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Report of the African Regional Preparatory Meeting for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Nairobi from 8 to 10 September 2009

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I. Introduction

1. In its resolution 56/119, on the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, the General Assembly decided that each congress should be preceded by regional preparatory meetings, and also decided to call future congresses United Nations congresses on crime prevention and criminal justice.

2. The Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice, which had met in Bangkok from 15 to 18 August 2006, stressed the importance of regional preparatory meetings as a key preparatory tool for the congresses and as a conduit to incorporate regional concerns and perspectives into their preparation. The Group noted that despite globalization and the increasingly transboundary nature of criminality, different regions of the world preferred to highlight problems that are specific to their regions, which they wanted to see properly reflected in the consideration of various topics by the congresses (E/CN.15/2007/6, para. 23).

3. In its resolution 62/173, the General Assembly requested the Secretary-General to facilitate the organization of regional preparatory meetings for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, and also requested him to make available the necessary resources for the participation of the least developed countries in those meetings and in the Congress itself, in accordance with past practice.

4. In its resolution 63/193, the General Assembly reiterated its request to the Secretary-General to facilitate the organization of regional preparatory meetings for the Twelfth Congress. It urged participants in the meetings to examine the substantive items on the agenda and the topics of the workshops of the Congress and to make action-oriented recommendations.

5. Also in its resolution 63/193, the General Assembly requested the Secretary-General to prepare, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, a discussion guide for the regional preparatory meetings for the Twelfth Congress in a timely manner in order to enable the meetings to commence early in 2009, and invited Member States to be actively involved in that process. Following the approval by the Assembly, in its resolution 63/193, of the theme, agenda items and workshop topics for the Twelfth Congress, a discussion guide for the regional preparatory meetings (A/CONF.213/PM.1) was prepared and made available to the Commission on Crime Prevention and Criminal Justice at its eighteenth session, in 2009. The discussion guide was used as the basis for the Commission's deliberations on item 5 of its agenda, entitled "Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice".

II. Conclusions

6. The Meeting commented on ways and means of ensuring appropriate follow-up of the outcomes of United Nations congresses on crime prevention and criminal justice and assessing action taken and progress made in implementing the declaration and recommendations of each congress. The Meeting recommended the

establishment of an appropriate and efficient mechanism to ensure follow-up of the outcomes of the congresses. The Meeting called for a full-scale evaluation of efforts to implement past recommendations that would establish the success of those efforts and provide incentives for the further adoption of those recommendations. Further, the Meeting called for mechanisms to be put in place to monitor specifically the implementation and impact of the declaration to be adopted by the Twelfth Congress.

7. The Meeting discussed the social, economic, cultural and political causes of criminality and identified poverty, underdevelopment, corruption, political instability and war situations as factors that increase the vulnerability of a region to criminality, including the most serious forms of transnational organized crime.

A. Substantive items

1. Children, youth and crime

8. The Meeting emphasized that children and youth constituted the vast majority of the population of Africa, making the protection of children and the prevention of their involvement in crime or victimization by crime one of the highest priorities of the region.

9. In this context, the importance of the Convention on the Rights of the Child¹ and of the set of standards and norms that had been developed over the years to address challenges and develop policies in the area of juvenile justice² was stressed. The implementation of those instruments had a crucial role to play in the proper treatment of children and youth victims of crime and children and youth in conflict with the law.

10. The Meeting noted the need for the collection of reliable data on all aspects of the relationship between children/youth and crime, including statistics on crime and imprisonment by age group of the offender. It was suggested that the African Institute for the Prevention of Crime and the Treatment of Offenders could play a role in collecting and analysing data and carrying out research on relevant issues across the African region.

11. Speakers noted certain contexts, such as the situation of refugees and internally displaced persons and post-conflict societies, as increasing the vulnerability of children to crime, as both offenders and victims.

12. The Meeting discussed specific forms of crime targeting children and youth, including the trafficking of children for forced labour or sexual exploitation, the sale

¹ United Nations, *Treaty Series*, vol. 1577, No. 27531.

² Including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33, annex); the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (Assembly resolution 45/112, annex); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Assembly resolution 45/113, annex); the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (General Assembly resolution 45/110, annex); the Guidelines for Action on Children in the Criminal Justice System (Economic and Social Council resolution 1997/30, annex); and the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Council resolution 2005/20, annex).

of children's organs, irregular adoptions and the kidnapping of children. Online child pornography and child prostitution or exploitation were mentioned as new threats targeting children and youth. Forms of violence against children and youth discussed by the Meeting included the genital mutilation of girls, the use of children as soldiers in armed conflicts and child ritual sacrifices, the incidence of which seemed to have increased in some communities.

13. The Meeting recommended the adoption of adequate legislative frameworks to protect children and youth from abuses, violence and crime, with the establishment of activities that victimize children as serious crimes with adequate levels of punishment. Capacity-building at the national level to combat such forms of crime was also recommended, as well as regional and international cooperation.

14. The adoption of a multidisciplinary approach that involved all the partners concerned, including civil society, and coordination with non-governmental organizations was deemed advisable. The Meeting recommended in particular a holistic approach to rehabilitation and crime prevention needs that should specifically target vulnerable children who are in need of care and protection in order to prevent them from having conflicts with the law.

15. Addressing the issue of children in conflict with the law, the Meeting recommended dealing with the root causes of juvenile delinquency, including poverty, social and economic exclusion, and lack of educational opportunities and of free-time activities, disturbed family environments and abuse of drugs and alcohol. The importance of education in preventing the involvement of youth in crime was in particular emphasized. The Meeting recommended that awareness of existing United Nations guidelines on child protection be raised and that those guidelines be effectively implemented. The role of the international community and of national and international non-governmental organizations in addressing those causes and developing social-care programmes was stressed.

16. The Meeting emphasized that measures for the prevention of juvenile delinquency should be prioritized as an investment likely to have a positive impact on the development of countries with large and expanding populations of young people.

17. Recognizing that serious consideration should be given to the nature of punishment of youth and children in conflict with the law, the Meeting recommended a broader application of alternative sanctions to the deprivation of liberty, of restorative justice measures and, more generally, of all measures that foster the diversion of young offenders from the criminal justice system. Criminal justice responses to youth crime should be aimed at the appropriate rehabilitation of young people and their reintegration into society.

18. It being understood that one must take into account the human rights and special needs of children and youth victims and authors of offences, full legal aid and advice needed to be provided to children and youth at the very early stages of their contact with criminal justice authorities. It was observed that children are not only vulnerable, but are our future. Therefore, full and early legal assistance must be provided to ensure that limits on the detention of children of certain ages are respected. Furthermore, guidelines must be developed to establish age when it is in question, and there should be a presumption in favour of earlier age to ensure

respect for the special rights and needs of children, including the right to facilities that are separate from adults.

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

19. The Meeting concluded that technical assistance was one of the key requirements to strengthen legal frameworks and build the capacity of developing countries to enable them to deal effectively with the prevention and suppression not only of terrorism but also of other forms of crime, including organized crime, corruption and money-laundering, including through the financing of terrorism. Thus, it considered international cooperation, including through extradition and mutual legal assistance, essential. The Meeting recommended that different forms of technical assistance, such as legislative drafting to amend existing legislation, legal advisory services and advice on how to enforce legislation and to ensure adequate training of relevant personnel, be facilitated in order to more effectively address the links between terrorism and other forms of crime, enhance synergies and learn from the provision of technical assistance in other areas.

20. The Meeting viewed ratification and implementation of the 16 universal instruments against terrorism, as well as the various African regional instruments, as a great priority, along with the implementation of procedures enabling countries to cooperate regionally and internationally. It thus recommended that countries that have not done so become parties to those instruments and enact implementing legislation. Action was to be taken to improve national, subregional and regional expertise for tackling terrorism, especially complex issues such as the financing of terrorism. Emphasis was placed on strengthening capacity to prevent and control terrorism by training and modernizing relevant law enforcement, border management and other agencies. The Meeting further recommended that strategies be developed to engage all stakeholders, including civil society, in identifying and prioritizing key issues in overall training and capacity-building programmes. The Meeting recommended that technical assistance and capacity-building be provided by international partners to developing countries to assist in preventing and detecting terrorism. Such technical assistance and capacity-building should include training, provision of state-of-the-art equipment and donor funding to effectively deal with the scourge of terrorism.

21. The Meeting noted that fighting terrorism and the protection of human rights were not incompatible. It thus recommended that fighting terrorism be done within the confines of the rule of law and that communities affected by terrorism not become victims of the fight against terrorism. It further recommended that observance of human rights in the fight against terrorism be promoted, including in Africa, as this will ensure that citizens do not resort to terrorism as a way of settling grievances. Impunity, which further fosters organized crime and terrorism, should also be addressed as a matter of urgency. The Meeting recommended that justice initiatives across Africa be supported and galvanized, such as initiatives for the provision of legal aid and support, including to those facing terrorism charges, in order to build faith in the legal structures. To that end, paralegal education should be supported in communities and in schools, so that children grow up knowing that

complex and serious matters should be dealt with through courts of law and not through bombings.

22. The Meeting reaffirmed that the fight against terrorism can be won only when Governments and all partners concerned work together in an environment of good governance. The international community and donor agencies, including the regional organizations and the United Nations, have an important role to play in ensuring that States take positive measures to provide security for their people, but at the same time conform to international human rights standards. The provision of legal aid and making justice accessible to all through the courts are indispensable for success in the fight against terrorism. Civil society's role as a bridge between the State and the citizenry was also considered to be of crucial importance. Everyone has a role to play, and it is only when Governments and citizens work together that success is possible.

23. The Meeting recalled the role played by the African Centre for Study and Research on Terrorism, established in Algiers, and recommended that it be supported and encouraged, along with all relevant African mechanisms and instruments.

3. Making the United Nations guidelines on crime prevention work

24. The Meeting highlighted the need for national action plans on crime prevention to address factors conducive to crime, in order to enhance crime prevention capacity in the context of development. Poverty eradication strategies and efforts for social and economic development should therefore include crime prevention as one of their integral elements.

25. The Meeting recommended a participatory approach, with the involvement of communities and civil society in crime prevention and rehabilitation programmes. The critical role of paralegals in providing legal information, assistance and advice to persons in need of care and protection and to detainees was emphasized. Building on the Lilongwe Declaration and other instruments, the Meeting identified the need for States and donors to recognize and support the role of paralegals through national policies and programmes.

26. The Meeting recommended the establishment and strengthening of capacity to investigate crime and to collect and disseminate data and information on crime and crime trends as a necessary step in developing prevention strategies, as well as cooperation and exchange of information at the national, regional and global levels.

27. The Meeting recommended that the international donor community and the United Nations system support African countries by providing technical assistance to strengthen the capacity of those countries to prevent crime.

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

28. The Meeting underlined the need to promote universal adherence to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children³ and the Protocol against the Smuggling of Migrants by Land, Sea and

³ United Nations, *Treaty Series*, vol. 2237, No. 39574.

Air,⁴ both supplementing the United Nations Convention against Transnational Organized Crime.

29. Reference was made to national legislative action in the region and to institutional and operational initiatives to prevent trafficking in persons, in particular women and children, and the smuggling of migrants.

30. The Meeting recommended that the provisions of the Convention against Transnational Organized Crime be fully utilized in cases of trafficking in persons and smuggling of migrants, in particular its provisions on money-laundering, confiscation and seizure of assets and international cooperation in criminal matters.

31. It was agreed that efforts to combat irregular migration should not be placed under the exclusive responsibility of African countries as countries of origin, but that countries of destination should also contribute to those efforts through the provision of necessary development aid and technical assistance against this scourge.

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

32. The Meeting noted that an increasing number of international instruments called on States parties to afford one another, through international cooperation, the largest measure of assistance in investigations, prosecutions and judicial proceedings related to money-laundering. Yet the effective fight against money-laundering was hampered by the non-existence of legal and jurisdictional bases for initiating requests for assistance, e.g., the lack of a treaty to facilitate such assistance. Further obstacles were caused by financial and related capacity constraints to the extent that such constraints have had a negative impact on the comprehensive implementation of international cooperation measures in accordance with international law and practice. Some obstacles were overcome by employing ad hoc interventions, e.g., through bilateral discussions with senior representatives in requested and/or requesting States to try to resolve the obstacles to effective international cooperation to address money-laundering.

33. The Meeting also considered the links between money-laundering, on the one hand, and transnational organized crime and corruption, on the other, and recommended that Member States be encouraged to fully implement the money-laundering provisions of the Organized Crime Convention and the Convention against Corruption with a view to including in their national legislation the widest possible range of criminal offences as predicate offences to money-laundering.

34. While the concept of joint investigation teams, as provided for under the Organized Crime Convention, is familiar to most States, the challenge is that it is not used by all law enforcement agencies. The other challenge is that its operational aspects have not been fully developed with regard to the way in which joint investigation teams are supposed to work. There is also an element of conservatism in relevant institutions, in that they tend to focus on their individual mandates and functions in combating crime instead of deploying a joint investigation approach as a means to fight organized and sophisticated forms of crime.

⁴ Ibid., vol. 2241, No. 39574.

35. The Meeting was of the view that the United Nations Office on Drugs and Crime (UNODC) had done a great job of providing and facilitating technical assistance to Member States in combating money-laundering. It recommended that the capacity of competent national authorities involved in drafting and implementing legislation to counter money-laundering and financing of terrorism be enhanced. It also recommended strengthening the exchange of information, especially at the operational level, among various law enforcement agencies and other relevant stakeholders. In particular, it was crucial to build confidence and trust among different national authorities so that they could cooperate informally and exchange information and intelligence before the commencement of formal proceedings. In that connection, the Meeting recognized the practical usefulness of joining mechanisms such as the Egmont Group of Financial Intelligence Units, the regional bodies modelled on the Financial Action Task Force on Money Laundering and other regional financial groups. It was also recommended that regional anti-money-laundering bodies be strengthened to facilitate effective regional cooperation. The meeting recommended the development and use of information technology systems to expedite the making of and responses to requests for international cooperation.

36. The Meeting further recommended that specific challenges related to cash-based, or “non-documented”, economies be taken into account, along with informal networks and means for transferring funds across borders, as well as the increasing sophistication of money-laundering methods and the low level of national capacities, especially in African countries, to deal with such challenges. In that regard, it requested UNODC and relevant international organizations to formulate effective strategies to deal with the specific challenges of the informal sector and cash-based economies in developing countries, especially in Africa, in dealing effectively with these unique challenges.

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

37. The Meeting noted that the development of information and communications technologies and the increasing use of the Internet were opening up new opportunities for criminals and fostering the appearance of new forms of crime, such as child pornography on the Internet, and fraud schemes. This constituted a serious challenge to national legislators, judges and law enforcement authorities.

38. The Meeting recommended the adoption of adequate legislation, addressing in particular the issue of admissibility of evidence obtained through new information and communications technologies. The need to impose registering and reporting requirements to Internet service providers and host sites was also underlined.

39. The Meeting recognized that the use of modern technologies was essential to improve the capacity of national authorities to detect, investigate and prosecute cybercrime. It therefore recommended that technical assistance and training be provided to developing countries for the purpose of building capacity and enhancing specialized expertise to deal with cybercrime.

40. The Meeting recommended the development of an international convention on cybercrime, as that would promote the priority of putting into place efficient national legislation, fostering international cooperation and building the skills of

law enforcement personnel to address effectively the complex issues of cybercrime investigations, especially those of a cross-border nature.

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

41. The Meeting recommended that legal frameworks and the capacity of competent national authorities to cooperate regionally and internationally be strengthened. In particular, mechanisms for operational exchanges of information and intelligence and the conduct of joint operations were encouraged. The Meeting recommended that countries seek to build confidence and trust among the different national authorities to cooperate both informally and formally even in the absence of prior agreements.

42. The representative of the Democratic Republic of the Congo, recalling the challenge faced by his country, called for consistent and continuing assistance from UNODC to build capacities and provide technical means to tackle organized crime in all its forms. He called in particular for the establishment of a UNODC regional office for Central Africa specifically to deal with special problems facing that region.

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

43. The Meeting underlined that full ratification and implementation of the Migrants Protocol was necessary in order to protect migrants, migrant workers and their families, particularly in view of the negative way in which they were often viewed in their host countries because of their irregular situation. It was recommended that national authorities and law enforcement agencies adopt humane responses to the situation of migrants.

44. The Meeting took note of issues raised by specific situations of migration, such as the situation of persons forced to leave their countries or displaced internally because of armed conflict. It highlighted the need for the United Nations and other technical assistance providers to support assistance to those migrants.

B. Workshops

Workshop 1. International criminal justice education for the rule of law

45. The Meeting underscored the remarkable strides made by the United Nations in the development of United Nations standards and norms in crime prevention and criminal justice, the principal tenets of which are as follows: adherence to the supremacy of the rule of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency. The Meeting also underscored the need to enhance the work done by the United Nations in standard-setting and strongly recommended wider education and awareness-raising with regard to these standards among the population at large to ensure a culture of respect for the rule of law. The Meeting recommended that those entrusted with upholding the rule of law, including

parliamentarians, correctional officers, law enforcement agencies and the judiciary, be given appropriate training in the use and application of these standards and norms. To that end, capacity-building for those entrusted with upholding the rule of law should ensure not only that they have a mastery of the standards and norms, but also that they take ownership of them. The need for such education was stressed in view of the highly technical and specialized nature of the topics covered under the rubric of United Nations standards and norms in crime prevention and criminal justice. The Meeting also emphasized the need for knowledge management through knowledge-sharing on best practices and networking between States, particularly in respect of information that helps to evaluate the standards and norms of crime prevention and criminal justice.

46. The Meeting noted that the issue of criminal justice education could be approached from at least two angles. The first was the issue of capacity-building and training per se for institutions involved in the criminal justice system, as noted above; the second involved a broader view of education as a form of crime prevention and awareness-raising for other stakeholders, including the public at large, civil society and the media.

47. The Meeting recommended the development of curricula tailored to the specific needs of crime prevention and criminal justice education. To that end, it also recommended that college and university curricula be adapted to contain courses on United Nations standards and norms and that African universities, like those in Western European countries, offer courses on international human rights and humanitarian law.

Workshop 2. Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system

48. The Meeting noted that the penitentiary system was one of the key components of the criminal justice system and that reform of correctional institutions should therefore be seen as an integral part of the overall reform of criminal justice. Recognizing the importance of United Nations and other international standards and instruments on the treatment of prisoners, the Meeting emphasized the importance of reflecting those rules in the code of penitentiary administration.

49. The Meeting took note of national efforts in countries of the region to improve conditions of detention in order to guarantee the dignity of life in prison and the human rights of prisoners, including their right to rehabilitation. It heard about measures to ensure education and vocational training for inmates, health and psychological care services, the right to family visits and the development of pre- and post-release programmes with a view to facilitating inmates' reintegration into society. The Meeting took note of the establishment of court users' committees as a good practice that brings together probation officers, the police, the judiciary and all involved in the criminal justice process.

50. The Meeting acknowledged the potential of those initiatives to be used as best practices and recommended that a coordinated approach to the treatment of offenders be adopted at the international level. Beyond individual measures to improve conditions of detention, the Meeting recognized the need for a change in culture and the introduction of a human rights culture in prison management,

whereby the goal should be to establish a safe, secure and humane environment with a focus on changing the offending behaviour in order to prevent recidivism.

51. The Meeting took note of the international and regional standards and norms in the treatment of prisoners and the management of penal institutions. The Meeting recommended that vulnerable segments of the prison population — e.g., women, youth, the elderly, prisoners who are ill and members of ethnic and racial minorities — have their special needs taken into account. It noted and welcomed the initiative of the Government of Thailand called Enhancing the Lives of Female Inmates and expressed its full support for the proposal to develop the United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders (see section II.C below).

52. The Meeting strongly emphasized the importance of adequate training for prison officers. It recommended that all authorities involved in the treatment of prisoners, as well as those responsible for the files of prisoners, such as law enforcement officers, members of the judiciary, prosecutors and correctional personnel, be provided regular training and awareness-raising opportunities. It took note of the development of advanced curricula for specific training in correction management.

53. The Meeting recognized that the lack of financial resources for prison management available to countries in their national budgets was often an obstacle to taking measures for improving the treatment of prisoners. While improved results from the social and economic activities carried out by prisons were considered positive for the autonomy of the prison sector, it was emphasized that such results must not be achieved at the expense of the rights and well-being of prisoners. The Meeting recommended that sustainable technical assistance be provided to build States' capacity in the area of prison reform and prison management.

54. The Meeting recognized and noted with interest specific examples shared in respect of the open-door policy that has facilitated public scrutiny and accountability of correctional facilities through joint collaborative initiatives with civil society organizations. It recommended that this open-door policy be extended to other places of detention, such as police stations, which are normally the first point of contact for both those who are in conflict with the law and those who are in need of protection.

55. The Meeting further acknowledged the important role played by non-governmental and religious organizations in improving conditions of detention in the areas of health, nutrition, psychosocial and spiritual support, legal advice and aid, and in monitoring respect for the human rights of detainees. The need for civil society to be informed of prison reform initiatives so as to ensure public support for them, was also stressed. It recommended the implementation of mechanisms for monitoring places of detention and the ratification and implementation of the Optional Protocol to the Convention against Torture and the establishment of national preventive mechanisms.

56. The Meeting agreed that inspections of correctional facilities by competent authorities or institutions, including international and regional organizations, could guarantee the security of inmates and constituted a good practice for improving the treatment of prisoners in line with appropriate standards. The need to implement autonomous mechanisms for monitoring places of detention was underlined. The

meeting emphasized the need to develop standardized mechanisms for the oversight of places of detention.

Workshop 3. Practical approaches to preventing urban crime

57. The Meeting noted the vicious circle of poverty and urban crime. Research shows that there is a direct link between urban crime and urban deprivation, between anti-social or criminal behaviour and exclusion. Slums worldwide are the physical expression of the deprivation of housing, jobs and opportunities and the wholesale lack of access to basic services. They are the spatial expression of economic and often ethnic physical exclusion. Slums also represent political exclusion, as more and more slum-dwellers, up to 75 per cent of whom are under the age of 25, have little or no voice in decisions affecting them and their meagre means of livelihood. It also noted that a key consideration in dealing with urban crime lies in a better understanding of the dynamics of rapid urbanization. The Meeting thus recommended that urban crime prevention strategies address the socio-economic factors behind rural migration and urbanization, as well as the exponential growth of slums, which are breeding grounds for urban crime. The Meeting also recommended the strengthening of crime prevention infrastructure and youth employment opportunities in rural and urban areas.

58. The Meeting recommended that in rapidly urbanizing countries urgent action be taken at the local government level to ensure the rights of the urban poor. This entails a concerted approach to tackling extreme conditions of deprivation of housing and services, security of tenure and the reintegration of blighted neighbourhoods into the urban fabric. It also entails more participatory urban planning and management and more inclusive urban governance and decision-making. The role of local governments in coordinating such concerted action is important and in many contexts crucial. The Meeting thus recommended the building of adequate capacities and the empowerment of local spheres of government in order to meaningfully contribute to city-specific crime prevention strategies based on a sound understanding of local situations.

59. The Meeting was informed about preparations for the launch of a global youth crime prevention award at the Twelfth Congress, an initiative of UNODC and the United Nations Human Settlements Programme (UN-Habitat). The financial support of the Government of Australia will assist the two organizations in generating good practices and lessons learned that focus on children and youth as resources to be developed and not problems to be managed, and in better responding to public demand for tougher policies in the face of increased crime.

60. Some best practices in urban crime prevention shared at the Meeting, together with a recommendation that other Governments adopt similar measures, include the following: the establishment of an inter-ministerial youth employment task force; the establishment of a youth enterprise fund that provides young people with start-up business capital; a labour export programme, through which a government encourages and facilitates the transfer of skilled nationals to job markets abroad; the introduction of scaling up of skilled training in partnership with the Japan International Cooperation Agency in child rehabilitation centres; and the cash transfer programme for orphaned and vulnerable children, in partnership with the United Nations Children's Fund (UNICEF). Under the latter programme, poor households taking care of orphans and vulnerable children receive payments to

ensure that the children can remain in their communities and be cared for effectively. Another measure is the introduction of a contracting programme for all government ministries: contracts are made annually with public officers regarding specific performance measures. The aim is to ensure the quality of service delivery to the public and generate an increased sense of duty, service and sensitivity among various government agencies. Yet another measure is the introduction of the rapid results initiative, aimed at improving service delivery by various government agencies within 90 days.

Workshop 4. International coordinated response to links between drug trafficking and other forms of organized crime

61. The Meeting recommended the ratification and implementation of the United Nations Convention against Transnational Organized Crime, as it would provide countries with a strong and comprehensive legal framework for international cooperation to combat the operations of organized criminal groups, including drug trafficking. This would also shift the focus from the type of crime committed to the perpetrators, namely, organized criminal groups, and thus encompass a broader range of criminal activity. The Meeting further recommended that both UNODC and the African Union enhance their cooperation in dealing with the problem of drug trafficking.

62. The Meeting noted that the fight against drug trafficking syndicates, a form of organized crime group, requires concerted measures by Governments. It thus recommended the promotion and facilitation of international cooperation among law enforcement and other agencies tasked with preventing and combating drug trafficking and other forms of organized crime. Multi-agency approaches, including the setting up of joint drug trafficking interdiction task forces, as well as transnational crime support units, were considered crucial in the fight against drug trafficking and organized crime.

63. The Meeting also noted that unsecured sea borders facilitate the spread of organized crime, especially in Africa, as has been seen in piracy off the coast of Somalia. Sea routes are used for all sorts of crimes, such as weapons trafficking and smuggling, trafficking of persons, smuggling of migrants and drug trafficking. The main challenge for African countries is the lack of proper facilities and equipment to interdict and detect these forms of crime. The Meeting thus recommended that the international community, including donor governments, assist African countries in providing them with facilities, equipment and necessary technical assistance to effectively deal with these forms of crime. A specific appeal was made by African countries for equipment to detect contraband transported by land.

64. The Meeting recommended that special attention be paid to African countries emerging from conflict and other weakened States by providing them with technical assistance, including capacity-building through training and legislative assistance to enact legislation to deal with the multifaceted problems of drug trafficking prevention and interdiction.

65. The Meeting also recommended that donor agencies and the international community pay special attention to the plight of West African and North African countries, which are used as major transit points for drug trafficking. The huge size of national land areas made it difficult and often impossible to police such countries

against drug traffickers, who often set up aerodromes in both urban areas and unpopulated parts of those countries. International support is thus requested in fighting this scourge.

Workshop 5. Strategies and best practices against overcrowding in correctional facilities

66. The Meeting recognized that many of Africa's prisons faced severe problems of overcrowding, which compromised efforts to provide adequate treatment and rehabilitation of detainees and led to multiple human rights violations. It was conducive to the spread of infectious diseases and represented a security threat by aggravating violence and gangsterism in prison.

67. The Meeting considered the numerous factors contributing to overcrowding in prison facilities: increased efficiency of law enforcement services, leading to an increase in successful investigations and prosecutions of offences; sentencing policies characterized by an overreliance on imprisonment and long-term sentences; lack of alternatives to imprisonment; lack of possibilities to divert offenders from the criminal justice system; overuse of pretrial detention; and lack of budgetary resources for the renovation of prison facilities or the building of new prisons to adapt to the growth in population. The inadequacies of the criminal justice system and other significant role players including families and communities, to prevent offences and the repetition of offences was also addressed by the Meeting as an issue relevant both to prison overcrowding and to the treatment of prisoners, as it pointed to the low priority accorded to rehabilitation and reintegration programmes.

68. Among all those factors, the Meeting identified the frequent use of pretrial detention as one of the most significant and a core concern that needed to be addressed decisively in countries of the region. Many speakers reported that a disproportionate part, or even the majority, of their country's prison population was made up of detainees awaiting trial. Pretrial detainees were often held with convicted prisoners and were particularly exposed to violence and prone to suicide. It was noted that the poor and marginalized were more likely to face pretrial detention, as they could not afford to secure bail.

69. The Meeting identified a number of useful measures to reduce the length of pretrial detention, such as the imposition of time limits for concluding investigations and carrying out trials and the establishment of efficient case management systems allowing competent authorities to track the number of detainees and the length of detention, as numerous detainees awaiting trial were lost and forgotten in the system, and it urged States to include such measures in their legal systems. The Meeting encouraged States to provide for a compensation mechanism in their legal systems for victims of unjustified lengthy detention.

70. The Meeting strongly recommended measures to ensure the provision of legal advice and aid to detainees awaiting trial, as an efficient measure to reduce the length of pretrial detention and avoid unnecessary or arbitrary detention. In this context, the intervention of trained paralegals was deemed particularly helpful, as they could provide information on detainees' rights, give basic legal advice, help in filing bail applications and identify complex cases requiring the attention of a lawyer. The Meeting recommended that paralegal advisory service programmes be mainstreamed into criminal justice systems.

71. The Meeting took note of national experiences whereby cases, in particular petty cases and cases involving first-time and juvenile offenders, were traditionally diverted from the formal justice system into traditional or religious justice systems, based on mediation and restorative justice. National initiatives for the creation of new courts, so as to reduce the backlog of cases in courts and the number of pretrial detainees, were also reported. It was also noted that some States had developed decentralized courts using the lowest administrative unit. It was recommended that such initiatives be replicated to assist in case management in the judiciary and to reduce congestion, including the establishment of courts of petty sessions and small-claims courts.

72. The meeting stressed that, when enacting legislation, the objectives of deprivation-of-liberty penalties should be considered and that penal legislation should be reviewed to allow the decriminalization of certain acts and to make use of alternatives to imprisonment, such as community service or house arrest, as well as detention in open prison settings. The Meeting also underlined the importance of establishing in legal frameworks, and making use of, alternatives to imprisonment, such as warnings, parole, suspended sentences, fines, community service, house arrest or detention in open prison settings. The use of early release, release subject to surveillance, pardons, amnesty, and reduction of sentences for good behaviour or the undertaking of educational programmes was also recommended in appropriate circumstances for its potential to reduce prison congestion. The meeting also recognized the need to strengthen and support the post of Special Rapporteur on Prisons and Conditions of Detention of the African Commission on Human and People's Rights as a potential focal point for common strategies and approaches to penal reform in Africa, including reducing congestion in prisons.

73. The Meeting noted and recommended that capacity-building, training and peer mentorship programmes were essential to the administration of justice and that in the long run this would reduce congestion and enhance the positive treatment of prisoners and detainees.

C. Other issues

74. Princess Bajrakitiyabha Mahidol of Thailand, the host country of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, addressed the Meeting. Stressing the importance of the treatment of prisoners in the overall prison reform movement, she referred to the specific situation of women prisoners and to the need to mainstream a gender-sensitive approach into correctional management guidelines and best practices.

75. She presented her initiative of developing draft United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders, and launching a project based on those draft rules, called Enhancing the Lives of Female Inmates, to generate international momentum and awareness of the issue.

76. It was noted that the initiative was based on the realization that the applicable international standards on prison regimes, namely, the Standard Minimum Rules for

the Treatment of Prisoners,⁵ which had been in existence for more than 50 years, might need to be updated and supplemented through the adoption of rules specifically for women prisoners.

77. The draft rules related to the general application of custodial and non-custodial measures; the consideration of specific categories of vulnerable women; and research, evaluation and raising awareness for better treatment of women prisoners in line with international human rights standards and norms. Benchmarks were to be developed to encourage progress and prepare women for release.

78. The draft rules were the result of the work of a round-table meeting of experts held in Bangkok from 2 to 6 February 2009. That work had been brought to the attention of the Commission on Crime Prevention and Criminal Justice at its eighteenth session, in 2009, in the form of a draft resolution submitted by Thailand, adopted by the Commission as resolution 18/1. In that resolution, the Commission requested the Executive Director of UNODC to convene in 2009 an open-ended intergovernmental expert group meeting to develop, consistent with the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings. Thailand was to host an open-ended intergovernmental expert group meeting in Bangkok from 23 to 26 November 2009.

79. A speaker from Brazil, the host country of the Twelfth Congress, made presentations on the substantive and administrative arrangements under way in that country and on the state of progress of all actions required for the timely and efficient preparation of the Congress.

80. The observer for the International Scientific and Professional Advisory Council delivered a presentation on the arrangements to be made, and the facilities to be available, for the ancillary meetings to be held during the Twelfth Congress.

III. Attendance and organization of work

A. Date and venue of the Meeting

81. The African Regional Preparatory Meeting for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice was held in Nairobi from 8 to 10 September 2009.

B. Attendance

82. The following States members of the Economic Commission for Africa were represented at the Meeting: Algeria, Angola, Botswana, Burundi, Chad, Comoros, Democratic Republic of the Congo, Djibouti, Egypt, Ethiopia, Guinea, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Morocco, Namibia,

⁵ *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.

Nigeria, Senegal, Sierra Leone, South Africa, Sudan, Togo, Uganda, United Republic of Tanzania, Zambia and Zimbabwe.

83. Brazil and Thailand were represented by observers.
84. UNODC, a United Nations entity, was represented by three observers.
85. The United Nations Development Programme (UNDP)-Sudan was represented by an observer.
86. The following institutes of the United Nations Crime Prevention and Criminal Justice Programme network were represented by observers: International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme, African Institute for the Prevention of Crime and Treatment of Offenders and UN-Habitat.
87. The following specialized agency was represented by an observer: World Health Organization.
88. African Union, an intergovernmental organization, was represented by an observer.
89. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: International Commission of Catholic Prison Pastoral Care, International Corrections and Prisons Association, Open Society Institute and Penal Reform International.
90. The following other non-governmental organizations were represented by observers: Centre for Law and Research International, Legal Resources Foundation (Kenya), Muslims for Human Rights (Kenya), Muslim World League, Paralegal Advisory Services (Malawi), Rights Enforcement and Public Law Centre (Nigeria), Timap for Justice (Sierra Leone) and Uganda Youth Development Link.

C. Opening of the Meeting

91. The African Regional Preparatory Meeting for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice was opened on 8 September 2009 by the representative of UNODC, on behalf of the Executive Director of UNODC. He stressed the importance of carefully structuring at the regional level the preparations for the Twelfth Congress, which stemmed from the political significance of the Congress in the area of international standard-setting and policymaking in crime prevention and criminal justice. The Twelfth Congress would mark the fifty-fifth anniversary of the holding of United Nations congresses on crime prevention and criminal justice and was being held at a time when new challenges and trends were emerging. It could set in motion a process towards firmly establishing the central role of the criminal justice system in the rule of law and development. To that end, a coherent corpus of guiding principles in the form of a model criminal justice system, based on the United Nations standards and norms in crime prevention and criminal justice, could be developed. The speaker also underlined the role of development assistance in strengthening criminal justice systems.

92. The representative of UNODC also provided the meeting with an update on preparations for the Twelfth Congress, which included ongoing consultations with the Government of Brazil.

93. The Minister for Justice, National Cohesion and Constitutional Affairs of Kenya, Mutula Kilonzo, made a statement. He underlined that the African Regional Preparatory Meeting for the Twelfth Congress came at an opportune time, as the issues to be discussed by the Meeting were top priorities in many African countries. As the Chairman of the Governing Board of the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), he recalled the founding of UNAFRI and its objectives in terms of promoting the rule of law and strengthening criminal justice systems in the African region, undertaking studies and research in the field of crime prevention and criminal justice and promoting cooperation among Governments in the formulation of common policies and the exchange of information. He invited all States of the region to recognize and fully utilize the expertise available to the Institute and support the activities of the Institute.

94. The provisional agenda of the Meeting (A/CONF.213/RPM.4/L.1) was then introduced by the representative of UNODC, who stated that it reflected the provisional agenda of the Twelfth Congress as approved by the General Assembly in its resolution 63/193. The comprehensive nature of the agenda was in line with the overall theme of the Twelfth Congress, "Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world".

95. The representative of UNODC further indicated that, in order to make the best use of the limited time available to them, the regional preparatory meetings held in Latin America and the Caribbean, in Western Asia, and in Asia and the Pacific had decided to group the substantive items into clusters for joint consideration, as follows:

(a) Substantive item 1 ("Children, youth and crime") was discussed together with substantive item 3 ("Making the United Nations guidelines on crime prevention work");

(b) Substantive item 2 ("Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism");

(c) Substantive item 5 ("International cooperation to address money-laundering based on relevant United Nations and other instruments") was discussed together with substantive item 7 ("Practical approaches to strengthening international cooperation in fighting crime-related problems");

(d) Substantive item 6 ("Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime");

(e) Substantive item 4 ("Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime") discussed together with substantive item 8 ("Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families").

96. The discussion on workshop 2 (“Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system”) had also been clustered with the discussion on workshop 5 (“Strategies and best practices against overcrowding in correctional facilities”).

97. The Meeting decided to organize its deliberations accordingly.

D. Election of officers

98. At its 1st meeting, on 8 September 2009, the Meeting elected, by acclamation, the following officers:

<i>Chairman:</i>	Vincent Wohoro (Kenya)
<i>Vice-Chairmen:</i>	Yaovi Mawuli Fiawonou (Togo)
	Abdelhak Sermak (Morocco)
<i>Rapporteur:</i>	Issaskar V. K. Ndjoze (Namibia)

E. Adoption of the agenda and organization of work

99. Also at its 1st meeting, the Meeting adopted its agenda (A/CONF.213/RPM.4/L.1), which read as follows:

1. Opening of the Meeting.
2. Election of officers.
3. Adoption of the agenda and other organizational matters.
4. Substantive items on the agenda of the Twelfth Congress:
 - (a) Children, youth and crime;
 - (b) Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism;
 - (c) Making the United Nations guidelines on crime prevention work;
 - (d) Criminal justice responses to the smuggling of migrants and trafficking in persons, and links to transnational organized crime;
 - (e) International cooperation to address money-laundering based on relevant United Nations and other instruments;
 - (f) Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime;
 - (g) Practical approaches to strengthening international cooperation in fighting crime-related problems;
 - (h) Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families.

5. Topics to be considered by workshops within the framework of the Twelfth Congress:
 - (a) International criminal justice education for the rule of law;
 - (b) Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system;
 - (c) Practical approaches to preventing urban crime;
 - (d) International coordinated response to links between drug trafficking and other forms of organized crime;
 - (e) Strategies and best practices against overcrowding in correctional facilities.
 6. Recommendations for the draft declaration of the Twelfth Congress.
 7. Adoption of the report of the Meeting.
100. At the same meeting, the Meeting approved its organization of work.

IV. Adoption of the report and closure of the Meeting

101. At its 6th meeting, on 11 September 2009, the Meeting considered and adopted its report (A/CONF.213/RPM.4/L.2), as orally revised.

Annex I

List of participants

States members of the Economic Commission for Africa

Algeria	Nabil Hattali Djemal Boudraa
Angola	Dulce Gomes Efigénia Perpétua dos Prazeres Jorge Cláudia de Almeida Petro Kiala Bunga
Botswana	Kenny Kapinga Sakarea Keapereng
Burundi	Emmanuel Burakuvye
Chad	Ali Abakar Adji Dinro Irene Orthom
Comoros	Idaroussi Aboudou Mohamed
Democratic Republic of the Congo	André Kalenga-Ka-Ngoyi
Djibouti	Ali Mohamed Afkada
Egypt	Mohamed Mahmoud Khalaf
Ethiopia	Tsesaye Weldhiwot Gebrsadiq
Guinea	Laye Lansansa Camara
Kenya	Vincent Wahoro Paul Ndemo Jerim Oloo Josephine Oguye John Kithome Tuta
Lesotho	Calvin Masenyetse Kizito Mhlakaza Litelu Ramokhoro Ntsime Jafeta Lehlanako Mofilikoane
Liberia	James B. Jaddah
Madagascar	Fabrice Lee Lahitsara
Mali	Mamoudou Sow
Mauritania	Moulaye Abdallah Ould Baba

Morocco	Berrada Hrazem Abdelilah Benryane Mimoun Fahim Bouchaib Zaairat Abdesslam Rochdi Abdelhak Sermak
Namibia	Issaskar V. K. Ndjoze Clementine L. Feris John W. Nyoka Willie E. Bampton Pendapala A. Naanda Penoshinge Shililifa Victor Shipoh
Nigeria	Shuaibu Abdulrahim Mercy Agbamuche K. L. Ekedede Ibrahim Abdul Oluwagbemisola Ajibade Habibat Pat Eluameh Sunday Edem
Senegal	Cheikh Mouhamadou Bamba Niang Mamadou Mboj
Sierra Leone	Francis Alieu Munu Jongopie Siaka Stevens
South Africa	Subashini Moodley Sinah Moruane Busi Mdluli MP Mokholwane S. Singh Abram Mandla Lingwati Nhlahla Lucky Mthethwa Vusi Zikalala
Sudan	Balla Mohmed Suliman Merghani Mohd Ali
Togo	Yaovi Mawuli Fiawonou
Uganda	Martinez Arapta Mangusho Christopher Gashirabake James Kaboggoza Ssembatya Moses Kamugisha

United Republic of Tanzania	Peter Kivuyo Fidelis M. Mboya Philo Nombo Christopher J. Shikiondo Elizabeth Kaganda
Zambia	Aaron C. Zulu Mwamba Chanda E. B. Mwenya Kaswamu Katota Lufwendo Saboi Katongo Ian Waluzimba Obert Shibeenzu Chalwe Mchenga John Nyangu Mbwema
Zimbabwe	Benjamin Mhiripiri Florence Ziyambi Lawrence Njodzi Priscillah Mbanga Jesika Moyo Trimore Nyaradzai Paradzai Abigail Tichareva Andrew Muzonzini Musa Chari Kennedy Samaneka

States Members of the United Nations represented by observers

Brazil	André Luiz de Almeida e Cunha Sonja Valle Pio Correa Gustavo Rosolen Tessari
Thailand	Princess Bajrakitiyabha Mahidol Apichit Asatthawasi Chaikasem Nitisiri Kittipong Kittayarak Sarote Phornprapha Vitaya Suriyawong Phairach Pornsomboonsiri Vongthep Arthakaivalvatee

United Nations Secretariat

United Nations Office on Drugs and Crime

United Nations bodies

United Nations Development Programme-Sudan

Institutes of the United Nations Crime Prevention and Criminal Justice Programme network

International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme

United Nations African Institute for the Prevention of Crime and Treatment of Offenders

United Nations Human Settlements Programme

Specialized agencies of the United Nations system

World Health Organization

Intergovernmental organizations

African Union

Non-governmental organizations in consultative status with the Economic and Social Council

International Commission of Catholic Prison Pastoral Care

International Corrections and Prisons Association

Open Society Institute

Penal Reform International

Other non-governmental organizations

Centre for Law and Research International

Legal Resources Foundation (Kenya)

Muslims for Human Rights (Kenya)

Muslim World League

Paralegal Advisory Services (Malawi)

Rights Enforcement and Public Law Centre (Nigeria)

Timap for Justice (Sierra Leone)

Uganda Youth Development Link

Individual experts

Anne Amadi

Abdul Carimo Mahomed Issa

Joseph Kamar

Steven W. S. Kayuni

George Kegoro

Abdulkadir Noormohamed

Omita Okoth

Soipan Tuya

David Macharia

Annex II

List of documents

A/CONF.213/PM.1	Discussion guide
A/CONF.213/RPM.4/L.1	Provisional agenda and proposed organization of work
A/CONF.213/RPM.4/L.2	Draft report
A/CONF.213/RPM.4/L.2/Add.1	Draft report addendum
