha from 12 to 19 April 2015, with pre-Congress consultations to be held on 11 April 2015,

*Mindful* that in its resolution 68/185 it also decided that the high-level segment of the Thirteenth Congress would be held during the first two days of the Congress in order to allow Heads of State or Government and government ministers to focus on the main theme of the Congress<sup>2</sup> and to enhance the possibility of generating useful feedback,

*Mindful also* that in its resolution 68/185 it further decided that, in accordance with its resolution 56/119, the Thirteenth Congress would adopt a single declaration, to be submitted to the Commission on Crime Prevention and Criminal Justice for its consideration, and that the declaration would contain the major recommendations reflecting and emerging from the deliberations of the high-level segment, as well as the discussion of the agenda items and the workshops,

1. *Reiterates its invitation* to Governments to take into consideration the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World<sup>3</sup> and the recommendations adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice when 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;

2. *Reiterates its invitation* to Governments and relevant intergovernmental and non-governmental organizations to inform the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice about their activities aimed at the implementation of the Salvador Declaration and the recommendations adopted by the Twelfth Congress, with a view to providing guidance on the formulation of legislation, policies and programmes in the field of crime prevention and criminal justice at the national and international levels, and to that end requests the Secretary-General to prepare a report on the subject, to be submitted to the Congress for its consideration;

3. *Notes with appreciation* the progress made thus far in the preparations for the Thirteenth Congress;

4. *Takes note with appreciation* of the report of the Secretary-General;<sup>4</sup>

5. *Also takes note with appreciation* of the discussion guide prepared by the Secretary-General, in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, for the regional preparatory meetings and for the Thirteenth Congress;<sup>5</sup>

6. *Acknowledges* the relevance of the regional preparatory meetings, which have examined the substantive items of the agenda and the workshop topics of the

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<sup>2</sup> “Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation”.

<sup>3</sup> Resolution 65/230, annex.

<sup>4</sup> [E/CN.15/2014/6](#).

<sup>5</sup> [A/CONF.222/PM.1](#).

Thirteenth Congress and made action-oriented recommendations,<sup>6</sup> to serve as a basis for the draft declaration to be adopted by the Thirteenth Congress;

7. *Requests* the Commission on Crime Prevention and Criminal Justice to begin, in accordance with its resolution 68/185, the preparation of a short and concise draft declaration, reflecting the theme of the Thirteenth Congress, at intersessional meetings to be held well in advance of the Congress, taking into account the recommendations of the regional preparatory meetings and consultations with relevant organizations and entities;

8. *Emphasizes* the importance of the workshops to be held during the Thirteenth Congress, and invites Member States, intergovernmental and non-governmental organizations and other relevant entities to provide financial, organizational and technical support to the United Nations Office on Drugs and Crime and to the institutes of the United Nations crime prevention and criminal justice programme network for the preparations for the workshops, including the preparation and circulation of relevant background material;

9. *Reiterates its invitation* to donor countries to cooperate with developing countries to ensure their full participation in the workshops, and encourages States, other entities concerned and the Secretary-General to work together in order to ensure that the workshops focus on their respective issues and achieve practical results, leading to technical cooperation ideas, projects and documents related to enhancing bilateral and multilateral efforts in technical assistance activities in the field of crime prevention and criminal justice;

10. *Reiterates its request* to the Secretary-General to make available the resources necessary to ensure the participation of the least developed countries in the Thirteenth Congress, in accordance with past practice;

11. *Encourages* Governments to make preparations for the Thirteenth Congress at an early stage by all appropriate means, including, where appropriate, the establishment of national preparatory committees, with a view to contributing to a focused and productive discussion on the topics and to participating actively in the organization and conduct of the workshops, the submission of national position papers on the various substantive items of the agenda and the encouragement of contributions from the academic community and relevant scientific institutions;

12. *Reiterates its invitation* to Member States to be represented at the Thirteenth Congress at the highest appropriate level, for example by Heads of State or Government or government ministers and attorneys general, to make statements in the high-level segment on the theme and substantive items of the Congress and to participate actively in its proceedings by sending legal and policy experts with special training and practical experience in crime prevention and criminal justice;

13. *Reiterates its request* to the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Thirteenth Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups, and to take appropriate measures to encourage the participation of the academic and research community in the Congress;

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<sup>6</sup> See [A/CONF.222/RPM.1/1](#), [A/CONF.222/RPM.2/1](#), [A/CONF.222/RPM.3/1](#) and [A/CONF.222/RPM.4/1](#).

14. *Also reiterates its request* to the Secretary-General to encourage the participation of representatives from relevant entities of the United Nations system in the Thirteenth Congress, bearing in mind the main theme, agenda items and workshop topics of the Congress;

15. *Welcomes* the plan for the documentation of the Thirteenth Congress, prepared by the Secretary-General in consultation with the extended Bureau of the Commission on Crime Prevention and Criminal Justice;<sup>7</sup>

16. *Also welcomes* the appointment by the Secretary-General of a secretary-general and an executive secretary of the Thirteenth Congress, who will perform their functions under the rules of procedure for United Nations congresses on crime prevention and criminal justice;

17. *Requests* the Secretary-General to prepare an overview of the state of crime and criminal justice worldwide for presentation at the Thirteenth Congress, in accordance with past practice;

18. *Requests* the Commission to give high priority at its twenty-fourth session to considering the declaration of the Thirteenth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the General Assembly at its seventieth session;

19. *Requests* the Secretary-General to ensure proper follow-up to the present resolution and to report thereon, through the Commission, to the General Assembly at its seventieth session.

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<sup>7</sup> E/CN.15/2014/6, sect. II.C.

## Draft resolution II

### Standard Minimum Rules for the Treatment of Prisoners

*The General Assembly,*

*Guided* by the principal purposes of the United Nations, as set out in the Preamble to the Charter of the United Nations and the Universal Declaration of Human Rights,<sup>1</sup> and inspired by the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, without distinction of any kind, and in the equal rights of men and women and of nations large and small, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained and to promote social progress and better standards of life in larger freedom,

*Bearing in mind* the long-standing concern of the United Nations for the humanization of criminal justice and the protection of human rights,

*Aware* that the Standard Minimum Rules for the Treatment of Prisoners<sup>2</sup> remain the universally acknowledged minimum standards for the detention of prisoners and that they have been of value and influence in the development of correctional laws, policies and practices since their adoption by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in 1955,

*Mindful* that, in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,<sup>3</sup> Member States recognized that an effective, fair, accountable and humane criminal justice system was based on the commitment to uphold the protection of human rights in the administration of justice and the prevention and control of crime, and acknowledged the value and impact of the United Nations standards and norms in crime prevention and criminal justice in designing and implementing national crime prevention and criminal justice policies, laws, procedures and programmes,

*Taking into account* the progressive development of international standards pertaining to the treatment of prisoners since 1955, including in international instruments such as the International Covenant on Civil and Political Rights,<sup>4</sup> the International Covenant on Economic, Social and Cultural Rights<sup>4</sup> and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>5</sup> and the Optional Protocol thereto,<sup>6</sup> and other relevant United Nations standards and norms in crime prevention and criminal justice related to the treatment of prisoners, namely, the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners,<sup>7</sup> the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,<sup>8</sup> the Code of Conduct for

<sup>1</sup> Resolution 217 A (III).

<sup>2</sup> *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

<sup>3</sup> Resolution 65/230, annex.

<sup>4</sup> Resolution 2200 A (XXI), annex.

<sup>5</sup> United Nations, *Treaty Series*, vol. 1465, No. 24841.

<sup>6</sup> *Ibid.*, vol. 2375, No. 24841.

<sup>7</sup> Economic and Social Council resolution 1984/47, annex.

<sup>8</sup> Resolution 43/173, annex.

Law Enforcement Officials,<sup>9</sup> the Basic Principles for the Treatment of Prisoners,<sup>10</sup> the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,<sup>11</sup> the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),<sup>12</sup> the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,<sup>13</sup> the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),<sup>14</sup> the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),<sup>15</sup> the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)<sup>16</sup> and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,<sup>17</sup>

*Mindful* of its resolution 67/166 of 20 December 2012 on human rights in the administration of justice, in which it recognized the importance of the principle that persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms, except for those lawful limitations that are demonstrably necessitated by the fact of incarceration, and took note of general comment No. 21 on the humane treatment of persons deprived of their liberty, adopted by the Human Rights Committee,<sup>18</sup> as well as Human Rights Council resolution 24/12 of 26 September 2013,<sup>19</sup> in which the Council noted the work of the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, reiterating that any changes should not lower any existing standards but should reflect recent advances in correctional science and best practices,

*Recalling* its resolution 65/230 of 21 December 2010, in which it requested the Commission on Crime Prevention and Criminal Justice to establish an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps, and requested the Expert Group to report to the Commission on progress in its work,

*Recalling also* its resolutions 67/188 of 20 December 2012 and 68/190 of 18 December 2013, entitled “Standard Minimum Rules for the Treatment of Prisoners”, as well as its resolution 68/156 of 18 December 2013, entitled “Torture and other cruel, inhuman or degrading treatment or punishment”, in particular paragraph 38 thereof,

<sup>9</sup> Resolution 34/169, annex.

<sup>10</sup> Resolution 45/111, annex.

<sup>11</sup> *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex.

<sup>12</sup> Resolution 40/33, annex.

<sup>13</sup> Resolution 45/113, annex.

<sup>14</sup> Resolution 45/112, annex.

<sup>15</sup> Resolution 45/110, annex.

<sup>16</sup> Resolution 65/229, annex.

<sup>17</sup> Resolution 67/187, annex, including principles on persons who are detained, arrested, suspected of, or charged with a criminal offence punishable by a term of imprisonment or the death penalty.

<sup>18</sup> *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40 (A/47/40)*, annex VI.B.

<sup>19</sup> *Ibid.*, *Sixty-eighth Session, Supplement No. 53A (A/68/53/Add.1)*, chap. III.

*Recalling further* that, in its resolution 67/184 of 20 December 2012 on follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, it decided that one of the workshops to be held within the framework of the Thirteenth Congress would be devoted to the topic “Role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders”,

1. *Notes with appreciation* the further progress made during the third meeting of the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, held in Vienna from 25 to 28 March 2014;<sup>20</sup>

2. *Expresses its gratitude* to the Government of Brazil for its financial support for the third meeting of the Expert Group;

3. *Acknowledges* the work done by the Expert Group at its previous meetings, held in Vienna from 31 January to 2 February 2012<sup>21</sup> and in Buenos Aires from 11 to 13 December 2012;<sup>22</sup>

4. *Also acknowledges* the work accomplished by the Secretariat in preparing the relevant documentation, in particular the working paper for the third meeting,<sup>23</sup> as well as the determined progress achieved at the meetings of the Expert Group in reviewing the Standard Minimum Rules for the Treatment of Prisoners;<sup>2</sup>

5. *Expresses appreciation* for the important submissions and suggestions of Member States pursuant to the request to exchange information on best practices and on the revision of the existing Standard Minimum Rules, as reflected in the working paper submitted to the Expert Group at its third meeting;

6. *Reiterates* that any changes to the Standard Minimum Rules should not lower any of the existing standards, but should reflect the recent advances in correctional science and good practices so as to promote safety, security and humane conditions for prisoners;

7. *Recognizes* the need for the Expert Group to continue to take into account the social, legal and cultural specificities, as well as human rights obligations, of Member States;

8. *Notes* that the revision process should maintain the existing scope of application of the Standard Minimum Rules;

9. *Acknowledges with appreciation* the important contributions received from the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment,<sup>24</sup> the Office of the United Nations High Commissioner for Human Rights and the Committee on the Rights of Persons with Disabilities, as well as other submissions received for consideration

<sup>20</sup> See [E/CN.15/2014/19](#) and Corr.1.

<sup>21</sup> See [E/CN.15/2012/18](#).

<sup>22</sup> See [E/CN.15/2013/23](#).

<sup>23</sup> UNODC/CCPCJ/EG.6/2014/CRP.1.

<sup>24</sup> [A/68/295](#).

from a number of intergovernmental and non-governmental organizations, and invites them in this regard to continue to be actively involved in the Expert Group process, in accordance with the rules of procedure of the functional commissions of the Economic and Social Council;

10. *Acknowledges* that the revision of the Standard Minimum Rules is a time-intensive exercise of crucial importance, emphasizes that efforts should be made to finalize the revision process, building on the recommendations made at the three meetings of the Expert Group and the submissions of Member States, for consideration at the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha in 2015, and also emphasizes that the concern for a speedy process should not compromise the quality of the outcome;

11. *Decides* to extend the mandate of the Expert Group, authorizing it to continue its work, with the aim of reaching a consensus, and to present a report to the Thirteenth Congress, for the information of the workshop on the role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems, and to the Commission on Crime Prevention and Criminal Justice at its twenty-fourth session for consideration, and requests the Secretary-General to ensure that the required services and support are provided;

12. *Invites* the bureau of the third meeting of the Expert Group to continue to be involved in the revision of the rules by preparing, with the assistance of the Secretariat, a revised consolidated working paper, in all official languages of the United Nations, consisting of the draft revised rules, which should reflect the progress achieved so far, including the recommendations made by the Expert Group at its meetings held in Buenos Aires in 2012 and in Vienna in 2014, also taking into account proposals for revision put forward by Member States in relation to the areas and rules identified by the General Assembly in paragraph 6 of its resolution 67/188, for submission to and consideration by the Expert Group at its next meeting;

13. *Expresses its gratitude* to the Government of South Africa for its intention to host the next meeting of the Expert Group, and welcomes any support, in particular financial support, that other interested countries and organizations may wish to provide;

14. *Invites* Member States to actively participate in the next meeting of the Expert Group and to include in their delegations persons with a variety of expertise from relevant disciplines;

15. *Encourages* Member States to improve conditions in detention, consistent with the principles of the Standard Minimum Rules and all other relevant and applicable international standards and norms, to continue exchanging good practices, such as those regarding conflict resolution in detention facilities, including in the area of technical assistance, to identify challenges faced in implementing the Rules and share their experiences in dealing with those challenges and to provide relevant information in that regard to their experts participating in the Expert Group;

16. *Also encourages* Member States to promote the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),<sup>16</sup> as well as the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;<sup>13</sup>

17. *Recommends* that Member States continue to endeavour to reduce prison overcrowding and, where appropriate, resort to non-custodial measures as alternatives to pretrial detention, to promote increased access to justice and legal defence mechanisms, to reinforce alternatives to imprisonment and to support rehabilitation and reintegration programmes, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);<sup>15</sup>

18. *Reiterates its request* to the Secretary-General to continue to promote the use and application of the United Nations standards and norms in crime prevention and criminal justice by, inter alia, providing advisory services and technical assistance to Member States, on request, including assistance in crime prevention, criminal justice and law reform, and in the organization of training for law enforcement, crime prevention and criminal justice personnel and support in the administration and management of penal and penitentiary systems, thus contributing to the upgrading of their efficiency and capabilities;

19. *Reaffirms* the important role of the United Nations crime prevention and criminal justice programme network and intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council in contributing to the dissemination, promotion and practical application of the Standard Minimum Rules for the Treatment of Prisoners,<sup>7</sup> in accordance with the procedures for their effective implementation;

20. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes outlined in the present resolution, in accordance with the rules and procedures of the United Nations.

### **Draft resolution III**

#### **International cooperation in criminal matters**

*The General Assembly,*

*Recalling* the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>1</sup> the United Nations Convention against Transnational Organized Crime and the Protocols thereto<sup>2</sup> and the United Nations Convention against Corruption,<sup>3</sup> as well as the international counter terrorism conventions and protocols,

*Conscious* of the need to respect human dignity and to give effect to the rights conferred upon every person involved in criminal proceedings, in accordance with applicable international human rights instruments,

*Concerned* that transnational organized crime has diversified globally and represents a threat to health and safety and to the sustainable development of Member States,

*Convinced* that transnational organized crime, including in its new and emerging forms, creates significant challenges for Member States and that effective responses depend on strengthened international cooperation in criminal matters,

*Emphasizing* the importance of strengthened and collaborative efforts by all Member States to ensure the creation and promotion of strategies and mechanisms in all areas of international cooperation, especially in extradition, mutual legal assistance, transfer of sentenced persons and the confiscation of proceeds of crime,

*Convinced* that the establishment of bilateral and multilateral arrangements for mutual assistance in criminal matters can contribute to the development of more effective international cooperation to combat transnational crime,

*Bearing in mind* that the United Nations standards and norms in crime prevention and criminal justice provide important tools for the development of international cooperation,

*Recalling* its resolutions 45/117 of 14 December 1990 on the Model Treaty on Mutual Assistance in Criminal Matters and 53/112 of 9 December 1998 on mutual assistance and international cooperation in criminal matters,

*Recalling also* its resolutions 45/116 of 14 December 1990 on the Model Treaty on Extradition and 52/88 of 12 December 1997 on international cooperation in criminal matters,

*Recalling further* its resolution 45/118 of 14 December 1990 on the Model Treaty on the Transfer of Proceedings in Criminal Matters,

*Recalling* the Model Bilateral Agreement on the Sharing of Confiscated Proceeds of Crime or Property,<sup>4</sup>

*Recalling also* the adoption by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders of the Model Agreement on the

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1582, No. 27627.

<sup>2</sup> *Ibid.*, vols. 2225, 2237, 2241 and 2326, No. 39574.

<sup>3</sup> *Ibid.*, vol. 2349, No. 42146.

<sup>4</sup> Economic and Social Council resolution 2005/14, annex.

Transfer of Foreign Prisoners<sup>5</sup> and the recommendations on the treatment of foreign prisoners,<sup>6</sup>

*Taking into consideration* the establishment of regional networks, including those established with the assistance of the United Nations Office on Drugs and Crime, such as the Central American Network of Prosecutors against Organized Crime and the Network of West African Central Authorities and Prosecutors against Organized Crime, whose prime objective is to strengthen regional and international cooperation in criminal matters, facilitating cooperation in ongoing cases and the delivery of related legal and technical assistance,

*Noting with satisfaction* the contributions of the United Nations congresses on crime prevention and criminal justice in promoting international cooperation by facilitating, inter alia, the exchange of experience in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental organizations, non-governmental organizations and individual experts representing various professions and disciplines,

1. *Encourages* Member States to promote and strengthen international cooperation to further develop the capacities of criminal justice systems, including through efforts to modernize and strengthen relevant legislation related to international cooperation in criminal matters, and the use of modern technology to overcome problems that hinder cooperation in a number of areas, such as witness testimony by videoconference, where applicable, and the exchange of digital evidence;

2. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>1</sup> the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>2</sup> the United Nations Convention against Corruption<sup>3</sup> and the international counter-terrorism conventions and protocols, and calls upon Member States, where necessary, to incorporate the provisions of those instruments into their national legislation;

3. *Calls upon* Member States to apply the principle of “extradite or prosecute” contained in bilateral and regional agreements, as well as in the 1988 Convention, the Organized Crime Convention and the Protocols thereto, the Convention against Corruption and the international counter-terrorism conventions and protocols;

4. *Encourages* Member States, in accordance with their national laws, to afford one another, where feasible, mutual legal assistance in civil and administrative proceedings in relation to the offences for which cooperation is afforded, including in accordance with article 43, paragraph 1, of the Convention against Corruption;

5. *Invites* Member States to conclude bilateral and regional agreements or arrangements on international cooperation in criminal matters, and in doing so to

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<sup>5</sup> *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.1, annex I.

<sup>6</sup> *Ibid.*, annex II.

take into account the relevant provisions under the Convention against Corruption, the Organized Crime Convention and the Protocols thereto and the 1988 Convention;

6. *Encourages* Member States, relevant international organizations and institutes of the United Nations crime prevention and criminal justice programme network to strengthen cooperation and partnership with the United Nations Office on Drugs and Crime, which serves as the secretariat to the Convention against Corruption, the Organized Crime Convention and the Protocols thereto and the 1988 Convention;

7. *Urges* Member States that have not yet done so to designate central authorities responsible for mutual legal assistance requests in accordance with article 18, paragraph 13, of the Organized Crime Convention, article 46, paragraph 13, of the Convention against Corruption and article 7, paragraph 8, of the 1988 Convention;

8. *Requests* the United Nations Office on Drugs and Crime to continue to provide technical assistance to Member States, upon request, in order to enhance the capacity of experts and staff of central authorities to effectively and expeditiously deal with mutual legal assistance requests;

9. *Commends* the United Nations Office on Drugs and Crime for its development of technical assistance tools to facilitate international cooperation in criminal matters, and invites Member States in appropriate cases to avail themselves of those tools;

10. *Requests* the United Nations Office on Drugs and Crime to continue to support central authorities in strengthening communication channels and, as appropriate, in exchanging information at both the regional and the international levels, for the purposes of enhancing the effectiveness of cooperation in criminal matters in all its aspects, especially in dealing with requests for mutual legal assistance;

11. *Encourages* Member States to ensure, where possible, that administrative procedures facilitate cooperation in criminal matters relating to the offences falling within the scope of the Organized Crime Convention, the Convention against Corruption, the 1988 Convention and the international counter-terrorism conventions and protocols, in accordance with national legislation;

12. *Also encourages* Member States to review their national policies, legislation and practices with regard to mutual legal assistance, extradition, confiscation of the proceeds of crime, the transfer of sentenced persons and other forms of international cooperation in criminal matters for the purpose of simplifying and enhancing cooperation among Member States;

13. *Further encourages* Member States to give due consideration to the humanitarian and social dimensions of the transfer of sentenced persons, where legislation provides for such transfer, for the purpose of achieving the greatest possible cooperation in the transfer of foreign prisoners so that they serve the rest of their sentence in their own countries;

14. *Requests* the United Nations Office on Drugs and Crime, in coordination and cooperation with Member States, to collect and disseminate information about the national legal requirements of Member States concerning international

cooperation in criminal matters for the purpose of enhancing the knowledge and strengthening the capacity of practitioners so that they can better understand different legal systems and their requirements with regard to international cooperation while avoiding duplication of the work done in the Conference of the Parties to the United Nations Convention against Transnational Organized Crime;

15. *Also requests* the United Nations Office on Drugs and Crime to continue to support the establishment and functioning of regional networks of central authorities responsible for dealing with mutual legal assistance requests, so as to contribute to the exchange of experiences and strengthen knowledge-based expertise in the area of international cooperation in criminal matters and to help to establish international networks and partnerships among Member States;

16. *Invites* Member States to provide input to the United Nations Office on Drugs and Crime concerning the model treaties on international cooperation in criminal matters, in particular addressing the question of the necessity of updating or revising them and the prioritization of such updating or revising;

17. *Also invites* Member States, during the consideration of the agenda item of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to provide their views regarding the updating or revising mentioned in paragraph 16 above;

18. *Recommends* that the Commission on Crime Prevention and Criminal Justice, at its twenty-fourth session, take into account the input received from Member States and consider initiating a review of particular model treaties on international cooperation in criminal matters;

19. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes of the present resolution, in accordance with the rules and procedures of the United Nations.

## **Draft resolution IV**

### **United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice**

*The General Assembly,*

*Recalling* the Universal Declaration of Human Rights,<sup>1</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>2</sup> the International Covenant on Civil and Political Rights,<sup>2</sup> the Convention on the Rights of the Child<sup>3</sup> and all other relevant international and regional treaties,

*Recalling also* the numerous international standards and norms in the field of crime prevention and criminal justice, in particular on juvenile justice, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),<sup>4</sup> the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),<sup>5</sup> the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,<sup>6</sup> the Guidelines for Action on Children in the Criminal Justice System,<sup>7</sup> the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime,<sup>8</sup> the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),<sup>9</sup> the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,<sup>10</sup> the Guidelines for the Prevention of Crime,<sup>11</sup> the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,<sup>12</sup> the guidelines for cooperation and technical assistance in the field of urban crime prevention,<sup>13</sup> the Code of Conduct for Law Enforcement Officials,<sup>14</sup> the Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials<sup>15</sup> and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,<sup>16</sup>

*Recalling further* its relevant resolutions, as well as those of the Economic and Social Council, the Human Rights Council and the Commission on Human Rights,<sup>17</sup>

<sup>1</sup> Resolution 217 A (III).

<sup>2</sup> See resolution 2200 A (XXI), annex.

<sup>3</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>4</sup> Resolution 40/33, annex.

<sup>5</sup> Resolution 45/112, annex.

<sup>6</sup> Resolution 45/113, annex.

<sup>7</sup> Economic and Social Council resolution 1997/30, annex.

<sup>8</sup> Economic and Social Council resolution 2005/20, annex.

<sup>9</sup> Resolution 65/229, annex.

<sup>10</sup> Resolution 65/228, annex.

<sup>11</sup> Economic and Social Council resolution 2002/13, annex.

<sup>12</sup> Resolution 67/187, annex.

<sup>13</sup> Economic and Social Council resolution 1995/9, annex.

<sup>14</sup> Resolution 34/169, annex.

<sup>15</sup> Economic and Social Council resolution 1989/61, annex.

<sup>16</sup> *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex.

<sup>17</sup> Including resolutions 62/141, 62/158, 63/241, 64/146, 65/197, 65/213, 66/138, 66/139, 66/140, 66/141, 67/152 and 67/166; Economic and Social Council resolutions 2007/23 and 2009/26; and Human Rights Council resolutions 7/29, 10/2, 18/12, 19/37, 22/32 and 24/12.

*Convinced* that violence against children is never justifiable and that it is the duty of States to protect children, including those in conflict with the law, from all forms of violence and human rights violations and to exercise due diligence to prohibit, prevent and investigate acts of violence against children, eliminate impunity and provide assistance to the victims, including prevention of revictimization,

*Acknowledging* the value of the joint report of the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against Children on prevention of and responses to violence against children within the juvenile justice system,<sup>18</sup> the report of the United Nations High Commissioner for Human Rights on access to justice for children<sup>19</sup> and the joint report of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative of the Secretary-General on Violence against Children on accessible and child-sensitive counselling, complaint and reporting mechanisms to address incidents of violence,<sup>20</sup>

*Noting with appreciation* the important work on child rights in the context of crime prevention and criminal justice conducted by United Nations agencies, funds and programmes, including the United Nations Office on Drugs and Crime, the Office of the High Commissioner and the United Nations Children's Fund, and by the Special Representative and relevant mandate holders and treaty bodies, and welcoming the active participation of civil society in this field of work,

*Emphasizing* that children, by reason of their physical and mental development, face particular vulnerabilities and need special safeguards and care, including appropriate legal protection,

*Emphasizing also* that children in contact with the justice system as victims, witnesses or alleged or recognized offenders must be treated in a child-sensitive manner and with respect for their rights, dignity and needs,

*Stressing* that the right for all to have access to justice and the provision that child victims or witnesses of violence and children and juveniles in conflict with the law are entitled to the same legal guarantees and protection as are accorded to adults, including all fair trial guarantees, form an important basis for strengthening the rule of law through the administration of justice,

*Recognizing* the complementary roles of crime prevention, the criminal justice system, child protection agencies and the health, education and social sectors, as well as civil society, in creating a protective environment and preventing and responding to incidents of violence against children,

*Being aware* of the different economic, social and cultural contexts of crime prevention and criminal justice prevailing in each Member State,

*Recalling* its resolution 68/189 of 18 December 2013, in which it requested the United Nations Office on Drugs and Crime to convene a meeting of an open-ended intergovernmental expert group, in collaboration with all relevant United Nations entities, in particular the United Nations Children's Fund, the Office of the High Commissioner and the Special Representative, to develop a draft set of model

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<sup>18</sup> [A/HRC/21/25](#).

<sup>19</sup> [A/HRC/25/35](#) and Add.1.

<sup>20</sup> [A/HRC/16/56](#).

strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice, to be considered by the Commission on Crime Prevention and Criminal Justice at its session following the meeting of the open-ended intergovernmental expert group,

1. *Strongly condemns* all acts of violence against children, reaffirms the duty of the State to protect children from all forms of violence in both public and private settings, and calls for the elimination of impunity, including by investigating and prosecuting, with due process, and punishing all perpetrators;

2. *Expresses its extreme concern* about the secondary victimization of children that may occur within the justice system, and reaffirms the responsibility of States to protect children from this form of violence;

3. *Welcomes* the work done at the meeting of the expert group on the development of draft model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice, held in Bangkok from 18 to 21 February 2014, and takes note with appreciation of its report;<sup>21</sup>

4. *Adopts* the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice annexed to the present resolution;

5. *Urges* Member States to take all necessary and effective measures, as appropriate, to prevent and respond to all forms of violence against children who come in contact with the justice system as victims, witnesses or alleged or recognized offenders, and to provide for consistency in their laws and policies and in the application thereof in order to promote the implementation of the Model Strategies and Practical Measures;

6. *Also urges* Member States to remove any barrier, including any kind of discrimination, that children may face in accessing justice and in effectively participating in criminal proceedings, to pay particular attention to the issue of the rights of the child and the child's best interests in the administration of justice and to ensure that children in contact with the criminal justice system are treated in a child-sensitive manner, taking into account the specific needs of those children who are in particularly vulnerable situations;

7. *Encourages* Member States that have not yet integrated crime prevention and children's issues into their overall rule of law efforts to do so, and to develop and implement a comprehensive crime prevention and justice system policy, with a view to preventing the involvement of children in criminal activities, promoting the use of alternative measures to detention, such as diversion and restorative justice, adopting reintegration strategies for former child offenders and complying with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

8. *Encourages* Member States, where appropriate, to strengthen multisectoral coordination among all relevant government agencies in order to better prevent, identify and respond to the multidimensional nature of violence

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<sup>21</sup> See [E/CN.15/2014/14/Rev.1](#).

against children and to ensure that criminal justice and other relevant professionals are adequately trained to deal with children;

9. *Also encourages* Member States to establish and strengthen child rights monitoring and accountability systems, as well as mechanisms for the systematic research, collection and analysis of data on violence against children and on the systems designed to address violence against children, with a view to assessing the scope and incidence of such violence and the impact of policies and measures adopted to reduce it;

10. *Stresses* the importance of preventing incidents of violence against children and of responding in a timely manner to support child victims of violence, including to prevent their revictimization, and invites Member States to adopt knowledge-based, comprehensive and multisectoral prevention strategies and policies to address the factors that give rise to violence against children and that expose them to the risk of violence;

11. *Requests* the United Nations Office on Drugs and Crime to take steps to ensure the broad dissemination of the Model Strategies and Practical Measures;

12. *Requests* the United Nations Office on Drugs and Crime, at the request of Member States, to identify the needs and capacities of countries and to provide technical assistance and advisory services to Member States in order to develop or strengthen, as appropriate, legislation, procedures, policies and practices to prevent and respond to violence against children and to ensure respect for the rights of the child in the administration of justice;

13. *Requests* the United Nations Office on Drugs and Crime to closely coordinate with the institutes of the United Nations crime prevention and criminal justice programme and with other relevant national and regional institutes with a view to developing training materials and offering training and other capacity-building opportunities, in particular for practitioners working in the areas of crime prevention and criminal justice and for providers of support services for the victims of violence against children and for child witnesses within the criminal justice system, and to disseminate information on successful practices;

14. *Invites* the Commission on Crime Prevention and Criminal Justice and the Human Rights Council, as well as the United Nations Office on Drugs and Crime, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General on Violence against Children, the Committee on the Rights of the Child and relevant regional and international intergovernmental and non-governmental organizations, to strengthen cooperation in supporting the efforts of States to eliminate all forms of violence against children;

15. *Encourages* Member States to promote country-to-country, regional and interregional technical cooperation in sharing best practices in the implementation of the Model Strategies and Practical Measures;

16. *Invites* Member States and other donors to provide extrabudgetary contributions for the purposes outlined in the present resolution, in accordance with the rules and procedures of the United Nations.

## **Annex**

### **United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice**

#### **Introduction**

1. The United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice have been prepared to help Member States to address the need for integrated strategies for violence prevention and child protection, thereby offering children the protection to which they have an unqualified right.

2. The Model Strategies and Practical Measures take into consideration the complementary roles of the justice system on the one hand, and the child protection, social welfare, health and education sectors on the other, in creating a protective environment and in preventing and responding to violence against children. They draw attention to the need for Member States to ensure that criminal law is used appropriately and effectively to criminalize various forms of violence against children, including forms of violence prohibited by international law. The Model Strategies and Practical Measures will enable criminal justice institutions to strengthen and focus their efforts to prevent and respond to violence against children, and to increase their diligence in investigating, convicting and rehabilitating perpetrators of violent crimes against children.

3. The Model Strategies and Practical Measures take into account the fact that children who are alleged as, accused of or recognized as having infringed criminal law, especially those who are deprived of their liberty, face a high risk of violence. Because special attention must be paid to the especially vulnerable situation of these children, the Model Strategies and Practical Measures are aimed at not only improving the effectiveness of the criminal justice system in preventing and responding to violence against children, but also at protecting children against any violence that may result from their contact with the justice system.

4. The Model Strategies and Practical Measures reflect the fact that some of the perpetrators of violence against children are themselves children and often victims of violence. The need to protect child victims in such instances cannot negate the rights of all of the children involved to have their best interests considered as a matter of primary importance.

5. The Model Strategies and Practical Measures are grouped into three broad categories: general prevention strategies to address violence against children as part of broader child protection and crime prevention initiatives; strategies and measures to improve the ability of the criminal justice system to respond to crimes of violence against children and to protect child victims effectively; and strategies and measures to prevent and respond to violence against children in contact with the justice system. Good practices are set forth, to be considered and used by Member States within the framework of their national legal systems in a manner consistent with applicable international instruments, including relevant human rights instruments, and taking into consideration relevant United Nations standards and norms in crime prevention and criminal justice. Member States should be guided by the Model Strategies and Practical Measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

## Definitions

6. For the purposes of the Model Strategies and Practical Measures:

(a) “Child” means, as in article 1 of the Convention on the Rights of the Child,<sup>22</sup> “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”;

(b) A “child protection system” refers to the national legal framework, formal and informal structures, functions and capacities to prevent and respond to violence against and abuse, exploitation and neglect of children;

(c) “Children in contact with the justice system” refers to children who come into contact with the justice system as victims or witnesses, children alleged as, accused of or recognized as having infringed criminal law, or children who are in any other situation requiring legal proceedings, for example regarding their care, custody or protection, including cases involving children of incarcerated parents;

(d) “Child-sensitive” denotes an approach that takes into consideration the child’s right to protection and individual needs and views in accordance with the age and maturity of the child;

(e) “Child victims” denotes children who are victims of crime regardless of their role in the offence or in the prosecution of the alleged offender or group of offenders;

(f) “Crime prevention” comprises strategies and measures that seek to reduce the risk of crimes occurring and their potential harmful effects on individuals and society, including fear of crime, by intervening to influence the multiple causes of crime;

(g) “Criminal justice system” refers to laws, procedures, professionals, authorities and institutions that apply to victims, witnesses and persons alleged as, accused of or recognized as having infringed criminal law;

(h) “Deprivation of liberty” means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which that person is not permitted to leave at will, by order of any judicial, administrative or other public authority;

(i) “Diversion” refers to a process for dealing with children alleged as, accused of or recognized as having infringed criminal law as an alternative to judicial proceedings, with the consent of the child and the child’s parents or legal guardian;

(j) “Informal justice system” refers to the resolution of disputes and the regulation of conduct by adjudication or with the assistance of a neutral third party that is not part of the judiciary as established by law and/or whose substantive, procedural or structural foundation is not primarily based on statutory law;

(k) A “juvenile justice system” comprises laws, policies, guidelines, customary norms, systems, professionals, institutions and treatment specifically applicable to children alleged as, accused of or recognized as having infringed criminal law;

<sup>22</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

(l) “Legal aid” includes legal advice, assistance and representation for persons detained, arrested or imprisoned as a result of being suspected or accused of or charged with a criminal offence, and for victims and witnesses in the criminal justice process, which is provided at no cost for those without sufficient means or when the interests of justice so require. Furthermore, “legal aid” is intended to include the concepts of legal education, access to legal information and other services provided for persons through alternative dispute resolution mechanisms and restorative justice processes;

(m) A “protective environment” is an environment conducive to ensuring to the maximum extent possible the survival and development of the child, including physical, mental, spiritual, moral, psychological and social development, in a manner compatible with human dignity;

(n) “Restorative justice programme” means any programme that uses restorative processes and seeks to achieve restorative outcomes;

(o) “Restorative process” means any process in which the victim and the offender and, where appropriate, any other individuals or community members affected by a crime participate actively together in the resolution of matters arising from the crime, generally with the help of a facilitator. Restorative processes may include mediation, conciliation, conferencing and sentencing circles;

(p) “Violence” means all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

### **Guiding principles**

7. In implementing the Model Strategies and Practical Measures at the national level, Member States should be guided by the following principles:

(a) That the inherent rights of the child to life, survival and development are protected;

(b) That the right of the child to have his or her best interests as a primary consideration in all matters involving or affecting him or her is respected, whether the child is a victim or a perpetrator of violence, as well as in all measures of prevention and protection;

(c) That every child is protected from all forms of violence without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;

(d) That the child is informed of his or her rights in an age-appropriate manner and that the right of the child to be consulted and to express his or her views freely in all matters affecting him or her is fully respected;

(e) That all strategies and measures to prevent and respond to violence against children are designed and implemented from a gender perspective that specifically addresses gender-based violence;

(f) That the specific vulnerabilities of children and the situations they find themselves in, including children in need of special protection and children committing criminal offences under the age of criminal responsibility, should be

addressed as part of comprehensive violence prevention strategies and identified as a priority for action;

(g) That measures to protect child victims of violence are non-coercive and do not compromise the rights of these children.

### **Part one**

#### **Prohibiting violence against children, implementing broad prevention measures and promoting research and data collection**

8. Child protection should begin with the proactive prevention of violence and the explicit prohibition of all forms of violence. Member States have the duty to take appropriate measures that effectively protect children from all forms of violence.

#### **I. Ensuring the prohibition by law of all forms of violence against children**

9. Recognizing the importance of the existence of a sound legal framework which prohibits violence against children and empowers authorities to respond appropriately to incidents of violence, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments, to ensure:

(a) That their laws are comprehensive and effective in prohibiting and eliminating all forms of violence against children and that provisions that justify, allow for or condone violence against children or may increase the risk of violence against children are removed;

(b) That cruel, inhuman or degrading treatment or punishment of children is prohibited and eliminated in all settings, including schools.

10. Because a countless number of girls and boys fall victim to harmful practices undertaken under different pretexts or grounds, including female genital mutilation or cutting, forced marriage, breast ironing and witchcraft rituals, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To establish by law a clear and comprehensive prohibition of all harmful practices against children, supported by detailed provisions in relevant legislation to secure the effective protection of girls and boys from those practices, to provide means of redress and to fight impunity;

(b) To remove from all national legislation any legal provisions that provide justification or allow for consent to harmful practices against children;

(c) To ensure that resorting to informal justice systems does not jeopardize children's rights or preclude child victims from accessing the formal justice system, and to establish the supremacy of international human rights law.

11. Recognizing the serious nature of many forms of violence against children and the need to criminalize these conducts, Member States should review and update their criminal law to ensure that the following acts are fully covered thereunder:

(a) Engaging in sexual activities with a child who is under the legal age of consent, ensuring as well that an appropriate "age of protection" or "legal age of consent", below which a child cannot legally consent to sexual activity, is set;

(b) Engaging in sexual activities with a child using coercion, force or threats, abusing a position of trust, authority or influence over a child, including within the family, and abusing a particularly vulnerable situation of a child, because of a mental or physical disability or a situation of dependence;

(c) Committing sexual violence against a child, including sexual abuse, sexual exploitation and sexual harassment through or facilitated by the use of new information technologies, including the Internet;

(d) The sale of or trafficking in children for any purpose and in any form;

(e) Offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation of the child, transfer of organs of the child for profit or engagement of the child in forced labour;

(f) Offering, obtaining, procuring or providing a child for child prostitution;

(g) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography;

(h) Slavery or practices similar to slavery, debt bondage and serfdom and forced labour, including forced or compulsory recruitment of children for use in armed conflict;

(i) Committing gender-related violence against a child and, in particular, gender-related killing of girls.

## **II. Implementing comprehensive prevention programmes**

12. General and context-specific measures should be developed by Member States to prevent violence against children. Prevention measures, building on a growing understanding of factors that give rise to violence against children and addressing the risks of violence to which children are exposed, should be part of a comprehensive strategy to eliminate violence against children. Criminal justice agencies, working together with, as appropriate, child protection, social welfare, health and education agencies and civil society organizations, should develop effective violence prevention programmes as part of both broader crime prevention programmes and initiatives to build a protective environment for children.

13. Preventing the victimization of children through all available means should be recognized as a crime prevention priority. Member States are therefore urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To strengthen existing child protection systems and to help to create a protective environment for children;

(b) To adopt measures to prevent violence within the family and the community, address cultural acceptance or tolerance of violence against children, including gender-related violence, and challenge harmful practices;

(c) To encourage and support the development and implementation at every level of government of comprehensive plans for the prevention of violence against children in all of its forms, based on in-depth analysis of the problem and incorporating:

(i) An inventory of existing policies and programmes;

- (ii) Well-defined responsibilities for the relevant institutions, agencies and personnel involved in preventive measures;
  - (iii) Mechanisms for the appropriate coordination of preventive measures between governmental and non-governmental agencies;
  - (iv) Evidence-based policies and programmes that are continually monitored and carefully evaluated in the course of implementation;
  - (v) Parental capacity-building and family support as the primary preventive measures, while strengthening child protection in school and in the community;
  - (vi) Methods for effectively identifying, mitigating and reducing the risk of violence against children;
  - (vii) Public awareness-raising and community involvement in prevention policies and programmes;
  - (viii) Close interdisciplinary cooperation, with the involvement of all relevant agencies, civil society groups, local and religious leaders and, where relevant, other stakeholders;
  - (ix) Participation of children and families in policies and programmes for the prevention of criminal activities and victimization;
- (d) To identify the specific vulnerabilities and risks faced by children in different situations and to adopt proactive measures to reduce those risks;
- (e) To take appropriate actions to support and protect all children, in particular children in different situations of vulnerability and children in need of special protection;
- (f) To be guided by the Guidelines for the Prevention of Crime<sup>23</sup> and play a leading role in developing effective crime prevention strategies and in creating and maintaining institutional frameworks for their implementation and review.
14. The risk of violence against children committed by children should be addressed by specific prevention measures, including measures:
- (a) To prevent physical, psychological and sexual violence exerted, often through bullying, by children against other children;
  - (b) To prevent the violence sometimes exerted by groups of children, including violence by youth gangs;
  - (c) To prevent the recruitment, use and victimization of children by youth gangs;
  - (d) To identify and protect children, in particular girls, who are linked to gang members and who are vulnerable to sexual exploitation;
  - (e) To encourage law enforcement agencies to use multi-agency intelligence to proactively profile local risk and, accordingly, to direct enforcement and disruption activity.

<sup>23</sup> Economic and Social Council resolution 2002/13, annex.

15. The risk of violence associated with trafficking in children and various forms of exploitation by criminal groups should be addressed by specific prevention measures, including measures:

(a) To prevent the recruitment, use and victimization of children by criminal groups, terrorist entities or violent extremist groups;

(b) To prevent the sale of children, trafficking in children, child prostitution and child pornography;

(c) To prevent the production, possession and dissemination of images and all other materials that depict, glorify or incite violence against children, including when perpetrated by children, particularly through information technologies, such as the Internet, in particular social networking environments.

16. Broad public education and awareness campaigns are required. Member States, in cooperation with educational institutions, non-governmental organizations, relevant professional associations and the media, are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To implement and support effective public awareness and public education initiatives that prevent violence against children by promoting respect for their rights and by educating their families and communities about the harmful impact of violence;

(b) To raise awareness of how to prevent and respond to violence against children among persons who have regular contact with children in the justice, child protection, social welfare, health and education sectors and in areas relating to sport, culture and leisure activities;

(c) To encourage and support inter-agency cooperation in implementing violence prevention activities and programmes, planning and delivering public information campaigns, training professionals and volunteers, gathering data on the incidence of violence against children, monitoring and evaluating the effectiveness of programmes and strategies and exchanging information on good practices and lessons learned;

(d) To encourage the private sector, in particular the information and communications technology sector, the tourism and travel industry and the banking and finance sectors, and civil society to participate in the development and implementation of policies to prevent the exploitation and abuse of children;

(e) To encourage the media to contribute to community efforts to prevent and respond to violence against children and to promote changes in social norms that tolerate such violence, and to encourage the establishment of media-led ethical guidelines that will allow child-friendly coverage and reportage on cases involving child victims of abuse, exploitation, neglect and discrimination, taking into consideration the right of children to privacy;

(f) To involve children, their families, communities, local leaders, religious leaders and criminal justice and other relevant professionals in discussing the impact and detrimental effects of violence against children and ways to prevent violence and eliminate harmful practices;

(g) To challenge attitudes that condone or normalize violence against children, including the tolerance and acceptance of corporal punishment and harmful practices, and the acceptance of violence.

17. In order to address the vulnerability and the specific risks of violence faced by unaccompanied children, migrant children and children who are refugees or asylum seekers, Member States are urged, as appropriate and without prejudice to their obligations under international law:

(a) To ensure that these children have access to independent assistance, advocacy and advice, that they are always placed in appropriate accommodation and treated in a manner that is fully compatible with their best interests, that they are separated from adults when necessary to protect them and, when applicable, to sever relationships with smugglers and traffickers, and that a legally appointed representative is available from the moment an unaccompanied child is detected by the authorities;

(b) To conduct regular analyses of the nature of the threats faced by these children and to assess their needs for assistance and protection;

(c) To uphold the principle of burden-sharing and solidarity with the host country and to enhance international cooperation.

### **III. Promoting research and data collection, analysis and dissemination**

18. Member States, the institutes of the United Nations crime prevention and criminal justice programme network, relevant entities of the United Nations system, other relevant international organizations, research institutes, non-governmental organizations and professional associations are urged, as appropriate:

(a) To set up and strengthen mechanisms for the systematic and coordinated collection of data on violence against children, including on violence against children in contact with the justice system;

(b) To monitor and publish periodic reports on cases of violence against children reported to the police and other criminal justice agencies, including the number of cases, apprehension or arrest and clearance rates, prosecution and case disposition with regard to the alleged offenders and the prevalence of violence against children and, in so doing, to make use of data derived from population-based surveys. The reports should disaggregate data by type of violence and include, for example, information on the age and sex of the alleged offender and his or her relationship to the victim;

(c) To develop a multilevel system of reporting, starting from the most basic unit of government to the national level and to allow, in accordance with national legislation, the exchange of relevant information, statistics and data among all relevant institutions to help to ensure comprehensive data gathering for policy and programme development that will promote child protection;

(d) To develop population-based surveys and child-sensitive methodologies aimed at collecting data regarding children, including crime and victimization surveys, to allow for assessment of the nature and extent of violence against children;

(e) To develop and implement indicators relating to the performance of the justice system in preventing and responding to violence against children;

(f) To develop and monitor indicators relating to the prevalence of violence against children in contact with the justice system;

(g) To evaluate the efficiency and effectiveness of the justice system in meeting the needs of child victims of violence and preventing such violence, including with regard to the way in which the justice system treats child victims of violence, the use it makes of different intervention models and the degree to which it cooperates with other agencies responsible for the protection of children, and also to evaluate and assess the impact of current legislation, rules and procedures relating to violence against children;

(h) To collect, analyse and disseminate data on independent inspections of places of detention, access to complaint mechanisms by children in detention and outcomes of complaints and investigations in accordance with the obligations of States under international human rights law;

(i) To use research studies and data collection to inform policy and practice and to exchange and disseminate information concerning successful violence prevention practices;

(j) To encourage and provide sufficient financial support for research on violence against children;

(k) To ensure that data, periodic reports and research are aimed at supporting the efforts of Member States to address violence against children and are used in the framework of constructive cooperation and dialogue with and among Member States.

## **Part two**

### **Enhancing the ability and capacity of the criminal justice system to respond to violence against children and protect child victims**

#### **IV. Establishing effective detection and reporting mechanisms**

19. In order to respond to the need to detect and report acts of violence against children, Member States are urged, as appropriate:

(a) To ensure that measures are taken to identify risk factors for different types of violence and identify signs of actual violence in order to trigger appropriate intervention as early as possible;

(b) To ensure that criminal justice professionals who routinely come into contact with children in the course of their work are aware of risk factors and indicators of various forms of violence, in particular at the national level, and that they have received guidance and are trained on how to interpret such indicators and have the knowledge, willingness and ability necessary to take appropriate action, including the provision of immediate protection;

(c) To legally require professionals who routinely come into contact with children in the course of their work to notify appropriate authorities if they suspect that a child is, or is likely to become, a victim of violence;

(d) To ensure that safe child- and gender-sensitive approaches, procedures and complaint, reporting and counselling mechanisms are established by law, are in conformity with the obligations of Member States under the relevant international human rights instruments, take into account relevant international standards and norms on crime prevention and criminal justice and are easily accessible to all

children and their representative or a third party without fear of reprisal or discrimination;

(e) To ensure that individuals, and in particular children, reporting in good faith alleged incidents of violence against children are protected against all forms of reprisal;

(f) To work with Internet service providers, mobile telephone companies, search engines, public Internet facilities and others to facilitate and, where feasible, enact appropriate legislative measures to ensure the reporting of any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes, defined as child pornography under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography<sup>24</sup> to the police or other authorized bodies and the blocking of access to websites where such material is available or the deletion of illegal content, and to keep records, in accordance with the law, and preserve evidence for a period of time and as determined by law for the purpose of investigation and prosecution.

#### **V. Offering effective protection to child victims of violence**

20. In order to more effectively protect child victims of violence through the criminal justice process and avoid their secondary victimization, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments, to take appropriate measures:

(a) To ensure that laws clearly define the roles and responsibilities of government departments and define standards for the actions of other institutions, services and facilities responsible for the detection of violence against children and the care and protection of children, in particular in cases of domestic violence;

(b) To ensure that police and other law enforcement agencies have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests in cases of violence against children and to take immediate measures to ensure the safety of the children;

(c) To ensure that police, prosecutors, judges and all other relevant professionals who may be in contact with child victims respond promptly to incidents of violence against children and that relevant cases are managed expeditiously and efficiently;

(d) To ensure that criminal justice and other relevant professionals, in dealing with cases of child victims of violence, pay particular attention to child- and gender-sensitive approaches, including through the use of modern technologies in different stages of criminal investigations and criminal proceedings;

(e) To ensure that national standards, procedures and protocols are developed and implemented among relevant national actors in order to respond with sensitivity to child victims of violence whose physical or psychological integrity remains at serious risk and requires their urgent removal from the dangerous context, and that temporary protection and care are provided in an appropriate place of safety pending a full determination of the best interests of the child;

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<sup>24</sup> United Nations, *Treaty Series*, vol. 2171, No. 27531.

(f) To ensure that the police, courts and other competent authorities have the legal authority to issue and enforce protection measures such as restraining or barring orders in cases of violence against children, including removal of the perpetrator from the domicile and prohibiting further contact with the victim and other affected parties inside and outside the domicile, as well as to impose penalties for breaches of those orders in accordance with national legislation, and to ensure that, when the child victim of violence remains under the care and protection of the non-abusive parent, the parent can safeguard the child and that such protective measures are not dependent on the initiation of criminal proceedings;

(g) To ensure that a registration system is established for judicial protection and restraining or barring orders, where such orders are permitted by national law, so that police and other criminal justice officials can quickly determine whether such an order is in force;

(h) To ensure that an informal or mediated settlement of cases involving violence against children takes place only when it is in the best interests of the child, and does not involve harmful practices, such as forced marriage, taking into account any power imbalance and the vulnerability of the child or his or her family in consenting to a settlement, with due regard for any future risk to the safety of the child or other children;

(i) To ensure that child victims of violence and their families have access to appropriate mechanisms or procedures in order to obtain redress and reparation, including from the State, and that relevant information about those mechanisms is publicized and easily accessible.

21. Recognizing the fact that, for prosecutions to be effective, it is often necessary for child victims of violence to participate in the criminal justice process, that in some jurisdictions children can be required or compelled to testify and that these children are vulnerable and in need of special protection, assistance and support in order to prevent further hardship and trauma that may result from their participation in the criminal justice process, Member States are required in this regard to ensure that the child's privacy is fully respected at all stages of the proceedings and are urged, as appropriate:

(a) To ensure the availability for children of special services, physical and mental health care and protection that take into account gender and are appropriate to the age, level of maturity and needs of the child in order to prevent further hardship and trauma and promote the physical and psychological recovery and social reintegration of child victims of violence;

(b) To ensure that children who have been subjected to sexual abuse, and especially girls who have become pregnant or children living with HIV/AIDS or other sexually transmitted diseases as a result of the abuse, receive age-appropriate medical advice and counselling and are provided with the requisite physical and mental health care and support;

(c) To ensure that child victims receive assistance from support persons commencing at the initial report and continuing until such services are no longer required;

(d) To ensure that professionals who are responsible for assisting child victims make every effort to coordinate support to avoid unnecessary procedures and limit the number of interviews.

## **VI. Ensuring effective investigation and prosecution of incidents of violence against children**

22. In order to effectively investigate and prosecute incidents of violence against children and bring the perpetrators to justice, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure that the primary responsibility for initiating investigations and prosecutions lies with the police, the prosecution and other competent authorities and does not require an official complaint to be filed by the child victim of violence or a parent or legal guardian of the child;

(b) To adopt and implement policies and programmes aimed at guiding all decisions concerning the prosecution of offences of violence against children and ensuring the fairness, integrity and effectiveness of such decisions;

(c) To ensure that the applicable laws, policies, procedures, programmes and practices related to violence against children are consistently and effectively implemented by the criminal justice system;

(d) To ensure that child-sensitive investigation procedures are adopted and implemented so as to ensure that violence against children is correctly identified and to help provide evidence for administrative, civil and criminal proceedings, while according due assistance to children with special needs;

(e) To develop and implement policies and appropriate responses regarding the investigation and collection of evidence, in particular bodily samples, that take into account the needs and views of child victims of violence in accordance with the age and maturity of child victims, respect their dignity and integrity and minimize intrusion into their lives, while abiding by national standards for the collection of evidence;

(f) To ensure that the persons investigating alleged incidents of violence against children have the duty, powers and necessary authorization to obtain all the information necessary to the investigation, in accordance with criminal procedure as laid out in national law, and have at their disposal all the budgetary and technical resources necessary for effective investigation;

(g) To ensure that great care is taken to avoid subjecting a child victim of violence to further harm through the process of the investigation, including by inviting and giving due weight to the child's views in accordance with the age and maturity of the child and adopting child-sensitive and gender-sensitive investigation and prosecution practices;

(h) To ensure that decisions on the apprehension or arrest, detention and terms of any form of release of an alleged perpetrator of violence against a child take into account the need for the safety of the child and others related to the child, and that such procedures also prevent further acts of violence.

**VII. Enhancing cooperation among various sectors**

23. Acknowledging the complementary roles of the criminal justice system, child protection agencies, health, education and social service sectors and, in some cases, informal justice systems in creating a protective environment and preventing and responding to incidents of violence against children, Member States are urged, as appropriate:

(a) To ensure effective coordination and cooperation among the criminal justice, child protection, social welfare, health and education sectors in detecting, reporting and responding to violence against children and protecting and assisting child victims;

(b) To establish stronger operational links, particularly in emergency situations, between health and social service agencies, both public and private, and criminal justice agencies for the purposes of reporting, recording and responding appropriately to acts of violence against children, while protecting the privacy of child victims of violence;

(c) To establish stronger links between informal justice systems and justice and child protection institutions;

(d) To develop information systems and inter-agency protocols to facilitate the exchange of information and enable cooperation in identifying incidents of violence against children, responding to them, protecting child victims of violence and holding perpetrators accountable, in accordance with national laws on data protection;

(e) To ensure that violent acts against children, when suspected by health and social services or child protection agencies, are promptly reported to the police and other law enforcement agencies;

(f) To promote the establishment of specialized units specifically trained to deal with the complexities and sensitivities relating to child victims of violence, from which victims can receive comprehensive assistance, protection and intervention services, including health and social services, legal aid and police assistance and protection;

(g) To ensure that adequate medical, psychological, social and legal services sensitive to the needs of child victims of violence are in place to enhance the criminal justice management of cases involving violence against children, to encourage the development of specialized health services, including comprehensive, free and confidential forensic examinations by trained health providers and appropriate treatment, including HIV-specific treatment, and to facilitate and support inter-agency referrals of child victims for services;

(h) To provide support to children whose parents or caregivers are deprived of liberty in order to prevent and address the risk of violence such children may be exposed to as a result of the parents' or caregiver's actions or situation.

### **VIII. Improving criminal proceedings in matters involving child victims of violence**

24. With respect to criminal proceedings in matters involving child victims of violence, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure that comprehensive services are provided and protection measures are taken to ensure the safety, privacy and dignity of victims and their families at all stages of the criminal justice process, without prejudice to the ability or willingness of the victim to participate in an investigation or prosecution, and to protect them from intimidation and retaliation;

(b) To ensure that the child's views are given due weight in accordance with the age and maturity of the child, that the child is provided the opportunity to participate fully in any judicial and administrative proceedings, that every child is treated as a capable witness and that his or her testimony is not presumed to be invalid or untrustworthy by reason of the child's age alone, as long as the court or other competent authority deems that his or her age and maturity allow the giving of intelligible and credible testimony, with or without communication aids and other assistance;

(c) To ensure, in appropriate cases, that child victims of violence are not required to testify as part of the criminal justice process without the knowledge of their parents or legal guardians, that a child's refusal to testify does not constitute a criminal or other offence and that child victims of violence are able to testify in criminal proceedings through adequate measures and child-friendly practices that facilitate such testimony by protecting their privacy, identity and dignity, ensuring their safety before, during and after legal proceedings, avoiding secondary victimization and respecting their need and legal right to be heard while recognizing the legal rights of the accused;

(d) To ensure that child victims of violence, their parents or legal guardians and legal representatives, from the first contact with the justice system and throughout the judicial proceedings, are promptly and adequately informed of, inter alia, the rights of the child, the relevant procedures, available legal aid and the progress and disposition of the specific case;

(e) To ensure that the child victim's parents or legal guardian and, where appropriate, a child protection professional accompany the child during interviews conducted as part of the investigation and during trial proceedings, inter alia, while testifying as a witness, except in the following circumstances, as dictated by the best interests of the child:

(i) The parent(s) or the legal guardian are the alleged perpetrator(s) of the offence committed against the child;

(ii) The court deems that it is not in the best interests of the child to be accompanied by his or her parent(s) or legal guardian, including on the basis of credible concern expressed by the child;

(f) To ensure that proceedings relevant to the testimony of the child are explained to the child and conducted in language that is simple and comprehensible to the child and that interpretation into language that the child understands is made available;

(g) To protect the privacy of child victims of violence as a matter of primary importance, to protect them from undue exposure to the public, for example by excluding the public and the media from the courtroom during the child's testimony, and to protect information relating to a child's involvement in the justice process by maintaining confidentiality and restricting disclosure of information that may lead to identification of the child;

(h) To ensure, within the framework of national legal systems, that criminal proceedings involving child victims take place as soon as possible, unless delays are in the child's best interest;

(i) To provide for the use of child-sensitive procedures, including interview rooms designed for children, interdisciplinary services for child victims integrated within the same location, modified court environments that take child witnesses into consideration, recesses during a child's testimony, hearings scheduled at times of day appropriate to the age and maturity of the child, an appropriate notification system to ensure that the child goes to court only when necessary and other appropriate measures to facilitate the child's testimony;

(j) To ensure that, when child victims of violence may be the subject of intimidation, threats or harm, appropriate conditions are put in place to ensure their safety and that protective measures are taken, such as:

(i) Preventing direct contact between a child victim and the accused at any point during the criminal justice process;

(ii) Requesting restraining orders from a competent court, supported by a registry system;

(iii) Requesting a pretrial detention order for the accused from a competent court, with "no contact" bail conditions;

(iv) Requesting an order from a competent court to place the accused under house arrest if necessary;

(v) Requesting protection for a child victim by the police or other relevant agencies and safeguarding the whereabouts of the child from disclosure.

25. Recognizing the serious nature of violence against children and taking into account the severity of the physical and psychological harm caused to child victims, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments, to ensure, when informal justice systems are resorted to, that violence against children is appropriately denounced and deterred, that perpetrators of violence against children are held accountable for their actions and that redress, support and compensation for child victims is provided.

26. Recognizing that measures to protect and assist child victims of violence must continue after the person accused of that violence has been convicted and sentenced, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure the right of a child victim of violence, or his or her parents or legal guardian, to be notified of the offender's release from detention or imprisonment if they so wish;

(b) To develop, implement and evaluate treatment and reintegration and rehabilitation programmes for those convicted of violence against children that prioritize the safety of victims and the prevention of recidivism;

(c) To ensure that judicial and correctional authorities, as appropriate, monitor compliance by perpetrators with any treatment or other court order;

(d) To ensure that the risk to a child victim of violence and the best interests of that child are considered at the time of making decisions concerning the release of the offender from detention or imprisonment or the re-entry of the offender into society.

#### **IX. Ensuring that sentencing reflects the serious nature of violence against children**

27. Recognizing the serious nature of violence against children, while taking into account the fact that the perpetrators of that violence may also be children, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure that offences involving violence against children are, by law, punishable by appropriate penalties that take into account their grave nature;

(b) To ensure that national law takes into account specific factors which may aggravate a crime, including the age of the victim, the fact that the victim is severely handicapped mentally or intellectually, repeated violent acts, abuse of a position of trust or authority and perpetration of violence against a child in a close relationship with the offender;

(c) To ensure that people who commit acts of violence against children while under the influence of alcohol, drugs or other substances are not exempt from criminal responsibility;

(d) To ensure that individuals can be prohibited or restrained by a court order or other means, within the framework of the national legal system, from harassing, intimidating or threatening children;

(e) To ensure that safety risks, including the vulnerability of victims, are taken into account in decisions concerning non-custodial sentences, bail, conditional release, parole or probation, especially when dealing with repeat and dangerous offenders;

(f) To make available to the courts, through legislation, a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence, and to rehabilitate the perpetrator, as appropriate;

(g) To review and update national law to ensure that the decisions made by the courts in cases involving violent offences against children:

(i) Denounce and deter violence against children;

(ii) Hold offenders accountable, with due regard to their age and maturity, for their acts involving violence against children;

(iii) Promote victim and community safety, including by separating the offender from the victim and, if necessary, from society;

- (iv) Allow for the severity of the physical and psychological harm caused to the victim to be taken into consideration;
- (v) Take into account the impact on victims and, if affected, their family members, of sentences imposed on perpetrators;
- (vi) Provide reparations for harm caused as a result of the violence;
- (vii) Promote the rehabilitation of the perpetrator, including by promoting a sense of responsibility in offenders and, where appropriate, rehabilitating and reintegrating perpetrators into the community.

#### **X. Strengthening capacity and training of criminal justice professionals**

28. Recognizing the responsibility of criminal justice professionals to prevent and respond to violence against children and to protect child victims of violence, as well as the need to facilitate and support this role, Member States are urged, as appropriate:

(a) To take measures and allocate adequate resources to develop the capacity of professionals within the criminal justice system to actively prevent violence against children and to protect and assist child victims of violence;

(b) To enable close cooperation, coordination and collaboration between criminal justice officials and other relevant professionals, especially those from the child protection, social welfare, health and education sectors;

(c) To design and implement training programmes for criminal justice professionals on the rights of the child, in particular on the Convention on the Rights of the Child and international human rights law, and to provide information on appropriate ways to deal with all children, in particular those who might be subject to discrimination, and to educate criminal justice professionals about the stages of child development, the process of cognitive development, the dynamics and nature of violence against children, the difference between regular peer groups and gangs, and the appropriate management of children who are under the influence of alcohol or drugs;

(d) To design and deliver guidance, information and training to informal justice system actors in order to ensure that their practices, legal interpretations and decisions comply with international human rights law and effectively protect children against all forms of violence;

(e) To design and implement mandatory, cross-cultural gender- and child-sensitivity training modules for criminal justice professionals on the unacceptability of all forms of violence against children and on the harmful impact on and consequences for all those who experience such violence;

(f) To ensure that criminal justice professionals receive adequate training and continuing education on all relevant national laws, policies and programmes, as well as relevant international legal instruments;

(g) To promote the development and use of specialized expertise among criminal justice professionals, including through the establishment, where possible, of specialized units or personnel and specialized courts or dedicated court time, and to ensure that all police officers, prosecutors, judges and other criminal justice professionals receive regular and institutionalized training to sensitize them to

gender- and child-related issues and to build their capacity with regard to responding to violence against children;

(h) To ensure that criminal justice officials and other relevant authorities are adequately trained in their respective areas of competence:

(i) To identify and respond appropriately to the specific needs of child victims of violence;

(ii) To receive and treat all child victims of violence respectfully, with a view to preventing secondary victimization;

(iii) To handle complaints confidentially;

(iv) To conduct effective investigations of alleged incidents of violence against children;

(v) To interact with child victims in an age-appropriate and child- and gender-sensitive manner;

(vi) To conduct safety assessments and implement risk management measures;

(vii) To enforce protection orders;

(i) To support the development of codes of conduct for criminal justice professionals that prohibit violence against children, including safe complaint and referral procedures, and to encourage relevant professional associations to develop enforceable standards of practice and behaviour.

### **Part three**

#### **Preventing and responding to violence against children within the justice system**

##### **XI. Reducing the number of children in contact with the justice system**

29. Recognizing the importance of avoiding the unnecessary criminalization and penalization of children, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments, to ensure that any conduct not considered a criminal offence or not penalized if committed by an adult is also not considered a criminal offence and not penalized if committed by a child, in order to prevent the child's stigmatization, victimization and criminalization.

30. In this regard, Member States are encouraged not to set the minimum age of criminal responsibility at too low an age level, bearing in mind the emotional, mental and intellectual maturity of children, and in this respect reference is made to the recommendations of the Committee on the Rights of the Child to increase the lower minimum age of criminal responsibility without exception to the age of 12 years as the absolute minimum age, and to continue to increase it to a higher age level.

31. Recognizing that an important and highly effective way of reducing the number of children in the justice system is through diversion measures, restorative justice programmes and the use of non-coercive treatment and education programmes as alternative measures to judicial proceedings, as well as the provision of support for families, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To consider diversion to community-based programmes and to provide police and other law enforcement officers, prosecutors and judges with options for diverting children away from the justice system, including warning and community work, to be applied in combination with restorative justice processes;

(b) To foster close cooperation among the justice, child protection, social welfare, health and education sectors, so as to promote the use and enhanced application of alternative measures to judicial proceedings and to detention;

(c) To consider designing and implementing restorative justice programmes for children as alternative measures to judicial proceedings;

(d) To consider the use of non-coercive treatment, education and assistance programmes as alternative measures to judicial proceedings and the development of alternative non-custodial interventions and effective social reintegration programmes.

## **XII. Preventing violence associated with law enforcement and prosecution activities**

32. Mindful of the fact that police and other security forces can sometimes be responsible for acts of violence against children, Member States are urged, while taking into consideration relevant international legal instruments, to prevent abuse of power, arbitrary detention, corruption and extortion by police officers who target children and their families.

33. Member States are urged to effectively prohibit the use of all forms of violence, torture and other cruel, inhuman or degrading treatment or punishment to obtain information, extract confessions, coerce a child into acting as an informant or agent for the police, or engage a child in activities against his or her will.

34. Mindful of the fact that arrests and investigations are situations in which violence against children can occur, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure that all arrests are conducted in conformity with the law, to limit the apprehension, arrest and detention of children to situations in which these measures are necessary as a last resort, and to promote and implement, where possible, alternatives to arrest and detention, including summonses and notices to appear, in cases involving children as alleged perpetrators;

(b) To implement the principle that the apprehension or arrest of children should be conducted in a child-sensitive manner;

(c) To prohibit the use of firearms, electric shock weapons and violent methods to apprehend and arrest children, and to adopt measures and procedures that carefully limit and guide the use of force and instruments of restraint by the police while apprehending or arresting children;

(d) To require, ensure and monitor police compliance with the obligation to notify parents, legal guardians or caregivers immediately following the apprehension or arrest of a child;

(e) To ensure that, when considering whether a parent, legal guardian, legal representative or responsible adult or, when necessary, a child protection professional is to be present at, or to observe a child during, the interview or interrogation process,

the best interests of the child as well as other relevant factors are taken into consideration;

(f) To ensure that children are informed of their rights and have prompt access to legal aid during police interrogation and while in police detention, and that they may consult their legal representative freely and fully confidentially;

(g) To review, evaluate and, where necessary, update national laws, policies, codes, procedures, programmes and practices to implement policies and strict procedures for searching children while respecting their privacy and dignity, for taking intimate and non-intimate samples from child suspects and for assessing the age and gender of a child;

(h) To implement measures to specifically prevent violence related to unlawful practices by the police, including arbitrary arrests and detention and extrajudicial punishment of children for unlawful or unwanted behaviours;

(i) To establish accessible, child-appropriate and safe procedures for children to complain about incidents of violence during their arrest or interrogation or while in police custody;

(j) To ensure that alleged incidents of violence against children during their contact with the police are independently, promptly and effectively investigated and that those alleged to have been implicated in violence against children are removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as those conducting the investigation;

(k) To take measures to address the risk of violence and protect children during their transport to a court, hospital or other facility, including the risk of violence while being held in court holding cells together with adults;

(l) To ensure that, when a parent, legal guardian or caregiver is arrested, the child's best interests, care and other needs are taken into account.

### **XIII. Ensuring that deprivation of liberty is used only as a measure of last resort and for the shortest appropriate period of time**

35. Recognizing that limiting the use of detention as a sentence and encouraging the use of alternatives to detention can help to reduce the risk of violence against children within the justice system, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) Not to deprive children of their liberty unlawfully or arbitrarily and, in cases of deprivation of liberty, to ensure that it is in conformity with the law and used only as a measure of last resort and for the shortest appropriate period of time;

(b) To ensure that children have continued access to government-funded legal aid during all stages of the justice process;

(c) To ensure that children can exercise their right to appeal a sentence and obtain the legal aid necessary to do so;

(d) To provide for the possibility of early release and make available aftercare and social reintegration programmes and services;

(e) To facilitate professional specialization, or at least specialized training, for criminal justice professionals dealing with children alleged as, accused of or recognized as having infringed criminal law.

#### **XIV. Prohibiting torture and other cruel, inhuman or degrading treatment or punishment**

36. Recognizing that no child should be subjected to torture or other cruel, inhuman or degrading treatment or punishment, Member States are urged:

(a) To review, evaluate and, where necessary, update their national laws to effectively prohibit sentences involving any form of corporal punishment for crimes committed by children;

(b) To review, evaluate and, where necessary, update their national laws to ensure that, under legislation and practice, neither capital punishment nor life imprisonment without the possibility of release is imposed for offences committed by persons when they were under 18 years of age.

#### **XV. Preventing and responding to violence against children in places of detention**

37. Recognizing that the majority of children deprived of their liberty are in police custody or pretrial or preventive detention and that those children might be at risk of violence, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure that children in police custody or pretrial or preventive detention can promptly appear before a court or tribunal to challenge that detention and that they have an opportunity to be heard either directly or through a representative or an appropriate body in a manner consistent with the procedural rules of national law, in order to obtain a prompt decision on any such action;

(b) To reduce delays in the justice process, to expedite trials and other proceedings involving children alleged as, accused of or recognized as having infringed criminal law, and to avoid the resulting prolonged or arbitrary detention of children while they await trial or the conclusion of a police investigation;

(c) To ensure the effective oversight and independent monitoring of all cases of police custody or pretrial or preventive detention of children;

(d) To endeavour to reduce pretrial detention by, inter alia, adopting legislative and administrative measures and policies on its preconditions, limitations, duration and alternatives and by taking measures aimed at the implementation of existing legislation, as well as by ensuring access to justice and legal aid.

38. Recognizing that, when children must be detained, the conditions of detention themselves can be conducive to various forms of violence against children, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure that all detention facilities have adopted and implemented child-sensitive policies, procedures and practices, and to monitor compliance with them;

(b) To establish a maximum capacity for all places of detention and take concrete and sustained measures to address and reduce overcrowding in such institutions;

(c) To ensure that, in all places of detention, children are separated from adults and girls are separated from boys;

(d) To promote good practices in order to strengthen the protection and safety of children living in custody with an incarcerated parent, including consultation with the parents to determine their views regarding their child's care during the period of custody and the provision of special mother-and-child units or, where parents are detained for violation of immigration laws, separate family units in order to identify their special needs and accordingly provide appropriate protection;

(e) To facilitate the assessment and classification of children held in detention facilities in order to identify their special needs and accordingly provide appropriate protection and individualize treatment and interventions, including with respect to the specific needs of girls, and to ensure that there is a sufficient array of facilities to accommodate and adequately protect children of different ages or with differing needs;

(f) To ensure that treatment and support is offered to detained children with special needs, including to girls who are pregnant, give birth and/or raise children in detention, and that treatment for mental illness, disabilities, HIV/AIDS and other communicable and non-communicable diseases and drug addiction is offered, and to address the needs of children at risk of committing suicide or other forms of self-harm;

(g) To ensure that appropriate care and protection is provided to children accompanying a parent or legal guardian deprived of liberty on any ground, including for a violation of immigration law;

(h) To review, update and improve safety and security policies and practices within places of detention to reflect the obligation of the authorities to ensure the safety of children and protect them against all forms of violence, including violence among children;

(i) To prevent all forms of discrimination against or ostracism or stigmatization of detained children;

(j) To take strict measures to ensure that all alleged incidents of violence, including sexual abuse of children in a place of detention, are immediately reported and independently, promptly and effectively investigated by appropriate authorities and, when well founded, effectively prosecuted.

39. Recognizing also that it is imperative to minimize the risk of violence against children in detention, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure that children in detention and their parents and/or legal guardians are aware of their rights and can access the mechanisms in place to protect those rights, including access to legal aid;

(b) To prohibit the use of placement in a dark cell or closed or solitary confinement or any other punishment that may compromise the physical or mental health of a child;

(c) To adopt and implement strict policies guiding the use of force and physical restraints on children during their detention;

(d) To adopt policies prohibiting the carrying and use of weapons by personnel in any facility where children are detained;

(e) To prohibit and effectively prevent the use of corporal punishment as a disciplinary measure, to adopt clear and transparent disciplinary policies and procedures that encourage the use of positive and educational forms of discipline and to establish in law the duty of managers and personnel of detention facilities to record, review and monitor every instance in which disciplinary measures or punishment are used;

(f) To prohibit any form of violence or threats of violence against children by staff of places of detention in order to force children to engage in activities against their will;

(g) To ensure the effective supervision and protection of children, as necessary, from violence by other children and adults, including through measures to prevent bullying by adults and by other children, and from self-harm;

(h) To prevent violence associated with youth gang activities and racist harassment and violence within places of detention;

(i) To encourage and facilitate, wherever possible and in the best interests of the child, frequent family visits and regular contact and communication between children and their family members, as well as with the outside world, and to ensure that disciplinary sanctions for detained children do not include a prohibition of contact with family members;

(j) To prevent violence against and abuse of children suffering from mental illness or drug addiction, including through treatment and other measures to protect them from self-harm.

40. Recognizing the importance of preventing violence against children through appropriate staff recruitment, selection, training and supervision, Member States are urged, as appropriate:

(a) To ensure that all personnel working with children in places of detention are qualified, selected on the basis of professional capacity, integrity, ability and personal suitability, sufficiently remunerated, adequately trained and effectively supervised;

(b) To ensure that any person who has been convicted of a criminal offence against a child is not eligible to work in an agency or organization providing services to children, and to require agencies and organizations providing services to children to prevent persons who have been convicted of a criminal offence against a child from coming into contact with children;

(c) To train all personnel and make them aware of their responsibility to identify early signs of risks of violence and mitigate that risk, to report incidents of violence against children and to actively protect children against violence in an ethical and child- and gender-sensitive manner.

41. Taking into account the distinctive needs of girls and their vulnerability to gender-based violence, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To eliminate the risk of all forms of harassment, violence and discrimination against girls;

(b) To ensure that the special needs and vulnerabilities of girls are taken into account in decision-making processes;

(c) To ensure that the dignity of girls is respected and protected during personal searches, which shall only be carried out by female staff who have been properly trained in appropriate searching methods and in accordance with established procedures;

(d) To implement alternative screening methods, such as scans, to replace strip searches and invasive body searches in order to avoid the harmful psychological and possible physical impact of such searches;

(e) To adopt and implement clear policies and regulations on the conduct of staff aimed at providing maximum protection for girls deprived of their liberty from any physical or verbal violence, abuse or sexual harassment.

42. Recognizing the crucial importance of independent monitoring and inspection mechanisms, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To ensure effective monitoring of, regular access to and inspection of places of detention and community-based institutions by national independent bodies and national human rights institutions, ombudspersons or members of the judiciary, who are empowered to conduct unannounced visits, conduct interviews with children and staff in private and investigate allegations of violence;

(b) To ensure that they cooperate with relevant international and regional monitoring mechanisms that are legally entitled to visit institutions in which children are deprived of their liberty;

(c) To promote international cooperation with regard to best practices and lessons learned related to national monitoring and inspection mechanisms;

(d) To ensure that all deaths of children in detention facilities are reported and promptly and independently investigated, and to promptly endeavour, as appropriate, to investigate injuries suffered by children and ensure that their parents, legal guardian or closest relatives are informed.

**XVI. Detecting, assisting and protecting children who are victims of violence as a result of their involvement with the justice system as alleged or sentenced offenders**

43. Given the crucial importance of providing children who report abuse and incidents of violence within the justice system with immediate protection, support and counselling, Member States are urged, as appropriate and while taking into consideration relevant international human rights instruments:

(a) To establish complaint mechanisms for child victims of violence within the justice system that are safe, confidential, effective and easily accessible;

(b) To ensure that children receive clear information, in particular when they first arrive in a place of detention, both verbally and in writing, about their rights, relevant procedures, how they can exercise their right to be heard and listened to, effective remedies to address incidents of violence and available services for assistance and support, as well as information on seeking compensation for damages, that such information is age- and culturally appropriate and child- and gender-sensitive, and that parents and legal guardians are equally provided with relevant information on these measures;

(c) To protect children who report abuse, specifically taking into account the risks of retaliation, including by removing those allegedly implicated in violence against or ill-treatment of children from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, and those conducting the investigation;

(d) To take effective measures to protect children who provide information or act as witnesses in proceedings related to a case involving violence within the justice system;

(e) To provide access to fair, prompt and equitable redress mechanisms and accessible procedures for seeking and obtaining compensation for child victims of violence in the justice system, and to endeavour to adequately fund victim compensation schemes.

44. Recognizing the importance of detecting and responding to all incidents of violence against children as a result of their involvement with the justice system as alleged or sentenced offenders, Member States are urged, as appropriate:

(a) To ensure that laws establishing obligations to report violence against children in the justice system respect children's rights and are incorporated into the relevant regulations of agencies and rules of conduct, and that all those working with children have clear guidance on reporting requirements and consequences;

(b) To implement protection measures for staff who report in good faith alleged incidents of violence against children, and to adopt rules and procedures that protect the identity of professionals and private individuals who bring cases of violence against children to the attention of the competent authorities;

(c) To ensure the prompt, independent and effective investigation of all alleged incidents of violence against children involved with the justice system, as alleged or sentenced offenders, by competent and independent authorities, including medical personnel, with full respect for the principle of confidentiality.

## **XVII. Strengthening accountability and oversight mechanisms**

45. Member States are urged to take all appropriate measures to combat impunity and the tolerance of violence against children within the justice system, including through awareness-raising programmes, education and effective prosecution of violent offences committed against children within the justice system.

46. Member States are encouraged to ensure that there is a clear and sustained commitment and obligation at all levels of justice institutions to prevent and address violence against children, including in a child- and gender-sensitive manner.

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47. Member States are urged, as appropriate and while taking into consideration relevant international legal instruments:

(a) To promote accountability for incidents of violence against children in the justice system, including by adopting and implementing effective measures to enhance integrity and prevent corruption;

(b) To establish internal and external accountability mechanisms in policing and in places of detention;

(c) To establish all key elements of an effective accountability system, including independent national oversight, monitoring and complaint mechanisms for agencies dealing with children;

(d) To ensure the independent, prompt and effective investigation and prosecution of offences involving violence against children within the justice system;

(e) To ensure that all public officials who are found to be responsible for violence against children are held accountable through workplace disciplinary measures, termination of employment and criminal justice investigations, where appropriate;

(f) To promote transparency and public accountability regarding all measures taken to hold accountable perpetrators of violence and those who are responsible for preventing such violence;

(g) To undertake criminal or other public investigations into all serious reports of violence against children at any stage of the justice process, and to ensure that such investigations are carried out by persons of integrity, are adequately funded and are completed without undue delay.

## **Draft resolution V**

### **Rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015**

*The General Assembly,*

*Reaffirming its commitment* to the purposes and principles of the Charter of the United Nations and international law,

*Reaffirming also its commitment* to the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels,<sup>1</sup>

*Strongly determined* to reinvigorate political will and to raise the level of the international community's commitment to moving the sustainable development agenda forward, through the achievement of the internationally agreed development goals, including the Millennium Development Goals,

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

*Taking note* of the report of the Secretary-General entitled "A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015",<sup>2</sup> and noting the recommendations of the Secretary-General's High-level Panel of Eminent Persons on the Post-2015 Development Agenda,<sup>3</sup>

*Noting* the activity of the Open Working Group on Sustainable Development Goals,

*Noting also* the thematic and national consultations on the post-2015 United Nations development agenda organized by the United Nations Development Group in many countries,

*Reiterating* that the rule of law and development are interrelated and mutually reinforcing and that the advancement of the rule of law at the national and international levels is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law,

*Reiterating also* that transnational crime must be addressed with full respect for the principles of the sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States, and in accordance with the rule of law, as part of a comprehensive response to promote durable solutions through the promotion of human rights and more equitable socioeconomic conditions, and in that regard stressing again the importance of encouraging Member States to develop, as appropriate, comprehensive crime prevention policies based on an understanding of the multiple factors that contribute to crime and to address such factors in a holistic manner, while emphasizing that crime prevention

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<sup>1</sup> Resolution 67/1.

<sup>2</sup> [A/68/202](#) and Corr.1.

<sup>3</sup> See [A/67/890](#), annex.

should be an integral element of strategies to foster social and economic development in all States,

*Stressing* the importance of a well-functioning, efficient, fair, effective and humane criminal justice system as the basis for a successful strategy against transnational organized crime, corruption, terrorism, drug trafficking and other forms of trafficking,

*Recalling* its resolution 67/186 of 20 December 2012, entitled “Strengthening the rule of law and the reform of criminal justice institutions, particularly in the areas related to the United Nations system-wide approach to fighting transnational organized crime and drug trafficking”, and its resolution 68/188 of 18 December 2013, entitled “The rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015”,

*Acknowledging* the centrality of crime prevention and the criminal justice system to the rule of law, and also acknowledging that long-term sustainable economic and social development and the establishment of a functioning, efficient, effective and humane criminal justice system have a positive influence on each other, as stated in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, of 2010,<sup>4</sup>

*Reaffirming* the importance of promoting the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>5</sup> the United Nations Convention against Corruption<sup>6</sup> and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>7</sup>

*Reaffirming also* the importance of relevant international anti-terrorism instruments, as appropriate, and drawing on the existing United Nations standards and norms in crime prevention and criminal justice,

*Recalling* its resolution 63/23 of 17 November 2008, entitled “Promoting development through the reduction and prevention of armed violence”,

*Concerned* about the serious threat that violence related to transnational organized crime poses to development and the rule of law, security and well-being of communities, hindering the achievement of the Millennium Development Goals by reducing national income and productivity, diverting investment and rolling back hard-won development gains, and recognizing that comprehensive crime prevention strategies can contribute to addressing those challenges effectively,

*Recognizing* the importance of ensuring that women and girls, on the basis of gender equality, fully enjoy the benefits of the rule of law, and committed to using law to uphold equal rights and ensure their full and equal participation,

*Welcoming* the conference entitled “Bangkok Dialogue on the Rule of Law”, hosted by the Government of Thailand in Bangkok on 15 November 2013, which

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<sup>4</sup> Resolution 65/230, annex.

<sup>5</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

<sup>6</sup> *Ibid.*, vol. 2349, No. 42146.

<sup>7</sup> *Ibid.*, vol. 1582, No. 27627.

discussed the rule of law, crime prevention and criminal justice as a substantive contribution to the discussion on the post-2015 development agenda,

*Noting* the publication of the study paper entitled “Accounting for security and justice in the post-2015 development agenda” by the United Nations Office on Drugs and Crime in 2013,

*Noting also* the publication of the “Global Study on Homicide 2013: Trends, Contexts, Data” by the United Nations Office on Drugs and Crime,

*Taking into consideration* that the main theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha in 2015, will be “Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation”,

*Convinced* that respect for and promotion of the rule of law, both nationally and internationally, are essential elements in addressing and preventing transnational organized crime and corruption, and noting that the rule of law requires strong and efficient justice sector coordination, as well as effective inter-agency cooperation and coordination with other relevant United Nations offices and activities,

1. *Recognizes* the cross-cutting nature of the rule of law, crime prevention and criminal justice and development, and recommends that such linkages and interrelationships be properly addressed and further elaborated;

2. *Underscores* that the discussions on the post-2015 development agenda should take into account respect for and promotion of the rule of law and that crime prevention and criminal justice have an important role in that regard, giving due consideration to the work of the Commission on Crime Prevention and Criminal Justice in order to channel, as appropriate, its contribution to the discussions on the post-2015 development agenda, in close consultation with all relevant stakeholders;

3. *Encourages* Member States, in their deliberations on the post-2015 development agenda, to give due consideration to the rule of law, crime prevention and criminal justice, while promoting universal respect for human rights and strengthening relevant national institutions;

4. *Requests* the United Nations Office on Drugs and Crime, as a member of the United Nations System Task Team on the Post-2015 United Nations Development Agenda, to continue to contribute analytical inputs and expertise to the work of the Task Team and to report to the Commission at its twenty-fourth session on the results of this work;

5. *Stresses* the importance of a comprehensive approach to transitional justice, incorporating the wide range of judicial and non-judicial measures to ensure accountability and promote reconciliation while protecting the rights of victims of crime and of abuse of power, drawing on the work of the United Nations Office on Drugs and Crime, in accordance with its mandates, to support criminal justice reforms and strengthen the rule of law at the national and international levels;

6. *Also stresses* the need for government institutions, the judicial system and the legislative system to be gender-sensitive and for the continued promotion of the full participation of women in such institutions;

7. *Further stresses* the importance of promoting the design and implementation of national and regional strategies and policies, as appropriate, on the rule of law, crime prevention and criminal justice as an effective and coordinated response to transnational organized crime, particularly in connection with new and emerging forms of transnational organized crime;

8. *Requests* the United Nations Office on Drugs and Crime to continue to assist Member States, upon request, in developing comprehensive crime prevention strategies, to address violence related to transnational organized crime, including urban crime, and to continue to support the exchange of expertise and good practices, with the support of civil society, as appropriate;

9. *Welcomes* the efforts of the United Nations Office on Drugs and Crime to assist Member States in improving systems for collecting and analysing data on crime prevention and criminal justice at all levels, where necessary, including gender-specific data, in order to contribute, where appropriate, to the post-2015 development agenda;

10. *Invites* the institutes of the United Nations crime prevention and criminal justice programme network to continue to include in their work programmes the issues of the rule of law, crime prevention and criminal justice, as well as to consider exploring the challenges posed by violence related to transnational organized crime, and encourages them to develop appropriate training material;

11. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations;

12. *Requests* the Secretary-General to submit, through the Commission, to the General Assembly at its sixty-ninth session a report on the implementation of the present resolution.

**Draft resolution VI  
International Guidelines for Crime Prevention and Criminal  
Justice Responses with Respect to Trafficking in Cultural  
Property and Other Related Offences**

*The General Assembly,*

*Recalling* its resolutions 66/180 of 19 December 2011 and 68/186 of 18 December 2013, entitled “Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking”,

*Recalling also* the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in its resolution 55/25 of 15 November 2000,<sup>1</sup> as well as the United Nations Convention against Corruption, adopted by the Assembly in its resolution 58/4 of 31 October 2003,<sup>2</sup>

*Recalling further* the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,<sup>3</sup> the Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law on 24 June 1995,<sup>4</sup> and the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954,<sup>5</sup> and the two Protocols thereto, adopted on 14 May 1954<sup>5</sup> and 26 March 1999,<sup>6</sup> and other relevant conventions, and reaffirming the necessity for those States which have not done so to consider ratifying or acceding to and, as States parties, implementing those international instruments,

*Alarmed* at the growing involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences, and observing that illicitly trafficked cultural property is increasingly being sold through all kinds of markets, inter alia, in auctions, in particular over the Internet, and that such property is being unlawfully excavated and illicitly exported or imported with the facilitation of modern and sophisticated technologies,

*Recognizing* the indispensable role of crime prevention and criminal justice responses in combating all forms and aspects of trafficking in cultural property and related offences in a comprehensive and effective manner,

*Recalling* the report of the Secretary-General on strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking,<sup>7</sup>

*Welcoming* the initiatives promoted within the United Nations crime prevention and criminal justice programme network and the cooperative network established among the United Nations Office on Drugs and Crime, the United

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>2</sup> *Ibid.*, vol. 2349, No. 42146.

<sup>3</sup> *Ibid.*, vol. 823, No. 11806.

<sup>4</sup> *Ibid.*, vol. 2421, No. 43718.

<sup>5</sup> *Ibid.*, vol. 249, No. 3511.

<sup>6</sup> *Ibid.*, vol. 2253, No. 3511.

<sup>7</sup> [E/CN.15/2013/14](#).

Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL), the International Institute for the Unification of Private Law, the World Customs Organization and the International Council of Museums in the area of protection against trafficking in cultural property, and encouraging those entities to continue to play an active role in that area,

*Recalling* that the theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha from 12 to 19 April 2015, will be “Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation”, and considering that one of the workshops to be held within the framework of the Congress will focus on strengthening crime prevention and criminal justice responses to evolving forms of crime such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation,

*Reiterating* the significance of cultural property as part of the common heritage of humankind and as unique and important testimony of the culture and identity of peoples and the necessity of protecting cultural property, and reaffirming in that regard the need to strengthen international cooperation in preventing, prosecuting and punishing all aspects of trafficking in cultural property,

*Recognizing* that, in its resolution 66/180, it requested the United Nations Office on Drugs and Crime, within its mandate, in consultation with Member States and in close cooperation, as appropriate, with the United Nations Educational, Scientific and Cultural Organization, INTERPOL and other competent international organizations, to further explore the development of specific guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property,

*Recognizing also* that, in its resolution 68/186, it welcomed the progress made in exploring the development of non-binding guidelines on crime prevention and criminal justice responses with respect to trafficking in cultural property, stressed the need for their expeditious finalization, bearing in mind the importance of the matter for all Member States, and requested the United Nations Office on Drugs and Crime to reconvene the expert group on protection against trafficking in cultural property for Member States to review and revise the draft guidelines, with a view to finalizing and submitting the draft guidelines to the Commission on Crime Prevention and Criminal Justice at its twenty-third session,

*Recognizing further* that the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, contained in the annex to the present resolution, can be considered by Member States in the development and strengthening of their policies, strategies, legislation and cooperation mechanisms to prevent and combat trafficking in cultural property and related offences in all situations,

1. *Welcomes* the work of the meeting of the expert group on protection against trafficking in cultural property held in Vienna from 15 to 17 January 2014 to finalize the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences;

2. *Adopts* the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, contained in the annex to the present resolution, and underlines that the

Guidelines represent a useful framework to guide Member States in the development and strengthening of their criminal justice policies, strategies, legislation and cooperation mechanisms in the area of protection against trafficking in cultural property and other related offences;

3. *Strongly encourages* Member States to apply the Guidelines to the maximum extent possible, where appropriate, in view of strengthening international cooperation in this field;

4. *Encourages* Member States to undertake efforts to overcome practical difficulties in the implementation of the Guidelines in their constant endeavour to combat trafficking in cultural property, in all situations and on the basis of common and shared responsibility;

5. *Strongly encourages* Member States to evaluate and review their legislation and legal principles, procedures, policies, programmes and practices related to crime prevention and criminal justice matters, in a manner consistent with their legal systems and drawing upon the Guidelines, in order to ensure their adequacy for preventing and combating trafficking in cultural property and related offences;

6. *Invites* Member States and other relevant stakeholders attending the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice to discuss good practices and challenges in promoting international cooperation to combat trafficking in cultural property under workshop 3 (Strengthening crime prevention and criminal justice responses to evolving forms of crime such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation);

7. *Requests* the United Nations Office on Drugs and Crime to continue to provide advisory services and technical assistance to Member States, upon request, in the area of crime prevention and criminal justice responses with respect to trafficking in cultural property and other related offences, in cooperation with relevant international organizations and making use of the work of the institutes of the United Nations crime prevention and criminal justice programme network, as appropriate;

8. *Also requests* the United Nations Office on Drugs and Crime to make the Guidelines widely available, including through the development of relevant tools, such as handbooks and training manuals;

9. *Further requests* the United Nations Office on Drugs and Crime, where appropriate, in consultation with Member States, to develop a practical assistance tool to assist in the implementation of the Guidelines, taking into consideration the technical background document developed for the elaboration of the Guidelines and the comments made by Member States;

10. *Invites* Member States to use all relevant tools developed by the United Nations Office on Drugs and Crime and the United Nations Educational, Scientific and Cultural Organization, including the Sharing Electronic Resources and Laws against Organized Crime knowledge management portal and the United Nations Educational, Scientific and Cultural Organization Database of National Cultural Heritage Laws, and also invites Member States to provide to the Secretariat legislation and case law related to trafficking in cultural property, for inclusion in the portal;

11. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations;

12. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-fifth session on the implementation of the present resolution.

## **Annex**

### **International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences**

#### **Introduction**

1. The International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences have been developed in recognition of the criminal character of such offences and their devastating consequences for the cultural heritage of humankind. Pursuant to General Assembly resolutions 66/180 and 68/186 and Economic and Social Council resolution 2010/19, draft guidelines were developed by the United Nations Office on Drugs and Crime in consultation with Member States and in close cooperation, as appropriate, with the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL) and other competent international organizations.

2. The first draft of the guidelines was reviewed at an informal expert group meeting, held from 21 to 23 November 2011, composed of 20 experts from around the world with expertise in various fields related to the subject matter of the guidelines, including representatives of INTERPOL, the United Nations Educational, Scientific and Cultural Organization and the International Institute for the Unification of Private Law. Based on the valuable comments and advice on improving the draft, a second draft was presented to and discussed by the open-ended intergovernmental expert group on protection against trafficking in cultural property at its second meeting, held from 27 to 29 June 2012. Taking into account a compendium, prepared by the Secretariat, of comments made by Member States on the draft guidelines, the expert group reviewed and revised the guidelines at its third meeting, held from 15 to 17 January 2014, with a view to their finalization.

3. The Guidelines are based on crime prevention and criminal justice aspects of protection against trafficking in cultural property, taking into consideration a review of current practices and initiatives in several countries in addressing the problem of trafficking in cultural property, as well as principles and norms arising from the analysis of the following international legal instruments: the United Nations Convention against Transnational Organized Crime;<sup>a</sup> the United Nations Convention against Corruption;<sup>b</sup> the Convention for the Protection of Cultural Property in the Event of Armed Conflict<sup>c</sup> and its First<sup>c</sup> and Second Protocols;<sup>d</sup> the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to

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<sup>a</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>b</sup> *Ibid.*, vol. 2349, No. 42146.

<sup>c</sup> *Ibid.*, vol. 249, No. 3511.

<sup>d</sup> *Ibid.*, vol. 2253, No. 3511.

the protection of victims of international armed conflicts;<sup>e</sup> the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;<sup>f</sup> the Convention on Stolen or Illegally Exported Cultural Objects adopted by the International Institute for the Unification of Private Law;<sup>g</sup> and the Convention on the Protection of the Underwater Cultural Heritage.<sup>h</sup>

4. The present set of non-binding guidelines is available to Member States for their consideration in the development and strengthening of crime prevention and criminal justice policies, strategies, legislation and cooperation mechanisms to prevent and combat trafficking in cultural property and related offences in all situations. Their development follows the expression, by the General Assembly and the Economic and Social Council in their resolutions, of alarm at the growing involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences, and of the need to promote international cooperation to combat crime in a concerted manner.

5. The Guidelines have the purpose of serving as a reference for national policymakers and as a tool for capacity-building in the area of crime prevention and criminal justice responses to trafficking in cultural property and related offences, in coordination with the United Nations Educational, Scientific and Cultural Organization and other competent international organizations, as appropriate. On the basis of the guidelines finalized by the intergovernmental expert group and submitted to the Commission on Crime Prevention and Criminal Justice, and taking into consideration the technical background document containing the version of the guidelines dated April 2012, and the comments made by Member States, the Commission may ask the Secretariat to develop a practical assistance tool, as appropriate, to aid in the implementation of the Guidelines.

6. The Guidelines contain four chapters:

(a) Chapter I contains guidelines on crime prevention strategies (including information and data collection, the role of cultural institutions and the private sector, the monitoring of the cultural property market, imports and exports, and archaeological sites, as well as education and public awareness);

(b) Chapter II contains guidelines on criminal justice policies (including adherence to and implementation of relevant international treaties, the criminalization of specific harmful conduct or the establishment of administrative offences, corporate liability, seizure and confiscation and investigative measures);

(c) Chapter III contains guidelines on international cooperation (including matters related to jurisdictional basis, extradition, seizure and confiscation, and cooperation among law enforcement and investigating authorities, as well as the return, restitution or repatriation of cultural property);

(d) Chapter IV contains a guideline on the scope of application of the Guidelines.

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<sup>e</sup> Ibid., vol. 1125, No. 17512.

<sup>f</sup> Ibid., vol. 823, No. 11806.

<sup>g</sup> Ibid., vol. 2421, No. 43718.

<sup>h</sup> Ibid., vol. 2562, No. 45694.

## **I. Prevention strategies**

### **A. Information and data collection**

Guideline 1. States should consider establishing and developing inventories or databases, as appropriate, of cultural property for the purpose of protection against its trafficking. The absence of registration of cultural property in such inventories shall by no means exclude it from protection against trafficking and related offences.

Guideline 2. States should consider, where possible under their national legislation, the relevant cultural property as registered in the official inventory of a State that has enacted laws on national or State ownership, provided that the owner State has issued a public formal statement to that effect.

Guideline 3. States should consider:

(a) Introducing or improving statistics on import and export of cultural property;

(b) Introducing or improving statistics, where practical, on administrative and criminal offences against cultural property;

(c) Establishing or improving national databases, as appropriate, on trafficking in cultural property and related offences and on trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded or missing cultural property;

(d) Introducing mechanisms to enable the reporting of suspicious dealings or sales on the Internet;

(e) Contributing to international data collection on trafficking in cultural property and related offences through the United Nations Survey on Crime Trends and Operations of Criminal Justice Systems, conducted by the United Nations Office on Drugs and Crime, and the INTERPOL database on stolen works of art and through other relevant organizations;

(f) Contributing to the United Nations Educational, Scientific and Cultural Organization database of national laws and regulations pertaining to cultural property.

Guideline 4. States should consider, as appropriate, establishing a central national authority or empowering an existing authority and/or enacting other mechanisms for coordinating the activities related to the protection of cultural property against trafficking and related offences.

### **B. The role of cultural institutions and the private sector**

Guideline 5. States should consider encouraging cultural institutions and the private sector to adopt codes of conduct and to disseminate best practices on policies on the acquisition of cultural property.

Guideline 6. States should encourage cultural institutions and the private sector to report suspected trafficking in cultural property cases to law enforcement authorities.

Guideline 7. States should consider promoting and supporting training on cultural property regulations for cultural institutions and the private sector, in cooperation with relevant international organizations, including rules on the acquisition of cultural property.

Guideline 8. States should encourage, as appropriate, Internet providers and web-based auctioneers and vendors to cooperate in preventing trafficking in cultural property, including through the adoption of specific codes of conduct.

### **C. Monitoring**

Guideline 9. States should consider, in accordance with the relevant international instruments, introducing and implementing appropriate import and export control procedures, such as certificates for the export and import of cultural property.

Guideline 10. States should consider creating and implementing monitoring measures for the market of cultural property, including for the Internet.

Guideline 11. States should, where possible, create and implement programmes for research, mapping and surveillance of archaeological sites for the purpose of protecting them against pillage, clandestine excavation and trafficking.

### **D. Education and public awareness**

Guideline 12. States should consider supporting and promoting public awareness campaigns, including through the media, to foster among the general public a culture of concern about trafficking in cultural property, for the purpose of protecting that cultural property against pillage and trafficking.

## **II. Criminal justice policies**

### **A. International legal texts**

Guideline 13. States should consider adopting legislation criminalizing trafficking in cultural property and related offences in accordance with applicable existing international instruments, in particular the Organized Crime Convention, relating to trafficking in cultural property and related offences.

Guideline 14. In bilateral cooperation, States may consider making use of the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property.<sup>i</sup>

### **B. Criminal and administrative offences**

Guideline 15. States should consider defining the concept of “cultural property”, including movable and immovable cultural property, when necessary, for the purposes of criminal law.

Guideline 16. States should consider criminalizing, as serious offences, acts such as:

- (a) Trafficking in cultural property;
- (b) Illicit export and illicit import of cultural property;

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

(c) Theft of cultural property (or consider elevating the offence of ordinary theft to a serious offence when it involves cultural property);

(d) Looting of archaeological and cultural sites and/or illicit excavation;

(e) Conspiracy or participation in an organized criminal group for trafficking in cultural property and related offences;

(f) Laundering, as referred to in article 6 of the Organized Crime Convention, of trafficked cultural property.

Guideline 17. States should consider introducing in their criminal legislation other offences, such as damaging or vandalizing cultural property or acquiring, with conscious avoidance of the legal status, trafficked cultural property, when such offences are related to trafficking in cultural property.

Guideline 18. States should consider introducing obligations, as appropriate, to report suspected cases of trafficking of and related offences against cultural property and to report the discovery of archaeological sites, archaeological finds or other objects of relevant cultural interest, and, for those States that have done so, to criminalize the failure to meet those obligations.

Guideline 19. States should consider making it possible, in a way not contradictory to their fundamental legal principles, to infer a perpetrator's knowledge that an object has been reported as trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded, on the basis of objective factual circumstances, including when the cultural property is registered as such in a publicly accessible database.

### **C. Criminal and administrative sanctions**

Guideline 20. States should consider providing proportionate, effective and dissuasive sanctions for the above-mentioned criminal offences.

Guideline 21. States may consider adopting custodial sanctions for some selected criminal offences so as to meet the standard, required under article 2 (b) of the Organized Crime Convention, for "serious crime".

Guideline 22. States should consider the adoption of bans and disqualifications, and the revocation of licences, as complementary criminal or administrative sanctions whenever possible.

### **D. Corporate liability**

Guideline 23. States should consider introducing or extending liability (criminal, administrative or civil in nature) of corporations or legal persons for the above-mentioned offences.

Guideline 24. States should consider introducing proportionate, effective and dissuasive sanctions for corporate offences of trafficking in cultural property and related offences, including fines, bans or disqualifications, revocation of licences and revocation of benefits, including tax exemptions or government subsidies, where possible.

**E. Seizure and confiscation**

Guideline 25. States should consider introducing criminal investigation and the search, seizure and confiscation of trafficked cultural property, as well as the proceeds of crimes related to such trafficking, and ensure its return, restitution or repatriation.

Guideline 26. States should consider, in a way not contradictory to their fundamental legal principles, the possibility of requiring that the alleged offender, the owner or the holder (if different) demonstrate the lawful origin of cultural property liable to seizure or confiscation for trafficking or related offences.

Guideline 27. States should consider introducing confiscation of the proceeds of the offence or of property of a value equivalent to such proceeds.

Guideline 28. States may consider using confiscated economic assets for financing expenses for recovery and other prevention measures.

**F. Investigations**

Guideline 29. States should consider creating specialized law enforcement bodies or units, as well as providing specialized training for customs officials, law enforcement personnel and public prosecutors, with regard to trafficking in cultural property and related offences.

Guideline 30. States should consider enhancing coordination, at both the national and international levels, among law enforcement bodies in order to increase the probability of discovering and successfully investigating trafficking in cultural property and related offences.

Guideline 31. States may consider, in the investigation of the above-mentioned offences, especially if related to organized crime, allowing for the appropriate use by their competent authorities of controlled delivery and other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within their territory, and allowing for the admissibility in court of evidence derived therefrom.

**III. Cooperation****A. Jurisdiction**

Guideline 32. States should consider establishing their jurisdiction over the above-mentioned criminal offences when such offences are committed within their territory or when committed outside their territory by one of their nationals, in a manner consistent with the principles of sovereign equality, the territorial integrity of States and non-intervention in the domestic affairs of other States, as enshrined in the Charter of the United Nations and the Organized Crime Convention.

**B. Judicial cooperation in criminal matters**

Guideline 33. States that have not yet done so should consider becoming parties to existing international law instruments, in particular the Organized Crime Convention, and use them as a basis for international cooperation in criminal matters in respect of trafficking in cultural property and related offences.

Guideline 34. States should consider providing each other with the widest possible mutual legal assistance in investigations, prosecutions and judicial proceedings in

relation to the above-mentioned offences, also in order to enhance the effectiveness and speed of the procedures.

Guideline 35. States should contribute to and regularly update the United Nations Educational, Scientific and Cultural Organization Database of National Cultural Heritage Laws and any other relevant database.

### **C. Extradition**

Guideline 36. States should consider making the crimes against cultural property enumerated in guideline 16 extraditable offences. In the context of extradition procedures, States should also consider adopting and applying, where possible, provisional measures to preserve the cultural property related to the alleged offence for the purpose of restitution.

Guideline 37. States should consider enhancing the effectiveness and speed of extradition for trafficking in cultural property and related offences, where such offences are considered extraditable.

Guideline 38. States should consider, in the case of refusal of extradition only on the basis of nationality, submitting the case, when requested by the State that had sought extradition, to the competent authority in order to consider prosecution.

### **D. International cooperation for purposes of seizure and confiscation**

Guideline 39. States should consider cooperating in identifying, tracing, seizing and confiscating trafficked, illicitly exported or imported, stolen, looted, illicitly excavated, illicitly traded or missing cultural property.

Guideline 40. States may consider putting in place mechanisms to enable the contribution of confiscated financial assets to international or intergovernmental bodies concerned with the fight against transnational organized crime, including trafficking in cultural property and related offences.

### **E. International cooperation among law enforcement and investigating authorities**

Guideline 41. States should consider enhancing the exchange of information on trafficking in cultural property and related offences by sharing or interconnecting inventories of cultural property and databases on trafficked, illicitly exported or imported, stolen, looted, illicitly excavated, illicitly traded or missing cultural property, and/or contributing to international ones.

Guideline 42. States should consider, where appropriate, in the framework of international judicial cooperation, enhancing the exchange of information on previous convictions and ongoing investigations relating to trafficking in cultural property and related offences.

Guideline 43. States should consider concluding bilateral or multilateral agreements or arrangements in order to establish joint investigative teams for trafficking in cultural property and related offences.

Guideline 44. States should consider assisting each other in planning and implementing specialized training programmes for law enforcement personnel.

Guideline 45. States should consider enhancing or establishing privileged channels of communication between their law enforcement agencies.

**F. Return, restitution or repatriation**

Guideline 46. States should consider, in order to enhance international cooperation in criminal matters, undertaking appropriate measures to recover trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded cultural property for the purpose of their return, restitution or repatriation.

Guideline 47. States should consider pondering, procedurally, as appropriate, the owner State's provisions on national or State ownership in order to facilitate the return, restitution or repatriation of public cultural property.

**IV. Scope of application**

Guideline 48. States should consider applying the Guidelines in any situations, including exceptional circumstances, that foster trafficking in cultural property and related offences, in the framework of the above-mentioned conventions and other relevant international instruments.

## **Draft resolution VII**

### **Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity**

*The General Assembly,*

*Reaffirming* its resolutions 46/152 of 18 December 1991, 60/1 of 16 September 2005, 67/1 of 19 September 2012, 67/186, 67/189, 67/190 and 67/192 of 20 December 2012, 68/119 of 16 December 2013 and 68/185, 68/188, 68/189, 68/192 and 68/193 of 18 December 2013,

*Reaffirming also* its resolutions relating to the urgent need to strengthen international cooperation and technical assistance in promoting and facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>1</sup> the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol,<sup>2</sup> the Convention on Psychotropic Substances of 1971,<sup>3</sup> the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>4</sup> the United Nations Convention against Corruption<sup>5</sup> and all the international conventions and protocols against terrorism,

*Reaffirming further* the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem<sup>6</sup> adopted by the General Assembly at its sixty-fourth session,

*Recalling* the commitments undertaken by Member States in the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006<sup>7</sup> and its successive biennial reviews,<sup>8</sup>

*Recalling* the importance of the measures to eliminate international terrorism adopted by the General Assembly in its resolution 68/119 and the adoption, on 18 December 2013, of resolution 68/178 on the protection of human rights and fundamental freedoms while countering terrorism,

*Reaffirming* its resolutions addressing various aspects of violence against women and girls of all ages,

*Recalling* the resolutions of the Commission on Human Rights and the Human Rights Council addressing various aspects of violence against women and girls of all ages,

*Recalling* the agreed conclusions of the fifty-seventh session of the Commission on the Status of Women, which addressed the elimination and

<sup>1</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

<sup>2</sup> *Ibid.*, vol. 976, No. 14152.

<sup>3</sup> *Ibid.*, vol. 1019, No. 14956.

<sup>4</sup> *Ibid.*, vol. 1582, No. 27627.

<sup>5</sup> *Ibid.*, vol. 2349, No. 42146.

<sup>6</sup> See *Official Records of the Economic and Social Council, 2009, Supplement No. 8 (E/2009/28)*, chap. I, sect. C.

<sup>7</sup> Resolution 60/288.

<sup>8</sup> See resolutions 62/272 of 5 September 2008, 64/297 of 8 September 2010 and 66/282 of 29 June 2012.

prevention of all forms of violence against women and girls,<sup>9</sup> and reiterating the importance of crime prevention and criminal justice measures for the protection of women and girls,

*Noting* the significance of the updated Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice<sup>10</sup> as a way to assist countries in strengthening their national crime prevention and criminal justice capacities to respond to all forms of violence against women and girls,

*Reiterating* its condemnation of all forms of violence against women and girls, and expressing deep concern about gender-related killing of women and girls,

*Recalling* all its relevant resolutions, including resolution 68/191 of 18 December 2013, on taking action against gender-related killing of women and girls, and recognizing the key role of the criminal justice system in preventing and responding to gender-related killing of women and girls, including by ending impunity for such crimes,

*Emphasizing* the relevance of international instruments and United Nations standards and norms in crime prevention and criminal justice related to the treatment of prisoners, in particular women and juveniles,

*Recalling* its resolution 65/229 of 21 December 2010 on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and in this regard encouraging the efforts of Member States to implement the Bangkok Rules,

*Recalling also* its resolution 68/190 of 18 December 2013, concerning the updating of the Standard Minimum Rules for the Treatment of Prisoners, and taking note of the progress made during the third meeting of the open-ended intergovernmental Expert Group,

*Recalling further* its resolution 68/156 of 18 December 2013, in which it reaffirmed that no one shall be subjected to torture and other cruel, inhuman or degrading treatment or punishment,

*Recalling* its resolution 67/184 of 20 December 2012 on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha from 12 to 19 April 2015, dedicated to “Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation”, and noting the progress thus far made in the preparation of that Congress,

*Recalling also* its resolution 66/177 of 19 December 2011 on strengthening international cooperation in combating the harmful effects of illicit financial flows resulting from criminal activities, in which it urged States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the United Nations Convention against Transnational

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<sup>9</sup> See *Official Records of the Economic and Social Council, 2013, Supplement No. 7 (E/2013/27)*, chap. I, sect. A.

<sup>10</sup> See Economic and Social Council resolution 2014/18.

Organized Crime and the United Nations Convention against Corruption to apply fully the provisions of those Conventions, in particular measures to prevent and combat money-laundering, including by criminalizing the laundering of proceeds of transnational organized crime and corruption, as well as measures to enhance national confiscation regimes and international cooperation, including in asset recovery,

*Taking into consideration* all relevant Economic and Social Council resolutions, in particular all those relating to the strengthening of international cooperation, including resolution 2014/23 of 16 July 2014 on strengthening international cooperation in addressing the smuggling of migrants, as well as the technical assistance and advisory services of the United Nations crime prevention and criminal justice programme of the United Nations Office on Drugs and Crime in the fields of crime prevention and criminal justice, promotion and reinforcement of the rule of law and reform of criminal justice institutions, including with regard to the implementation of technical assistance,

*Concerned* at the growing involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences,

*Recalling* its resolutions 66/180 of 19 December 2011 on strengthening the response to trafficking in cultural property, and 67/80 of 12 December 2012 on the return or restitution of cultural property to the countries of origin, in which it urged Member States and relevant institutions to reinforce and fully implement mechanisms to strengthen international cooperation, including mutual legal assistance, in order to combat all forms and aspects of trafficking in cultural property and related offences, such as the theft, looting, damage, removal, pillage and destruction of such property, and to facilitate the recovery and the return of stolen and looted cultural property, and its resolution 68/186 of 18 December 2013 on strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking,

*Underlining* the importance of the further progress made in this field and welcoming the adoption of the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences through Economic and Social Council resolution 2014/20 of 16 July 2014 as recommended by the Commission on Crime Prevention and Criminal Justice at its twenty-third session, and the establishment of a technical background document to assist in the implementation of the Guidelines through Commission on Crime Prevention and Criminal Justice resolution 23/6 of 16 May 2014, which will support the implementation of resolutions 67/80, 68/186 and 69/XX and facilitate operational cooperation against all forms of trafficking in cultural property, as well as the request to the United Nations Office on Drugs and Crime to provide practical assistance in the implementation of the guidelines and to facilitate cooperation in this area,

*Reaffirming* the need for promoting increased ratification or accession to and full and effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,<sup>11</sup> and recalling in this

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<sup>11</sup> United Nations, *Treaty Series*, vol. 2237, No. 39547.

regard all relevant resolutions, including resolution 64/293 of 30 July 2010 on the United Nations Global Plan of Action to Combat Trafficking in Persons and 68/192 of 18 December 2013 on improving the coordination of efforts against trafficking in persons, and welcoming the work of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children,

*Underlining* that, although the crime of smuggling of migrants may share, in some cases, some common features with the crime of trafficking in persons, Member States need to recognize that they are distinct crimes and require separate and complementary legal, operational and policy responses, and recalling further its resolution 68/179 of 18 December 2013 in which it called upon all Member States to protect and assist migrants, and Economic and Social Council resolution 2014/23, recommended by the Commission on Crime Prevention and Criminal Justice at its twenty-third session,

*Noting* Commission on Crime Prevention and Criminal Justice resolutions 22/7 on strengthening international cooperation to combat cybercrime and 22/8 on promoting technical assistance and capacity-building to strengthen national measures and international cooperation against cybercrime, both of 26 April 2013,<sup>12</sup>

*Concerned* at the growing trend of cybercrime and the misuse of information and telecommunications technologies in multiple forms of crime,

*Noting* the establishment by the Secretary-General of the United Nations system task force on transnational organized crime and drug trafficking for the purpose of developing an effective and comprehensive approach to transnational organized crime and drug trafficking within the United Nations system, and reaffirming the crucial role of Member States in this regard, as reflected in the Charter of the United Nations,

*Expressing its grave concern* about the negative effects of transnational organized crime, including smuggling of and trafficking in persons, narcotic drugs, and small arms and light weapons, as well as illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, on development, peace, stability and security and human rights, and at the increasing vulnerability of States to such crime,

*Convinced* that the rule of law and development are strongly interrelated and mutually reinforcing, and that the advancement of the rule of law at the national and international levels, including through crime prevention and criminal justice mechanisms, is essential for sustained and inclusive economic growth and sustainable development and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law,

*Stressing* the importance of strengthened international cooperation, based on the principles of shared responsibility and in accordance with international law, to dismantle illicit networks and counter the world drug problem and transnational organized crime, including money-laundering, trafficking in persons, trafficking in arms and other forms of organized crime, all of which threaten national security and undermine sustainable development and the rule of law,

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<sup>12</sup> See *Official Records of the Economic and Social Council, 2013, Supplement No. 10 (E/2013/30)*, chap. I, sect. D.

*Concerned* by the serious challenges and threats posed by trafficking in firearms, their parts and components and ammunition, and concerned also about its links with terrorism and other forms of transnational organized crime, including drug trafficking,

*Taking note* of international efforts to prevent, combat and eradicate the illicit trade in conventional arms, in particular in small arms and light weapons, as demonstrated by the adoption in 2001 of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,<sup>13</sup> and the entry into force in 2005 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,<sup>14</sup> and the forthcoming entry into force of the Arms Trade Treaty on 24 December 2014,

*Noting with appreciation* the activities carried out, upon request, by the United Nations Office on Drugs and Crime, through its global programme on firearms, in the area of legislative and technical assistance, capacity-building, awareness-raising and research and analysis,

*Expressing concern* at the use of information and telecommunications technologies to abuse and exploit children,

*Convinced* of the importance of preventing youth crime, supporting the rehabilitation of young offenders and their reintegration into society, protecting child victims and witnesses, including efforts to prevent their revictimization, and addressing the needs of children of prisoners, and stressing that such responses should take into account the human rights and best interests of children and young people, as called for in the Convention on the Rights of the Child and the Optional Protocols thereto,<sup>15</sup> where applicable, and in other relevant United Nations standards and norms in juvenile justice, where appropriate,

*Concerned* about the growing degree of penetration of criminal organizations and their financial and economic resources into the economy,

*Expressing concern* at the involvement of organized criminal groups, as well as the substantial increase in the volume, rate of transnational occurrence and range of criminal offences related to trafficking in precious metals and stones in some parts of the world and the potential use of trafficking in precious metals and stones as a source of funding for organized crime, other relevant criminal activities and terrorism,

*Deeply concerned* about the connections, in some cases, between some forms of transnational organized crime and terrorism, and emphasizing the need to enhance cooperation at the national, subregional, regional and international levels in order to strengthen responses to this evolving challenge,

*Recognizing* that countering transnational organized crime and terrorism is a common and shared responsibility, and stressing the need to work collectively to

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<sup>13</sup> *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001 (A/CONF.192/15)*, chap. IV, para. 24.

<sup>14</sup> United Nations, *Treaty Series*, vol. 2326, No. 39574.

<sup>15</sup> *Ibid.*, vols. 1577, 2171 and 2173, No. 27531, and resolution 66/138, annex.

prevent and combat transnational organized crime, corruption and terrorism in all its forms and manifestations,

*Emphasizing* that transnational organized crime must be addressed with full respect for the principle of the sovereignty of States and in accordance with the rule of law as part of a comprehensive response to promote durable solutions through the promotion of human rights and more equitable socioeconomic conditions,

*Expressing deep concern* about environmental crimes, including trafficking in endangered and, where applicable, protected species of wild fauna and flora,<sup>16</sup> and emphasizing the need to combat such crimes by strengthening international cooperation, capacity-building, criminal justice responses and law enforcement efforts,

*Emphasizing* that coordinated action is critical to eliminate, prevent and combat corruption and disrupt the illicit networks that drive and enable trafficking in wildlife and forest products, including timber and timber products,

*Encouraging* Member States to develop and implement, as appropriate, comprehensive crime prevention policies, national and local strategies and action plans based on an understanding of the multiple factors that contribute to crime and to address such factors in a holistic manner, in close cooperation with all stakeholders, including civil society,

*Stressing* that social development should be an integral element of strategies to foster crime prevention and economic development in all States,

*Recognizing* the need to maintain a balance in the technical cooperation capacity of the United Nations Office on Drugs and Crime between all relevant priorities identified by the General Assembly and the Economic and Social Council and their subsidiary bodies,

*Recognizing also* that, thanks to their broad membership and wide scope of application, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption offer an important basis for international cooperation, inter alia, for extradition, mutual legal assistance and confiscation and asset recovery, and provide an effective mechanism that should be further utilized and implemented,

*Mindful* of the need to ensure universal adherence to and full implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and urging States parties to make full and effective use of these instruments,

*Noting* the important contribution that public-private sector cooperation can make in efforts to prevent and combat criminal activities, such as transnational organized crime, corruption and terrorism, in the tourism sector,

*Recognizing* the universal importance of good governance and the fight against corruption and calling for zero tolerance for corruption in all its forms, including bribery, as well as the laundering of proceeds of corruption and other forms of economic crime,

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<sup>16</sup> See Economic and Social Council resolution 2013/40, on crime prevention and criminal justice responses to illicit trafficking in protected species of wild fauna and flora.

*Recalling* the United Nations Convention against Corruption, which is the most comprehensive and universal instrument on corruption, and recognizing the need to continue promoting ratification or accession to the Convention and of its full implementation,

*Welcoming* the adoption by the United Nations Office on Drugs and Crime of a regional approach to programming, based on continuing consultations and partnerships at the national and regional levels, particularly on its implementation, and focused on ensuring that the Office responds in a sustainable and coherent manner to the priorities of Member States,

*Recognizing* the general progress made by the United Nations Office on Drugs and Crime in the delivery of advisory services and assistance to requesting Member States in the areas of crime prevention and criminal justice reform, corruption, organized crime, money-laundering, terrorism, kidnapping, smuggling of migrants and trafficking in persons, including the support and protection, as appropriate, of victims, their families and witnesses, as well as drug trafficking and international cooperation, with special emphasis on extradition and mutual legal assistance and the international transfer of sentenced persons,

*Reiterating its concern* regarding the overall financial situation of the United Nations Office on Drugs and Crime,

1. *Takes note* of the report of the Secretary-General prepared pursuant to resolutions 64/293, 67/190, 67/192, 68/187, 68/188, 68/192, 68/193 and 68/195;<sup>17</sup>

2. *Reaffirms* that the United Nations Convention against Transnational Organized Crime and the Protocols thereto<sup>1</sup> represent the most important tools of the international community for fighting transnational organized crime;

3. *Notes with appreciation* that the number of States parties to the United Nations Convention against Transnational Organized Crime has reached 183, which is a significant indication of the commitment shown by the international community to combating transnational organized crime;

4. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the Single Convention on Narcotic Drugs of 1954 as amended by the 1972 Protocol,<sup>2</sup> the Convention on Psychotropic Substances of 1971,<sup>3</sup> the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>4</sup> the United Nations Convention against Corruption<sup>5</sup> and the international conventions and protocols related to terrorism, and urges States parties to those conventions and protocols to make efforts towards their full implementation;

5. *Recalls* article 32 of the United Nations Convention against Transnational Organized Crime and General Assembly resolution 68/193, in which, inter alia, the need for the establishment of a mechanism to review the implementation of the Convention and the Protocols thereto by States parties was reiterated, and underlines that the review of the implementation of the Convention is an ongoing and gradual process, and that it is necessary to explore all options regarding the establishment of a mechanism to assist the Conference in the review

<sup>17</sup> A/69/94.

of the implementation of the Convention and the Protocols thereto, and invites Member States to continue the dialogue at this regard;

6. *Takes note* of the progress made during the third meeting of the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, held in Vienna from 25 to 28 March 2014, and requests Member States to support the process of revision of the Standard Minimum Rules for the Treatment of Prisoners in line with General Assembly resolution 65/230 of 21 December 2010, and to strengthen all efforts to address the issue of prison overcrowding;

7. *Notes with appreciation* the work of the open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international, legal or other responses to cybercrime, and encourages the expert group to enhance its efforts to complete its work and to present the outcome of the study to the Commission on Crime Prevention and Criminal Justice in due course;

8. *Reaffirms* the importance of the United Nations crime prevention and criminal justice programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, as well as of the work of the United Nations Office on Drugs and Crime in the fulfilment of its mandate in crime prevention and criminal justice, including providing to Member States, upon request and as a matter of high priority, technical cooperation, advisory services and other forms of assistance, and coordinating with and complementing the work of all relevant and competent United Nations bodies and offices;

9. *Urges* Member States to be represented at the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice at the highest possible level, and encourages States to continue their preparations for the Congress with a view to making focused and productive contributions to the discussions and to promoting the participation of United Nations organs and related agencies, other intergovernmental organizations, non-governmental organizations, as well as individual experts and consultants, in accordance with relevant resolutions and rules of procedure;

10. *Underscores* that respect for and promotion of crime prevention and criminal justice as well as of the rule of law should be given due consideration in relation to the post-2015 development agenda;

11. *Recommends* that Member States, as appropriate to their national contexts, adopt a comprehensive and integrated approach to crime prevention and criminal justice reform, based on baseline assessments and data collection and focusing on all sectors of the justice system, and develop crime prevention policies, strategies and programmes, including ones that focus on early prevention by using multidisciplinary and participatory approaches, in close cooperation with all stakeholders, including civil society, and requests the United Nations Office on Drugs and Crime to continue to provide technical assistance, upon request, to Member States for this purpose;

12. *Encourages* all States to have national and local action plans for crime prevention in order to take into account, in a comprehensive, integrated and participatory manner, inter alia, factors that place certain populations and places at higher risk of victimization and/or of offending and to ensure that such plans are based on the best available evidence and good practices, stresses that crime prevention should be considered an integral element of strategies to foster social and economic development in all States, and in this regard welcomes Economic and Social Council resolution 2014/21 of 16 July 2014 on strengthening social policies as a tool for crime prevention;

13. *Calls upon* Member States to strengthen their efforts to cooperate, as appropriate, at the bilateral, subregional, regional and international levels to counter transnational organized crime effectively;

14. *Requests* the United Nations Office on Drugs and Crime to enhance its efforts, within existing resources and within its mandate, in providing technical assistance and advisory services for the implementation of its regional and subregional programmes in a coordinated manner with relevant Member States and regional and subregional organizations;

15. *Also requests* the United Nations Office on Drugs and Crime to continue to provide, within its mandate, technical assistance to Member States, upon their request, in the areas of crime prevention and criminal justice, with a view to strengthening the capacity of national criminal justice systems to investigate, prosecute and punish all forms of crime, while protecting the human rights and fundamental freedoms of defendants, as well as the legitimate interests of victims and witnesses, and to ensure access to effective legal aid in criminal justice systems;

16. *Encourages* Member States to strengthen their efforts in combating cybercrime and all forms of criminal abuses of information and telecommunications technologies and to enhance international cooperation in this regard;

17. *Emphasizes* the importance of protecting persons in vulnerable groups or situations, and in that regard expresses its concern about the increase in the activities of transnational and national organized criminal groups and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of national laws and international law;

18. *Calls upon* Member States to reinforce international cooperation for preventing and combating the smuggling of migrants and for the prosecution of smugglers, in accordance, as appropriate, with article 6 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,<sup>18</sup> and with national laws and legislation, while effectively protecting the rights and respecting the dignity of smuggled migrants and internationally recognized principles of non-discrimination and other applicable obligations under relevant international law, taking into account the special needs of women, children, especially when unaccompanied, and persons with disabilities and older persons, and in this regard calls upon the United Nations Office on Drugs and Crime to continue its technical assistance to Member States in accordance with the above-mentioned Protocol;

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<sup>18</sup> United Nations, *Treaty Series*, vol. 2241, No. 39574.

19. *Encourages* Member States to ensure that, in investigating and prosecuting the smuggling of migrants, the concurrent undertaking of financial investigations is considered, with a view to tracing, freezing and confiscating proceeds acquired through that crime, and to consider the smuggling of migrants to be a predicate offence of money-laundering;

20. *Emphasizes* the importance of preventing and combating all forms of trafficking in persons, and in this regard expresses its concern about the activities of transnational and national organized criminal groups and others who profit from such crimes, including for the purpose of organ removal, and calls upon Member States to strengthen national efforts to combat all forms of trafficking in persons and to protect and assist the victims of trafficking in accordance with all relevant legal obligations and in collaboration with international organizations, civil society and the private sector;

21. *Invites* Member States to strengthen the crime prevention and criminal justice response to the gender-related killing of women and girls, in particular measures to support the capacity of Member States to prevent, investigate, prosecute and punish all forms of such crime;

22. *Urges* the United Nations Office on Drugs and Crime to continue to provide within its mandate technical assistance to Member States, upon their request, to combat money-laundering and the financing of terrorism through the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism, in accordance with United Nations-related instruments and international standards, including, where applicable, standards and relevant initiatives of regional, interregional and multilateral organizations and intergovernmental bodies against money-laundering, inter alia and as appropriate, the Financial Action Task Force, in accordance with national legislation;

23. *Urges* Member States to strengthen bilateral, regional and international cooperation to enable the return of assets illicitly acquired from corruption to the countries of origin, upon their request, in accordance with the provisions of the United Nations Convention against Corruption for asset recovery, in particular chapter V, and requests the United Nations Office on Drugs and Crime, within its existing mandate, to continue providing assistance to bilateral, regional and international efforts for that purpose, and also urges Member States to combat and penalize corruption, as well as the laundering of its proceeds;

24. *Welcomes* the progress achieved by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption in the implementation of their respective mandates, and calls upon States parties to give full effect to the resolutions adopted by those bodies;

25. *Requests* the United Nations Office on Drugs and Crime to continue to foster international and regional cooperation, including by facilitating the development of regional networks active in the field of legal and law enforcement cooperation in the fight against transnational organized crime, where appropriate, and by promoting cooperation among all such networks, including by providing technical assistance where it is required, recognizing the efforts made by the United Nations Office on Drugs and Crime to establish and assist such networks;

26. *Urges* the United Nations Office on Drugs and Crime to increase collaboration with intergovernmental, international and regional organizations that have transnational organized crime mandates, as appropriate, in order to share best practices, foster cooperation and take advantage of their unique and comparative advantage;

27. *Recognizes* the efforts made by the United Nations Office on Drugs and Crime to assist Member States in developing their abilities and strengthening their capacity to prevent and combat kidnapping, and requests the Office to continue to provide technical assistance with a view to fostering international cooperation, in particular mutual legal assistance, aimed at countering effectively this growing serious crime;

28. *Draws attention* to the emerging policy issues identified in the report of the Secretary-General on the implementation of the mandates of the United Nations crime prevention and criminal justice programme, with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime, namely, piracy, cybercrime, the use of new information technologies to abuse and exploit children, trafficking in cultural property, illicit financial flows, environmental crime, including illicit trafficking in endangered species of wild fauna and flora, as well as identity-related crime, and invites the Office to explore, within its mandate, ways and means of addressing those issues, bearing in mind Economic and Social Council resolution 2012/12 of 26 July 2012 on the strategy for the period 2012-2015 for the Office;

29. *Invites* Member States and requests the United Nations Office on Drugs and Crime, within its existing mandate, to continue strengthening the regular collection, analysis and dissemination of accurate, reliable and comparable data and information, including, as appropriate, data disaggregated by sex, age and other relevant criteria, and strongly encourages Member States to share such data and information with the Office;

30. *Requests* the United Nations Office on Drugs and Crime to continue developing, in close cooperation with Member States, technical and methodological tools and trend analyses and studies to enhance knowledge on crime trends and support Member States in designing appropriate responses in specific areas of crime, in particular in their transnational dimension, taking into account the need to make the best possible use of existing resources;

31. *Urges* Member States and relevant international organizations to develop national and regional strategies, as appropriate, and other necessary measures, in cooperation with the United Nations crime prevention and criminal justice programme, to address effectively transnational organized crime, including drug trafficking, trafficking in persons, smuggling of migrants and illicit manufacturing of and trafficking in firearms, as well as corruption and terrorism;

32. *Requests* the United Nations Office on Drugs and Crime to continue to assist Member States, upon request, in combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to support them in their efforts to address the links with other forms of transnational organized crime, through, inter alia, legislative assistance, technical support and enhanced data collection and analysis;

33. *Encourages* Member States to enhance the effectiveness of countering criminal threats to the tourism sector, including terrorist threats through, when appropriate, the United Nations Office on Drugs and Crime and other relevant international organizations, in cooperation with the World Tourism Organization and the private sector;

34. *Urges* States parties to make effective use of the United Nations Convention against Transnational Organized Crime for broad cooperation in preventing and combating all forms and aspects of trafficking in cultural property and related offences, especially in returning such proceeds of crime or property to their legitimate owners, in accordance with article 14, paragraph 2, of the Convention, and invites States parties to exchange information on all forms and aspects of trafficking in cultural property and related offences, in accordance with their national laws, and to coordinate administrative and other measures taken, as appropriate, for the prevention, early detection and punishment of such offences, also reaffirming in this regard the importance of the international guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property and other related offences as adopted by its resolution 69/XX, by the Commission on Crime Prevention and Criminal Justice in its resolution 23/6, and related other documents adopted on this item at its twenty-third session,<sup>19</sup> and by the Economic and Social Council in its resolution 2014/20;

35. *Urges* Member States to introduce effective national and international measures to prevent and combat illicit trafficking in cultural property, including publicizing legislation, international guidelines and related technical background documents, and offering special training for police, customs and border services, and to consider such trafficking a serious crime, as defined in the United Nations Convention against Transnational Organized Crime;

36. *Encourages* Member States to make trafficking in protected species of wild fauna and flora involving organized criminal groups a serious crime, as defined in article 2, paragraph (b), of the United Nations Convention against Transnational Organized Crime, in order to ensure that adequate and effective means of international cooperation can be afforded in the investigation and prosecution of those engaged in trafficking in protected species of wild fauna and flora;

37. *Strongly encourages* Member States to take appropriate measures, consistent with their domestic legislation and legal frameworks, to strengthen law enforcement and related efforts to combat individuals and groups, including organized criminal groups, operating within their borders, with a view to preventing, combating and eradicating international trafficking in wildlife, forest products, including timber, and other forest biological resources harvested in contravention of national laws and relevant international instruments;

38. *Calls upon* Member States to take appropriate and effective measures to prevent and combat trafficking in precious metals and stones by organized criminal groups, including, where appropriate, the adoption and effective implementation of the necessary legislation for the prevention, investigation and prosecution of illicit trafficking in precious metals and stones;

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<sup>19</sup> See *Official Records of the Economic and Social Council, 2014, Supplement No. 10 (E/2014/30)*.

39. *Reaffirms* the importance of the United Nations Office on Drugs and Crime and its regional offices in building capacity at the local level in the fight against transnational organized crime and drug trafficking, and urges the Office to consider regional vulnerabilities, projects and impact in the fight against transnational organized crime, in particular in developing countries, when deciding to close and allocate offices, with a view to maintaining an effective level of support to national and regional efforts in those areas;

40. *Encourages* Member States to continue supporting the United Nations Office on Drugs and Crime in providing targeted technical assistance, within its existing mandate, to enhance the capacity of affected States, upon their request, to combat piracy and other forms of crime committed at sea, including by assisting Member States in creating an effective law enforcement response and strengthening their judicial capacity;

41. *Encourages* States parties to continue to provide full support to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption and their subsidiary bodies, including providing information to the conferences of the parties to the conventions regarding compliance with the treaties;

42. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with adequate resources to promote, in an effective manner, the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the Single Convention on Narcotic Drugs of 1954 as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the United Nations Convention against Corruption, and to discharge its functions as the secretariat of the conferences of the parties to the conventions, the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs, as well as the United Nations congresses on crime prevention and criminal justice, in accordance with its mandate;

43. *Reiterates its request* to the United Nations Office on Drugs and Crime 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 Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (the Counter-Terrorism Committee) and its Executive Directorate, as well as to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, and invites Member States to provide the Office with appropriate resources for its mandate;

44. *Requests, furthermore,* the United Nations Office on Drugs and Crime to continue to provide technical assistance to Member States, upon request, to strengthen the rule of law, taking also into account the work undertaken by the Rule of Law Coordination and Resource Group of the Secretariat and other relevant United Nations bodies;

45. *Encourages* Member States to take relevant measures, as appropriate to their national contexts, to ensure the diffusion, use and application of the United Nations standards and norms in crime prevention and criminal justice, including the consideration and, where they deem it necessary, dissemination of existing manuals and handbooks developed and published by the United Nations Office on Drugs and Crime;

46. *Urges* States parties to the United Nations Convention against Corruption to continue to provide full support to the review mechanism adopted by the Conference of the States Parties to the Convention;

47. *Requests* the United Nations Office on Drugs and Crime, in collaboration and close consultation with Member States and within existing resources, to continue to support the enhancement of capacity and skills in the field of forensic sciences, including the setting of standards, and the development of technical assistance material for training, such as manuals, compilations of useful practices and guidelines and scientific and forensic reference material, for law enforcement officials and prosecution authorities, and to promote and facilitate the establishment and sustainability of regional networks of forensic science providers in order to enhance their expertise and capacity to prevent and combat transnational organized crime;

48. *Reiterates* the importance of providing the United Nations crime prevention and criminal justice programme with sufficient, stable and predictable funding for the full implementation of its mandates, in conformity with the high priority accorded to it and in accordance with the increasing demand for its services, in particular with regard to the provision of increased assistance to developing countries, countries with economies in transition and countries emerging from conflict, in the area of crime prevention and criminal justice reform;

49. *Urges* all Member States to provide the fullest possible financial and political support to the United Nations Office on Drugs and Crime by widening its donor base and increasing voluntary contributions, in particular general-purpose contributions, so as to enable it to continue, expand, improve and strengthen, within its mandates, its operational and technical cooperation activities;

50. *Expresses concern* regarding the overall financial situation of the United Nations Office on Drugs and Crime, emphasizes the need to provide the Office with adequate, predictable and stable resources and to ensure their cost-effective utilization, and requests the Secretary-General to continue to report, within existing reporting obligations, on the financial situation of the Office and to continue to ensure that the Office has sufficient resources to carry out its mandates fully and effectively;

51. *Invites* States and other interested parties to make further voluntary contributions to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, and the United Nations Trust Fund on Contemporary Forms of Slavery;

52. *Requests* the Secretary-General to submit a report to the General Assembly at its seventieth session on the implementation of the mandates of the United Nations crime prevention and criminal justice programme, reflecting also emerging policy issues and possible responses;

53. *Also requests* the Secretary-General to include in the report referred to in paragraph 52 above information on the status of ratifications or accessions to the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

## **Draft resolution VIII United Nations African Institute for the Prevention of Crime and the Treatment of Offenders**

*The General Assembly,*

*Recalling* its resolution 68/194 of 18 December 2013 and all other relevant resolutions,

*Taking note* of the report of the Secretary-General,<sup>1</sup>

*Bearing in mind* that weaknesses in crime prevention lead to subsequent difficulties at the level of crime control mechanisms, and bearing in mind also the urgent need to establish effective crime prevention strategies for Africa, as well as the importance of law enforcement agencies and the judiciary at the regional and subregional levels,

*Aware* of the devastating impact of new and more dynamic crime trends on the national economies of African States, such as the high levels of transnational organized crime being recorded in Africa, including the utilization of digital technology to commit all types of cybercrime, and aware also of illicit trafficking in cultural property, drugs, precious metals, rhinoceros horns and ivory, of piracy and money-laundering, and of the fact that crime is a major obstacle to harmonious and sustainable development in Africa,

*Emphasizing* that combating crime is a collective endeavour to meet the global challenge of organized crime and that investment of necessary resources in crime prevention is important to that aim and contributes to sustainable development,

*Noting with concern* that in most African countries the existing criminal justice system does not have sufficiently skilled personnel and adequate infrastructure and is therefore ill-equipped to manage the emergence of new crime trends, and acknowledging the challenges that Africa faces in litigation processes and the management of correctional institutions,

*Recognizing* that the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders is a focal point for all professional efforts aimed at promoting the active cooperation and collaboration of Governments, academics, institutions and scientific and professional organizations and experts in crime prevention and criminal justice,

*Bearing in mind* the revised African Union Plan of Action on Drug Control and Crime Prevention (2013-2017), aimed at encouraging Member States to participate in and own the regional initiatives for effective crime prevention and good governance and strengthened justice administration,

*Recognizing* the importance of promoting sustainable development as a complement to crime prevention strategies,

*Emphasizing* the need to create necessary coalitions with all partners in the process of achieving effective crime prevention policies,

*Welcoming* the undertaking and conclusion of a preliminary diagnostic study by a consultant of the Economic Commission for Africa prior to the commencement

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<sup>1</sup> A/69/92.

of a full system-wide review process, including the significance of the Institute as a viable mechanism for promoting cooperation among the relevant entities to respond to the crime problem afflicting Africa,

*Expressing concern* over the continued absence of a director of the Institute, and noting the important role of such senior management positions in ensuring the normal functioning of the Institute,

*Noting with concern* that the financial situation of the Institute has greatly affected its capacity to deliver services to African Member States in an effective and comprehensive manner, and noting that one of the findings of the diagnostic preliminary study is that the Institute urgently needs to increase its income,

*Acknowledging* the Member States and organizations that have maintained their commitment to the fulfilment of their financial obligations,

1. *Commends* the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders for its efforts to promote, coordinate and carry out more activities within its core mandate, including regional technical cooperation related to crime prevention and criminal justice systems in Africa, despite the resource constraints under which it is operating;

2. *Also commends* the initiative of the United Nations Office on Drugs and Crime in strengthening its working relationship with the Institute by supporting and involving the Institute in the implementation of a number of activities, including those contained in the revised African Union Plan of Action on Drug Control and Crime Prevention (2013-2017), on strengthening the rule of law and criminal justice systems in Africa;

3. *Reiterates* the need to strengthen further the capacity of the Institute to support national mechanisms for crime prevention and criminal justice in African countries;

4. *Also reiterates* the benefits, in some cases, of the utilization of alternative remedial measures, where appropriate, applying standards of ethical conduct and using local traditions, counselling and other emerging correctional rehabilitation measures, consistent with the obligations of States under international law;

5. *Notes* the efforts of the Institute to establish contacts with organizations in those countries which are promoting crime prevention programmes and its maintenance of close links with regional and subregional political entities, such as the African Union Commission, the East African Community, the Commission of the Economic Community of West African States, the Intergovernmental Authority on Development and the Southern African Development Community;

6. *Encourages* the Institute, in cooperation with relevant United Nations agencies, to take into account the various planning authorities in the region that focus attention on the coordination of activities that promote development based on sustainable agricultural production and preservation of the environment in developing its crime prevention strategies;

7. *Urges* the States members of the Institute to continue to make every possible effort to meet their obligations to the Institute;

8. *Welcomes* the undertaking and conclusion of a preliminary diagnostic study in accordance with the decision of the Governing Board of the Institute, at its eleventh ordinary session, held in Nairobi on 27 and 28 April 2011, to carry out a review of the Institute to ensure that it can fulfil its mandate and assume a more prominent role in dealing with existing crime;

9. *Encourages* the Institute, partner agencies and other stakeholders to expedite the review process;

10. *Welcomes* the introduction by the Institute of a cost-sharing initiative in its execution of various programmes with Member States, partners and United Nations entities;

11. *Urges* all Member States and non-governmental organizations and the international community to continue adopting concrete practical measures to support the Institute in the development of the requisite capacity and in the implementation of its programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa;

12. *Urges* all States that have not already done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>2</sup> as well as the United Nations Convention against Corruption;<sup>3</sup>

13. *Encourages* African States that are not yet members of the Institute to consider becoming member States in order to strengthen the fight against crime and terrorism, which hamper individual and collective development efforts on the continent;

14. *Commends* the continued support provided by the Government of Uganda as host country, including resolving the issue of the ownership of the land on which the Institute is located and facilitating the Institute's collaboration with other stakeholders within Uganda and the region and with international partners;

15. *Also commends* the efforts of the Institute in implementing several programmes in the region, which have contributed, inter alia, to a growing set of coordinated remedial responses to crime on the basis of technical support in facilitating mutual assistance by law enforcement agencies and the emergence of regional jurisdictions;

16. *Requests* the Secretary-General to intensify efforts to mobilize all relevant entities of the United Nations system to provide the necessary financial and technical support to the Institute to enable it to fulfil its mandate, bearing in mind that the precarious financial situation of the Institute greatly undermines its capacity to deliver services effectively;

17. *Also requests* the Secretary-General to continue his efforts to mobilize the financial resources necessary to maintain the Institute with the core Professional staff required to enable it to function effectively in the fulfilment of its mandated obligations;

18. *Encourages* the Institute to consider focusing on specific and general vulnerabilities of each programme country and to maximize the use of available

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<sup>2</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

<sup>3</sup> *Ibid.*, vol. 2349, No. 42146.

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initiatives to address crime problems with existing funds, as well as available capacity, by creating useful coalitions with regional and local institutions;

19. *Requests* the United Nations Office on Drugs and Crime to continue to work closely with the Institute, and requests the Institute to provide the annual report on its activities to the Office as well as to the Economic Commission for Africa Conference of African Ministers of Finance, Planning and Economic Development;

20. *Requests* the Secretary-General to enhance the promotion of regional cooperation, coordination and collaboration in the fight against crime, especially in its transnational dimension, which cannot be dealt with adequately by national action alone;

21. *Also requests* the Secretary-General to continue making concrete proposals, including for the provision of additional core Professional staff, to strengthen the programmes and activities of the Institute, and to report to the General Assembly at its seventieth session on the implementation of the present resolution.

**Draft resolution IX  
Preventing and combating corrupt practices and the transfer of  
proceeds of corruption, facilitating asset recovery and returning  
such assets to legitimate owners, in particular to countries of  
origin, in accordance with the United Nations Convention  
against Corruption**

*The General Assembly,*

*Recalling* its resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001 and 57/244 of 20 December 2002, and recalling also its resolutions 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009, 65/169 of 20 December 2010, 67/189 and 67/192 of 20 December 2012 and 68/195 of 18 December 2013 and all relevant Human Rights Council resolutions, including resolution 23/9 of 13 June 2013,<sup>1</sup>

*Welcoming* the entry into force on 14 December 2005 of the United Nations Convention against Corruption,<sup>2</sup> which is the most comprehensive and universal instrument on corruption, and recognizing the need to continue to promote its ratification or accession thereto and its full implementation,

*Stressing the need* for States parties to the United Nations Convention against Corruption to give full effect to the resolutions of the Conference of the States Parties to the Convention,

*Bearing in mind* the need to promote and strengthen measures to prevent and combat corruption more efficiently and effectively, that the return of assets is one of the main objectives, an integral part and a fundamental principle of the Convention, and recalling article 51 of the Convention, which obligates States parties to afford one another the widest measure of cooperation and assistance with regard to asset return,

*Recognizing* that fighting corruption at all levels and in all its forms is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication and sustainable development,

*Recognizing* that education plays a fundamental role in the fight against corruption, inasmuch as it makes corrupt behaviour socially unacceptable,

*Reaffirming* the importance of respect for human rights, the rule of law, the proper management of public affairs and democracy in the fight against corruption,

*Realizing* that the fight against corruption at all levels, including by facilitating international cooperation to achieve the purposes enshrined in the Convention against Corruption, including on asset recovery and return, plays an important role in the promotion and protection of all human rights and in the process of creating an environment conducive to their full enjoyment and realization,

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<sup>1</sup> See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53 (A/68/53)*, chap. V, sect. A.

<sup>2</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

*Recognizing* that supportive national legal systems are essential in preventing and combating corrupt practices, facilitating asset recovery and returning the proceeds of corruption to legitimate owners,

*Recalling* that the purposes of the Convention, as set out in article 1, are to promote and strengthen measures to prevent and combat corruption more efficiently and effectively, to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery, and to promote the integrity, accountability and proper management of public affairs and public property,

*Welcoming* the commitment of States parties, and determined to give effect to the obligations set out in chapter V of the Convention in order to prevent, detect, deter and recover in a more effective manner the international transfer of proceeds of crime and to strengthen international cooperation in asset recovery,

*Recognizing* that those who engage in corrupt acts, whether natural or legal persons, consistent with domestic law and the requirements of the Convention, should be held accountable and prosecuted by their domestic authorities, and that all appropriate efforts should be made to conduct a financial investigation into assets illegally acquired by them and to recover such assets through domestic confiscation proceedings, international cooperation for purposes of confiscation or appropriate direct recovery measures,

*Acknowledging* that the fight against all forms of corruption requires comprehensive anti-corruption frameworks and strong institutions at all levels, including at the local and international levels, able to undertake efficient preventive and law enforcement measures in accordance with the Convention, in particular chapters II and III,

*Recognizing* that the success of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption depends on the full commitment and constructive engagement of all States parties to the Convention in a progressive and comprehensive process, and recalling in that regard resolution 3/1 of 13 November 2009 of the Conference of the States Parties to the United Nations Convention against Corruption,<sup>3</sup> including the terms of reference of the Mechanism contained in the annex to that resolution, as well as decision 5/1 of the Conference of the States Parties,<sup>4</sup>

*Noting with appreciation* the significant number of States parties that have been involved in the ongoing first review cycle process of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, both as countries under review and reviewing States, as well as the support provided by the United Nations Office on Drugs and Crime in this regard,

*Bearing in mind* that the prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, if their efforts in this area are to be effective,

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<sup>3</sup> See CAC/COSP/2009/15, sect. I.A.

<sup>4</sup> See CAC/COSP/2013/18, sect. I.B.

*Reaffirming its concern* about the laundering and transfer of stolen assets and proceeds of corruption, and stressing the need to address this concern in accordance with the Convention,

*Noting* the efforts made by all States parties to the Convention in tracing, freezing and recovering their stolen assets, and underlining the need to redouble efforts to assist in the recovery of those assets in order to preserve stability and sustainable development,

*Noting also* the work of other initiatives in asset recovery, such as the Arab Forum on Asset Recovery, and welcoming efforts to enhance cooperation between requesting and requested States,

*Recognizing* that States continue to face challenges in recovering assets owing to differences between legal systems, the complexity of multijurisdictional investigations and prosecutions, the limited implementation of effective domestic tools such as non-conviction-based forfeiture for asset recovery, as well as other administrative or civil procedures leading to confiscation, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of corruption proceeds, and noting the particular challenges posed in recovering the proceeds of corruption in cases involving individuals who are or have been entrusted with prominent public functions, as well as their family members and close associates,

*Concerned* about the difficulties, particularly the legal and practical difficulties, that both requested and requesting States face in asset recovery, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulty of providing information establishing a link between proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases can be difficult to prove,

*Recognizing* the common difficulties experienced by States parties to the Convention in establishing a nexus between identified assets and the crime from which such assets are derived, and emphasizing the critical importance of effective domestic investigative efforts and international cooperation to overcome such difficulties,

*Recognizing* the critical importance of effective international cooperation in efforts to combat corruption, particularly with respect to offences specified in the Convention with a transnational element, and encouraging continued cooperation by States parties, consistent with the requirements of the Convention, in all efforts to investigate and prosecute natural and legal persons, including the use of other legal mechanisms, where appropriate, for offences specified in the Convention and to recover assets related to such offences, consistent with chapter V of the Convention,

*Calling upon* all States parties and, in particular, requested and requesting States, to cooperate to recover the proceeds of corruption and demonstrate strong commitment to ensure the return or disposal of such proceeds in accordance with article 57 of the Convention,

*Noting* the responsibility of requesting and requested States parties to cooperate to ensure that a greater proportion of the proceeds emanating from

corruption are recovered, returned or otherwise disposed of in accordance with the provisions of the Convention,

*Concerned* that some persons accused of crimes of corruption have managed to escape justice and thus have eluded the legal consequences of their actions, and have been successful in hiding their assets,

*Taking into account* the need to hold corrupt officials accountable by depriving them of their stolen assets,

*Acknowledging* the vital importance of ensuring the independence and effectiveness of authorities charged with investigating and prosecuting crimes of corruption and of recovering the proceeds of such crimes by several means, such as establishing the necessary legal framework and allocating the necessary resources,

*Acknowledging* the fundamental principles of due process of law in criminal proceedings and in civil or administrative proceedings to adjudicate property rights,

*Reiterating its concern* about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and the values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law, in particular when an inadequate national and international response leads to impunity,

*Concerned* about the negative impact of widespread corruption on the enjoyment of human rights, recognizing that corruption constitutes one of the obstacles to the effective promotion and protection of human rights, as well as to the achievement of the Millennium Development Goals and other internationally agreed development goals, and recognizing also that corruption may disproportionately affect the most disadvantaged individuals of society,

*Noting with appreciation* the ongoing efforts by regional organizations and forums to strengthen cooperation in combating corruption, which aim, inter alia, to ensure openness and transparency, combat domestic and foreign bribery, tackle corruption in high-risk sectors, strengthen international cooperation and promote public integrity and transparency in the fight against corruption, which fuels illicit trade and insecurity and is a tremendous barrier to economic growth and the safety of citizens,

*Taking note* of the efforts of regional organizations and forums to combat corruption, including the Asia-Pacific Economic Cooperation Course of Action on Fighting Corruption and Ensuring Transparency and the Santiago Commitment to Fight Corruption and Ensure Transparency, and the Group of 20 Anti-Corruption Action Plan, the Saint Petersburg Development Strategy, the non-binding Guiding Principles on Enforcement of the Foreign Bribery Offence, the Guiding Principles to Combat Solicitation, the Asset Recovery Principles, the asset recovery country profiles and the Asset Recovery Guides,

*Taking note* of the Lausanne process initiative on practical guidelines for efficient asset recovery, which is being undertaken with a view to identifying good practices in effective and coordinated approaches to asset recovery for practitioners from requesting and requested States, with the support of interested States, implemented in close collaboration with the International Centre for Asset Recovery and with the support of the Stolen Asset Recovery Initiative of the World Bank and the United Nations Office on Drugs and Crime,

1. *Takes note* of the report of the Secretary-General;<sup>5</sup>
2. *Condemns* corruption at all levels and in all its forms, including bribery, as well as the laundering of proceeds of corruption and other forms of economic crime;
3. *Expresses concern* about the magnitude of corruption at all levels, including the scale of stolen assets and proceeds of corruption, and in this regard reiterates its commitment to preventing and combating corrupt practices at all levels, in accordance with the United Nations Convention against Corruption;<sup>2</sup>
4. *Welcomes* the fact that 173 States parties have already ratified or acceded to the Convention, thus making it an instrument enjoying a status very close to universal adherence, and in this regard urges all Member States and competent regional economic integration organizations, within the limits of their competence, that have not yet done so to consider ratifying or acceding to the Convention as a matter of priority, and urges all States parties to take appropriate measures to ensure its full and effective implementation;
5. *Notes with appreciation* the panel discussion on the negative impact of corruption on the enjoyment of human rights held at the twenty-second session of the Human Rights Council;
6. *Also notes with appreciation* the work carried out under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and by the Implementation Review Group, and urges Member States to continue to support this work and make every possible effort to provide comprehensive information and adhere to the timelines for review as contained in the guidelines for governmental experts and the secretariat in the conduct of country reviews;<sup>6</sup>
7. *Welcomes* the progress made in the first review cycle of the Mechanism and the efforts made by the United Nations Office on Drugs and Crime in support of the Mechanism, and encourages the use of the lessons learned during the first review cycle in order to improve the efficiency and effectiveness of the Mechanism, as well as the implementation of the Convention;
8. *Encourages* Member States to engage actively in the preparation of the review of chapter II, on prevention measures, and chapter V, on asset recovery, of the United Nations Convention against Corruption in the second review cycle of the Mechanism;
9. *Notes with appreciation* the work of the Open-ended Intergovernmental Working Groups on Asset Recovery, on the Prevention of Corruption and on Review of the Implementation of the United Nations Convention against Corruption and the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, and encourages States parties to the Convention to support the work of all of these subsidiary bodies of the Conference of the States Parties to the United Nations Convention against Corruption;
10. *Encourages* all States parties to renew their commitment to effective national action and international cooperation to give full effect to chapter V of the Convention and to contribute effectively to the recovery of the proceeds of corruption;

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<sup>5</sup> A/69/94.

<sup>6</sup> CAC/COSP/IRG/2010/7, annex I.

11. *Urges* Member States to combat and penalize corruption in all its forms, as well as the laundering of proceeds of corruption, to prevent the acquisition, transfer and laundering of proceeds of corruption and to work for the prompt recovery of such assets in accordance with the principles of the Convention, including chapter V;

12. *Welcomes* the decision of the Conference of the States Parties to the Convention against Corruption to call upon States parties to give particular and timely consideration to the execution of international mutual legal assistance requests that need urgent action, including those related to the States concerned in the Middle East and North Africa, as well as other requesting States, and to ensure that the competent authorities of requested States have adequate resources to execute requests, taking into account the particular importance of the recovery of these assets for sustainable development and stability;<sup>7</sup>

13. *Urges* States parties that have yet to designate a central authority for international cooperation in accordance with the Convention to do so, and to appoint focal points for the purposes of international cooperation and mutual legal assistance in asset recovery, and, where appropriate, encourages States parties to make full use of the network of focal points of the Open-ended Intergovernmental Working Group on Asset Recovery to facilitate cooperation and the implementation of the Convention, as well as the Global Focal Point Network on Asset Recovery, supported by the United Nations Office on Drugs and Crime through the Stolen Asset Recovery Initiative and by INTERPOL;

14. *Encourages* States parties to the Convention to use and promote informal channels of communication, in particular prior to making formal requests for mutual legal assistance, by, inter alia, designating officials or institutions, as appropriate, with technical expertise in international cooperation in asset recovery to assist their counterparts in effectively meeting requirements for formal mutual legal assistance;

15. *Urges* States parties to the Convention to remove barriers to asset recovery, including by simplifying their legal procedures and preventing abuse of those procedures;

16. *Encourages* States parties to the Convention to give full effect to the resolutions, including those on asset recovery, of the Conference of the States Parties to the Convention;

17. *Urges* States parties to the Convention to afford one another the widest possible cooperation and assistance in the identification and recovery of stolen assets and proceeds of corruption and to give particular and timely consideration to the execution of requests for international mutual legal assistance, in accordance with the Convention, and to afford one another the widest possible cooperation and assistance in the extradition of individuals accused of the predicate offences, in accordance with their obligations under the Convention, including article 44;

18. *Urges* States parties to the Convention to ensure that procedures for international cooperation allow for the seizure and/or restraint of assets for a time period sufficient to preserve those assets in full, pending confiscation proceedings in another State, to ensure that there are adequate mechanisms in place to manage and preserve the value and condition of assets pending the conclusion of

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<sup>7</sup> See CAC/COSP/2013/18, sect. I.A, resolution 5/3, para. 6.

confiscation proceedings in another State, and to allow or expand cooperation in the enforcement of foreign judgements and restraint orders and confiscation judgements, including through awareness-raising for judicial authorities;

19. *Urges* States parties to take a proactive approach to international cooperation in asset recovery by making full use of the mechanisms provided for in chapter V of the Convention, including initiating requests for assistance, making spontaneous disclosures of information on proceeds of offences to other States parties and considering making requests for notifications, in accordance with article 52, paragraph 2 (b) of the Convention, and, where appropriate, implementing measures to permit the recognition of non-conviction-based forfeiture judgements;

20. *Urges* States parties to ensure that reliable beneficial ownership information on companies is accessible onshore to law enforcement agencies and other relevant authorities, including, as appropriate, financial intelligence units and tax administrations, thus facilitating the investigation process and execution of requests;

21. *Encourages* States parties to cooperate in order to implement the necessary measures to enable them to obtain reliable information on beneficial ownership of companies, legal structures or other complex legal mechanisms, including trusts and holdings, used to commit crimes of corruption or to hide and transfer proceeds;

22. *Urges* Member States, where appropriate and consistent with their national legal systems, to provide each other with the widest possible assistance in investigations of and proceedings in civil and administrative matters relating to corruption;

23. *Also encourages* Member States to prevent and combat all forms of corruption by increasing transparency, integrity, accountability and efficiency in the public and private sectors, and recognizes in this regard the need to prevent impunity by prosecuting corrupt officials and those who corrupt them and to cooperate in their extradition, in accordance with the obligations under the Convention;

24. *Stresses* the need for transparency in financial institutions, invites Member States to work on the identification and tracing of financial flows linked to corruption, the freezing or seizing of assets derived from corruption and the return of such assets, in accordance with the Convention, and encourages the promotion of human and institutional capacity-building in that regard;

25. *Urges* States parties to the Convention to give timely consideration to mutual legal assistance requests relating to the identification, freezing, tracing and/or recovery of proceeds of corruption and to respond effectively to requests for exchange of information related to proceeds of crime, property, equipment or other instruments referred to in article 31 of the Convention situated in the territory of the requested State party, in accordance with the provisions of the Convention, including article 40;

26. *Urges* States, in accordance with the fundamental principles of their legal systems, to develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability;

27. *Invites* States parties to recognize the importance of the involvement of young people and children as key actors in strengthening ethical behaviour, beginning with the identification and adoption of values, principles and actions that make it possible to build a fair and corruption-free society, in accordance with the United Nations Convention against Corruption, and in this regard welcomes the adoption of resolution 5/5 by the Conference of the States Parties to the United Nations Convention against Corruption;<sup>8</sup>

28. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, and in this regard encourages Member States that have not yet done so to enact such laws and to implement effective measures at the national level, in accordance with the Convention;

29. *Reaffirms* the need for Member States to take measures to prevent the transfer abroad and laundering of assets derived from corruption, including to prevent the financial institutions in both countries of origin and countries of destination from being used to transfer or receive illicit funds, as well as to assist in their recovery and to return such assets to the requesting State, in accordance with the Convention;

30. *Calls upon* Member States to continue to work with all stakeholders in international and domestic financial markets to deny safe haven to assets acquired illicitly by individuals engaged in corruption, to deny entry and safe haven to corrupt officials and those who corrupt them and to enhance international collaboration in the investigation and prosecution of corruption offences, as well as in the recovery of proceeds of corruption;

31. *Urges* all Member States to abide by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption, in accordance with the Convention;

32. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer and laundering of proceeds of corruption, in accordance with the principles of the Convention, and in this regard encourages close and enhanced coordination, cooperation and synergies between anti-corruption agencies, law enforcement agencies and financial intelligence units;

33. *Stresses* the need for further cooperation and coordination among the different international, regional and subregional organizations and initiatives mandated to prevent and combat corruption;

34. *Urges* States parties to the Convention to take appropriate measures, within their means and in accordance with fundamental principles of their national law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;

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<sup>8</sup> See CAC/COSP/2013/18, sect. I.A.

35. *Recalls* article 63, paragraph 4 (c) of the Convention, in which it is stated, inter alia, that the Conference of the States Parties shall agree upon activities, procedures and methods of work to achieve the objectives set forth in paragraph 1 of that article, including by cooperating with relevant international and regional organizations and mechanisms and non-governmental organizations, and in this regard invites the Conference of the States Parties to the Convention to give due consideration to the implementation of the above-mentioned provision;

36. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and to discharge its functions as the secretariat of the Conference of the States Parties to the Convention, and also requests the Secretary-General to ensure that the Mechanism for the Review of Implementation of the Convention is adequately funded, consistent with the resolution adopted by the Conference of the States Parties at its fourth session;<sup>9</sup>

37. *Reiterates its call upon* the private sector, at both the international and the national levels, including small and large companies and transnational corporations, to remain fully engaged in the fight against corruption, notes in this context the role that the Global Compact can play in fighting corruption and promoting transparency, and emphasizes the need for all relevant stakeholders, including within the United Nations system, as appropriate, to continue to promote corporate responsibility and accountability, and in this regard welcomes the adoption of resolution 5/6 by the Conference of the State Parties to the Convention against Corruption;<sup>8</sup>

38. *Recognizes* the important role of business and public-private partnerships in promoting measures to fight corruption, especially measures that support the promotion of ethical business practices in interactions between government, business and other stakeholders;

39. *Encourages* Member States to implement and raise awareness regarding effective anti-corruption education programmes;

40. *Urges* the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of proceeds of corruption and to facilitate asset recovery and the return and disposal of such proceeds in accordance with the Convention, and to support national efforts in formulating strategies for mainstreaming and promoting anti-corruption efforts, transparency and integrity in both the public and the private sectors;

41. *Urges* States parties and signatories to the Convention to strengthen the capacity of legislators, law enforcement officials, judges and prosecutors to combat corruption and to deal with matters relating to asset recovery, including in the areas of mutual legal assistance, confiscation, criminal confiscation and, where appropriate, non-conviction-based forfeiture, in accordance with national law and the Convention, and civil proceedings, and to give the highest consideration to providing technical assistance in those fields, upon request;

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<sup>9</sup> CAC/COSP/2011/14, sect. I.A, resolution 4/1.

42. *Encourages* Member States to exchange and share with each other, including through regional and international organizations, as appropriate, information on lessons learned and good practices, as well as information related to technical assistance activities and initiatives in order to strengthen international efforts to prevent and combat corruption;

43. *Encourages* States parties to the Convention to provide regular updates and to expand, where appropriate, the information contained in the relevant databases of knowledge on assets recovery, such as Tools and Resources for Anti-Corruption Knowledge and Asset Recovery Watch, taking into consideration constraints on information-sharing based on confidentiality requirements;

44. *Encourages* the collection and systematization of good practices and tools in the cooperation for asset recovery, including the use and expansion of secure information-sharing tools with a view to enhancing early and spontaneous information exchange insofar as possible and in accordance with the Convention;

45. *Also encourages* the collection of substantial information duly researched and regularly published by recognized organizations and representatives of civil society;

46. *Encourages* States parties to make widely available information on their legal frameworks and procedures with regard to asset recovery under chapter V of the United Nations Convention against Corruption, in a practical guide or other format designed to facilitate use by other States, and to consider, where advisable, the publication of that information in other languages;

47. *Calls upon* requesting and requested States with practical experience in asset recovery to develop, as appropriate, in cooperation with interested States and providers of technical assistance, non-binding practical guidelines, such as a step-by-step guide, for efficient asset recovery, with a view to enhancing effective approaches to asset recovery based on the lessons learned from past cases, being mindful to seek to add value by building upon existing work in this area;

48. *Encourages* States parties to share approaches and practical experience for the return of assets, consistent with article 57 of the Convention, for further dissemination through the Secretariat;

49. *Encourages* requesting States to ensure that adequate national investigative procedures have been initiated and substantiated for the purpose of presenting mutual legal assistance requests, and in this context encourages requested States to provide, when appropriate, information on legal frameworks and procedures to the requesting State;

50. *Encourages* States parties to the Convention to compile and provide information in accordance with article 52 of the Convention and to take other actions that help to establish the linkage between assets and offences under the Convention;

51. *Notes with appreciation* the Stolen Asset Recovery Initiative of the United Nations Office on Drugs and Crime and the World Bank and its cooperation with relevant partners, including the International Centre for Asset Recovery and INTERPOL, and encourages coordination among existing initiatives;

52. *Requests* the United Nations Office on Drugs and Crime to continue to provide, in collaboration with the World Bank through the Stolen Asset Recovery

Initiative and in coordination with other relevant stakeholders, upon request, technical assistance for the implementation of chapter V of the Convention, including by providing direct expertise on policy or capacity-building through the Office's thematic programme on action against corruption and economic crime and, where appropriate, regional programmes, using its range of technical assistance tools;

53. *Notes* the work of other initiatives in the field of asset recovery, such as the Arab Forum on Asset Recovery, and welcomes their efforts to enhance cooperation between requesting and requested States;

54. *Welcomes* the work of the International Anti-Corruption Academy, a centre of excellence for education, training and academic research in the anti-corruption field, including in the area of asset recovery, and looks forward to its continued efforts in this regard to promote the goals and implementation of the Convention;

55. *Also welcomes* the holding of the fifth session of the Conference of States Parties to the Convention, in Panama City from 25 to 29 November 2013 and its outcomes and contributions to promoting the implementation of the Convention, and reiterates its appreciation for the offer by the Government of the Russian Federation to host the sixth session of the Conference of the States Parties in 2015;

56. *Requests* the Secretary-General, within existing reporting obligations, to include in his report to the General Assembly at its seventy-first session under the item on crime prevention and criminal justice an analytical section entitled "Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption", and also requests the Secretary-General to transmit to the Assembly the report of the Conference of the States Parties to the Convention on its sixth session.

42. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

**Reports considered by the General Assembly in connection with the question of crime prevention and criminal justice**

The General Assembly decides to take note of the following documents submitted under the item entitled “Crime prevention and criminal justice”:

(a) Report of the Secretary-General on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice;<sup>1</sup>

(b) Note by the Secretary-General transmitting the report of the Conference of the Parties to the United Nations Convention against Corruption on its fifth session held in Panama City from 25 to 29 November 2013;<sup>2</sup>

(c) Note by the Secretary-General transmitting the report containing the outcome of the meeting of the open-ended intergovernmental expert group on the development of a draft set of model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice, which was held from 18 to 21 February 2014 in Bangkok.<sup>3</sup>

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<sup>1</sup> A/69/89.

<sup>2</sup> A/69/86.

<sup>3</sup> A/69/88.