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Item 2 of the provisional agenda

Adoption of the agenda and other organizational matters

Provisional agenda and annotations

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Annotations

1. Election of officers

In its resolution 2003/31, entitled “Functioning of the Commission on Crime Prevention and Criminal Justice”, the Economic and Social Council decided that, with effect from the year 2004, the Commission on Crime Prevention and Criminal Justice should, at the end of each session, elect its bureau for the subsequent session and should encourage the bureau to play an active role in the preparation of the regular session as well as the informal intersessional meetings of the Commission, so as to enable the Commission to provide continuous and effective policy guidance to the United Nations Crime Prevention and Criminal Justice Programme; and also decided that the Chairman of the Commission should, whenever appropriate, invite the chairmen of the five regional groups, the Chairman of the Group of 77 and China and the representative of or observer for the State holding the Presidency of the European Union to participate in the meetings of the bureau.

In accordance with Economic and Social Council resolution 2003/31 and rule 15 of the rules of procedure of the functional commissions of the Council, the Commission, at the end of its seventeenth session, on 18 April 2008, opened its eighteenth session for the sole purpose of electing its bureau for that session. As no nominations were made at that meeting, it was understood that the officers for the eighteenth session of the Commission would be designated at a later date and that, pursuant to rule 16 of the rules of procedure of the functional commissions, the officers of the seventeenth session would continue to hold office until that time.

In view of the rotation of offices based on regional distribution, the officers subsequently designated for the eighteenth session of the Commission and their respective regional groups are as follows:

<i>Office</i>	<i>Regional group</i>	<i>Officer</i>
Chairman	Group of Eastern European States	[To be nominated]
First Vice-Chairman	Group of Latin American and Caribbean States	Eugenio María Curia (Argentina)

Second Vice-Chairman	Group of Western European and other States	Simon J. M. Smith (United Kingdom of Great Britain and Northern Ireland)
Third Vice-Chairman	Group of Asian States	[<i>To be nominated</i>]
Rapporteur	Group of African States	[<i>To be nominated</i>]

A group composed of the chairmen of the five regional groups, the Chairman of the Group of 77 and China and the representative of or observer for the State holding the Presidency of the European Union has been established to assist the Chairman of the Commission and to participate in the meetings of the Bureau, pursuant to Economic and Social Council resolution 2003/31.

2. Adoption of the agenda and other organizational matters

Rule 7 of the rules of procedure of the functional commissions of the Economic and Social Council provides that the Commission shall, at the beginning of each session, adopt the agenda for that session on the basis of the provisional agenda.

In its decision 2008/245, the Economic and Social Council took note of the report of the Commission on its seventeenth session; and approved the provisional agenda and documentation for the eighteenth session of the Commission.

Following the adoption of the agenda, the Commission may wish to establish a timetable and agree on the organization of work for the eighteenth session. A proposed organization of work is contained in the annex to the present document.

The provisional deadline for the submission of draft resolutions for consideration at the eighteenth session is 6 p.m. on 16 April 2009.

Documentation

Provisional agenda and annotations (E/CN.15/2009/1)

3. Thematic discussion

The Commission determined, at its seventeenth session, that at its eighteenth session there would be two thematic discussions on the two topics proposed at its sixteenth session, each thematic discussion to have a duration of one day. The Economic and Social Council, in its decision 2008/245, decided that the topics for the thematic discussion at the eighteenth session of the Commission would be “Economic fraud and identity-related crime” and “Penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems”; and also decided that the discussion on each of the themes would have a duration of one day.

(a) “Economic fraud and identity-related crime”

The structure and focus of the thematic discussion on the theme of “Economic fraud and identity-related crime” were considered by the extended Bureau of the Commission, at meetings held on 28 October and 2 December 2008 and 20 February 2009, and by the Commission, at an intersessional meeting held on

12 December 2008. Several possible subthemes were agreed on to guide the discussion.

Following an introduction by the Secretariat on the nature and extent of and trends in economic fraud and identity-related crime, the thematic discussion will be guided by the following subthemes:

(a) Defining and criminalizing economic fraud and identity-related crime in civil and common law systems, taking into account the criteria of the United Nations Convention against Transnational Organized Crime;

(b) Criminal justice responses: investigation, prosecution and international cooperation;

(c) Prevention and cooperation with the private sector, covering cooperation both in preventing and in investigating and prosecuting economic fraud and identity-related crime; and technical assistance in addressing economic fraud and identity-related crime;

(d) International cooperation in the prevention of economic fraud and identity-related crime, particularly awareness-raising and technical assistance (directed especially at decision makers and relevant officials).

The following issues could be addressed by panellists during the discussion on the subtheme on defining and criminalizing economic fraud and identity-related crime in civil and common law systems: (i) definition of identity-related crime, application of existing offences and formulation of new offences; (ii) basic meaning of fraud and consensus on criminalization; and current initiatives, including the Convention on Cybercrime; and (iii) possible approaches of common law and civil law systems: criminalization that supports international cooperation.

The problems posed by economic fraud and identity-related crime have acquired a prominent place in the crime prevention and criminal justice agenda of the United Nations. In particular, in the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, Member States underlined the crucial importance of tackling document and identity fraud in order to curb organized crime and terrorism, and they stated their desire to improve international cooperation, including through technical assistance, to combat document and identity fraud, in particular the fraudulent use of travel documents, through improved security measures, and encourage the adoption of appropriate national legislation.

Pursuant to Economic and Social Council resolution 2004/26, the Secretary-General convened the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity. The Expert Group held two meetings in Vienna, on 17 and 18 March 2005 and from 16 to 19 January 2007. The study was brought to the attention of the Commission at its sixteenth session (E/CN.15/2007/8 and Add.1-3).

The Economic and Social Council, in its resolution 2007/20, welcomed the results of the study; recalled its request that the Intergovernmental Expert Group use the information gained by the study to develop useful practices, guidelines or other materials in the prevention, investigation and prosecution of fraud and the criminal misuse and falsification of identity; encouraged Member States to avail themselves

of the recommendations of the study when developing effective strategies for responding to related problems; requested UNODC to provide legal expertise or other forms of technical assistance to Member States reviewing or updating their laws dealing with transnational fraud and identity-related crime, in order to ensure that appropriate legislative responses to such offences were in place; and also requested UNODC to facilitate, in consultation with the secretariat of the United Nations Commission on International Trade Law, cooperation between public and private sector entities through initiatives aimed at bringing together various stakeholders and facilitating the exchange of views and information among them.

Pursuant to Economic and Social Council resolution 2007/20, UNODC launched a consultative platform on identity-related crime to bring together senior public sector representatives, business leaders, representatives of international and regional organizations and other stakeholders to pool experience, develop strategies, facilitate further research and agree on practical action against identity-related crime. As a first step, a core group of experts was established to exchange views on the best course of action and the most appropriate initiatives that needed to be pursued under the platform.

The core group has held three meetings: in Courmayeur, Italy, on 29 and 30 November 2007 and in Vienna on 2 and 3 June 2008 and from 20 to 22 January 2009. The group has prepared a set of guidelines to direct future activities, which include the undertaking of further research, enhanced consultations with the private sector, preparation of research papers, compilation of examples of relevant legislation, development of material on the best ways and means of promoting international cooperation to combat identity-related crime and compilation of best practices in the protection of victims.

To implement the recommendations of the core group of experts, UNODC has prepared a research paper on legal approaches to criminalizing identity-related crime and a research paper on issues relating to victims of identity-related crime. The content of the two papers and the reports of all the meetings of the core group are brought to the attention of the Commission for its information and consideration during the thematic discussion.

Documentation

Report of the Secretary-General on international cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime (E/CN.15/2009/2)

Report of the Secretary-General on international cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa (E/CN.15/2009/8)

Note by the Secretariat on economic fraud and identity-related crime; and penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems (E/CN.15/2009/15)

(b) “Penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems”

The structure and focus of the thematic discussion on the theme “Penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems” were considered by the extended Bureau of the Commission, at meetings held on 28 October and 2 December 2008 and 20 February 2009, and by the Commission, at an intersessional meeting held on 12 December 2008. The following subthemes were agreed on to guide the discussion:

(a) Respect for human rights in penal establishments, including as regards pretrial detention and the principle of a fair trial;

(b) Restorative justice and alternatives to incarceration, including avoiding imprisonment through social reintegration;

(c) Case management in penal establishments.

The United Nations standards and norms in crime prevention and criminal justice contain several standards relating to penal reform and legal aid, including the Standard Minimum Rules for the Treatment of Prisoners, the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Basic Principles for the Treatment of Prisoners, the Kampala Declaration on Prison Conditions in Africa, the Arusha Declaration on Good Prison Practice, the Kadoma Declaration on Community Service, the recommendations made at a seminar on criminal justice and the challenge of prison overcrowding, held in San José from 3 to 7 February 1997, and the Basic Principles on the Role of Lawyers.

The Economic and Social Council, in its resolution 2007/24, noted the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa, and the Lilongwe Plan of Action for the implementation of the Declaration; expressed concern at the proportion of suspects and pretrial detainees detained for long periods of time in many African countries without being charged or sentenced and without access to legal advice or assistance; noted the prolonged incarceration of suspects and pretrial detainees without their being provided with access to legal aid or to the courts, and was concerned that that violated the basic principles of human rights; and recognized that providing legal aid to suspects and prisoners might reduce the length of time suspects were held at police stations and detention centres, in addition to reducing the prison population, prison overcrowding and congestion in the courts.

Finally, the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Brazil in 2010, will feature a workshop on strategies and best practices to reduce overcrowding in correctional facilities.

The Commission may thus wish to take this opportunity to discuss good practices in reducing prison overcrowding, in particular the provision of legal aid services to pretrial prisoners, alternatives to imprisonment and diversionary measures, and to prepare for the workshop to be held in the framework of the Twelfth Congress.

Documentation

Report of the Secretary-General on international cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa (E/CN.15/2009/8)

Note by the Secretariat on economic fraud and identity-related crime; and penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems (E/CN.15/2009/15)

- 4. World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice**
 - (a) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime**

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, at its fourth session, held in Vienna in October 2008, examined the measures taken by States parties to implement the Organized Crime Convention and the Protocols thereto and the difficulties encountered by them in doing so. In its decision 4/1, the Conference considered that it was necessary to explore options regarding a possible mechanism for assisting it in the review of the implementation of the Organized Crime Convention and the Protocols thereto.

In its decision 4/2, on implementation of the provisions on international cooperation of the Organized Crime Convention, the Conference requested the Secretariat to support the strengthening of networking among authorities at the interregional level and to explore ways to facilitate communication and problem-solving among such authorities by considering the establishment of a discussion forum on a secure network or other means. In its decision 4/3, the Conference developed a set of principles that should underpin mechanisms for ensuring cooperation, such as the importance of recipient States carrying out needs analyses and of technical assistance providers taking such needs analyses into account when designing programmes of assistance. In its decision 4/4, on trafficking in human beings, the Conference decided to establish a working group to facilitate the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In its decision 4/5, the Conference decided to hold expert consultations on the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. Finally, in its decision 4/6, on the implementation 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, the Conference stressed the priority areas for the provision of technical assistance with respect to the implementation of the Firearms Protocol; requested the Secretariat to develop tools to assist States parties in the implementation of the Firearms Protocol; and urged States parties to consider the advisability of establishing an open-ended intergovernmental working group on the Firearms Protocol.

The General Assembly, in its resolution 63/194, acknowledged the work done by UNODC in the collection and analysis of data on trafficking in humans; called upon the Secretary-General to collect and present to the Assembly the views of all stakeholders on how to achieve the full and effective coordination of efforts against trafficking in persons and to ensure the full and effective implementation of all legal instruments relevant to trafficking in persons, particularly the Organized Crime Convention and the Trafficking in Persons Protocol; and invited all Member States to accelerate the consideration of the advisability of a global plan of action on preventing trafficking in persons, prosecuting traffickers and protecting and assisting victims of trafficking, which would achieve the full and effective coordination of efforts against trafficking in persons of all Member States, organizations, machineries, treaty bodies and all other partners within and outside the United Nations system, including civil society, and ensure the full and effective implementation of all legal instruments relevant to trafficking in persons, particularly the Organized Crime Convention and the Trafficking in Persons Protocol.

The Commission, in its resolution 17/1, requested UNODC to use the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to continue to raise public awareness, increase knowledge, facilitate cooperation and partnerships and implement actions to combat human trafficking; and also requested UNODC, in its capacity as coordinator of the Inter-Agency Cooperation Group against Trafficking in Persons, to report on its activities to the Commission at its eighteenth session.

The Economic and Social Council, in its resolution 2008/25, recalled Commission on Crime Prevention and Criminal Justice resolution 16/1, in which the Commission strongly encouraged Member States to take appropriate measures 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 illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, harvested in contravention of national laws; to cooperate at the bilateral, regional and international levels to prevent, combat and eradicate such trafficking through the use of international legal instruments such as the Organized Crime Convention and the United Nations Convention against Corruption; and to provide information to the Secretariat regarding their use of those instruments and to share information with interested Member States with a view to identifying the areas and scope of such cooperation.

In its resolution, the Council also took note with appreciation the report of the meeting of the Open-ended Expert Group on International Cooperation in Preventing and Combating Illicit International Trafficking in Forest Products, including Timber, Wildlife and Other Forest Biological Resources, held in Jakarta from 26 to 28 March 2008; and encouraged Member States to continue to provide UNODC with information on measures taken pursuant to Commission on Crime Prevention and Criminal Justice resolution 16/1, taking into consideration the emphasis that the Expert Group, in its report, had placed on the need for holistic and comprehensive national multisectoral approaches to preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, as well as for international coordination and cooperation

in support of such approaches, including through technical assistance activities to build the capacity of relevant national officials and institutions.

In its resolution 2008/25, the Council also requested the Executive Director of UNODC to report on the implementation of the resolution and to provide to the Commission, at its eighteenth session, a brief summary of the mandates and the work of other relevant organizations in that area.

(b) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption

The Conference of the States Parties to the United Nations Convention against Corruption held its first session in Amman from 10 to 14 December 2006 and its second session in Nusa Dua, Indonesia, from 28 January to 1 February 2008. The third session will be held in Doha from 9 to 13 November 2009.

The General Assembly, in its resolution 63/195, entitled “Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity”, reaffirmed the importance of the work of UNODC 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; recognized the progress made by UNODC in the delivery of advisory services in the area of corruption and other areas; and requested the Secretary-General to continue to provide UNODC with the resources adequate to promote, in an effective manner, the implementation of the Organized Crime Convention and the Convention against Corruption and to discharge its functions as the secretariat of both the Conference of the Parties to the Organized Crime Convention and the Conference of the States Parties to the Convention against Corruption.

In its resolution 63/226, entitled “Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption”, the General Assembly reiterated its commitment to preventing and combating corrupt practices at all levels; urged all Governments to combat and penalize corruption in all its forms as well as the laundering of proceeds of corruption, to prevent the transfer of illicitly acquired assets, and to work for the prompt return of such assets; stressed the need for transparency in financial institutions; affirmed the need for Member States to take measures to prevent the transfer abroad and laundering of assets derived from corruption; stressed the importance of mutual legal assistance and encouraged Member States to enhance international cooperation; encouraged Member States to provide adequate financial and human resources to UNODC, including for the effective implementation of the Convention against Corruption; requested the international community to provide technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of assets of illicit origin as well as for asset recovery; requested the Secretary-General to continue to provide UNODC with the resources necessary to enable it to promote the implementation of the Convention against Corruption and to discharge its functions as the secretariat of the Conference of the States Parties to the

Convention; and also requested the Secretary-General to submit to the Assembly, at its sixty-fourth session, a report on the implementation of the resolution.

(c) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the international instruments to prevent and combat terrorism

In the plan of action of the United Nations Global Counter-Terrorism Strategy, Member States expressed their resolve to encourage UNODC, including its Terrorism Prevention Branch, to enhance, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism.

The General Assembly, in its resolution 62/272, entitled “The United Nations Global Counter-Terrorism Strategy”, reaffirmed the United Nations Global Counter-Terrorism Strategy and called upon Member States, the United Nations and other relevant actors to step up their efforts to implement the Strategy in an integrated manner and in all its aspects. The Assembly also reaffirmed the need to enhance international cooperation in countering terrorism and, in that regard, recalled the role of the United Nations system in promoting international cooperation and capacity-building as one of the elements of the Strategy.

In its resolution 63/129, entitled “Measures to eliminate international terrorism”, the General Assembly requested the Terrorism Prevention Branch of UNODC to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism; and recognized, in the context of the United Nations Global Counter-Terrorism Strategy and Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building.

In its resolution 63/195, entitled “Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity”, the General Assembly requested UNODC to enhance its technical assistance to Member States, upon request, to strengthen international cooperation in preventing and combating terrorism through the facilitation of the ratification and implementation of the universal conventions and protocols related to terrorism, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, as well as to contribute to the work of the Counter-Terrorism Implementation Task Force, and invited Member States to provide the Office with appropriate resources for its mandate.

(d) **Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations Crime Prevention and Criminal Justice Programme network, non-governmental organizations and other bodies**

Documentation

Report of the Secretary-General on international cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime (E/CN.15/2009/2)

Report of the Secretary-General on international cooperation in combating transnational organized crime and corruption (E/CN.15/2009/4)

Report of the Secretary-General on assistance in implementing the international conventions and protocols related to terrorism (E/CN.15/2009/5)

Report of the Secretary-General on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network (E/CN.15/2009/6)

Report of the Executive Director on international cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources (E/CN.15/2009/7)

Note by the Secretariat on world crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice (E/CN.15/2009/13)

5. Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice

In its resolution 62/173, the General Assembly accepted with gratitude the offer of the Government of Brazil to act as host to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice; requested the Secretary-General to initiate consultations with the Government; encouraged the relevant United Nations programmes, specialized agencies of the United Nations system and intergovernmental and non-governmental organizations, as well as other professional organizations, to cooperate with UNODC in the preparations for the Twelfth Congress; requested the Secretary-General to facilitate the organization of regional preparatory meetings and 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, for consideration and approval by the Commission; and requested the Commission to finalize, at its seventeenth session, the programme for the Twelfth Congress and to make its final recommendations on the theme and on the organization of round tables and workshops to be held by panels of experts, through the Economic and Social Council, to the Assembly.

In its resolution 63/193, entitled “Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice”, the General Assembly decided to hold the Twelfth Congress in Salvador, Brazil, from 12 to 19 April 2010; also decided that the main theme of the Twelfth Congress should be “Comprehensive

strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world”; approved the provisional agenda for the Twelfth Congress, finalized by the Commission at its seventeenth session; decided on the issues to be considered in workshops to be held within the framework of the Twelfth Congress; 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 and invited Member States to be actively involved in that process; requested the Commission to accord sufficient time at its eighteenth session to reviewing the progress made in the preparations for the Twelfth Congress, to finalize in good time all the necessary organizational and substantive arrangements and to make its recommendations through the Economic and Social Council to the Assembly; and requested the Secretary-General to ensure the proper follow-up to the resolution and to report thereon to the Assembly through the Commission at its eighteenth session.

Rule 63 of the rules of procedure for United Nations congresses on crime prevention and criminal justice provides as follows:

“After the completion of each Congress, the Commission on Crime Prevention and Criminal Justice shall make appropriate recommendations to the Economic and Social Council for such amendments to the present rules as it may deem necessary.”

The rules of procedure for United Nations congresses on crime prevention and criminal justice will be made available to the Commission at its eighteenth session. In the absence of any amendments, the Twelfth Congress will be conducted in accordance with the current rules of procedure, supplemented by the guidelines contained in paragraph 2 of General Assembly resolution 56/119.

In its resolution 63/193, the General Assembly requested the Secretary-General to prepare a plan for the documentation for the Twelfth Congress, in consultation with the extended Bureau of the Commission. At the second and fourth meetings of the extended Bureau, the Secretariat circulated the provisional documentation forecast for the Twelfth Congress. The Commission may wish to approve the documentation for the Twelfth Congress listed in the report of the Secretary-General on preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice (E/CN.15/2009/9).

Documentation

Report of the Secretary-General on preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice (E/CN.15/2009/9)

Discussion guide for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice (A/CONF.213/PM.1)

6. Use and application of United Nations standards and norms in crime prevention and criminal justice

Information-gathering instrument on United Nations standards and norms related primarily to victim issues

In section VII of its resolution 1992/22, the Economic and Social Council decided that the Commission should include in its agenda a standing item on existing United Nations standards and norms in the field of crime prevention and criminal justice, including their use and application.

In its resolution 2003/30, the Economic and Social Council decided to group those United Nations standards and norms into categories for the purpose of targeted collection of information; and requested UNODC, in collaboration with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to provide support to Member States requesting assistance with the use and application of those United Nations standards and norms.

In its resolution 2007/21, entitled “Information-gathering instrument in relation to United Nations standards and norms in crime prevention and criminal justice”, the Economic and Social Council approved the questionnaire on United Nations standards and norms related primarily to victim issues (E/CN.15/2007/3, annex I); requested the Secretary-General to forward the questionnaire to Member States; invited Member States to reply to the questionnaire; and requested the Secretary-General to report to the Commission, at its eighteenth session, on the basis of information gathered using the questionnaire, on the use and application of United Nations standards and norms relating primarily to victim issues, in particular with regard to the following areas:

- (a) Difficulties encountered in the application of United Nations standards and norms relating primarily to victim issues;
- (b) Ways in which technical assistance can be provided to overcome those difficulties;
- (c) Useful practices in addressing existing and emerging challenges in that field;
- (d) Suggestions from Member States on ways to further improve existing standards and norms.

In its resolution 2007/24, entitled “International cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa”, the Economic and Social Council requested UNODC, subject to the availability of extrabudgetary resources, in cooperation with relevant partners, to continue to provide advisory services and technical assistance to Member States, upon request, in the area of penal reform, including restorative justice, alternatives to imprisonment, the development of an integrated plan for the provision of legal assistance, including paralegals and similar alternative schemes to provide legal aid for persons in communities, including victims, defendants and suspects at all critical stages in criminal cases.

It also requested UNODC, subject to the availability of extrabudgetary resources, to convene an open-ended intergovernmental meeting of experts, with interpretation, to study ways and means of strengthening access to legal aid in the criminal justice

system, as well as the possibility of developing an instrument such as a declaration of basic principles or a set of guidelines for improving access to legal aid in criminal justice systems, taking into account the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa and other relevant materials; and requested the Commission to include the issue of penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems, as a potential thematic topic for discussion by the Commission at one of its future sessions.

Effective crime prevention and criminal justice responses to combat sexual exploitation of children

The Commission, in its resolution 16/2, urged Member States to combat the demand that fosters child sexual exploitation and abuse; urged Member States that had not already done so to consider becoming parties to the Convention on the Rights of the Child and the Optional Protocol to that Convention on the sale of children, child prostitution and child pornography; urged Member States to adopt legal measures (a) to ensure that national legislation defined a “child” as a person under 18 years of age, for the purposes of child sexual exploitation offences; (b) to effectively criminalize, prosecute and punish all aspects of sexual exploitation of children; (c) to combat recidivism by promoting appropriate forms of treatment and follow-up for offenders; and (d) to enable them to submit to justice or, when appropriate, extradite persons under their jurisdiction for child sexual exploitation crimes and child sex tourism, committed in other countries, enabling those serious crimes to be prosecuted in offenders’ countries of origin, if they did not already have such legislation.

In addition, the Commission urged Member States to raise awareness among criminal justice officials and others, as appropriate, of the breadth and scope of the child sexual exploitation problem with a view of enhancing Member States’ ability to prevent sexual exploitation of children and to detect, investigate and prosecute offenders, and to prevent and combat sexual exploitation and sexual abuse among society at large and among people working with children; invited Member States to take appropriate measures, consistent with their international obligations and national legislation, to prevent and make efforts to eliminate the use of mass media and information technologies, including the Internet, to facilitate or to commit child sexual exploitation offences; also invited Member States to consider the provision of technical assistance to strengthen the capacity of law enforcement authorities worldwide to combat sexual exploitation of children; further invited Member States to take appropriate measures to ensure that victims of child sexual exploitation received adequate protection and support during the investigation and prosecution of crimes involving their victimization so as to minimize the impact on them of the investigative and legal process, and to assist victims in their recovery; encouraged Member States to strengthen legal, policy and other measures for reducing sexually abused or exploited children’s vulnerability to and greater risk of contracting HIV/AIDS and other infections and diseases, as well as suffering psychological damage, through the elimination of all forms of child sexual exploitation; also encouraged Member States to handle effectively and expeditiously requests for mutual legal assistance and extradition relating to crimes involving sexual exploitation of children; further encouraged Member States to collaborate with a view to preventing and combating child sexual exploitation; invited Member States

to set up mechanisms for coordination, collaboration and support among governmental and non-governmental organizations addressing sexual exploitation of children and to improve those mechanisms where they already existed; invited and encouraged Member States to work closely with relevant members of the private sector and with Internet service providers; requested UNODC to explore ways and means by which it could contribute to effective crime prevention and criminal justice responses to combating sexual exploitation of children; and requested the Executive Director of UNODC to report to the Commission, at its eighteenth session, on the implementation of the resolution.

Supporting national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination

The Economic and Social Council, in its resolution 2007/23, urged Member States to pay particular attention to the issue of child justice and to take into consideration applicable United Nations standards and norms for the treatment of children in conflict with the law, particularly those deprived of their liberty, taking into account also the gender, social circumstances and development needs of such children; invited Member States to adopt, where appropriate, comprehensive national action plans on crime prevention and child justice reform containing, in particular, specific targets with regard to reducing the pretrial detention and imprisonment of children; also invited Member States to provide or offer specialized training to criminal justice officers involved in the administration of child justice; further invited Member States to make use, as appropriate, of the *Manual for the Measurement of Juvenile Justice Indicators*, prepared jointly by UNODC and the United Nations Children's Fund, and of the measures contained in the publication of the Interagency Panel on Juvenile Justice entitled *Protecting the Rights of Children in Conflict with the Law*, as well as of the website of the Panel; encouraged Member States and international funding agencies to provide adequate resources to, inter alia, UNODC to enable it to carry out technical cooperation projects in the area of child justice; requested UNODC, subject to the availability of extrabudgetary resources, and the members of the Interagency Panel on Juvenile Justice to continue providing assistance to Member States, upon request, in the area of child justice; urged UNODC, within its mandates, taking into consideration the recommendations of the United Nations study on violence against children, to explore ways in which preventing and responding to violence against children could be incorporated into its technical cooperation activities in the area of children and the justice system, taking into account General Assembly resolution 61/146; requested UNODC, subject to the availability of extrabudgetary resources, to provide technical assistance to Member States, upon request, in order to strengthen national capacities and infrastructure in the area of child justice; also requested UNODC to provide technical assistance to Member States, upon request, in setting up national data collection and criminal justice information systems regarding children in conflict with the law, using the *Manual for the Measurement of Juvenile Justice Indicators*; and requested the Secretary-General to report to the Commission, at its eighteenth session, on the implementation of the resolution.

Guidelines for the Prevention of Crime

The Economic and Social Council, in its resolution 2003/26, entitled "Prevention of urban crime", requested UNODC, subject to the availability of extrabudgetary

resources and with the assistance of Governments, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and relevant United Nations entities, to develop a practical manual on the use and application of the Guidelines for the Prevention of Crime and to convene for that purpose an expert group meeting, with participants to be selected on the basis of equitable geographical representation. UNODC, in collaboration with the Ministry of Justice of Germany, held such a meeting in Berlin from 2 to 4 July 2008.

The meeting was held within the framework of the UNODC plan to provide technical assistance in the field of crime prevention in order to operationalize the guidelines for cooperation and technical assistance in the field of urban crime prevention and the Guidelines for the Prevention of Crime.

The meeting considered the preparation of two practical instruments aimed at facilitating the implementation of crime prevention projects and other initiatives worldwide, namely a crime prevention assessment tool and an outline for a manual on making the United Nations crime prevention guidelines work. The meeting also considered principles and practices for the effective implementation of the United Nations crime prevention guidelines.

International cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa

In its resolution 2007/24, the Economic and Social Council requested UNODC, subject to the availability of extrabudgetary resources, in cooperation with relevant partners, to continue to provide advisory services and technical assistance to Member States, upon request, in the area of penal reform, including restorative justice, alternatives to imprisonment, the development of an integrated plan for the provision of legal assistance, including paralegals and similar alternative schemes to provide legal aid for persons in communities, including victims, defendants and suspects at all critical stages in criminal cases.

It also requested UNODC, subject to the availability of extrabudgetary resources, to convene an open-ended intergovernmental meeting of experts, with interpretation, to study ways and means of strengthening access to legal aid in the criminal justice system, as well as the possibility of developing an instrument such as a declaration of basic principles or a set of guidelines for improving access to legal aid in criminal justice systems, taking into account the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa and other relevant materials; requested the Commission to include the issue of penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems, as a potential thematic topic for discussion by the Commission at one of its future sessions; and requested the Secretary-General to report to the Commission, at its eighteenth session, on implementation of the resolution.

Documentation

Report of the Secretary-General on international cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa (E/CN.15/2009/8)

Report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2009/16)

Report of the Secretary-General on support of national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination (E/CN.15/2009/12)

Report of the Executive Director on effective crime prevention and criminal justice responses to fight sexual exploitation of children (E/CN.15/2009/14)

7. Policy directives for the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body, including administrative, strategic management and budgetary questions and follow-up on resolutions

The Commission, at its reconvened sixteenth session, adopted resolution 16/6, entitled “Budget for the biennium 2008-2009 for the United Nations Crime Prevention and Criminal Justice Fund”, in which it approved the projected use of general-purpose funds in the biennium 2008-2009; endorsed the estimates for the programme support cost funds and special-purpose funds for the bienniums 2006-2007 and 2008-2009 for the Fund; and requested the Executive Director to submit annual reports to the Commission on, inter alia, the programmes and initiatives to be implemented by UNODC in the bienniums 2008-2009 and 2010-2011 and how they conformed with the strategy for the period 2008-2011 for UNODC, as reflected in the proposed strategic framework of the United Nations for the period 2010-2011.

The consolidated budget for the biennium 2008-2009 for UNODC presents an alignment of the strategy for the period 2008-2011 with the divisional structure of the Office. The expected accomplishments and indicators of achievement presented in the consolidated budget have been harmonized with the three subprogrammes of programme 13 of the biennial programme plan for the period 2008-2009 (A/61/6 (Prog. 13)) and with the result areas identified in the strategy.

The consolidated budget for the biennium 2008-2009 for UNODC focuses on general-purpose funds of the Fund of the United Nations International Drug Control Programme and the United Nations Crime Prevention and Criminal Justice Fund. The consolidated budget also provides information on the projected allocation of special-purpose funds and the programme support cost income earned from special-purpose contributions, as well as the resources of the regular budget of the United Nations.

A report of the Executive Director on the implementation of the consolidated budget for the biennium 2008-2009 for UNODC, providing programmatic and financial information, will be presented to the Commission at the eighteenth session. The consolidated budget for the biennium 2010-2011 for UNODC will be presented to the Commission at the reconvened eighteenth session.

Strengthening the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body

At its seventeenth session, the Commission adopted decision 17/2, entitled “Improving the governance and financial situation of the United Nations Office on Drugs and Crime”, in which it decided to establish an open-ended intergovernmental working group to discuss and prepare recommendations to be presented to the Commission at its eighteenth session on how to ensure political

ownership by the Member States and on how to improve the governance structure and the financial situation of UNODC. The co-chairperson of the open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime conducted briefings for all delegations on 10 July 2008 and informal open-ended consultations on 11 September 2008 to hear views and receive input from delegations on their expectations and on the scope and envisaged outcome of the working group. Using that input and the ideas and suggestions provided, the co-chairpersons prepared a concept paper, prior to the first session of the working group, to provide a basis for its discussions. The working group held five sessions, on 7 October, on 10 November, on 27 and 28 November 2008, on 30 January 2009 and on 2 February 2009, at which it reviewed the concept paper. The recommendations of the working group (E/CN.7/2009/10–E/CN.15/2009/10) will be before the Commission.

Documentation

Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime (E/CN.7/2009/3–E/CN.15/2009/3)

Report of the Secretariat on the recommendations of the open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime (E/CN.7/2009/10–E/CN.15/2009/10)

Report of the Executive Director on the implementation of the consolidated budget for the biennium 2008-2009 for the United Nations Office on Drugs and Crime (E/CN.7/2009/11–E/CN.15/2009/11)

Note by the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/2009/17)

8. Provisional agenda for the nineteenth session of the Commission

In accordance with rule 9 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission will have before it the provisional agenda for its nineteenth session. With respect to the duration of the session and the submission of draft resolutions, the Commission should review the experience gained thus far and is invited to consider its programme of work in relation to the duration of its subsequent sessions, as well as the appropriateness of the recent practice with respect to the deadline for the submission of draft resolutions. The Commission should also devote attention to the selection of the themes for the thematic discussion at its subsequent sessions and should consider making more definite arrangements on the duration of its future sessions.

9. Other business

No issues that need to be raised under item 9 have come to the attention of the Secretariat and no documentation on the item is currently foreseen.

10. Adoption of the report of the Commission on its eighteenth session

It is expected that the Commission will adopt the report on its eighteenth session on the morning of 24 April 2009, the last day of the session.

Annex

Proposed organization of work

1. In its decision 1997/232, the Economic and Social Council decided that the Commission on Crime Prevention and Criminal Justice, in addition to plenary meetings, should be provided with full interpretation services for a total of 12 meetings for informal consultations on draft proposals and for meetings of open-ended working groups, with the precise allocation of time for the different types of meetings to be determined by the Commission under the agenda item entitled "Adoption of the agenda and organization of work", on the understanding that no more than two meetings would be held concurrently, in order to ensure maximum participation of delegations.
2. The proposed organization of work for the eighteenth session of the Commission was prepared in accordance with the agenda agreed at an intersessional meeting held on 28 October 2008, at which the Commission decided that its eighteenth session would have a duration of seven days, from 16 to 24 April 2009.
3. The proposed organization of work is subject to approval by the Commission. As soon as discussion on an item or sub-item has been concluded, the following one will be taken up, time permitting. Suggested meeting times are from 10 a.m. to 1 p.m. and from 3 to 6 p.m.

Eighteenth session, 16-24 April 2009

	<i>Plenary</i>	<i>Committee of the Whole</i>
Thursday, 16 April		
10-11 a.m.	Opening of the Commission <i>Item 1.</i> Election of officers <i>Item 2.</i> Adoption of the agenda and organization of work	
11 a.m.-1 p.m.	<i>Item 4.</i> World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice; (a) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime; (b) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption	
3-6 p.m.	<i>Items 4 (a) and (b).</i> World crime trends and responses (<i>continued</i>)	Workshop on prison overcrowding

	<i>Plenary</i>	<i>Committee of the Whole</i>
Friday, 17 April		
10 a.m.-1 p.m.	<i>Item 3 (a)</i> . Thematic discussion: “Economic fraud and identity-related crime”	Informal consultations: consideration of draft resolutions
3-6 p.m.	<i>Item 3 (a)</i> . Thematic discussion: “Economic fraud and identity-related crime” (<i>continued</i>)	Informal consultations: consideration of draft resolutions (<i>continued</i>)
Monday, 20 April		
10 a.m.-1 p.m.	<i>Item 3 (b)</i> . Thematic discussion: “Penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems”	Informal consultations: consideration of draft resolutions (<i>continued</i>)
3-6 p.m.	<i>Item 3 (b)</i> . Thematic discussion: “Penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems” (<i>continued</i>)	Informal consultations: consideration of draft resolutions (<i>continued</i>)
Tuesday, 21 April		
10 a.m.-1 p.m.	<i>Item 4 (c)</i> . World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice: work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the international instruments to prevent and combat terrorism; <i>Item 4 (d)</i> . World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice: other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations Crime Prevention and Criminal Justice Programme network, non-governmental organizations and other bodies	Informal consultations: consideration of draft resolutions (<i>continued</i>)
3-6 p.m.	<i>Items 4 (c) and (d)</i> . World crime trends and responses (<i>continued</i>)	Informal consultations: consideration of draft resolutions (<i>continued</i>)
Wednesday, 22 April		
10 a.m.-1 p.m.	<i>Item 5</i> . Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice	Informal consultations: consideration of draft resolutions (<i>continued</i>)
3-6 p.m.	<i>Item 6</i> . Use and application of United Nations standards and norms in crime	Informal consultations: consideration of draft resolutions

	<i>Plenary</i>	<i>Committee of the Whole</i>
	prevention and criminal justice	<i>(continued)</i>
Thursday, 23 April		
10 a.m.-1 p.m.	<i>Item 7.</i> Policy directives for the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body, including administrative, strategic management and budgetary questions and follow-up on resolutions	Informal consultations: consideration of draft resolutions <i>(continued)</i>
3-6 p.m.	<i>Item 7.</i> Policy directives for the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body <i>(continued)</i>	Informal consultations: consideration of draft resolutions <i>(continued)</i>
Friday, 24 April		
10 a.m.-1 p.m.	<i>Item 8.</i> Provisional agenda for the nineteenth session of the Commission <i>Item 9.</i> Other business	Informal consultations: consideration of draft resolutions <i>(continued)</i>
3-6 p.m.	<i>Item 10.</i> Adoption of the report of the Commission on its eighteenth session	