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Crime prevention and criminal justice

Report of the Third Committee

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I. Introduction

1. At its 2nd plenary meeting, on 21 September 2012, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-seventh session the item entitled “Crime prevention and criminal justice” and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 5th, 6th, 7th, 15th, 21st, 35th, 39th, 44th and 48th meetings, on 10, 11, 18 and 23 October and on 8, 16, 26 and 28 November 2012. At its 5th, 6th and 7th meetings, on 10 and 11 October, the Committee held a general discussion on the item jointly with item 104, entitled “International drug control”. An account of the Committee’s discussion is contained in the relevant summary records (A/C.3/67/SR.5-7, 15, 21, 35, 39, 44 and 48).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on 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 (A/67/96);

(b) Report of the Secretary-General on follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (A/67/97);

(c) Report of the Secretary-General on the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (A/67/155);

(d) Report of the Secretary-General on the implementation of the mandates of the United Nations crime prevention and criminal justice programme, with



particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime (A/67/156);

(e) Note by the Secretary-General transmitting the report of the Conference of the States Parties to the United Nations Convention against Corruption on its fourth session (A/67/218);

(f) Report of the Commission on Crime Prevention and Criminal Justice on its twenty-first session (E/2012/30 and Corr.1 and 2);

(g) Letter dated 1 October 2012 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General (A/67/497);

(h) Letter dated 2 October 2012 from the Permanent Representatives of Colombia, Guatemala and Mexico to the United Nations addressed to the Secretary-General (A/67/493);

(i) Letter dated 25 October 2012 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General (A/C.3/67/3).

4. At the 5th meeting, on 10 October, the following documents were brought to the attention of the Committee: A/C.3/67/L.3, A/C.3/67/L.4, A/C.3/67/L.5, A/C.3/67/L.6 and A/C.3/67/L.7, under item 103, which contained draft resolutions recommended by the Economic and Social Council for action by the General Assembly.

5. At the same meeting, the Deputy Executive Director of the United Nations Office on Drugs and Crime made an introductory statement (see A/C.3/67/SR.5).

II. Consideration of proposals

A. Draft resolution A/C.3/67/L.3

6. In its resolution 2012/17, the Economic and Social Council recommended to the General Assembly that it adopt a draft resolution entitled "Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice". The draft resolution was reproduced in a note by the Secretariat (A/C.3/67/L.3).

7. At the 15th meeting, on 18 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/67/SR.15).

8. At the same meeting, the Committee adopted draft resolution A/C.3/67/L.3 (see para. 41, draft resolution I).

B. Draft resolution A/C.3/67/L.4

9. By its resolution 2012/16, the Economic and Social Council recommended to the General Assembly that it adopt a draft resolution entitled "Promoting efforts to eliminate violence against migrants, migrant workers and their families". The draft resolution was reproduced in a note by the Secretariat (A/C.3/67/L.4).

10. At its 15th meeting, on 18 October, the Committee adopted draft resolution A/C.3/67/L.4 (see para. 41, draft resolution II).

C. Draft resolution A/C.3/67/L.5

11. By its resolution 2012/14, the Economic and Social Council recommended to the General Assembly that it adopt a draft resolution entitled “Strengthening the rule of law and the reform of criminal justice institutions, particularly in the areas related to the United Nations system-wide approach to fighting transnational organized crime and drug trafficking”. The draft resolution was reproduced in a note by the Secretariat (A/C.3/67/L.5).

12. At its 15th meeting, on 18 October, the Committee adopted draft resolution A/C.3/67/L.5 (see para. 41, draft resolution III).

D. Draft resolution A/C.3/67/L.6

13. By its resolution 2012/15, the Economic and Social Council recommended to the General Assembly that it adopt a draft resolution entitled “United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems”. The draft resolution was reproduced in a note by the Secretariat (A/C.3/67/L.6).

14. At the 15th meeting, on 18 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/67/SR.15).

15. At the same meeting, the Committee adopted draft resolution A/C.3/67/L.6 (see para. 41, draft resolution IV).

E. Draft resolution A/C.3/67/L.7

16. By its resolution 2012/13, the Economic and Social Council recommended to the General Assembly that it adopt a draft resolution entitled “Standard Minimum Rules for the Treatment of Prisoners”. The draft resolution was reproduced in a note by the Secretariat (A/C.3/67/L.7).

17. At the 15th meeting, on 18 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/67/SR.15).

18. At the same meeting, the Committee adopted draft resolution A/C.3/67/L.7 (see para. 41, draft resolution V).

F. Draft resolutions A/C.3/67/L.15 and Rev.1

19. At the 15th meeting, on 18 October, the representative of Italy, on behalf of the Czech Republic, Denmark, Haiti, Iceland, Italy, Kazakhstan, Kenya, Kyrgyzstan, Morocco, Panama, the Russian Federation, San Marino and Ukraine, introduced a draft resolution entitled “Strengthening the United Nations crime prevention and

criminal justice programme, in particular its technical cooperation capacity” (A/C.3/67/L.15), which read:

“The General Assembly,

“Reaffirming its resolutions 46/152 of 18 December 1991, 60/1 of 16 September 2005, 65/169 of 20 December 2010, 65/190 of 21 December 2010 and 66/181 of 19 December 2011,

“Reaffirming also its resolutions relating to the urgent need to strengthen international cooperation and technical assistance in promoting and facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption and all the international conventions and protocols against terrorism,

“Reaffirming further the commitments undertaken by Member States in the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006, and its successive biennial reviews,

“Emphasizing that its resolution 65/187 of 21 December 2010 on the intensification of efforts to eliminate all forms of violence against women and its resolution 65/228 of 21 December 2010 on strengthening crime prevention and criminal justice responses to violence against women, by which it adopted the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, have considerable implications for the United Nations crime prevention and criminal justice programme and its activities,

“Recalling the adoption of its resolution 65/229 of 21 December 2010 on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and encouraging in this regard efforts of Member States to conduct further study with a view to utilizing these practical measures,

“Recalling also the adoption of its resolution 65/230 of 21 December 2010 on the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in which it endorsed the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,

“Recalling the adoption by the Economic and Social Council of resolution 2012/17 of 26 July 2012 on follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice,

“Recalling its resolution 66/177 of 19 December 2011 on strengthening international cooperation in combating the harmful effects of illicit financial flows resulting from criminal activities, in which it urged States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption to apply fully the provisions of those Conventions, in particular

measures to prevent and combat money-laundering, including by criminalizing the laundering of proceeds of transnational organized crime,

“Taking into consideration all relevant Economic and Social Council resolutions, in particular resolutions 2012/12, 2012/13, 2012/14, 2012/15, 2012/16, 2012/17, 2012/18 and 2012/19 of 26 July 2012, and all those relating to the strengthening of international cooperation, as well as the technical assistance and advisory services of the United Nations crime prevention and criminal justice programme of the United Nations Office on Drugs and Crime in the fields of crime prevention and criminal justice, promotion and reinforcement of the rule of law and reform of criminal justice institutions, including with regard to the implementation of technical assistance,

“Recalling its resolution 66/180 of 19 December 2011 on strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking, in which it urged Member States and relevant institutions to reinforce and fully implement mechanisms to strengthen international cooperation, including mutual legal assistance, in order to combat all forms and aspects of trafficking in cultural property and related offences, such as the theft, looting, damage, removal, pillage and destruction of cultural property, and to facilitate the recovery and the return of stolen cultural property,

“Recalling also the adoption of its resolution 64/293 of 30 July 2010 on the United Nations Global Plan of Action to Combat Trafficking in Persons, reaffirming the need for the full implementation of the Global Plan of Action, expressing the view that it will, inter alia, enhance cooperation and better coordination of efforts in fighting trafficking in persons and promote increased ratification and full implementation of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and welcoming the work of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children,

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

“Expressing its grave concern at the negative effects of transnational organized crime, including smuggling of and trafficking in human beings, narcotic drugs and small arms and light weapons, on development, peace and security and human rights, and at the increasing vulnerability of States to such crime,

“Convinced of the importance of preventing youth crime, supporting the rehabilitation of young offenders and their reintegration into society, protecting child victims and witnesses, including efforts to prevent their revictimization, and addressing the needs of children of prisoners, and

stressing that such responses should take into account the human rights and best interests of children and young people, as called for in the Convention on the Rights of the Child and the Optional Protocols thereto, where applicable, and in other relevant United Nations standards and norms in juvenile justice, where appropriate,

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

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

“Concerned about the growing degree of penetration of criminal organizations and their proceeds into the economy,

“Recognizing that actions against transnational organized crime and terrorism are a common and shared responsibility, and stressing the need to work collectively to prevent and combat transnational organized crime, corruption and terrorism in all its forms and manifestations,

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

“Expressing deep concern for the escalating poaching and wildlife trafficking of endangered and protected species, and emphasizing the need to combat wildlife trafficking by strengthening international cooperation, capacity-building, criminal justice and law enforcement efforts,

“Encouraging Member States to develop, as appropriate, comprehensive crime prevention policies based on an understanding of the multiple factors that contribute to crime and to address such factors in a holistic manner,

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

“Recognizing also that, thanks to its broad membership and wide scope of application, the United Nations Convention against Transnational Organized Crime offers an important basis for international cooperation, inter alia for extradition, mutual legal assistance and confiscation, and represents in this regard a useful tool that should be further utilized,

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

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

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

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

“1. *Takes note with appreciation* of the report of the Secretary-General prepared pursuant to resolution 66/181;

“2. *Encourages* Member States to give adequate consideration to the linkages between crime prevention and criminal justice and development, especially in the context of preparations for the United Nations development agenda beyond 2015 and the implementation of the outcome document of the United Nations Conference on Sustainable Development;

“3. *Welcomes* the decision that the main theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice will be ‘Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation’, and requests Member States to ensure that the Commission on Crime Prevention and Criminal Justice, acting as preparatory body, and the Thirteenth Congress make substantive contributions to the United Nations rule of law activities as well as provide focused input for the United Nations development agenda beyond 2015;

“4. *Reaffirms* the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto as the main tools of the international community to fight transnational organized crime;

“5. *Notes with appreciation* that the number of States parties to the United Nations Convention against Transnational Organized Crime has reached one hundred and seventy-two, which is a significant indication of the commitment shown by the international community to combat transnational organized crime;

“6. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption and the international conventions and protocols related to terrorism, and encourages States parties and signatories to these conventions and protocols to make efforts towards their full implementation;

“7. *Encourages* States parties and signatories to the United Nations Convention against Transnational Organized Crime to develop a mechanism for the review of the implementation of the Convention and the Protocols thereto, and expresses the hope that the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, at its sixth session, will complete the task of establishing such a review mechanism and of launching it as soon as possible, bearing in mind the urgent need to improve the implementation of the Convention and the Protocols thereto;

“8. *Notes with appreciation* the work of the open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international, legal or other responses to cybercrime;

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

“10. *Recommends* that Member States, as appropriate to their national contexts, adopt a comprehensive and integrated approach to crime prevention and criminal justice reform, based on baseline assessments and data collection and focusing on all sectors of the justice system, and develop crime prevention policies, strategies and programmes, and requests the United Nations Office on Drugs and Crime to continue to provide technical assistance, upon request, to Member States for this purpose;

“11. *Encourages* all States to have national and local action plans for crime prevention in order to take into account, in a comprehensive, integrated and participatory manner, inter alia, factors that place certain populations and places at higher risk of victimization and/or of offending and to ensure that such plans are based on the best available evidence and good practices, and stresses that crime prevention should be considered an integral element of strategies to foster social and economic development in all States;

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

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

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

“15. *Urges* the United Nations Office on Drugs and Crime to continue to provide technical assistance to Member States to combat money-laundering and the financing of terrorism through the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism, in accordance with United Nations-related instruments and internationally accepted standards, including, where applicable, recommendations of relevant intergovernmental bodies, inter alia, the Financial Action Task Force and relevant initiatives of regional, interregional and multilateral organizations against money-laundering;

“16. *Urges* Member States to strengthen bilateral, regional and international cooperation to enable the return of assets illicitly acquired from corruption to the countries of origin, upon their request, in accordance with the provisions of the United Nations Convention against Corruption for asset recovery, in particular chapter V, requests the United Nations Office on Drugs and Crime, within its existing mandate, to continue providing assistance to bilateral, regional and international efforts for that purpose, and also urges Member States to combat and penalize corruption, as well as the laundering of its proceeds;

“17. *Requests* the United Nations Office on Drugs and Crime to continue to foster international and regional cooperation, including by facilitating the development of regional networks active in the field of legal and law enforcement cooperation in the fight against transnational organized crime, where appropriate, and by promoting cooperation among all such networks, including by providing technical assistance where it is required;

“18. *Urges* the United Nations Office on Drugs and Crime to increase collaboration with intergovernmental, international and regional organizations that have transnational organized crime mandates, as appropriate, in order to share best practices and to take advantage of their unique and comparative advantage;

“19. *Recognizes* the efforts made by the United Nations Office on Drugs and Crime to assist Member States in developing abilities and strengthening their capacity to prevent and combat kidnapping, and requests the Office to continue to provide technical assistance with a view to fostering international cooperation, in particular mutual legal assistance, aimed at countering effectively this growing serious crime;

“20. *Draws attention* to the emerging policy issues identified in the report of the Secretary-General on the implementation of the mandates of the United Nations crime prevention and criminal justice programme, with particular reference to the technical cooperation activities of the United

Nations Office on Drugs and Crime, namely, piracy, cybercrime, the use of new information technologies to abuse and exploit children, trafficking in cultural property, illicit financial flows, environmental crime, including illicit trafficking in endangered species of wild fauna and flora, as well as identity-related crime, and invites the Office to explore, within its mandate, ways and means of addressing those issues, bearing in mind Economic and Social Council resolution 2012/12 on the strategy for the period 2012-2015 for the Office;

“21. *Requests* the United Nations Office on Drugs and Crime, within its existing mandate, to strengthen the regular collection, analysis and dissemination of accurate, reliable and comparable data and information and to continue developing, in close cooperation with Member States, technical and methodological tools and trend analyses and studies to enhance knowledge on crime trends and support Member States in designing appropriate responses in specific areas of crime, in particular in their transnational dimension, taking into account the need to make the best possible use of existing resources;

“22. *Urges* Member States and relevant international organizations to develop national and regional strategies, as appropriate, and other necessary measures, in cooperation with the United Nations crime prevention and criminal justice programme, to address effectively transnational organized crime, including trafficking in persons, smuggling of migrants and illicit manufacturing of and trafficking in firearms, as well as corruption and terrorism;

“23. *Urges* States parties to use the United Nations Convention against Transnational Organized Crime for broad cooperation in preventing and combating criminal offences against cultural property, especially in returning such proceeds of crime or property to their legitimate owners, in accordance with article 14, paragraph 2, of the Convention, and invites States parties to exchange information on all aspects of criminal offences against cultural property, in accordance with their national laws, and to coordinate administrative and other measures taken, as appropriate, for the prevention, early detection and punishment of such offences;

“24. *Urges* the United Nations Office on Drugs and Crime to continue to assist Member States, upon request, in combating the illicit trafficking in firearms, their parts and components and ammunition, and to support them in their efforts to address its links with other forms of transnational organized crime, through, inter alia, technical assistance;

“25. *Reaffirms* the importance of the United Nations Office on Drugs and Crime and its regional offices in building capacity at the local level in the fight against transnational organized crime and drug trafficking, and urges the Office to consider regional vulnerabilities, projects and impact in the fight against transnational organized crime, in particular in developing countries, when deciding to close and allocate offices, with a view to maintaining an effective level of support to national and regional efforts in those areas;

“26. *Encourages* Member States to support the United Nations Office on Drugs and Crime in continuing to provide targeted technical assistance, within its existing mandate, to enhance the capacity of affected States, upon their

request, to combat piracy by sea, including by assisting Member States in creating an effective law enforcement response and strengthening their judicial capacity;

“27. *Welcomes* the progress achieved by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption in the implementation of their respective mandates, and also welcomes the outcome of the sixth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime;

“28. *Encourages* States parties to continue to provide full support to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption, including providing information to the conferences regarding compliance with the treaties;

“29. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with adequate resources to promote, in an effective manner, the implementation of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption and to discharge its functions as the secretariat of the conferences of the parties to the conventions, the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs, in accordance with its mandate;

“30. *Encourages* States parties and signatories to the United Nations Convention against Corruption to continue to provide full support to the review mechanism adopted by the Conference of the States Parties to the United Nations Convention against Corruption;

“31. *Encourages* Member States to give full effect to the resolutions on the prevention of corruption, on international cooperation and on asset recovery adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its fourth session and to support the work carried out by its established subsidiary bodies in this respect;

“32. *Reiterates its request* to the United Nations Office on Drugs and Crime to enhance its technical assistance to Member States, upon request, to strengthen international cooperation in preventing and combating terrorism through the facilitation of the ratification and implementation of the universal conventions and protocols related to terrorism, in close consultation with the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and its Executive Directorate, as well as to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, and invites Member States to provide the Office with appropriate resources for its mandate;

“33. *Requests* that the United Nations Office on Drugs and Crime continue to provide technical assistance to Member States, upon request, to strengthen the rule of law, taking also into account the work undertaken by the Rule of Law Coordination and Resource Group of the Secretariat and other relevant United Nations bodies;

“34. *Notes with appreciation* the report of the open-ended intergovernmental expert group on strengthening access to legal aid in criminal justice systems on its meeting held in Vienna from 16 to 18 November 2011, and welcomes the adoption by the Economic and Social Council of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems;

“35. *Encourages* Member States to take relevant measures, as appropriate to their national contexts, to ensure the diffusion, use and application of the United Nations standards and norms in crime prevention and criminal justice, including the consideration and, where they deem it necessary, dissemination of existing manuals and handbooks developed and published by the United Nations Office on Drugs and Crime;

“36. *Requests* the United Nations Office on Drugs and Crime, in collaboration with Member States, to continue to support the enhancement of capacity and skills in the field of forensic sciences, including the setting of standards, and the development of technical assistance material for training, such as manuals, compilations of useful practices and guidelines and scientific and forensic reference material, for law enforcement officials and prosecution authorities, and to promote and facilitate the establishment and sustainability of regional networks of forensic science providers in order to enhance their expertise and capacity to prevent and combat transnational organized crime;

“37. *Reiterates* the importance of providing the United Nations crime prevention and criminal justice programme with sufficient, stable and predictable funding for the full implementation of its mandates, in conformity with the high priority accorded to it and in accordance with the increasing demand for its services, in particular with regard to the provision of increased assistance to developing countries, countries with economies in transition and countries emerging from conflict, in the area of crime prevention and criminal justice reform;

“38. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-eighth session on the implementation of the mandates of the United Nations crime prevention and criminal justice programme, reflecting also emerging policy issues and possible responses;

“39. *Also requests* the Secretary-General to include in the report referred to in paragraph 38 above information on the status of ratifications or accessions to the United Nations Convention against Transnational Organized Crime and the Protocols thereto.”

20. At its 44th meeting, on 26 November, the Committee had before it a revised draft resolution entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity” (A/C.3/67/L.15/Rev.1), submitted by Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, the Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bulgaria, Cameroon, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Dominica, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia,

Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mexico, Micronesia (Federated States of), Mongolia, Montenegro, Morocco, Namibia, the Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Serbia, Slovakia, Slovenia, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay.

21. At the same meeting, the representative of Italy made a statement and announced that Australia, Azerbaijan, Burkina Faso, the Dominican Republic, Ecuador, El Salvador, the Gambia, Georgia, Ghana, India, Liberia, Malaysia, Mali, Papua New Guinea, Qatar, South Sudan, the Sudan and the former Yugoslav Republic of Macedonia had joined in sponsoring the revised draft resolution.

22. Also at its 44th meeting, the Committee adopted draft resolution A/C.3/67/L.15/Rev.1 (see para. 41, draft resolution VI).

23. After the adoption of the draft resolution, a statement was made by the representative of the Bolivarian Republic of Venezuela (see A/C.3/67/SR.44).

G. Draft resolutions A/C.3/67/L.16 and Rev.1

24. At the 15th meeting, on 18 October, the representative of Belarus, on behalf of Bangladesh, Belarus, India, Kazakhstan, Kenya and the Philippines, introduced a draft resolution entitled “Improving the coordination of efforts against trafficking in persons” (A/C.3/67/L.16), which read:

“The General Assembly,

“Reiterating its concern that despite sustained measures taken at the international, regional and national levels, trafficking in persons remains one of the grave challenges facing the international community, which also impairs the enjoyment of human rights and needs a more concerted collective and comprehensive international response,

“Recalling its resolution 64/178 of 18 December 2009 on improving the coordination of efforts against trafficking in persons and other relevant General Assembly resolutions on trafficking in persons and other contemporary forms of slavery,

“Reaffirming its resolution 64/293 of 30 July 2010 on the United Nations Global Plan of Action to Combat Trafficking in Persons,

“Recalling Economic and Social Council resolution 2008/33 of 25 July 2008 on strengthening coordination of the United Nations and other efforts in fighting trafficking in persons and previous Council resolutions on trafficking in persons,

“Taking note with appreciation of resolution 20/3 of the Commission on Crime Prevention and Criminal Justice of 15 April 2011 entitled ‘Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons’,

“Taking note with appreciation also of Human Rights Council resolution 20/1 of 5 July 2012, entitled ‘Trafficking in persons, especially women and children: access to effective remedies for trafficked persons and their right to the effective remedy for human rights violations’, and other relevant Human Rights Council resolutions on trafficking in persons,

“Recalling the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,

“Recognizing that, in accordance with article 32 of the United Nations Convention against Transnational Organized Crime, the Conference of the Parties to the Convention is established to improve the capacity of States parties to combat transnational crime and to promote and review the implementation of the Convention by facilitating the development and exchange of relevant information, programmes and practices, and by cooperating with relevant international and regional organizations and non-governmental organizations, and recognizing also that each State party shall provide the Conference of the Parties with information on its programmes, plans and practices, as well as legislative and administrative measures to implement the Convention,

“Recognizing the importance of bilateral, subregional, regional and international cooperation mechanisms and initiatives, including information exchanges on good practices, of Governments and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children, in particular the resolution entitled ‘Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons’, adopted by the Parliamentary Assembly of the Organization for Security and Cooperation in Europe at its twentieth session, the Organization for Security and Cooperation in Europe Ministerial Council Declaration on Combating All Forms of Human Trafficking of 7 December 2011, and the Final Document of the Sixteenth Summit of Heads of State and Government of the Non-Aligned Movement, held in Tehran from 26 to 31 August 2012,

“Recognizing also that broad international cooperation between Member States and relevant intergovernmental and non-governmental organizations is essential for effectively countering the threat of trafficking in persons and other contemporary forms of slavery,

“Noting with appreciation the steps taken by the Special Rapporteur of the Human Rights Council on trafficking in persons, especially women and children, the Special Rapporteur of the Council on violence against women, its causes and consequences, the Special Representative of the Secretary-General on violence against children, the Special Rapporteur of the Council on the sale of children, child prostitution and child pornography and the Special Rapporteur of the Council on contemporary forms of slavery, including its

causes and consequences, and United Nations agencies and other concerned intergovernmental and governmental organizations, within their existing mandates, as well as civil society, to address the serious crime of trafficking in persons, and encouraging them to continue doing so and to share their knowledge and best practices as widely as possible,

“Recognizing the important role of the Inter-Agency Coordination Group against Trafficking in Persons in fostering coordination and cooperation in the global fight against trafficking in persons, in particular the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children’s Fund, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the International Labour Organization, the International Organization for Migration and other intergovernmental organizations within their existing mandates,

“Recognizing the need to continue fostering a global partnership against trafficking in persons and other contemporary forms of slavery,

“Recognizing that the current global economic crises are likely to further aggravate the problem of trafficking in persons,

“Aware of the need to raise public awareness with the aim of eliminating the demand for trafficking in persons, in particular for the purpose of sexual exploitation and forced labour,

“Reaffirming the commitment made by world leaders at the Millennium Summit, the 2005 World Summit and the high-level plenary meeting of the General Assembly on the Millennium Development Goals, held in 2010 to devise, enforce and strengthen effective measures to combat and eliminate all forms of trafficking in persons to counter the demand for trafficked victims and to protect the victims,

“Taking note of the report of the Secretary-General on the implementation of the mandates of the United Nations crime prevention and criminal justice programme, with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime, which focuses, inter alia, on issues of trafficking in persons,

“Welcoming the report of the Special Rapporteur of the Human Rights Council on trafficking in persons, especially women and children,

“Taking note of the outcomes of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its sixth session, held in Vienna from 15 to 19 October 2012, and the outcomes of the fourth session of the Open-ended Interim Working Group on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, held in Vienna from 10 to 12 October 2011,

“Reaffirming the importance of humanitarian, legal and financial aid to victims of trafficking in persons, including through the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women

and Children, established in compliance with the Global Plan of Action to Combat Trafficking in Persons,

“*Welcoming* the interactive dialogue of the General Assembly on the theme ‘Fighting human trafficking: partnership and innovation to end violence against women and girls’, held in New York on 3 April 2012, which provided an opportunity for Member States, international organizations, civil society and the private sector to unite as one in the global fight against trafficking in persons,

“*Welcoming also* the accession in the period from 2010 to 2012 by a number of Member States to the United Nations Convention against Transnational Organized Crime, which brings the number of parties to 168, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which brings the number of parties to 148,

“1. *Urges* Member States that have not yet done so to consider taking measures to ratify or accede to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and to implement fully all aspects of those instruments;

“2. *Also urges* Member States that have not yet done so to consider taking measures to ratify or accede to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Convention on the Elimination of All Forms of Discrimination against Women and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and to implement fully all aspects of those instruments;

“3. *Calls upon* Governments to continue their efforts to criminalize trafficking in persons in all its forms, including for labour exploitation and sexual exploitation of children, to take measures to criminalize child sex tourism, to condemn the practice of trafficking in persons, and to investigate, prosecute, condemn and penalize traffickers and intermediaries, while providing protection and assistance to the victims of trafficking with full respect for their human rights, and invites Member States to continue to support those United Nations agencies and international organizations that are actively involved in victim protection;

“4. *Encourages* all stakeholders, including the private sector, to strengthen the coordination of efforts, including through the Inter-Agency Coordination Group against Trafficking in Persons and regional and bilateral initiatives that promote cooperation and collaboration;

“5. *Recognizes* the importance of comparable data disaggregated by types of trafficking in persons, sex and age, as well as of strengthening national capacity for the gathering, analysing and reporting of such data, and welcomes the efforts of the Inter-Agency Coordination Group, drawing on the comparative advantages of the respective agencies, to share information, experiences and good practices on anti trafficking activities of the partner agencies with Governments, other international and regional organizations, non-governmental organizations and other relevant bodies;

“6. *Acknowledges* the important work on data collection and analysis conducted by the United Nations Office on Drugs and Crime under its Global Programme against Trafficking in Human Beings, by the International Organization for Migration through its global Counter-Trafficking Module database and by the International Labour Organization;

“7. *Reiterates its request* to the Secretary-General to provide the United Nations Crime Prevention and Criminal Justice Programme with sufficient resources for the full implementation of its mandates on combating trafficking in persons, in conformity with its high priorities, and to provide adequate support to the Commission on Crime Prevention and Criminal Justice, and invites Member States to provide voluntary contributions to the United Nations Office on Drugs and Crime for the purpose of providing assistance to Member States upon request;

“8. *Expresses its support* for the activities of the United Nations Office on Drugs and Crime in fighting trafficking in persons, and looks forward to the launch, within existing resources, of the report entitled ‘Trafficking in persons: global patterns’ produced by the United Nations Office on Drugs and Crime as called for in General Assembly resolution 64/293 of 30 July 2010, at United Nations Headquarters in December 2012;

“9. *Requests* the Secretary-General to continue within existing reporting obligations, the practice of including a section on the implementation by the United Nations system of the Global Plan of Action to Combat Trafficking in Persons in his report to the General Assembly under the item on crime prevention and criminal justice;

“10. *Invites* States and all other relevant stakeholders to continue contributing to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children;

“11. *Recalls* its decision to conduct in 2013 an appraisal of the progress achieved in the implementation of the Global Plan of Action, and decides to convene, within existing resources, a high-level meeting of the General Assembly at its sixty-seventh session;

“12. *Requests* the Secretary-General, in close cooperation with Member States, to take all necessary measures to arrange that high-level meeting, and invites the President of the General Assembly to conduct open-ended informal consultations with Member States with a view to determining the modalities of that meeting;

“13. *Requests* the President of the General Assembly to prepare a summary of the high-level meeting;

“14. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report on the implementation of the present resolution.”

25. At its 39th meeting, on 16 November, the Committee had before it a revised draft resolution entitled “Improving the coordination of efforts against trafficking in persons” (A/C.3/67/L.16/Rev.1), submitted by Bangladesh, Belarus, India, Kazakhstan, Kenya and the Philippines.

26. At the same meeting, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/67/SR.39).

27. Also at the 39th meeting, the representative of Belarus made a statement and announced that Azerbaijan, Armenia, Austria, Bahrain, Belgium, Bulgaria, Cyprus, Egypt, Ecuador, El Salvador, Greece, Hungary, Italy, the Lao People's Democratic Republic, Luxembourg, Nicaragua, Nigeria, Pakistan, Portugal, Spain, Sweden, Tajikistan, Thailand, Turkmenistan, Ukraine and Venezuela (Bolivarian Republic of) had joined in sponsoring the draft resolution. Subsequently, Bosnia and Herzegovina, Côte d'Ivoire, Eritrea, Estonia, Iceland, Ireland, Liberia, Mexico, Montenegro, the Republic of Moldova, the Russian Federation, Serbia, Slovenia, Swaziland, the former Yugoslav Republic of Macedonia and Uganda joined in sponsoring the draft resolution.

28. Also at its 39th meeting, the Committee adopted draft resolution A/C.3/67/L.16/Rev.1 (see para. 41, draft resolution VII).

29. After the adoption of the draft resolution, a statement was made by the representative of the United States of America, and the representatives of Guatemala and Jamaica made statements in connection with their sponsorship of the draft resolution (see A/C.3/67/SR.39).

H. Draft resolutions A/C.3/67/L.17/Rev.1 and Rev.2

30. At the 35th meeting, on 8 November, the representative of Uganda, on behalf of the Group of African States, introduced a draft resolution entitled "United Nations African Institute for the Prevention of Crime and the Treatment of Offenders" (A/C.3/67/L.17/Rev.1), which read:

"The General Assembly,

"Recalling its resolution 66/182 of 19 December 2011 and all other relevant resolutions,

"Taking note of the report of the Secretary-General,

"Bearing in mind that weaknesses in crime prevention lead to subsequent difficulties at the level of crime control mechanisms, and bearing in mind also the urgent need to establish effective crime prevention strategies for Africa, as well as the importance of law enforcement agencies and the judiciary at the regional and subregional levels,

"Aware of the devastating impact of new and more dynamic crime trends on the national economies of African States, such as the high levels of transnational organized crime being recorded in Africa, including the utilization of digital technology to commit all types of cybercrime, illicit trafficking in cultural property and drugs, piracy and money-laundering, and of the fact that crime is a major obstacle to harmonious and sustainable development in Africa,

"Emphasizing that controlling crime is a collective responsibility and not an isolated function of legislative processes alone, and that investment in crime prevention and increase in resources for the provision of services contributes to development,

“Noting with concern that in most African countries the existing criminal justice system does not have sufficiently skilled personnel and adequate infrastructure and is therefore ill-equipped to manage the emergence of new crime trends, and acknowledging the challenges that Africa faces in litigation processes and the management of correctional institutions,

“Recognizing that the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders is a focal point for all professional efforts aimed at promoting the active cooperation and collaboration of Governments, academics, institutions and scientific and professional organizations and experts in crime prevention and criminal justice,

“Bearing in mind the Revised African Union Plan of Action on Drug Control and Crime Prevention (2007-2012), aimed at encouraging Member States to participate in and own the regional initiatives for effective crime prevention and good governance and strengthened justice administration,

“Recognizing the importance of promoting sustainable development as a complement to crime prevention strategies,

“Emphasizing the need to create necessary coalitions with all partners in the process of achieving effective crime prevention policies,

“Welcoming the appointment of the new Director of the Institute in May 2012, and welcoming also the concrete proposals by the Secretary-General, including for the provision of additional core Professional staff, to strengthen the programmes and activities of the Institute,

“Noting with satisfaction that the appointment of the new Director will give a boost to the Institute’s management, policy development, guidance and activities,

“Noting with concern that the financial situation of the Institute has greatly affected its capacity to deliver services to African Member States in an effective and comprehensive manner,

“1. *Commends* the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders for its efforts to promote and coordinate regional technical cooperation activities related to crime prevention and criminal justice systems in Africa;

“2. *Also commends* the initiative of the United Nations Office on Drugs and Crime in strengthening its working relationship with the Institute by supporting and involving the Institute in the implementation of a number of activities, including those contained in the Revised African Union Plan of Action on Drug Control and Crime Prevention (2007-2012), on strengthening the rule of law and criminal justice systems in Africa;

“3. *Reiterates* the need to strengthen further the capacity of the Institute to support national mechanisms for crime prevention and criminal justice in African countries;

“4. *Calls for* the utilization of alternative remedial measures, where appropriate, applying standards of ethical conduct and using local traditions, counselling and other emerging correctional rehabilitation measures;

“5. *Notes* the efforts of the Institute to establish contacts with organizations in those countries which are promoting crime prevention programmes and its maintenance of close links with regional and subregional political entities, such as the African Union Commission, the East African Community, the Commission of the Economic Community of West African States, the Intergovernmental Authority on Development and the Southern African Development Community;

“6. *Encourages* the Institute, in cooperation with relevant United Nations agencies, to take into account the various planning authorities in the region that focus attention on the coordination of activities that promote development based on sustainable agricultural production and preservation of the environment in developing its crime prevention strategies;

“7. *Urges* the States members of the Institute to continue to make every possible effort to meet their obligations to the Institute;

“8. *Awaits* the implementation of the decision of the Governing Board of the Institute, at its eleventh ordinary session, held in Nairobi on 27 and 28 April 2011, to carry out a review of the Institute to ensure that it can fulfil its mandate and assume a more prominent role in dealing with existing crime;

“9. *Welcomes* the introduction by the Institute of a cost-sharing initiative in its execution of various programmes with Member States, partners and United Nations entities;

“10. *Urges* all Member States and non-governmental organizations and the international community to continue adopting concrete practical measures to support the Institute in the development of the requisite capacity and in the implementation of its programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa;

“11. *Urges* all States that have not already done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, as well as the United Nations Convention against Corruption;

“12. *Requests* the Secretary-General to intensify efforts to mobilize all relevant entities of the United Nations system to provide the necessary financial and technical support to the Institute to enable it to fulfil its mandate, bearing in mind that the precarious financial situation of the Institute greatly undermines its capacity to deliver services effectively;

“13. *Also requests* the Secretary-General to continue his efforts to mobilize the financial resources necessary to maintain the Institute with the core Professional staff required to enable it to function effectively in the fulfilment of its mandated obligations;

“14. *Encourages* the Institute to consider focusing on specific and general vulnerabilities of each programme country and to maximize the use of available initiatives to address crime problems with existing funds, as well as available capacity, by creating useful coalitions with regional and local institutions;

“15. *Requests* the Secretary-General to enhance the promotion of regional cooperation, coordination and collaboration in the fight against crime, especially in its transnational dimension, which cannot be dealt with adequately by national action alone;

“16. *Requests* the Secretary-General and the Economic Commission for Africa to provide additional funds to the Institute by increasing the current United Nations grant to enable it to immediately unfreeze the two important posts of Training Adviser and Information/Documentation Adviser and so that it will have adequate funds to be able to meet all Professional staff costs for the entire 24 months of the biennium instead of the 20 months covered by the current grant;

“17. *Calls upon* the United Nations Office on Drugs and Crime to continue to work closely with the Institute, and requests the Institute to provide an annual report to the Conference of Ministers of the Economic Commission for Africa on its activities;

“18. *Requests* the Secretary-General to report to the General Assembly at its sixty-eighth session on the implementation of the present resolution.”

31. At its 44th meeting, on 26 November, the Committee had before it a revised draft resolution (A/C.3/67/L.17/Rev.2), entitled “United Nations African Institute for the Prevention of Crime and the Treatment of Offenders”, submitted by Uganda on behalf of the Group of African States.

32. At the same meeting, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/67/SR.44).

33. Also at the same meeting, the representative of Uganda, on behalf of the Group of African States, made a statement and announced that New Zealand, Saint Lucia and Saint Vincent and the Grenadines had joined in sponsoring the draft resolution.

34. Also at its 44th meeting, the Committee adopted draft resolution A/C.3/67/L.17/Rev.2 (see para. 41, draft resolution VIII).

I. Draft resolutions A/C.3/67/L.18 and Rev.1

35. At the 21st meeting, on 23 October, the representative of Colombia introduced a draft resolution entitled “Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, in accordance with the United Nations Convention against Corruption” (A/C.3/67/L.18), which read:

“The General Assembly,

“Recalling its resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001 and 57/244 of 20 December 2002, and recalling also its resolutions 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009 and 65/169 of 20 December 2010,

“*Welcoming* the entry into force on 14 December 2005 of the United Nations Convention against Corruption,

“*Recognizing* that fighting corruption at all levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, and economic and sustainable development,

“*Recognizing also* that supportive domestic legal systems are essential in preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets,

“*Acknowledging* that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to undertake efficient preventive and law enforcement measures in accordance with the Convention, in particular chapters II and III,

“*Reaffirming its concern* about the laundering and the transfer of assets of illicit origin derived from corruption, and stressing the need to address this concern in accordance with the Convention,

“*Acknowledging*, in this regard, the important progress made towards the implementation of chapter V of the Convention, but recognizing that States parties continue to face challenges in asset recovery owing to, inter alia, differences in legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with mutual legal assistance procedures of other States and difficulties in identifying the flow of proceeds of corruption, and noting the particular challenges posed in recovering the proceeds of corruption in cases involving individuals who are, or have been, entrusted with prominent public functions and their family members and close associates,

“*Determined* to prevent, detect and deter, in a more effective manner, international transfers of illicitly acquired assets and to strengthen international cooperation through the commitment of Member States to effective national and international action,

“1. *Takes note* of the report of the Secretary-General;

“2. *Condemns* corruption in all its forms, including bribery, as well as the laundering of proceeds of corruption and other forms of economic crime;

“3. *Expresses concern* about the magnitude of corruption at all levels, including the scale of the transfer of assets of illicit origin derived from corruption, and in this regard reiterates its commitment to preventing and combating corrupt practices at all levels, in accordance with the Convention;

“4. *Welcomes* the significant number of Member States that have already ratified or acceded to the United Nations Convention against Corruption, and in this regard urges all Member States and competent regional economic integration organizations, within the limits of their competence, that have not yet done so to consider ratifying or acceding to the Convention as a matter of priority, and calls upon all States parties to fully implement the Convention as soon as possible;

“5. *Urges* Member States 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 through asset recovery consistent with the principles of the Convention, particularly chapter V;

“6. *Calls upon* States parties to the Convention that have not yet done so to designate a central authority for international cooperation under the Convention and, where appropriate, focal points for asset recovery, and also calls upon States parties to give timely consideration to the assistance requests made by such authorities;

“7. *Welcomes* the outcome of the fourth session of the Conference of the States Parties to the United Nations Convention against Corruption, held in Marrakech, Morocco, from 24 to 28 October 2011, and calls upon States parties to fully implement the decisions of the Conference;

“8. *Calls upon* States parties to the Convention to afford one another the widest possible cooperation and assistance in the identification of stolen assets and proceeds of corruption and to give timely consideration to the provision of international mutual legal assistance in requests related to criminal, civil and administrative matters, and urges States parties to take a proactive approach to international cooperation in asset recovery by making full use of the mechanisms provided for in chapter V of the Convention, bearing in mind the particular importance of the recovery of those assets for sustainable development and stability;

“9. *Expresses the need* to fight against all forms of corruption, fraudulent practices and unethical behaviour by increasing transparency, integrity, accountability and efficiency in the public and private sectors, and recognizes, in this regard, the importance of denying safe haven to corrupt officials, those who corrupt them and their assets, and to cooperate in their extradition, in accordance with applicable national and international law;

“10. *Stresses* the need for transparency in financial institutions, invites Member States to work on the identification and tracing of financial flows linked to corruption, the freezing or seizing of assets derived from corruption and the return of such assets, consistent with the Convention, and encourages the promotion of human and institutional capacity-building in that regard;

“11. *Calls upon* States parties to the Convention, taking into account the central role of oversight bodies in the prevention and fight against corruption, to give timely consideration to the implementation of requests relating to the identification, freezing and tracing of proceeds of acts of corruption, in accordance with the provisions of chapter V of the Convention;

“12. *Takes note with appreciation* of the work carried out under the Mechanism for the Review of Implementation of the Convention and by the Implementation Review Group, and urges Member States to continue to support this work and make every possible effort to provide comprehensive information and adhere to the timelines for review as contained in the guidelines for governmental experts and the secretariat in the conduct of country reviews;

“13. *Urges* States parties to the Convention to give priority attention to full implementation of chapter V of the Convention, taking into account the fact that asset recovery is a fundamental principle of the Convention;

“14. *Takes note with appreciation* of the work of the Open-ended Intergovernmental Working Groups on Asset Recovery and on Prevention of Corruption, welcomes the establishment of the Open-ended Intergovernmental Expert Meeting on International Cooperation, and calls upon States parties to the Convention to support the work of these bodies;

“15. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, and in this regard encourages Member States that have not yet done so to enact such laws and to implement effective measures at the national level, in accordance with the Convention;

“16. *Affirms* the need for Member States to take measures to prevent the transfer abroad and laundering of assets derived from corruption, including to prevent the financial institutions in both countries of origin and destination from being used to transfer or receive illicit funds, as well as to assist in their recovery and to return such assets to the requesting State, in accordance with the Convention;

“17. *Urges* all Member States to abide by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption, in accordance with the Convention;

“18. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, consistent with the principles of the Convention, and in this regard encourages close cooperation between anti-corruption agencies, law enforcement agencies and financial intelligence units;

“19. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and to discharge its functions as the secretariat of the Conference of the States Parties to the Convention, and also requests the Secretary-General to ensure that the mechanism for the review of implementation of the Convention is adequately funded, in line with the resolution adopted by the Conference of the States Parties;

“20. *Reiterates its call upon* the private sector, at both the international and the national levels, including small and large companies and transnational corporations, to remain fully engaged in the fight against corruption, notes in this context the role that the Global Compact can play in fighting corruption and promoting transparency, and emphasizes the need for all relevant stakeholders, including within the United Nations system, as appropriate, to continue to promote corporate responsibility and accountability;

“21. *Requests* the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of assets of illicit origin as well as for asset recovery in accordance with chapter V of the Convention, consistent with the principles of the Convention, and to support national efforts in formulating strategies for mainstreaming and promoting transparency and integrity in both the public and private sectors;

“22. *Takes note* of the Stolen Asset Recovery Initiative of the United Nations Office on Drugs and Crime and the World Bank, takes note of its cooperation with relevant partners, and encourages coordination among existing initiatives;

“23. *Also takes note* of the decision by the Conference of the States Parties to the Convention to accept the offer by the Government of the Russian Federation to host its sixth session in 2015, and reiterates its appreciation for the offer by the Government of Panama to host the fifth session of the Conference in 2013;

“24. *Requests* the Secretary-General to submit to the General Assembly, at its sixty-eighth session, a report on preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, in accordance with the Convention.”

36. At its 48th meeting, on 28 November, the Committee had before it a revised draft resolution entitled “Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption” (A/C.3/67/L.18/Rev.1), submitted by Australia, Colombia, Egypt, Peru and Tunisia.

37. Also at the 48th meeting, the representative of Colombia made a statement and announced that Costa Rica, Guatemala, El Salvador, Israel, Mexico, the Philippines, the Russian Federation, Turkey, Ukraine and the United States of America had joined in sponsoring the draft resolution. Subsequently, Armenia, Côte d’Ivoire, Ecuador, Kyrgyzstan, Mauritania, Mongolia, Morocco, Nigeria, Panama, Papua New Guinea, Paraguay, Senegal, South Sudan, Thailand and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

38. Also at its 48th meeting, the Committee adopted draft resolution A/C.3/67/L.18/Rev.1 (see para. 41, draft resolution IX).

39. After the adoption of the draft resolution, statements were made by the representatives of Liechtenstein and Switzerland (also on behalf of Norway) (see A/C.3/67/SR.48).

J. Draft decision proposed by the Chair

40. At its 48th meeting, on 28 November, on the proposal of the Chair, the Committee decided to recommend to the General Assembly that it take note of the report of the Secretary-General on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the

Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (A/67/97), as well as of the note by the Secretary-General transmitting to the General Assembly the report of the Conference of the States Parties to the United Nations Convention against Corruption on its fourth session (A/67/218) (see para. 42).

III. Recommendations of the Third Committee

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

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

The General Assembly,

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

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

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

Bearing in mind the consultative nature of the United Nations congresses on crime prevention and criminal justice, and their role as a forum for promoting the exchange of experience in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental organizations and individual experts representing various professions and disciplines,

Recalling its resolution 57/270 B of 23 June 2003 on the integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic and social fields, in which it stressed that all countries should promote policies consistent and coherent with the commitments of the major United Nations conferences and summits, emphasized that the United Nations system had an important responsibility to assist Governments to stay fully engaged in the follow-up to and implementation of agreements and commitments reached at the major United Nations conferences and summits, and invited its intergovernmental bodies to further promote the implementation of the outcomes of the major United Nations conferences and summits,

¹ Resolution 46/152, annex.

Recalling also its resolution 62/173 of 18 December 2007, in which it endorsed the recommendations made by the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice at its meeting held in Bangkok from 15 to 18 August 2006,²

Recalling further its resolution 65/230 of 21 December 2010, in which it endorsed the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, as adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, requested the Commission on Crime Prevention and Criminal Justice to consider at its twentieth session options to improve the efficiency of the process involved in the United Nations congresses on crime prevention and criminal justice, and welcomed with appreciation the offer of the Government of Qatar to act as host to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015,

Recalling its resolution 66/179 of 19 December 2011, in which it requested the Commission to approve at its twenty-first session the overall theme, the agenda items and the topics for the workshops of the Thirteenth Congress, and recommended that the outcome of future crime congresses be strengthened by limiting the number of their agenda items and workshops,

Taking note of the development goals and national commitments contained in the United Nations Millennium Declaration,³

Emphasizing the importance of integrating crime prevention and criminal justice into the wider United Nations agenda to address, inter alia, social and economic challenges and to promote the rule of law at the national and international levels, and public participation,

Stressing the importance of undertaking all preparatory activities for the Thirteenth Congress in a timely and concerted manner,

Having considered the report of the Secretary-General,⁴

1. *Reiterates its invitation* to Governments to take into consideration the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World⁵ and the recommendations adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice when formulating legislation and policy directives and to make all efforts, where appropriate, to implement the principles contained therein, taking into account the economic, social, legal and cultural specificities of their respective States;

2. *Notes* the progress made thus far in the preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice;

3. *Decides* that the duration of the Thirteenth Congress should not exceed eight days, including pre-Congress consultations;

² See E/CN.15/2007/6, chap. IV.

³ Resolution 55/2.

⁴ E/CN.15/2012/21 and Corr.1.

⁵ Resolution 65/230, annex.

4. *Also decides* that the main theme of the Thirteenth Congress shall be “Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation”;

5. *Further decides* that, in accordance with its resolution 56/119, the Thirteenth Congress shall include a high-level segment in which States are invited to be represented at the highest possible level, for example, by Heads of State or Government, Government ministers or attorneys general, and that representatives will be given an opportunity to make statements on the topics of the Congress;

6. *Decides* that, in accordance with its resolution 56/119, the Thirteenth Congress shall adopt a single declaration, to be submitted to the Commission on Crime Prevention and Criminal Justice for its consideration, and that the declaration shall contain recommendations reflecting the deliberations of the high-level segment, the discussion of agenda items and the workshops;

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

8. *Approves* the following provisional agenda for the Thirteenth Congress, finalized by the Commission at its twenty-first session:

1. Opening of the Congress.
2. Organizational matters.
3. Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development.
4. International cooperation, including at the regional level, to combat transnational organized crime.
5. Comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime.⁶
6. National approaches to public participation in strengthening crime prevention and criminal justice.
7. Adoption of the report of the Congress;

9. *Decides* that the following issues shall be considered in workshops within the framework of the Thirteenth Congress:

(a) Role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of

⁶ This agenda item invites discussion on various evolving forms of transnational crime, including those reflected in General Assembly resolution 66/181 of 19 December 2011, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”.

women and children, in particular the treatment and social reintegration of offenders;

(b) Trafficking in persons and smuggling of migrants: successes and challenges in criminalization, in mutual legal assistance and in effective protection of witnesses and trafficking victims;

(c) Strengthening crime prevention and criminal justice responses to evolving forms of crime such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation;

(d) Public contribution to crime prevention and raising awareness of criminal justice: experiences and lessons learned;

10. *Requests* the Secretary-General, in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, to prepare a discussion guide for the regional preparatory meetings for the Thirteenth Congress and for the Congress in a timely manner in order to enable those meetings to be held as early as possible in 2014, and invites Member States to be actively involved in that process;

11. *Also requests* the Secretary-General to facilitate the organization of the regional preparatory meetings and to make available the necessary resources for the participation of the least developed countries in those meetings and in the Thirteenth Congress itself, in accordance with past practice and in consultation with Member States;

12. *Urges* participants in the regional preparatory meetings to examine the substantive items on the agenda and the topics of the workshops of the Thirteenth Congress and to make action-oriented recommendations to serve as a basis for the draft recommendations and conclusions for consideration by the Congress;

13. *Invites* Member States to be represented at the Thirteenth Congress at the highest possible level, for example, by Heads of State or Government, Government ministers or attorneys general, to make statements on the theme and topics of the Congress and to participate actively in the high-level segment;

14. *Calls upon* Member States to play an active role in the Thirteenth Congress by sending legal and policy experts, including practitioners with special training and practical experience in crime prevention and criminal justice;

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

16. *Requests* the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Thirteenth Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups, and to take appropriate measures to encourage the participation of the academic and research community in the Congress, and encourages Member States to actively participate in the above-

mentioned meetings, as they provide an opportunity to develop and maintain strong partnerships with the private sector and civil society organizations;

17. *Encourages* Governments to undertake preparations for the Thirteenth Congress at an early stage and by all appropriate means, including, where appropriate, the establishment of national preparatory committees;

18. *Encourages* 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 the United Nations Office on Drugs and Crime in the preparations for the Thirteenth Congress;

19. *Requests* the Commission to accord sufficient time at its twenty-second session to reviewing the progress made in the preparations for the Thirteenth Congress, to finalize in a timely manner all outstanding organizational and substantive arrangements and to make its recommendations to the General Assembly through the Economic and Social Council;

20. *Requests* the Secretary-General to ensure proper follow-up to the present resolution and to report thereon to the General Assembly through the Commission on Crime Prevention and Criminal Justice at its twenty-second session.

Draft resolution II

Promoting efforts to eliminate violence against migrants, migrant workers and their families

The General Assembly,

Recalling its resolution 66/172 of 19 December 2011, entitled “Protection of migrants”,

Recognizing that violence against migrants, migrant workers and their families poses a serious challenge to Member States and requires multilateral cooperation among all countries for its eradication,

Recognizing also that the challenges include violence perpetrated by organized criminal groups, including violence motivated by racism,

Deeply concerned about acts of intolerance, discrimination and violence and credible threats of violence against migrants, migrant workers and their families,

Recognizing that impediments to accessing employment, vocational training, housing, schooling, health services and social services, as well as other services that, in accordance with national legislation, are intended for use by the public, contribute to the vulnerability of migrants,

Noting that the factors that drive people to seek to cross international borders are many and varied and that, while the majority may be motivated by economic factors, in some cases migrants may include vulnerable groups,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent border controls, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

Concerned about the large numbers of migrants, especially women and children, who attempt to cross international borders without appropriate travel documents, which renders them highly vulnerable, and recognizing the obligation of Member States to treat migrants humanely, with full protection of their rights, regardless of their immigration status,

Bearing in mind the need for a focused and consistent criminal justice approach to crimes committed against migrants, in particular women and children, as a group that is especially vulnerable to crime and abuse,

Recognizing the importance of the principle of access to justice, and convinced that, without access to justice, basic human rights cannot be fully realized,

Reaffirming the importance of the Universal Declaration of Human Rights,¹ in which it is stated that everyone has the right to life, liberty and the security of person, that no one should be held in slavery or servitude or be subjected to cruel, inhuman or degrading treatment or punishment, and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind,

Reaffirming also that effective action to prevent and combat the smuggling of migrants by land, sea and air requires a comprehensive international approach,

¹ Resolution 217 A (III).

Noting the obligations of Member States under international law, as applicable, to prevent crimes against migrants, to investigate such crimes and to punish perpetrators, and bearing in mind that not doing so impairs the enjoyment of the human rights and fundamental freedoms of victims of such crimes,

Stressing the need for additional cooperation among Member States and between Member States and private sector entities to counter transnational organized crime,

Stressing also the need to fully implement the United Nations Convention against Transnational Organized Crime,² the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,³ and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,⁴ and to take appropriate measures to afford migrants effective protection against the types of violence that may be inflicted upon them, including protection from potential retaliation or intimidation for testifying as witnesses in criminal proceedings,

Recalling its resolution 64/293 of 30 July 2010, entitled “United Nations Global Plan of Action to Combat Trafficking in Persons”, and Commission on Crime Prevention and Criminal Justice resolution 20/3 of 15 April 2011, entitled “Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons”,⁵ stressing the need for full and effective implementation of the Plan of Action, and expressing the view that it will, inter alia, enhance cooperation and better coordination of efforts to fight trafficking in persons and for full implementation of the Convention and the Trafficking in Persons Protocol,

Reaffirming that crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

Taking note with appreciation of the work of the United Nations Office on Drugs and Crime to highlight the vulnerability of smuggled migrants to violence, including the study entitled “Smuggling of migrants: a global review and annotated bibliography of recent publications”, first published in 2010, and the discussion guide for the thematic discussion on violence against migrants, migrant workers and their families,⁶

Welcoming the renewed commitment made in the United Nations Millennium Declaration⁷ to take measures to protect the human rights of migrants, migrant workers and their families, to eliminate acts of racism and xenophobia and to promote greater harmony and tolerance,

Recognizing the increasing need for more effective international information sharing, law enforcement cooperation and mutual legal assistance,

² United Nations, *Treaty Series*, vol. 2225, No. 39574.

³ *Ibid.*, vol. 2241, No. 39574.

⁴ *Ibid.*, vol. 2237, No. 39574.

⁵ See *Official Records of the Economic and Social Council, 2011, Supplement No. 10 (E/2011/30)*, chap. I, sect. D.

⁶ E/CN.15/2012/5.

⁷ Resolution 55/2.

Determined to promote effective law enforcement and related measures to eliminate violence against migrants, migrant workers and their families,

1. *Strongly condemns* the continuing incidence of criminal acts against migrants, migrant workers and their families in all regions of the world, including criminal acts of violence motivated by racism, racial discrimination, xenophobia and related intolerance;

2. *Requests* Member States to ensure the humane treatment of all migrants, regardless of their immigration status, especially women and children, with full protection of their rights, and to take all appropriate measures with due regard for the safety and dignity of the person;

3. *Urges* Member States to adopt measures for preventing and addressing effectively cases of violence against migrants, migrant workers and their families, and to ensure that the victims of such crimes receive humane and respectful treatment from Member States, regardless of their immigration status;

4. *Encourages* Member States that have not already done so to enact national legislation and take other appropriate measures to combat international smuggling of migrants, including legislative, judicial, regulatory and administrative measures, recognizing that crimes against migrants may endanger the lives of migrants or make them vulnerable to trafficking, kidnapping or other crimes and abuse by organized criminal groups, and to strengthen international cooperation to combat such crimes;

5. *Also encourages* Member States that have not already done so to enact national legislation and to take other appropriate measures to combat criminal acts of racism, discrimination, xenophobia and related intolerance, including steps to reduce the vulnerability of migrants to crime and to increase their engagement with host societies, consistent with national law;

6. *Reiterates its call* for those Member States that have not yet done so to consider acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,⁸ and calls upon States parties to fully implement those treaties;

7. *Calls upon* Member States to institute measures, as appropriate, to strengthen the entire criminal justice process and to vigorously investigate and prosecute crimes against migrants, including trafficking in persons and other serious offences, especially crimes constituting violations of the human rights of migrants, giving special attention to assisting and protecting victims, in particular women and children;

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

9. *Urges* Member States to fully use, where pertinent, international cooperation in their investigations and prosecution of crimes involving violence

⁸ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

against migrants, migrant workers and their families, and encourages States parties to the Convention and the relevant Protocols thereto to avail themselves of the international cooperation framework of those instruments and all others to ensure that they have an adequate legal framework to allow for extradition, mutual legal assistance and international cooperation in relation to such crimes;

10. *Also urges* Member States to provide specialized training, as appropriate, for law enforcement, border control, immigration and other concerned officials to better equip them to identify and deal with issues related to violence against migrants, including in cooperation with non-governmental organizations and civil society;

11. *Invites* Member States to adopt concrete measures to prevent violence against migrants while in transit, to train public officials at ports of entry and in border areas to treat migrants and their families respectfully and in accordance with the law, and to prosecute, in conformity with applicable national and international law, violations of the rights of migrants and their families during such transit;

12. *Urges* Member States to continue exploring the link between migration, smuggling of migrants and trafficking in persons in order to further efforts towards protecting migrants from violence, discrimination, exploitation and abuse;

13. *Encourages* Member States to make available information about the potential risks of migration and the rights and duties of persons who migrate, educating them about their host societies, so as to enable migrants to make informed decisions and to reduce the likelihood that they will be victims of crime;

14. *Calls upon* Member States to take measures to ensure that victims of crime, including migrants, migrant workers and their families, have access to the justice system for violations of their rights, irrespective of their immigration status;

15. *Encourages* Member States to further strengthen their cooperation in protecting witnesses in cases of smuggling of migrants and trafficking in persons;

16. *Invites* Member States to take immediate steps to incorporate into national criminal justice strategies measures to prevent, prosecute and punish crimes involving violence against migrants, migrant workers and their families;

17. *Welcomes* the active role played by international and non-governmental organizations in combating violence against migrants;

18. *Urges* Member States to cooperate in international, regional and bilateral forums on the protection of migrants and on humane migration management.

Draft resolution III
Strengthening the rule of law and the reform of criminal justice institutions, particularly in the areas related to the United Nations system-wide approach to fighting transnational organized crime and drug trafficking

The General Assembly,

Recalling its resolution 66/102 of 9 December 2011, entitled “The rule of law at the national and international levels”, in which it reaffirmed its commitment to the purposes and principles of the Charter of the United Nations and international law, which are indispensable foundations of a more peaceful, prosperous and just world, and reiterated its determination to foster strict respect for them and to establish a just and lasting peace all over the world,

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

Greatly concerned by the negative impact of organized crime on human rights, the rule of law, security and development, as well as by the sophistication, diversity and transnational aspects of organized crime and its links with other criminal and, in some cases, terrorist activities,

Recognizing the importance of the rule of law to all areas of engagement within the United Nations system, and noting with appreciation the progress made in ensuring coherence and coordination of activities to support the rule of law, in cooperation with the Rule of Law Coordination and Resource Group, while recognizing the different mandates of different United Nations entities,

Recalling Economic and Social Council resolutions 2004/25 of 21 July 2004, 2005/21 of 22 July 2005 and 2006/25 of 27 July 2006 on strengthening the rule of law and the reform of criminal justice institutions, as well as the assistance activities of the United Nations crime prevention and criminal justice programme in that area, including in post-conflict reconstruction, and aware of the leading role of the Department of Peacekeeping Operations of the Secretariat, among other entities, in providing assistance to countries in post-conflict situations,

Recalling also Economic and Social Council resolutions 2009/23 of 30 July 2009, entitled “Support for the development and implementation of the regional programmes of the United Nations Office on Drugs and Crime”, and 2010/20 of 22 July 2010, entitled “Support for the development and implementation of an integrated approach to programme development at the United Nations Office on Drugs and Crime”,

Recalling further the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,¹ in which Member States recognized the centrality of crime prevention and the criminal justice system to the rule of law and that long-term, sustainable economic and social development and the establishment

¹ Resolution 65/230, annex.

of a functioning, efficient, effective and humane criminal justice system have a positive influence on each other,

Bearing in mind that the rule of law will include, inter alia, fostering respect for the rule of law culture and legislative, executive and judicial institutions needed to make and administer effective laws and trust and confidence that law-making will be responsive to the concerns and needs of the population and that the administration of law will be just, efficient and transparent,

Convinced of the negative impact of corruption, which erodes public confidence, legitimacy and transparency and impedes the making of fair and effective laws, as well as their administration, enforcement and adjudication,

Stressing the importance of the rule of law, both nationally and internationally, as an essential element in addressing and preventing organized crime and corruption,

Recognizing the value of the efforts being made throughout the United Nations system to strengthen activities aimed at promoting the rule of law, including the establishment of the Rule of Law Coordination and Resource Group and the Rule of Law Unit in the Executive Office of the Secretary-General,

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

Acknowledging that the United Nations standards and norms in crime prevention and criminal justice are important tools for establishing fair and effective criminal justice systems enshrined in the rule of law and that their use and application in the provision of technical assistance should be enhanced, as appropriate,

1. *Calls upon* relevant entities of the United Nations system to continue cooperating and coordinating their activities, within their respective mandates, to promote a more integrated approach to the provision of assistance for building capacity in the area of the rule of law and criminal justice reform and to further explore joint projects in that area;

2. *Also calls upon* relevant entities of the United Nations system to systematically take into account the various aspects of the rule of law in their programmes, projects and other activities related to crime prevention and criminal justice and to include in them all segments of the population, particularly women;

3. *Reaffirms* the importance of the United Nations crime prevention and criminal justice programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice;

4. *Also reaffirms* the importance of the work of the United Nations Office on Drugs and Crime, in the fulfilment of its mandate on crime prevention and criminal justice, to provide to Member States, upon request and as a matter of high priority, technical assistance, advisory services and other forms of assistance and to

coordinate with and complement the work of all relevant and competent United Nations bodies and offices, taking into account their respective mandates;

5. *Strongly encourages* all States to enhance bilateral, regional and international cooperation, in accordance with their domestic legislation, to counter the challenges posed by transnational organized crime and drug trafficking;

6. *Encourages* the United Nations Office on Drugs and Crime to incorporate relevant elements of the rule of law into its programmes and projects pertaining to crime prevention and criminal justice, in coordination, as appropriate, with other relevant United Nations entities, inter alia, the Rule of Law Coordination and Resource Group, the Office of the United Nations High Commissioner for Human Rights and the Department of Peacekeeping Operations of the Secretariat;

7. *Also encourages* the United Nations Office on Drugs and Crime to continue to provide technical assistance and advisory services to Member States, upon request, in support of criminal justice reform and to incorporate the rule of law into such assistance, as appropriate, including within the framework of peacebuilding, peacekeeping and post-conflict reconstruction, and to promote relevant international legal instruments, including the United Nations Convention against Transnational Organized Crime and the Protocols thereto,² the United Nations Convention against Corruption³ and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,⁴ as well as relevant international anti-terrorism instruments, as appropriate, also drawing on the existing United Nations standards and norms in crime prevention and criminal justice;

8. *Welcomes* the progress made by the United Nations Office on Drugs and Crime, within its mandate and in close consultation with Member States and regional entities, in developing and implementing an integrated programme approach to technical assistance, comprising thematic and regional programmes for its delivery;

9. *Encourages* the United Nations Office on Drugs and Crime to continue developing tools and training material on crime prevention and criminal justice reform, based on international standards and norms;

10. *Reiterates* its recommendation, made in its resolution 66/181 of 19 December 2011, that Member States, as appropriate to their national contexts, adopt a comprehensive and integrated approach to crime prevention and criminal justice reform, based on baseline assessments and data collection and focusing on all sectors of the justice system, and develop crime prevention policies, strategies and programmes, and its request in that resolution to the United Nations Office on Drugs and Crime to continue to provide technical assistance, upon request, to Member States for that purpose;

11. *Requests* the United Nations Office on Drugs and Crime to continue to provide technical assistance, within its mandate, to Member States, upon request, in relation to the rule of law and long-term sustainable criminal justice reform;

² United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

³ *Ibid.*, vol. 2349, No. 42146.

⁴ *Ibid.*, vol. 1582, No. 27627.

12. *Urges* Member States providing development assistance to countries emerging from conflict to increase, where relevant, their bilateral assistance in crime prevention and criminal justice to those countries, and recommends that such assistance could, upon request, include elements relating to the rule of law;

13. *Invites* the institutes of the United Nations crime prevention and criminal justice programme network to include in their work programmes the issue of the rule of law, particularly aspects pertaining to crime prevention and criminal justice, with a view to understanding whether there are links between transnational organized crime, drug trafficking and corruption, and, if so, to establish the degree and nature of those links as well as the challenges they may pose to the rule of law, and to develop appropriate training material;

14. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report on the implementation of the present resolution;

15. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations.

Draft resolution IV

United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems

The General Assembly,

Recalling the Universal Declaration of Human Rights,¹ which enshrines the key principles of equality before the law and the presumption of innocence, as well as the right to a fair and public hearing by an independent and impartial tribunal, along with all the guarantees necessary for the defence of anyone charged with a penal offence, other minimum guarantees and the entitlement to be tried without undue delay,

Recalling also the International Covenant on Civil and Political Rights,² in particular article 14 thereof, which states that everyone charged with a criminal offence shall be entitled to be tried in his or her presence and to defend himself or herself in person or through legal assistance of his or her own choosing or assigned to him or her where the interests of justice so require, in a fair and public hearing by a competent, independent and impartial tribunal established by law,

Bearing in mind the Standard Minimum Rules for the Treatment of Prisoners,³ approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957 and extended by the Council by its resolution 2076 (LXII) of 13 May 1977, according to which an untried prisoner, for the purposes of his or her defence, shall be allowed to receive visits from his or her legal adviser,

Bearing in mind also the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,⁴ principle 11 of which states that a detained person shall have the right to defend himself or herself or to be assisted by counsel as prescribed by law,

Bearing in mind further the Basic Principles on the Role of Lawyers,⁵ in particular principle 6 thereof, which states that any persons who do not have a lawyer shall, in all cases in which the interests of justice so require, be entitled to have a lawyer of experience and competence commensurate with the nature of the offence assigned to them in order to provide effective legal assistance, without payment by them if they lack sufficient means to pay for such services,

Recalling the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,⁶ especially paragraph 18 thereof, in which Member States are called upon to take steps, in accordance with their domestic laws, to promote access to justice, to consider the provision of legal aid to those who need it and to enable the effective assertion of their rights in the criminal justice system,

¹ Resolution 217 A (III).

² See resolution 2200 A (XXI), annex.

³ *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.

⁴ Resolution 43/173, annex.

⁵ *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.3, annex.

⁶ Resolution 60/177, annex.

Recalling also the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,⁷ especially paragraph 52 thereof, in which it is recommended that Member States endeavour to reduce pretrial detention, where appropriate, and promote increased access to justice and legal defence mechanisms,

Recalling further Economic and Social Council resolution 2007/24 of 26 July 2007 on international cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa,

Recognizing that legal aid is an essential element of a fair, humane and efficient criminal justice system that is based on the rule of law and that it is a foundation for the enjoyment of other rights, including the right to a fair trial, as a precondition to exercising such rights and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process,

Recognizing also that the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, annexed to the present resolution, can be applied by Member States, taking into account the great variety of legal systems and socioeconomic conditions in the world,

1. *Notes with appreciation* the work of the open-ended intergovernmental expert group on strengthening access to legal aid in criminal justice systems, at its meeting held in Vienna from 16 to 18 November 2011, to develop a set of principles and guidelines on access to legal aid in criminal justice systems;

2. *Adopts* the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, annexed to the present resolution, as a useful framework to guide Member States on the principles on which a legal aid system in criminal justice should be based, taking into account the content of the present resolution and the fact that all elements of the annex will be applied in accordance with national legislation;

3. *Invites* Member States, consistent with their national legislation, to adopt and strengthen measures to ensure that effective legal aid is provided, in accordance with the spirit of the Principles and Guidelines, bearing in mind the diversity of criminal justice systems among different countries and regions around the world and the fact that legal aid is developed in accordance with the overall balance of the criminal justice system, as well as the circumstances of countries and regions;

4. *Encourages* Member States to consider, where appropriate, the provision of legal aid and to provide such aid to the maximum extent possible;

5. *Also encourages* Member States to draw upon the Principles and Guidelines, as appropriate, and in accordance with national law, in undertaking national efforts and measures to strengthen access to legal aid in criminal justice systems;

6. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to continue to provide advisory services and technical assistance to Member States, upon request, in the area of criminal

⁷ General Assembly resolution 65/230, annex.

justice reform, including restorative justice, alternatives to imprisonment and the development of integrated plans for the provision of legal aid;

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

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

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

Annex

United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems

A. Introduction

1. Legal aid is an essential element of a fair, humane and efficient criminal justice system that is based on the rule of law. Legal aid is a foundation for the enjoyment of other rights, including the right to a fair trial, as defined in article 11, paragraph 1, of the Universal Declaration of Human Rights,¹ a precondition to exercising such rights and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process.

2. Furthermore, article 14, paragraph 3 (d), of the International Covenant on Civil and Political Rights² states that everyone should be entitled, among other rights, “to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it”.

3. A functioning legal aid system, as part of a functioning criminal justice system, may reduce the length of time suspects are held in police stations and detention centres, in addition to reducing the prison population, wrongful convictions, prison overcrowding and congestion in the courts, and reducing reoffending and revictimization. It may also protect and safeguard the rights of victims and witnesses in the criminal justice process. Legal aid can be utilized to contribute to the prevention of crime by increasing awareness of the law.

4. Legal aid plays an important role in facilitating diversion and the use of community-based sanctions and measures, including non-custodial measures; promoting greater community involvement in the criminal justice system; reducing the unnecessary use of detention and imprisonment; rationalizing criminal justice policies; and ensuring efficient use of State resources.

5. Regrettably, many countries still lack the necessary resources and capacity to provide legal aid for suspects, those charged with a criminal offence, prisoners, victims and witnesses.

6. The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, which are drawn from international standards and recognized good practices, aim to provide guidance to States on the fundamental principles on which a legal aid system in criminal justice should be based and to outline the specific elements required for an effective and sustainable national legal aid system, in order to strengthen access to legal aid pursuant to Economic and Social Council resolution 2007/24, entitled “International cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa”.

7. In line with 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, the Principles and Guidelines follow a broad concept of legal aid.

8. For the purposes of the Principles and Guidelines, the term “legal aid” includes legal advice, assistance and representation for persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence and for victims and witnesses in the criminal justice process that is provided at no cost for those without sufficient means or when the interests of justice so require. Furthermore, “legal aid” is intended to include the concepts of legal education, access to legal information and other services provided for persons through alternative dispute resolution mechanisms and restorative justice processes.

9. For the purposes of the Principles and Guidelines, the individual who provides legal aid is herein referred to as the “legal aid provider”, and the organizations that provide legal aid are referred to as the “legal aid service providers”. The first providers of legal aid are lawyers, but the Principles and Guidelines also suggest that States involve a wide range of stakeholders as legal aid service providers in the form of non-governmental organizations, community-based organizations, religious and non-religious charitable organizations, professional bodies and associations and academia. Provision of legal aid to foreign nationals should conform to the requirements of the Vienna Convention on Consular Relations⁸ and other applicable bilateral treaties.

10. It should be noted that States employ different models for the provision of legal aid. These may involve public defenders, private lawyers, contract lawyers, pro bono schemes, bar associations, paralegals and others. The Principles and Guidelines do not endorse any specific model but encourage States to guarantee the basic right to legal aid of persons detained, arrested or imprisoned,⁹ suspected¹⁰ or accused of, or charged with a criminal offence, while expanding legal aid to include others who come into contact with the criminal justice system and diversifying legal aid delivery schemes.

11. The Principles and Guidelines are based on the recognition that States should, where appropriate, undertake a series of measures that, even if not strictly related to legal aid, can maximize the positive impact that the establishment and/or

⁸ United Nations, *Treaty Series*, vol. 596, No. 8638.

⁹ The terms “arrest”, “detained person” and “imprisoned person” are understood as defined in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex).

¹⁰ The right to legal aid of suspects arises before questioning, when they become aware that they are the subject of investigation, and when they are under threat of abuse and intimidation, e.g., in custodial settings.

reinforcement of a properly working legal aid system may have on a properly functioning criminal justice system and on access to justice.

12. Recognizing that certain groups are entitled to additional protection or are more vulnerable when involved with the criminal justice system, the Principles and Guidelines also provide specific provisions for women, children and groups with special needs.

13. The Principles and Guidelines are primarily concerned with the right to legal aid, as distinct from the right to legal assistance as recognized in international law. Nothing in these Principles and Guidelines should be interpreted as providing a lesser degree of protection than that provided under existing national laws and regulations and international and regional human rights conventions or covenants applicable to the administration of justice, including, but not limited to, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child,¹¹ the Convention on the Elimination of All Forms of Discrimination against Women¹² and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.¹³ However, this should not be interpreted as meaning that States are bound by international and regional instruments that they have not ratified or acceded to.

B. Principles

Principle 1. Right to legal aid

14. Recognizing that legal aid is an essential element of a functioning criminal justice system that is based on the rule of law, a foundation for the enjoyment of other rights, including the right to a fair trial, and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process,¹⁴ States should guarantee the right to legal aid in their national legal systems at the highest possible level, including, where applicable, in the constitution.

Principle 2. Responsibilities of the State

15. States should consider the provision of legal aid their duty and responsibility. To that end, they should consider, where appropriate, enacting specific legislation and regulations and ensure that a comprehensive legal aid system is in place that is accessible, effective, sustainable and credible. States should allocate the necessary human and financial resources to the legal aid system.

16. The State should not interfere with the organization of the defence of the beneficiary of legal aid or with the independence of his or her legal aid provider.

17. States should enhance the knowledge of the people about their rights and obligations under law through appropriate means, in order to prevent criminal conduct and victimization.

¹¹ United Nations, *Treaty Series*, vol. 1577, No. 27531.

¹² *Ibid.*, vol. 1249, No. 20378.

¹³ *Ibid.*, vol. 2220, No. 39481.

¹⁴ The term "justice process" is understood as defined in the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex). For the purpose of the Principles and Guidelines, the term shall also encompass extradition, transfer of prisoners and mutual legal assistance proceedings.

18. States should endeavour to enhance the knowledge of their communities about their justice system and its functions, the ways to file complaints before the courts and alternative dispute resolution mechanisms.

19. States should consider adopting appropriate measures for informing their communities about acts criminalized under the law. The provision of such information for those travelling to other jurisdictions, where crimes are categorized and prosecuted differently, is essential for crime prevention.

Principle 3. Legal aid for persons suspected of or charged with a criminal offence

20. States should ensure that anyone who is arrested, detained, suspected of or charged with a criminal offence punishable by a term of imprisonment or the death penalty is entitled to legal aid at all stages of the criminal justice process.

21. Legal aid should also be provided, regardless of the person's means, if the interests of justice so require, for example, given the urgency or complexity of the case or the severity of the potential penalty.

22. Children should have access to legal aid under the same conditions as or more lenient conditions than adults.

23. It is the responsibility of police, prosecutors and judges to ensure that those who appear before them who cannot afford a lawyer and/or who are vulnerable are provided access to legal aid.

Principle 4. Legal aid for victims of crime

24. Without prejudice to or inconsistency with the rights of the accused, States should, where appropriate, provide legal aid to victims of crime.

Principle 5. Legal aid for witnesses

25. Without prejudice to or inconsistency with the rights of the accused, States should, where appropriate, provide legal aid to witnesses of crime.

Principle 6. Non-discrimination

26. States should ensure the provision of legal aid to all persons regardless of age, race, colour, gender, language, religion or belief, political or other opinion, national or social origin or property, citizenship or domicile, birth, education or social status or other status.

Principle 7. Prompt and effective provision of legal aid

27. States should ensure that effective legal aid is provided promptly at all stages of the criminal justice process.

28. Effective legal aid includes, but is not limited to, unhindered access to legal aid providers for detained persons, confidentiality of communications, access to case files and adequate time and facilities to prepare their defence.

Principle 8. Right to be informed

29. States should ensure that, prior to any questioning and at the time of deprivation of liberty, persons are informed of their right to legal aid and other

procedural safeguards as well as of the potential consequences of voluntarily waiving those rights.

30. States should ensure that information on rights during the criminal justice process and on legal aid services is made freely available and is accessible to the public.

Principle 9. Remedies and safeguards

31. States should establish effective remedies and safeguards that apply if access to legal aid is undermined, delayed or denied or if persons have not been adequately informed of their right to legal aid.

Principle 10. Equity in access to legal aid

32. Special measures should be taken to ensure meaningful access to legal aid for women, children and groups with special needs, including, but not limited to, the elderly, minorities, persons with disabilities, persons with mental illnesses, persons living with HIV and other serious contagious diseases, drug users, indigenous and aboriginal people, stateless persons, asylum seekers, foreign citizens, migrants and migrant workers, refugees and internally displaced persons. Such measures should address the special needs of those groups, including gender-sensitive and age-appropriate measures.

33. States should also ensure that legal aid is provided to persons living in rural, remote and economically and socially disadvantaged areas and to persons who are members of economically and socially disadvantaged groups.

Principle 11. Legal aid in the best interests of the child

34. In all legal aid decisions affecting children,¹⁵ the best interests of the child should be the primary consideration.

35. Legal aid provided to children should be prioritized, in the best interests of the child, and be accessible, age-appropriate, multidisciplinary, effective and responsive to the specific legal and social needs of children.

Principle 12. Independence and protection of legal aid providers

36. States should ensure that legal aid providers are able to carry out their work effectively, freely and independently. In particular, States should ensure that legal aid providers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel, to consult and meet with their clients freely and in full confidentiality both within their own country and abroad, and to freely access prosecution and other relevant files; and do not suffer, and are not threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

¹⁵ “Child” shall mean any person under 18 years of age, in line with the Convention on the Rights of the Child.

Principle 13. Competence and accountability of legal aid providers

37. States should put in place mechanisms to ensure that all legal aid providers possess education, training, skills and experience that are commensurate with the nature of their work, including the gravity of the offences dealt with, and the rights and needs of women, children and groups with special needs.

38. Disciplinary complaints against legal aid providers should be promptly investigated and adjudicated in accordance with professional codes of ethics before an impartial body and subject to judicial review.

Principle 14. Partnerships

39. States should recognize and encourage the contribution of lawyers' associations, universities, civil society and other groups and institutions in providing legal aid.

40. Where appropriate, public-private and other forms of partnership should be established to extend the reach of legal aid.

C. Guidelines

Guideline 1. Provision of legal aid

41. Whenever States apply a means test to determine eligibility for legal aid, they should ensure that:

(a) Persons whose means exceed the limits of the means test but who cannot afford, or do not have access to, a lawyer in situations where legal aid would have otherwise been granted and where it is in the interests of justice to provide such aid, are not excluded from receiving assistance;

(b) The criteria for applying the means test are widely publicized;

(c) Persons urgently requiring legal aid at police stations, detention centres or courts should be provided preliminary legal aid while their eligibility is being determined. Children are always exempted from the means test;

(d) Persons who are denied legal aid on the basis of the means test have the right to appeal that decision;

(e) A court may, having regard to the particular circumstances of a person and after considering the reasons for his or her refusal of legal aid, direct that that person be provided with legal aid, with or without his or her contribution, when the interests of justice so require;

(f) If the means test is calculated on the basis of the household income of a family, but individual family members are in conflict with each other or do not have equal access to the family income, only the income of the person applying for legal aid is used for the purpose of the means test.

Guideline 2. Right to be informed on legal aid

42. In order to guarantee the right of persons to be informed of their right to legal aid, States should ensure that:

(a) Information on the right to legal aid and what such aid consists of, including the availability of legal aid services and how to access such services and other relevant information, is made available to the community and to the general public in local government offices and educational and religious institutions and through the media, including the Internet, or other appropriate means;

(b) Information is made available to isolated groups and marginalized groups. Use should be made of radio and television programmes, regional and local newspapers, the Internet and other means, in particular, following changes to the law or specific issues affecting a community, targeted community meetings;

(c) Police officers, prosecutors, judicial officers and officials in any facility where persons are imprisoned or detained inform unrepresented persons of their right to legal aid and of other procedural safeguards;

(d) Information on the rights of a person suspected of or charged with a criminal offence in a criminal justice process and on the availability of legal aid services is provided in police stations, detention centres, courts and prisons, for example, through the provision of a letter of rights or in any other official form submitted to the accused. Such information should be provided in a manner that corresponds to the needs of illiterate persons, minorities, persons with disabilities and children; and such information should be in a language that those persons understand. Information provided to children must be provided in a manner appropriate to their age and maturity;

(e) Effective remedies are available to persons who have not been adequately informed of their right to legal aid. Such remedies may include a prohibition on conducting procedural actions, release from detention, exclusion of evidence, judicial review and compensation;

(f) Means of verification that a person has actually been informed are put in place.

Guideline 3. Other rights of persons detained, arrested, suspected or accused of, or charged with a criminal offence

43. States should introduce measures:

(a) To promptly inform every person detained, arrested, suspected or accused of, or charged with a criminal offence of his or her right to remain silent; his or her right to consult with counsel or, if eligible, with a legal aid provider at any stage of the proceedings, especially before being interviewed by the authorities; and his or her right to be assisted by an independent counsel or legal aid provider while being interviewed and during other procedural actions;

(b) To prohibit, in the absence of any compelling circumstances, any interviewing of a person by the police in the absence of a lawyer, unless the person gives his or her informed and voluntary consent to waive the lawyer's presence, and to establish mechanisms for verifying the voluntary nature of the person's consent. An interview should not start until the legal aid provider arrives;

(c) To inform all foreign detainees and prisoners in a language they understand of their right to request contact with their consular authorities without delay;

(d) To ensure that persons meet with a lawyer or a legal aid provider promptly after their arrest in full confidentiality; and that the confidentiality of further communications is guaranteed;

(e) To enable every person who has been detained for any reason to promptly notify a member of his or her family, or any other appropriate person of his or her choosing, of his or her detention and location and of any imminent change of location; the competent authority may, however, delay a notification if absolutely necessary, if provided for by law and if the transmission of the information would hinder a criminal investigation;

(f) To provide the services of an independent interpreter, whenever necessary, and the translation of documents where appropriate;

(g) To assign a guardian, whenever necessary;

(h) To make available in police stations and places of detention the means to contact legal aid providers;

(i) To ensure that persons detained, arrested, suspected or accused of, or charged with a criminal offence are advised of their rights and the implications of waiving them in a clear and plain manner; and endeavour to ensure that the person understands both;

(j) To ensure that persons are informed of any mechanism available for filing complaints of torture or ill-treatment;

(k) To ensure that the exercise of these rights by a person is not prejudicial to his or her case.

Guideline 4. Legal aid at the pretrial stage

44. To ensure that detained persons have prompt access to legal aid in conformity with the law, States should take measures:

(a) To ensure that police and judicial authorities do not arbitrarily restrict the right or access to legal aid for persons detained, arrested, suspected or accused of, or charged with a criminal offence, in particular in police stations;

(b) To facilitate access for legal aid providers assigned to provide assistance to detained persons in police stations and other places of detention for the purpose of providing that assistance;

(c) To ensure legal representation at all pretrial proceedings and hearings;

(d) To monitor and enforce custody time limits in police holding cells or other detention centres, for example, by instructing judicial authorities to screen the remand caseload in detention centres on a regular basis to make sure that people are remanded lawfully, that their cases are dealt with in a timely manner and that the conditions in which they are held meet the relevant legal standards, including international ones;

(e) To provide every person, on admission to a place of detention, with information on his or her rights in law, the rules of the place of detention and the initial stages of the pretrial process. Such information should be provided in a manner that corresponds to the needs of illiterate persons, minorities, persons with disabilities and children and be in a language that the person in need of legal aid

understands. Information provided to children should be provided in a manner appropriate for their age and maturity. The information material should be supported by visual aids prominently located in each detention centre;

(f) To request bar or legal associations and other partnership institutions to establish a roster of lawyers and paralegals to support a comprehensive legal system for persons detained, arrested, suspected or accused of, or charged with a criminal offence, in particular at police stations;

(g) To ensure that every person charged with a criminal offence has adequate time, facilities and technical and financial support, in case he or she does not have sufficient means, to prepare his or her defence and is able to consult with his or her lawyer in full confidentiality.

Guideline 5. Legal aid during court proceedings

45. To guarantee that every person charged with a criminal offence for which a term of imprisonment or capital punishment may be imposed by a court of law has access to legal aid in all proceedings at court, including on appeal and other related proceedings, States should introduce measures:

(a) To ensure that the accused understands the case against him or her and the possible consequences of the trial;

(b) To ensure that every person charged with a criminal offence has adequate time, facilities and technical and financial support, in case he or she does not have sufficient means, to prepare his or her defence and is able to consult with his or her lawyer in full confidentiality;

(c) To provide representation in any court proceedings by a lawyer of choice, where appropriate, or by a competent lawyer assigned by the court or other legal aid authority at no cost when the person does not have sufficient means to pay and/or where the interests of justice so require;

(d) To ensure that the counsel of the accused is present at all critical stages of the proceedings. Critical stages are all stages of a criminal proceeding at which the advice of a lawyer is necessary to ensure the accused's right to a fair trial or at which the absence of counsel might impair the preparation or presentation of a defence;

(e) To request bar or legal associations and other partnership institutions to establish a roster of lawyers and paralegals to support a comprehensive legal system for persons detained, arrested, suspected or accused of, or charged with a criminal offence; such support could include, for example, appearing before the courts on fixed days;

(f) To enable, in accordance with national law, paralegals and law students to provide appropriate types of assistance to the accused in court, provided that they are under the supervision of qualified lawyers;

(g) To ensure that unrepresented suspects and the accused understand their rights. This may include, but is not limited to, requiring judges and prosecutors to explain their rights to them in clear and plain language.

Guideline 6. Legal aid at the post-trial stage

46. States should ensure that imprisoned persons and children deprived of their liberty have access to legal aid. Where legal aid is not available, States shall ensure that such persons are held in prison in conformity with the law.

47. For this purpose, States should introduce measures:

(a) To provide all persons, on admission to the place of imprisonment and during their detention, with information on the rules of the place of imprisonment and their rights under the law, including the right to confidential legal aid, advice and assistance; the possibilities for further review of their case; their rights during disciplinary proceedings; and procedures for complaint, appeal, early release, pardon or clemency. Such information should be provided in a manner that corresponds to the needs of illiterate persons, minorities, persons with disabilities and children and should be in a language that the person in need of legal aid understands. Information provided to children should be provided in a manner appropriate for their age and maturity. The information material should be supported by visual aids prominently located in those parts of the facilities to which prisoners have regular access;

(b) To encourage bar and legal associations and other legal aid providers to draw up rosters of lawyers, and paralegals, where appropriate, to visit prisons to provide legal advice and assistance at no cost to prisoners;

(c) To ensure that prisoners have access to legal aid for the purpose of submitting appeals and filing requests related to their treatment and the conditions of their imprisonment, including when facing serious disciplinary charges, and for requests for pardon, in particular for those prisoners facing the death penalty, as well as for applications for parole and representation at parole hearings;

(d) To inform foreign prisoners of the possibility, where available, of seeking transfer to serve their sentence in their country of nationality, subject to the consent of the States involved.

Guideline 7. Legal aid for victims

48. Without prejudice to or inconsistency with the rights of the accused and consistent with the relevant national legislation, States should take adequate measures, where appropriate, to ensure that:

(a) Appropriate advice, assistance, care, facilities and support are provided to victims of crime, throughout the criminal justice process, in a manner that prevents repeat victimization and secondary victimization;¹⁶

(b) Child victims receive legal assistance as required, in line with the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime;¹⁷

(c) Victims receive legal advice on any aspect of their involvement in the criminal justice process, including the possibility of taking civil action or making a

¹⁶ “Repeat victimization” and “secondary victimization” are understood as defined in paragraphs 1.2 and 1.3 of the appendix to Recommendation Rec(2006) of the Committee of Ministers of the Council of Europe to member States on assistance to crime victims.

¹⁷ Economic and Social Council resolution 2005/20, annex.

claim for compensation in separate legal proceedings, whichever is consistent with the relevant national legislation;

(d) Victims are promptly informed by the police and other front-line responders (i.e., health, social and child welfare providers) of their right to information and their entitlement to legal aid, assistance and protection and of how to access such rights;

(e) The views and concerns of victims are presented and considered at appropriate stages of the criminal justice process where their personal interests are affected or where the interests of justice so require;

(f) Victim services agencies and non-governmental organizations can provide legal aid to victims;

(g) Mechanisms and procedures are established to ensure close cooperation and appropriate referral systems between legal aid providers and other professionals (i.e., health, social and child welfare providers) to obtain a comprehensive understanding of the victim, as well as an assessment of his or her legal, psychological, social, emotional, physical and cognitive situation and needs.

Guideline 8. Legal aid for witnesses

49. States should take adequate measures, where appropriate, to ensure that:

(a) Witnesses are promptly informed by the relevant authority of their right to information, their entitlement to assistance and protection and how to access such rights;

(b) Appropriate advice, assistance, care facilities and support are provided to witnesses of crime throughout the criminal justice process;

(c) Child witnesses receive legal assistance as required, in line with the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime;

(d) All statements or testimony given by the witness at all stages of the criminal justice process are accurately interpreted and translated.

50. States should, where appropriate, provide legal aid to witnesses.

51. The circumstances in which it may be appropriate to provide legal aid to witnesses include, but are not limited to, situations in which:

(a) The witness is at risk of incriminating himself or herself;

(b) There is a risk to the safety and well-being of the witness resulting from his or her status as such;

(c) The witness is particularly vulnerable, including as a result of having special needs.

Guideline 9. Implementation of the right of women to access legal aid

52. States should take applicable and appropriate measures to ensure the right of women to access legal aid, including:

(a) Introducing an active policy of incorporating a gender perspective into all policies, laws, procedures, programmes and practices relating to legal aid to ensure gender equality and equal and fair access to justice;

(b) Taking active steps to ensure that, where possible, female lawyers are available to represent female defendants, accused and victims;

(c) Providing legal aid, advice and court support services in all legal proceedings to female victims of violence in order to ensure access to justice and avoid secondary victimization and other such services, which may include the translation of legal documents where requested or required.

Guideline 10. Special measures for children

53. States should ensure special measures for children to promote children's effective access to justice and to prevent stigmatization and other adverse effects as a result of their being involved in the criminal justice system, including:

(a) Ensuring the right of the child to have counsel assigned to represent the child in his or her own name in proceedings where there is or could be a conflict of interest between the child and his or her parents or other parties involved;

(b) Enabling children who are detained, arrested, suspected or accused of, or charged with a criminal offence to contact their parents or guardians at once and prohibiting any interviewing of a child in the absence of his or her lawyer or other legal aid provider, and parent or guardian when available, in the best interests of the child;

(c) Ensuring the right of the child to have the matter determined in the presence of the child's parents or legal guardian, unless it is not considered to be in the best interests of the child;

(d) Ensuring that children may consult freely and in full confidentiality with parents and/or guardians and legal representatives;

(e) Providing information on legal rights in a manner appropriate for the child's age and maturity, in a language that the child can understand and in a manner that is gender- and culture-sensitive. Provision of information to parents, guardians or caregivers should be in addition, and not an alternative, to communicating information to the child;

(f) Promoting, where appropriate, diversion from the formal criminal justice system and ensuring that children have the right to legal aid at every stage of the process where diversion is applied;

(g) Encouraging, where appropriate, the use of alternative measures and sanctions to deprivation of liberty and ensuring that children have the right to legal aid so that deprivation of liberty is a measure of last resort and for the shortest appropriate period of time;

(h) Establishing measures to ensure that judicial and administrative proceedings are conducted in an atmosphere and manner that allow children to be heard either directly or through a representative or an appropriate body in a manner consistent with the procedural rules of national law. Taking into account the child's age and maturity may also require modified judicial and administrative procedures and practices.

54. The privacy and personal data of a child who is or who has been involved in judicial or non-judicial proceedings and other interventions should be protected at all stages, and such protection should be guaranteed by law. This generally implies that no information or personal data may be made available or published, particularly in the media, that could reveal or indirectly enable the disclosure of the child's identity, including images of the child, detailed descriptions of the child or the child's family, names or addresses of the child's family members and audio and video records.

Guideline 11. Nationwide legal aid system

55. In order to encourage the functioning of a nationwide legal aid system, States should, where it is appropriate, undertake measures:

(a) To ensure and promote the provision of effective legal aid at all stages of the criminal justice process for persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence, and for victims of crime;

(b) To provide legal aid to persons who have been unlawfully arrested or detained or who have received a final judgement of the court as a result of a miscarriage of justice, in order to enforce their right to retrial, reparation, including compensation, rehabilitation and guarantees of non-repetition;

(c) To promote coordination between justice agencies and other professionals such as health, social services and victim support workers in order to maximize the effectiveness of the legal aid system, without prejudice to the rights of the accused;

(d) To establish partnerships with bar or legal associations to ensure the provision of legal aid at all stages of the criminal justice process;

(e) To enable paralegals to provide those forms of legal aid allowed by national law or practice to persons detained, arrested, suspected of, or charged with a criminal offence, in particular in police stations or other detention centres;

(f) To promote the provision of appropriate legal aid for the purpose of crime prevention.

56. States should also take measures:

(a) To encourage legal and bar associations to support the provision of legal aid by offering a range of services, including those that are free (pro bono), in line with their professional calling and ethical duty;

(b) To identify incentives for lawyers to work in economically and socially disadvantaged areas (e.g., tax exemption, fellowships and travel and subsistence allowances);

(c) To encourage lawyers to organize regular circuits of lawyers around the country to provide legal aid to those in need.

57. In the design of their nationwide legal aid schemes, States should take into account the needs of specific groups, including but not limited to the elderly, minorities, persons with disabilities, the mentally ill, persons living with HIV and other severe contagious diseases, drug users, indigenous and aboriginal people,

stateless persons, asylum seekers, foreign citizens, refugees and internally displaced persons, in line with guidelines 9 and 10.

58. States should take appropriate measures to establish child-friendly¹⁸ and child-sensitive legal aid systems, taking into account children's evolving capacities and the need to strike an appropriate balance between the best interests of the child and children's right to be heard in judicial proceedings, including:

(a) Establishing, where possible, dedicated mechanisms to support specialized legal aid for children and support the integration of child-friendly legal aid into general and non-specialized mechanisms;

(b) Adopting legal aid legislation, policies and regulations that explicitly take into account the child's rights and special developmental needs, including the right to have legal or other appropriate assistance in the preparation and presentation of his or her defence; the right to be heard in all judicial proceedings affecting him or her; standard procedures for determining best interest; privacy and protection of personal data; and the right to be considered for diversion;

(c) Establishing child-friendly legal aid service standards and professional codes of conduct. Legal aid providers working with and for children should, where necessary, be subject to regular vetting to ensure their suitability for working with children;

(d) Promoting standard legal aid training programmes. Legal aid providers representing children should be trained in and be knowledgeable about children's rights and related issues, receive ongoing and in-depth training and be capable of communicating with children at their level of understanding. All legal aid providers working with and for children should receive basic interdisciplinary training on the rights and needs of children of different age groups and on proceedings that are adapted to them, and training on psychological and other aspects of the development of children, with special attention to girls and children who are members of minority or indigenous groups, and on available measures for promoting the defence of children who are in conflict with the law;

(e) Establishing mechanisms and procedures to ensure close cooperation and appropriate referral systems between legal aid providers and different professionals to obtain a comprehensive understanding of the child, as well as an assessment of his or her legal, psychological, social, emotional, physical and cognitive situation and needs.

59. To ensure the effective implementation of nationwide legal aid schemes, States should consider establishing a legal aid body or authority to provide, administer, coordinate and monitor legal aid services. Such a body should:

(a) Be free from undue political or judicial interference, be independent of the Government in decision-making related to legal aid and not be subject to the

¹⁸ "Child-friendly legal aid" is the provision of legal assistance to children in criminal, civil and administrative proceedings that is accessible, age-appropriate, multidisciplinary and effective, and that is responsive to the range of legal and social needs faced by children and youth. Child-friendly legal aid is delivered by lawyers and non-lawyers who are trained in children's law and child and adolescent development and who are able to communicate effectively with children and their caretakers.

direction, control or financial intimidation of any person or authority in the performance of its functions, regardless of its administrative structure;

(b) Have the necessary powers to provide legal aid, including but not limited to the appointment of personnel; the designation of legal aid services to individuals; the setting of criteria and accreditation of legal aid providers, including training requirements; the oversight of legal aid providers and the establishment of independent bodies to handle complaints against them; the assessment of legal aid needs nationwide; and the power to develop its own budget;

(c) Develop, in consultation with key justice sector stakeholders and civil society organizations, a long-term strategy guiding the evolution and sustainability of legal aid;

(d) Report periodically to the responsible authority.

Guideline 12. Funding the nationwide legal aid system

60. Recognizing that the benefits of legal aid services include financial benefits and cost savings throughout the criminal justice process, States should, where appropriate, make adequate and specific budget provisions for legal aid services that are commensurate with their needs, including by providing dedicated and sustainable funding mechanisms for the national legal aid system.

61. To this end, States could take measures:

(a) To establish a legal aid fund to finance legal aid schemes, including public defender schemes, to support legal aid provision by legal or bar associations; to support university law clinics; and to sponsor non-governmental organizations and other organizations, including paralegal organizations, in providing legal aid services throughout the country, especially in rural and economically and socially disadvantaged areas;

(b) To identify fiscal mechanisms for channelling funds to legal aid, such as:

(i) Allocating a percentage of the State's criminal justice budget to legal aid services that are commensurate with the needs of effective legal aid provision;

(ii) Using funds recovered from criminal activities through seizures or fines to cover legal aid for victims;

(c) To identify and put in place incentives for lawyers to work in rural areas and economically and socially disadvantaged areas (e.g., tax exemptions or reductions, student loan payment reductions);

(d) To ensure fair and proportional distribution of funds between prosecution and legal aid agencies.

62. The budget for legal aid should cover the full range of services to be provided to persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence, and to victims. Adequate special funding should be dedicated to defence expenses such as expenses for copying relevant files and documents and collection of evidence, expenses related to expert witnesses, forensic experts and social workers, and travel expenses. Payments should be timely.

Guideline 13. Human resources

63. States should, where appropriate, make adequate and specific provisions for staffing the nationwide legal aid system that are commensurate with their needs.

64. States should ensure that professionals working for the national legal aid system possess qualifications and training appropriate for the services they provide.

65. Where there is a shortage of qualified lawyers, the provision of legal aid services may also include non-lawyers or paralegals. At the same time, States should promote the growth of the legal profession and remove financial barriers to legal education.

66. States should also encourage wide access to the legal profession, including affirmative action measures to ensure access for women, minorities and economically disadvantaged groups.

Guideline 14. Paralegals

67. States should, in accordance with their domestic law and where appropriate, recognize the role played by paralegals or similar service providers in providing legal aid services where access to lawyers is limited.

68. For this purpose, States should, in consultation with civil society and justice agencies and professional associations, introduce measures:

(a) To develop, where appropriate, a nationwide scheme of paralegal services with standardized training curricula and accreditation schemes, including appropriate screening and vetting;

(b) To ensure that quality standards for paralegal services are set and that paralegals receive adequate training and operate under the supervision of qualified lawyers;

(c) To ensure the availability of monitoring and evaluation mechanisms to guarantee the quality of the services provided by paralegals;

(d) To promote, in consultation with civil society and justice agencies, the development of a code of conduct that is binding for all paralegals working in the criminal justice system;

(e) To specify the types of legal services that can be provided by paralegals and the types of services that must be provided exclusively by lawyers, unless such determination is within the competence of the courts or bar associations;

(f) To ensure access for accredited paralegals who are assigned to provide legal aid to police stations and prisons, facilities of detention or pretrial detention centres, etc.;

(g) To allow, in accordance with national law and regulations, court-accredited and duly trained paralegals to participate in court proceedings and advise the accused when there are no lawyers available to do so.

Guideline 15. Regulation and oversight of legal aid providers

69. In adherence to principle 12, and subject to existing national legislation ensuring transparency and accountability, States, in cooperation with professional associations, should:

- (a) Ensure that criteria are set for the accreditation of legal aid providers;
- (b) Ensure that legal aid providers are subject to applicable professional codes of conduct, with appropriate sanctions for infractions;
- (c) Establish rules to ensure that legal aid providers are not allowed to request any payment from the beneficiaries of legal aid, except when authorized to do so;
- (d) Ensure that disciplinary complaints against legal aid providers are reviewed by impartial bodies;
- (e) Establish appropriate oversight mechanisms for legal aid providers, in particular with a view to preventing corruption.

Guideline 16. Partnerships with non-State legal aid service providers and universities

70. States should, where appropriate, engage in partnerships with non-State legal aid service providers, including non-governmental organizations and other service providers.

71. To this end, States should take measures, in consultation with civil society and justice agencies and professional associations:

- (a) To recognize in their legal systems the role to be played by non-State actors in providing legal aid services to meet the needs of the population;
- (b) To set quality standards for legal aid services and support the development of standardized training programmes for non-State legal aid service providers;
- (c) To establish monitoring and evaluation mechanisms to ensure the quality of legal aid services, in particular those provided at no cost;
- (d) To work with all legal aid service providers to increase outreach, quality and impact and facilitate access to legal aid in all parts of the country and in all communities, especially in rural, economically and socially disadvantaged areas and among minority groups;
- (e) To diversify legal aid service providers by adopting a comprehensive approach, for example, by encouraging the establishment of centres to provide legal aid services that are staffed by lawyers and paralegals and by entering into agreements with law societies and bar associations, university law clinics and non-governmental and other organizations to provide legal aid services.

72. States should, where appropriate, also take measures:

- (a) To encourage and support the establishment of legal aid clinics in law departments within universities to promote clinical and public interest law programmes among faculty members and the student body, including in the accredited curriculum of universities;

(b) To encourage and provide incentives to law students to participate, under proper supervision and in accordance with national law or practice, in a legal aid clinic or other legal aid community scheme, as part of their academic curriculum or professional development;

(c) To develop, where they do not already exist, student practice rules that allow students to practise in the courts under the supervision of qualified lawyers or faculty staff, provided such rules are developed in consultation with and accepted by the competent courts or bodies that regulate the practice of law before the courts;

(d) To develop, in jurisdictions requiring law students to undertake legal internships, rules for them to be allowed to practise in the courts under the supervision of qualified lawyers.

Guideline 17. Research and data

73. States should ensure that mechanisms to track, monitor and evaluate legal aid are established and should continually strive to improve the provision of legal aid.

74. For this purpose, States could introduce measures:

(a) To conduct regular research and collection of data disaggregated by the gender, age, socioeconomic status and geographical distribution of legal aid recipients and to publish the findings of such research;

(b) To share good practices in the provision of legal aid;

(c) To monitor the efficient and effective delivery of legal aid in accordance with international human rights standards;

(d) To provide cross-cultural, culturally appropriate, gender-sensitive and age-appropriate training to legal aid providers;

(e) To improve communication, coordination and cooperation between all justice agencies, especially at the local level, to identify local problems and to agree on solutions to improve the provision of legal aid.

Guideline 18. Technical assistance

75. Technical assistance based on needs and priorities identified by requesting States should be provided by relevant intergovernmental organizations, such as the United Nations, bilateral donors and competent non-governmental organizations, as well as by States in the framework of bilateral and multilateral cooperation, with a view to building and enhancing the national capacities and institutions for the development and implementation of legal aid systems and criminal justice reforms, where appropriate.

Draft resolution V Standard Minimum Rules for the Treatment of Prisoners

The General Assembly,

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

Reaffirming the importance of the United Nations standards and norms in crime prevention and criminal justice, and especially of promoting their implementation,

Emphasizing that in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,¹ Member States recognized that an effective, fair and humane criminal justice system was based on the commitment to uphold the protection of human rights in the administration of justice and the prevention and control of crime and acknowledged the value and impact of the United Nations standards and norms in designing and implementing national crime prevention and criminal justice policies, laws, procedures and programmes,

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

Aware that the penitentiary system is one of the key components of the criminal justice system and that the Standard Minimum Rules for the Treatment of Prisoners² have been of value and influence in the development of correctional laws, policies and practices,

Convinced that prisons should be used as a punishment only for individuals who have committed serious offences or when necessary to protect the public,

Convinced also that specific efforts should be made to use alternative measures, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),³

Taking into account the progressive development of international instruments pertaining to the treatment of prisoners since 1955, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁴ and the Optional Protocol thereto,⁵

¹ Resolution 65/230, annex.

² *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.

³ Resolution 45/110, annex.

⁴ United Nations, *Treaty Series*, vol. 1465, No. 24841.

⁵ *Ibid.*, vol. 2375, No. 24841.

Taking into account also the relevance of the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in its resolution 1984/47 of 25 May 1984, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,⁶ the Basic Principles for the Treatment of Prisoners,⁷ the United Nations Rules for the Protection of Juveniles Deprived of their Liberty⁸ and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),⁹

Taking into account further the work carried out by the Latin American Standing Committee of the International Penal and Penitentiary Foundation for the revision and updating of the Standard Minimum Rules for the Treatment of Prisoners, presented to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010, as well as the 2011 study on the extent of implementation of the Standard Minimum Rules by African countries, conducted by the African Institute for the Prevention of Crime and the Treatment of Offenders,

Taking note with appreciation of the development by the United Nations Office on Drugs and Crime of the handbook for prison leaders,¹⁰ the handbook on the international transfer of sentenced persons, the handbook on strategies to reduce prison overcrowding (in cooperation with the International Committee of the Red Cross) and the handbook on the prevention of recidivism and the social reintegration of offenders,

1. *Expresses appreciation* for the replies of Member States to the request to exchange information on best practices and on the revision of existing United Nations standard minimum rules for the treatment of prisoners;

2. *Takes note* of the work done by the high-level expert group meeting held in Santo Domingo from 3 to 5 August 2011 and the expert group meeting held in Vienna on 6 and 7 October 2011;

3. *Acknowledges* the work done by the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, which drew on the outcome of the two expert group meetings mentioned above;

4. *Recognizes* that the Standard Minimum Rules for the Treatment of Prisoners,² adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955 and approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957 and extended by the Council by its resolution 2076 (LXII) of 13 May 1977, have stood the test of time and that they remain the universally acknowledged minimum standards for the detention of prisoners;

5. *Also recognizes* that some areas of the Standard Minimum Rules could be reviewed so that the Rules reflect the latest advances in correctional science and

⁶ Resolution 43/173, annex.

⁷ Resolution 45/111, annex.

⁸ Resolution 45/113, annex.

⁹ Resolution 65/229, annex.

¹⁰ *Handbook for Prison Leaders: A Basic Training Tool and Curriculum for Prison Managers Based on International Standards and Norms*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.10.IV.4).

good practices, provided that any changes to the Rules would not lower any existing standards;

6. *Takes cognizance* of the recommendations of the Expert Group,¹¹ and notes that the Expert Group identified the following preliminary areas for possible consideration:

- (a) Respect for prisoners' inherent dignity and value as human beings;
- (b) Medical and health services;
- (c) Disciplinary action and punishment, including the role of medical staff, solitary confinement and reduction of diet;
- (d) Investigation of all deaths in custody, as well as any signs or allegations of torture or inhuman or degrading treatment or punishment of prisoners;
- (e) Protection and special needs of vulnerable groups deprived of their liberty, taking into consideration countries in difficult circumstances;
- (f) The right of access to legal representation;
- (g) Complaints and independent inspection;
- (h) The replacement of outdated terminology;
- (i) Training of relevant staff to implement the Standard Minimum Rules;

7. *Underscores* that the requirements and needs of prisoners with disabilities should be duly considered, as applicable, in accordance with the Convention on the Rights of Persons with Disabilities;¹²

8. *Authorizes* the Expert Group to continue its work, within its mandate, with a view to reporting on its progress to the Commission on Crime Prevention and Criminal Justice at its twenty-second session, and requests the Secretary-General to ensure that the required services and support are provided;

9. *Invites* Member States to actively participate in the next meeting of the Expert Group and to have a report prepared summarizing discussions and recommendations, including comments and concerns expressed by government experts and other participants;

10. *Expresses its gratitude* to the Government of Argentina for its readiness to host the next meeting of the Expert Group;

11. *Takes note* of the work accomplished for the preparation of the conference room paper containing notes and comments on the Standard Minimum Rules, and recommends its early translation into all other official languages of the United Nations, as well as its wide dissemination;

12. *Encourages* Member States to promote the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);⁹

¹¹ See E/CN.15/2012/18; the recommendations should be considered in the context of the deliberations of the meeting of the Expert Group.

¹² United Nations, *Treaty Series*, vol. 2515, No. 44910.

13. *Recommends* that Member States endeavour to reduce overcrowding and pretrial detention, where appropriate, and promote increased access to justice and legal defence mechanisms, reinforcing alternatives to imprisonment, which may include, inter alia, fines, community service, restorative justice and electronic monitoring, as well as supporting rehabilitation and reintegration programmes;

14. *Encourages* Member States to continue exchanging good practices, such as those regarding conflict resolution in detention facilities, including in the area of technical assistance, as well as identifying challenges faced in implementing the Standard Minimum Rules and sharing their experiences in dealing with those challenges, and to provide the relevant information to their experts participating in the Expert Group;

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

16. *Reaffirms* the important role of the United Nations crime prevention and criminal justice programme network, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council in contributing to the dissemination, promotion and practical application of the Standard Minimum Rules, in accordance with the procedures for the effective implementation of the Rules;¹³

17. Invites Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations.

¹³ Economic and Social Council resolution 1984/47, annex.

Draft resolution VI Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity

The General Assembly,

Reaffirming its resolutions 46/152 of 18 December 1991, 60/1 of 16 September 2005, 65/169 of 20 December 2010, 65/190 of 21 December 2010 and 66/181 of 19 December 2011,

Reaffirming also its resolutions relating to the urgent need to strengthen international cooperation and technical assistance in promoting and facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime¹ and the Protocols thereto,² the United Nations Convention against Corruption³ and all the international conventions and protocols against terrorism,

Reaffirming further the commitments undertaken by Member States in the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006,⁴ and its successive biennial reviews,⁵

Emphasizing that its resolution 65/187 of 21 December 2010 on the intensification of efforts to eliminate all forms of violence against women and its resolution 65/228 of 21 December 2010 on strengthening crime prevention and criminal justice responses to violence against women, by which it adopted the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, have considerable implications for the United Nations crime prevention and criminal justice programme and its activities,

Recalling the adoption of its resolution 65/229 of 21 December 2010 on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and encouraging in this regard efforts of Member States to conduct further study with a view to utilizing these practical measures,

Recalling also the adoption of its resolution 65/230 of 21 December 2010 on the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in which it endorsed the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,

Recalling the adoption by the Economic and Social Council of resolution 2012/17 of 26 July 2012 on follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice,

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

² *Ibid.*, vols. 2237, 2241 and 2326, No. 39574.

³ *Ibid.*, vol. 2349, No. 42146.

⁴ Resolution 60/288.

⁵ See resolution 62/272; see also *Official Records of the General Assembly, Sixty-second Session, Plenary Meetings*, 117th to 120th meetings (A/62/PV.117-120), and corrigendum.

Recalling its resolution 66/177 of 19 December 2011 on strengthening international cooperation in combating the harmful effects of illicit financial flows resulting from criminal activities, in which it urged States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,⁶ the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption to apply fully the provisions of those conventions, in particular measures to prevent and combat money-laundering, including by criminalizing the laundering of proceeds of transnational organized crime,

Taking into consideration all relevant Economic and Social Council resolutions, in particular resolutions 2012/12, 2012/13, 2012/14, 2012/15, 2012/16, 2012/17, 2012/18 and 2012/19 of 26 July 2012, and all those relating to the strengthening of international cooperation, as well as the technical assistance and advisory services of the United Nations crime prevention and criminal justice programme of the United Nations Office on Drugs and Crime in the fields of crime prevention and criminal justice, promotion and reinforcement of the rule of law and reform of criminal justice institutions, including with regard to the implementation of technical assistance,

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

Recalling also the adoption of its resolution 64/293 of 30 July 2010 on the United Nations Global Plan of Action to Combat Trafficking in Persons, reaffirming the need for the full implementation of the Global Plan of Action, expressing the view that it will, inter alia, enhance cooperation and better coordination of efforts in fighting trafficking in persons and promote increased ratification and full implementation of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,⁷ and welcoming the work of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children,

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

Acknowledging the importance of the recent work under regional initiatives to combat the smuggling of migrants and the work of the Working Group on the

⁶ United Nations, *Treaty Series*, vol. 1582, No. 27627.

⁷ *Ibid.*, vol. 2237, No. 39574.

Smuggling of Migrants established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fifth session,⁸

Reaffirming the resolution on promoting accession to and 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, adopted by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its sixth session,⁹

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

Expressing its grave concern at the negative effects of transnational organized crime, including smuggling of and trafficking in human beings, narcotic drugs and small arms and light weapons, on development, peace and security and human rights, and at the increasing vulnerability of States to such crime,

Convinced of the importance of preventing youth crime, supporting the rehabilitation of young offenders and their reintegration into society, protecting child victims and witnesses, including efforts to prevent their revictimization, and addressing the needs of children of prisoners, and stressing that such responses should take into account the human rights and best interests of children and young people, as called for in the Convention on the Rights of the Child¹⁰ and the Optional Protocols thereto,¹¹ where applicable, and in other relevant United Nations standards and norms in juvenile justice, where appropriate,

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

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

Concerned about the growing degree of penetration of criminal organizations and their proceeds into the economy,

Recognizing that actions against transnational organized crime and terrorism are a common and shared responsibility, and stressing the need to work collectively to prevent and combat transnational organized crime, corruption and terrorism in all its forms and manifestations,

⁸ CTOC/COP/2010/17, resolution 5/3.

⁹ Resolution 6/2 of 19 October 2012.

¹⁰ Ibid., vol. 1577, No. 27531.

¹¹ Ibid., vols. 2171 and 2173, No. 27531.

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

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

Encouraging Member States to develop, as appropriate, comprehensive crime prevention policies based on an understanding of the multiple factors that contribute to crime and to address such factors in a holistic manner,

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

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

Recognizing that, thanks to its broad membership and wide scope of application, the United Nations Convention against Transnational Organized Crime offers an important basis for international cooperation, inter alia for extradition, mutual legal assistance and confiscation, and represents in this regard a useful tool that should be further utilized,

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

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

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

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

1. *Takes note with appreciation* of the report of the Secretary-General prepared pursuant to resolution 66/181;¹²

¹² A/67/156.

2. *Reaffirms* that the United Nations Convention against Transnational Organized Crime¹ and the Protocols thereto² represent the most important tools of the international community to fight transnational organized crime;

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

4. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption³ and the international conventions and protocols related to terrorism, and urges States parties to those conventions and protocols to make efforts towards their full implementation;

5. *Underlines* the need for the urgent adoption of the mechanism to review the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto aimed at assisting States parties in the implementation of the Convention and the Protocols thereto, urges States parties to continue to be actively engaged in this endeavour, on the basis of the work already accomplished by the open-ended intergovernmental working group on the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and encourages Member States and the United Nations Office on Drugs and Crime to facilitate technical assistance for the purposes of the implementation of the Convention and the Protocols thereto, taking into account the tools developed for such purposes, such as the omnibus self-assessment checklist, among others;

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

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

8. *Recommends* that Member States, as appropriate to their national contexts, adopt a comprehensive and integrated approach to crime prevention and criminal justice reform, based on baseline assessments and data collection and focusing on all sectors of the justice system, and develop crime prevention policies, strategies and programmes, and requests the United Nations Office on Drugs and

Crime to continue to provide technical assistance, upon request, to Member States for this purpose;

9. *Encourages* all States to have national and local action plans for crime prevention in order to take into account, in a comprehensive, integrated and participatory manner, inter alia, factors that place certain populations and places at higher risk of victimization and/or of offending and to ensure that such plans are based on the best available evidence and good practices, and stresses that crime prevention should be considered an integral element of strategies to foster social and economic development in all States;

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

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

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

13. *Welcomes* the report of the Working Group on the Smuggling of Migrants¹³ held in Vienna from 30 May to 1 June 2012, and encourages States parties to implement the recommendations contained therein;

14. *Urges* the United Nations Office on Drugs and Crime to continue to provide technical assistance to Member States to combat money-laundering and the financing of terrorism through the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism, in accordance with United Nations-related instruments and internationally accepted standards, including, where applicable, recommendations of relevant intergovernmental bodies, inter alia, the Financial Action Task Force and relevant initiatives of regional, interregional and multilateral organizations against money-laundering;

15. *Urges* Member States to strengthen bilateral, regional and international cooperation to enable the return of assets illicitly acquired from corruption to the countries of origin, upon their request, in accordance with the provisions of the United Nations Convention against Corruption for asset recovery, in particular chapter V, requests the United Nations Office on Drugs and Crime, within its existing mandate, to continue providing assistance to bilateral, regional and international efforts for that purpose, and also urges Member States to combat and penalize corruption, as well as the laundering of its proceeds;

¹³ CTOC/COP/WG.7/2012/6.

16. *Calls upon* States parties to the United Nations Convention against Corruption to give particular and timely consideration to the execution of requests for international mutual legal assistance, particularly those related to the States concerned in the Middle East and North Africa, as well as to other requesting States in need of urgent action, and to ensure that the competent authorities of the requesting States have adequate resources to execute the requests, taking into account the particular importance of the recovery of the assets for sustainable development and stability;

17. *Requests* the United Nations Office on Drugs and Crime to continue to foster international and regional cooperation, including by facilitating the development of regional networks active in the field of legal and law enforcement cooperation in the fight against transnational organized crime, where appropriate, and by promoting cooperation among all such networks, including by providing technical assistance where it is required;

18. *Urges* the United Nations Office on Drugs and Crime to increase collaboration with intergovernmental, international and regional organizations that have transnational organized crime mandates, as appropriate, in order to share best practices, foster cooperation and take advantage of their unique and comparative advantage;

19. *Recognizes* the efforts made by the United Nations Office on Drugs and Crime to assist Member States in developing abilities and strengthening their capacity to prevent and combat kidnapping, and requests the Office to continue to provide technical assistance with a view to fostering international cooperation, in particular mutual legal assistance, aimed at countering effectively this growing serious crime;

20. *Draws attention* to the emerging policy issues identified in the report of the Secretary-General on the implementation of the mandates of the United Nations crime prevention and criminal justice programme,¹² with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime, namely, piracy, cybercrime, the use of new information technologies to abuse and exploit children, trafficking in cultural property, illicit financial flows, environmental crime, including illicit trafficking in endangered species of wild fauna and flora, as well as identity-related crime, and invites the Office to explore, within its mandate, ways and means of addressing those issues, bearing in mind Economic and Social Council resolution 2012/12 on the strategy for the period 2012-2015 for the Office;

21. *Requests* the United Nations Office on Drugs and Crime, within its existing mandate, to continue strengthening the regular collection, analysis and dissemination of accurate, reliable and comparable data and information, and strongly encourages Member States to share such data and information with the United Nations Office on Drugs and Crime;

22. *Also requests* the United Nations Office on Drugs and Crime to continue developing, in close cooperation with Member States, technical and methodological tools and trend analyses and studies to enhance knowledge on crime trends and support Member States in designing appropriate responses in specific areas of crime, in particular in their transnational dimension, taking into account the need to make the best possible use of existing resources;

23. *Urges* Member States and relevant international organizations to develop national and regional strategies, as appropriate, and other necessary measures, in cooperation with the United Nations crime prevention and criminal justice programme, to address effectively transnational organized crime, including trafficking in persons, smuggling of migrants and illicit manufacturing of and trafficking in firearms, as well as corruption and terrorism;

24. *Urges* States parties to use the United Nations Convention against Transnational Organized Crime for broad cooperation in preventing and combating all forms and aspects of trafficking in cultural property and related offences, especially in returning such proceeds of crime or property to their legitimate owners, in accordance with article 14, paragraph 2, of the Convention, and invites States parties to exchange information on all forms and aspects of trafficking in cultural property and related offences, in accordance with their national laws, and to coordinate administrative and other measures taken, as appropriate, for the prevention, early detection and punishment of such offences;

25. *Urges* the United Nations Office on Drugs and Crime to continue to assist Member States, upon request, in combating the illicit trafficking in firearms, their parts and components and ammunition, and to support them in their efforts to address its links with other forms of transnational organized crime, through, inter alia, technical assistance;

26. *Reaffirms* the importance of the United Nations Office on Drugs and Crime and its regional offices in building capacity at the local level in the fight against transnational organized crime and drug trafficking, and urges the Office to consider regional vulnerabilities, projects and impact in the fight against transnational organized crime, in particular in developing countries, when deciding to close and allocate offices, with a view to maintaining an effective level of support to national and regional efforts in those areas;

27. *Encourages* Member States to support the United Nations Office on Drugs and Crime in continuing to provide targeted technical assistance, within its existing mandate, to enhance the capacity of affected States, upon their request, to combat piracy by sea, including by assisting Member States in creating an effective law enforcement response and strengthening their judicial capacity;

28. *Notes* the progress achieved by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption in the implementation of their respective mandates, and also welcomes the outcome of the sixth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime;

29. *Encourages* States parties to continue to provide full support to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption, including providing information to the conferences regarding compliance with the treaties;

30. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with adequate resources to promote, in an effective manner, the implementation of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption and to

discharge its functions as the secretariat of the conferences of the parties to the conventions, the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs, in accordance with its mandate;

31. *Urges* States parties to the United Nations Convention against Corruption to continue to provide full support to the review mechanism adopted by the Conference of the States Parties to the United Nations Convention against Corruption;

32. *Encourages* Member States to give full effect to the resolutions on the prevention of corruption, on international cooperation and on asset recovery adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its fourth session and to support the work carried out by its established subsidiary bodies in this respect;

33. *Also encourages* Member States to strengthen international cooperation in combating transnational organized crime and to give full effect to the resolutions adopted by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its sixth session;

34. *Reiterates its request* to the United Nations Office on Drugs and Crime to enhance its technical assistance to Member States, upon request, to strengthen international cooperation in preventing and combating terrorism through the facilitation of the ratification and implementation of the universal conventions and protocols related to terrorism, in close consultation with the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and its Executive Directorate, as well as to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, and invites Member States to provide the Office with appropriate resources for its mandate;

35. *Requests* the United Nations Office on Drugs and Crime to continue to provide technical assistance to Member States, upon request, to strengthen the rule of law, taking also into account the work undertaken by the Rule of Law Coordination and Resource Group of the Secretariat and other relevant United Nations bodies;

36. *Notes with appreciation* the report of the open-ended intergovernmental expert group on strengthening access to legal aid in criminal justice systems on its meeting held in Vienna from 16 to 18 November 2011,¹⁴ and welcomes the adoption by the Economic and Social Council of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems;¹⁵

37. *Encourages* Member States to take relevant measures, as appropriate to their national contexts, to ensure the diffusion, use and application of the United Nations standards and norms in crime prevention and criminal justice, including the consideration and, where they deem it necessary, dissemination of existing manuals and handbooks developed and published by the United Nations Office on Drugs and Crime;

38. *Requests* the United Nations Office on Drugs and Crime, in collaboration and close consultation with Member States and within existing resources, to

¹⁴ E/CN.15/2012/17.

¹⁵ Economic and Social Council resolution 2012/15.

continue to support the enhancement of capacity and skills in the field of forensic sciences, including the setting of standards, and the development of technical assistance material for training, such as manuals, compilations of useful practices and guidelines and scientific and forensic reference material, for law enforcement officials and prosecution authorities, and to promote and facilitate the establishment and sustainability of regional networks of forensic science providers in order to enhance their expertise and capacity to prevent and combat transnational organized crime;

39. *Reiterates* the importance of providing the United Nations crime prevention and criminal justice programme with sufficient, stable and predictable funding for the full implementation of its mandates, in conformity with the high priority accorded to it and in accordance with the increasing demand for its services, in particular with regard to the provision of increased assistance to developing countries, countries with economies in transition and countries emerging from conflict, in the area of crime prevention and criminal justice reform;

40. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-eighth session on the implementation of the mandates of the United Nations crime prevention and criminal justice programme, reflecting also emerging policy issues and possible responses;

41. *Also requests* the Secretary-General to include in the report referred to in paragraph 40 above information on the status of ratifications or accessions to the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

Draft resolution VII Improving the coordination of efforts against trafficking in persons

The General Assembly,

Reiterating its concern that despite sustained measures taken at the international, regional and national levels, trafficking in persons remains one of the grave challenges facing the international community, which also impairs the enjoyment of human rights and needs a more concerted collective and comprehensive international response,

Recalling the United Nations Convention against Transnational Organized Crime¹ and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,² which provided the definition of the crime of trafficking in persons, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography³ and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,⁴

Recalling also its resolution 64/178 of 18 December 2009 on improving the coordination of efforts against trafficking in persons and other relevant General Assembly resolutions on trafficking in persons and other contemporary forms of slavery,⁵

Reaffirming its resolution 64/293 of 30 July 2010 on the United Nations Global Plan of Action to Combat Trafficking in Persons,

Recalling Economic and Social Council resolution 2008/33 of 25 July 2008 on strengthening coordination of United Nations and other efforts in fighting trafficking in persons and previous Council resolutions on trafficking in persons,

Affirming resolution 20/3 of the Commission on Crime Prevention and Criminal Justice of 15 April 2011, entitled “Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons”,⁶

Affirming also Human Rights Council resolution 20/1 of 5 July 2012, entitled “Trafficking in persons, especially women and children: access to effective remedies for trafficked persons and their right to an effective remedy for human rights violations”,⁷ and other relevant Human Rights Council resolutions on trafficking in persons,⁸

Recognizing that, in accordance with the United Nations Convention against Transnational Organized Crime, the Conference of the Parties to the Convention is

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

² *Ibid.*, vol. 2237, No. 39574.

³ *Ibid.*, vol. 2171, No. 27531.

⁴ *Ibid.*, vol. 266, No. 3822.

⁵ Resolutions 55/67, 58/137, 59/166, 61/144, 61/180, 63/156 and 63/194.

⁶ See *Official Records of the Economic and Social Council, 2011, Supplement No. 10 (E/2011/30)*, chap. I, sect. D.

⁷ *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53 (A/67/53 and Corr.1)*, chap. IV, sect. A.

⁸ Human Rights Council resolutions 8/12, 11/3, 14/2 and 17/1.

established to improve the capacity of States parties to combat transnational crime and to promote and review the implementation of the Convention, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, by facilitating the development and exchange of relevant information, programmes and practices and by cooperating with relevant international and regional organizations and non-governmental organizations, and recognizing also that each State party shall provide the Conference of the Parties with information on its programmes, plans and practices, as well as legislative and administrative measures to implement the Convention,

Recognizing also the importance of bilateral, subregional, regional and international cooperation mechanisms and initiatives, including information exchanges on good practices, of Governments and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children,

Recognizing further that broad international cooperation between Member States and relevant intergovernmental and non-governmental organizations is essential for effectively countering the threat of trafficking in persons and other contemporary forms of slavery,

Recognizing that victims of trafficking are often subject to multiple forms of discrimination and violence, including on the grounds of gender, age, disability, ethnicity, culture and religion, as well as national or social origin, and that these forms of discrimination may themselves fuel trafficking in persons, and that women and children without nationality or without birth registration are particularly vulnerable to trafficking in persons,

Recognizing also the important role of the Inter-Agency Coordination Group against Trafficking in Persons in fostering coordination and cooperation in the global fight against trafficking in persons, in particular the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the International Labour Organization, the International Organization for Migration and other intergovernmental organizations, within their existing mandates,

Recognizing further the need to continue fostering a global partnership against trafficking in persons and other contemporary forms of slavery and the need to continue to work towards an enhanced comprehensive and coordinated approach to prevent and combat trafficking and to protect and assist victims of trafficking in persons through the appropriate national, regional and international mechanisms,

Stressing the need to promote and protect the rights of victims of trafficking in persons and to reintegrate victims into the community by taking into account the Recommended Principles and Guidelines on Human Rights and Human Trafficking⁹ and the commentary thereon developed by the Office of the United Nations High Commissioner for Human Rights, as well as the Guidelines on the Protection of Child Victims of Trafficking developed by the United Nations Children's Fund,

⁹ E/2002/68/Add.1.

Recognizing that poverty, unemployment, lack of socioeconomic opportunities, gender-based violence, discrimination and marginalization are some of the contributing factors that make persons vulnerable to trafficking in persons,

Recognizing also that the ongoing global economic crises and increasing inequalities and social exclusion and their consequences are likely to further aggravate the conditions that render people and communities vulnerable to trafficking in persons and the smuggling of migrants,

Affirming that capacity-building is a very important component in combating trafficking in persons, and in this regard stressing the need to intensify international cooperation to combat trafficking in persons, as well as technical assistance for countries aimed at strengthening their ability to prevent all forms of trafficking, including supporting their development programmes,

Aware of the need to raise public awareness with the aim of eliminating the demand for trafficking in persons, in particular for the purpose of sexual exploitation and forced labour,

Reaffirming the commitment made by world leaders at the Millennium Summit, the 2005 World Summit and the high-level plenary meeting of the General Assembly on the Millennium Development Goals, held in 2010, to devise, enforce and strengthen effective measures to combat and eliminate all forms of trafficking in persons, to counter the demand for trafficked victims and to protect the victims,

Taking note of the report of the Secretary-General on the implementation of the mandates of the United Nations crime prevention and criminal justice programme, with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime,¹⁰ which focuses, inter alia, on issues of trafficking in persons,

Welcoming the report of the Special Rapporteur of the Human Rights Council on trafficking in persons, especially women and children,¹¹

Taking note of the outcomes of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its sixth session, held in Vienna from 15 to 19 October 2012,¹² and the outcomes of the fourth session of the Open-ended Interim Working Group on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, held in Vienna from 10 to 12 October 2011,

Reaffirming the importance of humanitarian, legal and financial aid to victims of trafficking in persons, including through governmental, intergovernmental and non-governmental organizations, including the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, established in compliance with the Global Plan of Action to Combat Trafficking in Persons, as well as the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery,

¹⁰ A/67/156.

¹¹ See A/67/261.

¹² See CTOC/COP/2012/15.

Welcoming the interactive dialogue of the General Assembly on the theme “Fighting human trafficking: partnership and innovation to end violence against women and girls”, held in New York on 3 April 2012, which provided an opportunity for Member States, international organizations, civil society and the private sector to unite as one in the global fight against trafficking in persons,

Welcoming also the signing, ratification and accession by a number of Member States in the period from 2010 to 2012 to the United Nations Convention against Transnational Organized Crime, which brings the number of parties to 172, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which brings the number of parties to 153,

1. *Affirms* that trafficking in persons violates and impairs the enjoyment of human rights and fundamental freedoms and requires a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for its eradication;

2. *Urges* Member States that have not yet done so to consider ratifying or acceding to, as a matter of priority, the United Nations Convention against Transnational Organized Crime¹ and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,² taking into consideration the central role of those instruments in the fight against trafficking in persons, and also urges States parties to those instruments to implement them fully and effectively;

3. *Also urges* Member States that have not yet done so to sign and ratify or accede to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,³ the Convention on the Elimination of All Forms of Discrimination against Women,¹³ the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,⁴ and the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization, and also urges States parties to those instruments to implement them fully and effectively;

4. *Notes with appreciation* the steps taken by human rights treaty bodies and the Special Rapporteur of the Human Rights Council on trafficking in persons, especially women and children, the Special Rapporteur of the Council on violence against women, its causes and consequences, the Special Representative of the Secretary-General on violence against children, the Special Rapporteur of the Council on the sale of children, child prostitution and child pornography and the Special Rapporteur of the Council on contemporary forms of slavery, including its causes and consequences, and United Nations agencies and other concerned intergovernmental and governmental organizations, within their existing mandates, as well as civil society, to address the serious crime of trafficking in persons, and encourages them to continue doing so and to share their knowledge and best practices as widely as possible;

¹³ United Nations, *Treaty Series*, vol. 1249, No. 20378.

5. *Calls upon* Governments to continue their efforts to criminalize trafficking in persons in all its forms, including for labour exploitation and sexual exploitation of children, to take measures to criminalize child sex tourism, to condemn the practice of trafficking in persons and to investigate, prosecute, condemn and penalize traffickers and intermediaries while providing protection and assistance to the victims of trafficking with full respect for their human rights, and invites Member States to continue to support those United Nations agencies and international organizations that are actively involved in victim protection;

6. *Encourages* all stakeholders, including the private sector, to strengthen the coordination of efforts to prevent and combat trafficking and to protect, assist and provide effective remedies to the victims of trafficking, including through the Inter-Agency Coordination Group against Trafficking in Persons and regional and bilateral initiatives that promote cooperation and collaboration;

7. *Recognizes* the importance of comparable data disaggregated by type of trafficking in persons, including sex and age, as well as of strengthening national capacity for gathering, analysing and reporting such data, and welcomes the efforts of the Inter-Agency Coordination Group, drawing on the comparative advantages of the respective agencies, to share information, experiences and good practices on anti-trafficking activities of the partner agencies with Governments, other international and regional organizations, non-governmental organizations and other relevant bodies;

8. *Acknowledges* the important work on data collection and analysis conducted by the United Nations Office on Drugs and Crime under its Global Programme against Trafficking in Human Beings by the International Organization for Migration through its Global Counter-Trafficking Module database and by the International Labour Organization through its global database on forced labour, trafficking and slavery-like practice;

9. *Reiterates its request* to the Secretary-General to provide the United Nations crime prevention and criminal justice programme with sufficient resources for the full implementation of its mandates on combating trafficking in persons, in conformity with its high priorities, and to make adequate support to the Commission on Crime Prevention and Criminal Justice, and invites Member States to make voluntary contributions to the United Nations Office on Drugs and Crime for the purpose of providing assistance to Member States upon request;

10. *Welcomes* the work done by the United Nations Office on Drugs and Crime and expresses its full support for its activities in fighting trafficking in persons, and looks forward to the launch, within existing resources, of the report entitled “Trafficking in persons: global patterns”, produced by the Office, as called for by the General Assembly in resolution 64/293 of 30 July 2010, at United Nations Headquarters no later than January 2013;

11. *Invites* States and all other relevant stakeholders to continue contributing to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, and acknowledges previous and ongoing contributions to other funding sources that support efforts to combat trafficking in persons;

12. *Recalls* its decision to conduct, in 2013, an appraisal of the progress achieved in the implementation of the Global Plan of Action to Combat Trafficking

in Persons, and therefore decides to convene, within existing resources, a high-level meeting of the General Assembly at its sixty-seventh session, no later than July 2013, in order to assess achievements, gaps and challenges, including in the implementation of the relevant legal instruments;

13. *Requests* the Secretary-General, in close cooperation with Member States, to take all necessary measures to arrange that high-level meeting, and invites the President of the General Assembly to appoint two co-facilitators to assist him in conducting open-ended informal consultations with Member States with a view to determining the modalities of that meeting, including on the participation of international, regional and subregional organizations, as well as civil society, including non-governmental organizations, the private sector and the media, whose role is emphasized in the Global Plan of Action;

14. *Requests* the President of the General Assembly to prepare a summary of the high-level meeting;

15. *Requests* the Secretary-General to continue, within existing reporting obligations, the practice of including a section on the implementation by the United Nations system of the Global Plan of Action to Combat Trafficking in Persons in his report to the General Assembly under the item on crime prevention and criminal justice, and further requests the Secretary-General to include therein a section on the implementation of the present resolution, bearing in mind the scope of previous reports on this issue.¹⁴

¹⁴ A/63/90, A/64/130 and A/65/113.

Draft resolution VIII

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

The General Assembly,

Recalling its resolution 66/182 of 19 December 2011 and all other relevant resolutions,

Taking note of the report of the Secretary-General,¹

Bearing in mind that weaknesses in crime prevention lead to subsequent difficulties at the level of crime control mechanisms, and bearing in mind also the urgent need to establish effective crime prevention strategies for Africa, as well as the importance of law enforcement agencies and the judiciary at the regional and subregional levels,

Aware of the devastating impact of new and more dynamic crime trends on the national economies of African States, such as the high levels of transnational organized crime being recorded in Africa, including the utilization of digital technology to commit all types of cybercrime, illicit trafficking in cultural property and drugs, piracy and money-laundering, and of the fact that crime is a major obstacle to harmonious and sustainable development in Africa,

Emphasizing that combating crime is a collective endeavour to meet the global challenge of organized crime, and that investment of necessary resources in crime prevention is important to that aim and contributes to sustainable development,

Noting with concern that in most African countries the existing criminal justice system does not have sufficiently skilled personnel and adequate infrastructure and is therefore ill-equipped to manage the emergence of new crime trends, and acknowledging the challenges that Africa faces in litigation processes and the management of correctional institutions,

Recognizing that the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders is a focal point for all professional efforts aimed at promoting the active cooperation and collaboration of Governments, academics, institutions and scientific and professional organizations and experts in crime prevention and criminal justice,

Bearing in mind the Revised African Union Plan of Action on Drug Control and Crime Prevention (2007-2012), aimed at encouraging Member States to participate in and own the regional initiatives for effective crime prevention and good governance and strengthened justice administration,

Recognizing the importance of promoting sustainable development as a complement to crime prevention strategies,

Emphasizing the need to create necessary coalitions with all partners in the process of achieving effective crime prevention policies,

Welcoming the appointment of the new Director of the Institute in May 2012 and welcoming also the concrete proposals by the Secretary-General to strengthen the programmes and activities of the Institute, and noting the expectation of the

¹ A/67/155.

Secretary-General that this appointment will give a boost to the efficient management, policy development, guidance and activities of the Institute,

Noting with concern that the financial situation of the Institute has greatly affected its capacity to deliver services to African Member States in an effective and comprehensive manner,

1. *Commends* the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders for its efforts to promote and coordinate regional technical cooperation activities related to crime prevention and criminal justice systems in Africa;

2. *Also commends* the initiative of the United Nations Office on Drugs and Crime in strengthening its working relationship with the Institute by supporting and involving the Institute in the implementation of a number of activities, including those contained in the Revised African Union Plan of Action on Drug Control and Crime Prevention (2007-2012), on strengthening the rule of law and criminal justice systems in Africa;

3. *Reiterates* the need to strengthen further the capacity of the Institute to support national mechanisms for crime prevention and criminal justice in African countries;

4. *Also reiterates* the benefits, in some cases, of the utilization of alternative remedial measures, where appropriate, applying standards of ethical conduct and using local traditions, counselling and other emerging correctional rehabilitation measures, consistent with the obligations of States under international law;

5. *Notes* the efforts of the Institute to establish contacts with organizations in those countries which are promoting crime prevention programmes and its maintenance of close links with regional and subregional political entities, such as the African Union Commission, the East African Community, the Commission of the Economic Community of West African States, the Intergovernmental Authority on Development and the Southern African Development Community;

6. *Encourages* the Institute, in cooperation with relevant United Nations agencies, to take into account the various planning authorities in the region that focus attention on the coordination of activities that promote development based on sustainable agricultural production and preservation of the environment in developing its crime prevention strategies;

7. *Urges* the States members of the Institute to continue to make every possible effort to meet their obligations to the Institute;

8. *Awaits* the implementation of the decision of the Governing Board of the Institute, at its eleventh ordinary session, held in Nairobi on 27 and 28 April 2011, to carry out a review of the Institute to ensure that it can fulfil its mandate and assume a more prominent role in dealing with existing crime;

9. *Welcomes* the introduction by the Institute of a cost-sharing initiative in its execution of various programmes with Member States, partners and United Nations entities;

10. *Urges* all Member States and non-governmental organizations and the international community to continue adopting concrete practical measures to support the Institute in the development of the requisite capacity and in the implementation

of its programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa;

11. *Urges* all States that have not already done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime² and the Protocols thereto,³ as well as the United Nations Convention against Corruption;⁴

12. *Requests* the Secretary-General to intensify efforts to mobilize all relevant entities of the United Nations system to provide the necessary financial and technical support to the Institute to enable it to fulfil its mandate, bearing in mind that the precarious financial situation of the Institute greatly undermines its capacity to deliver services effectively;

13. *Also requests* the Secretary-General to continue his efforts to mobilize the financial resources necessary to maintain the Institute with the core Professional staff required to enable it to function effectively in the fulfilment of its mandated obligations;

14. *Encourages* the Institute to consider focusing on specific and general vulnerabilities of each programme country and to maximize the use of available initiatives to address crime problems with existing funds, as well as available capacity, by creating useful coalitions with regional and local institutions;

15. *Requests* the Secretary-General to enhance the promotion of regional cooperation, coordination and collaboration in the fight against crime, especially in its transnational dimension, which cannot be dealt with adequately by national action alone;

16. *Requests* the United Nations Office on Drugs and Crime to continue to work closely with the Institute, and requests the Institute to provide the annual report on its activities to the Office as well as to the Conference of Ministers of the Economic Commission for Africa;

17. *Requests* the Secretary-General to continue making concrete proposals, including for the provision of additional core Professional staff, to strengthen the programmes and activities of the Institute, and to report to the General Assembly at its sixty-eighth session on the implementation of the present resolution.

² United Nations, *Treaty Series*, vol. 2225, No. 39574.

³ *Ibid.*, vols. 2237, 2241 and 2326, No. 39574.

⁴ *Ibid.*, vol. 2349, No. 42146.

Draft resolution IX
Preventing and combating corrupt practices and the transfer of
proceeds of corruption, facilitating asset recovery and returning
such assets to legitimate owners, in particular to countries of
origin, in accordance with the United Nations Convention
against Corruption

The General Assembly,

Recalling its resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001 and 57/244 of 20 December 2002, and recalling also its resolutions 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009 and 65/169 of 20 December 2010,

Welcoming the entry into force on 14 December 2005 of the United Nations Convention against Corruption,¹

Recognizing that fighting corruption at all levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication and sustainable development,

Recognizing also that supportive domestic legal systems are essential in preventing and combating corrupt practices, facilitating asset recovery and returning the proceeds of corruption to legitimate owners,

Bearing in mind that the return of assets is one of the main objectives and a fundamental principle of the United Nations Convention against Corruption and that the States parties to the Convention are obligated to afford one another the widest measure of cooperation in that regard,

Recalling the purposes of the Convention, including to promote the integrity, accountability and proper management of public affairs and public property,

Reaffirming the obligations set out in chapter V of the Convention, in order to prevent, detect and deter in a more effective manner the international transfer of proceeds of crime and to strengthen international cooperation in asset recovery,

Acknowledging that the fight against all forms of corruption requires comprehensive anti-corruption frameworks and strong institutions at all levels, including at the local level, able to undertake efficient preventive and law enforcement measures in accordance with the Convention, in particular chapters II and III,

Recognizing that the success of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption depends on the full commitment and constructive engagement of all States parties to the Convention in a progressive and comprehensive process, and recalling in that regard

¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.

resolution 3/1 of the Conference of the States Parties to the Convention,² including the terms of reference of the Mechanism contained in the annex to that resolution,

Bearing in mind that the prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, if their efforts in this area are to be effective,

Reaffirming its concern about the laundering and transfer of stolen assets and proceeds of corruption, and stressing the need to address this concern in accordance with the Convention,

Noting the efforts made by all States parties in tracing, freezing and recovering their stolen assets, in particular States parties in the Middle East and North Africa, taking into consideration recent developments in those States in fighting corruption, and the efforts of and willingness expressed by the international community to assist them in the recovery of those assets in order to preserve stability and sustainable development,

Recognizing that States continue to face challenges in recovering assets owing to, inter alia, differences among legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of corruption proceeds, and noting the particular challenges posed in recovering the proceeds of corruption in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates,

Concerned about the difficulties, particularly the practical difficulties, that both requested and requesting States face in asset recovery, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulty of providing information establishing a link between proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases can be difficult to prove,

Reiterating its concern about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and the values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law, in particular when an inadequate national and international response leads to impunity,

1. *Takes note* of the report of the Secretary-General;³
2. *Condemns* corruption in all its forms, including bribery, as well as the laundering of proceeds of corruption and other forms of economic crime;
3. *Expresses concern* about the magnitude of corruption at all levels, including the scale of stolen assets and proceeds of corruption, and in this regard reiterates its commitment to preventing and combating corrupt practices at all levels, in accordance with the United Nations Convention against Corruption;¹

² See CAC/COSP/2009/15.

³ A/67/96.

4. *Welcomes* the significant number of Member States that have already ratified or acceded to the United Nations Convention against Corruption, and in this regard urges all Member States and competent regional economic integration organizations, within the limits of their competence, that have not yet done so to consider ratifying or acceding to the Convention as a matter of priority, and calls upon all States parties to fully implement the Convention as soon as possible;

5. *Takes note with appreciation* of the work carried out under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and by the Implementation Review Group, and urges Member States to continue to support this work and make every possible effort to provide comprehensive information and adhere to the timelines for review as contained in the guidelines for governmental experts and the secretariat in the conduct of country reviews;

6. *Also takes note with appreciation* of the work of the Open-ended Intergovernmental Working Groups on Asset Recovery and on Prevention of Corruption and the open-ended dialogue with international organizations, welcomes the establishment of the Open-ended Intergovernmental Expert Meeting on International Cooperation, and calls upon States parties to the Convention to support the work of those bodies, including the work of the Implementation Review Group on technical assistance, as well as the continuing work of the Open-ended Intergovernmental Working Groups on Asset Recovery and on the Prevention of Corruption;

7. *Renews* the commitment of all States parties to the Convention to effective national action and international cooperation to give full effect to chapter V of the Convention and to contribute effectively to the recovery of the proceeds of corruption;

8. *Urges* Member States to combat and penalize corruption in all its forms as well as the laundering of proceeds of corruption, to prevent the transfer and laundering of proceeds of corruption and to work for the prompt recovery of such assets in accordance with the principles of the Convention, including chapter V;

9. *Urges* States parties that have not already done so to designate a central authority for international cooperation in accordance with the Convention and, where appropriate, focal points for asset recovery, and also calls upon States parties to give timely consideration to the requests for assistance made by such authorities;

10. *Encourages* States parties to the Convention to use and promote informal channels of communication, in particular prior to making formal requests for mutual legal assistance, by, inter alia, designating officials or institutions, as appropriate, with technical expertise in international cooperation in asset recovery to assist their counterparts in effectively meeting requirements for formal mutual legal assistance;

11. *Calls upon* States parties to the Convention to remove barriers to asset recovery, including, inter alia, by simplifying their legal procedures and preventing abuse of those procedures;

12. *Welcomes* the outcomes of the fourth session of the Conference of the States Parties to the United Nations Convention against Corruption, held in

Marrakech, Morocco, from 24 to 28 October 2011, and calls upon States parties to fully implement the resolutions of the Conference;⁴

13. *Calls upon* States parties to the Convention to afford one another the widest possible cooperation and assistance in the identification and recovery of stolen assets and proceeds of corruption and to give particular and timely consideration to the execution of requests for international mutual legal assistance, in accordance with the Convention, and to afford one another the widest possible cooperation and assistance in the extradition of individuals accused of the predicated offences, in accordance with their obligations under the Convention;

14. *Urges* States parties to the Convention to ensure that procedures for international cooperation allow for the seizure and restraint of assets for a time period sufficient to preserve those assets in full pending proceedings in another State and to allow or expand cooperation in the enforcement of foreign judgements, including through awareness-raising for judicial authorities, in accordance with the provisions of the Convention;

15. *Encourages* Member States, where appropriate and consistent with their domestic legal system, to consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption;

16. *Also encourages* Member States to fight against all forms of corruption by increasing transparency, integrity, accountability and efficiency in the public and private sectors, and recognizes, in this regard, the need to prevent impunity by prosecuting corrupt officials and those who corrupt them and to cooperate in their extradition, in accordance with the obligations under the Convention;

17. *Stresses* the need for transparency in financial institutions, invites Member States to work on the identification and tracing of financial flows linked to corruption, the freezing or seizing of assets derived from corruption and the return of such assets, in accordance with the Convention, and encourages the promotion of human and institutional capacity-building in that regard;

18. *Calls upon* States parties to the Convention to give timely consideration to mutual legal assistance requests relating to the identification, freezing, tracing and/or recovery of proceeds of corruption, and to respond effectively to requests for exchange of information related to proceeds of crime, property, equipment or other instruments referred to in article 31 of the Convention, situated in the territory of the requested State party, in accordance with the provisions of the Convention, including article 40;

19. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, and in this regard encourages Member States that have not yet done so to enact such laws and to implement effective measures at the national level, in accordance with the Convention;

20. *Reaffirms* the need for Member States to take measures to prevent the transfer abroad and laundering of assets derived from corruption, including to prevent the financial institutions in both countries of origin and destination from

⁴ See CAC/COSP/2011/14.

being used to transfer or receive illicit funds, as well as to assist in their recovery and to return such assets to the requesting State, in accordance with the Convention;

21. *Urges* all Member States to abide by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption, in accordance with the Convention;

22. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer and laundering of proceeds of corruption, in accordance with the principles of the Convention, and in this regard encourages close cooperation between anti-corruption agencies, law enforcement agencies and financial intelligence units;

23. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and to discharge its functions as the secretariat of the Conference of the States Parties to the Convention, and also requests the Secretary-General to ensure that the Mechanism for the Review of Implementation of the Convention is adequately funded, consistent with the resolution adopted by the Conference of the States Parties;⁵

24. *Reiterates its call upon* the private sector, at both the international and the national levels, including small and large companies and transnational corporations, to remain fully engaged in the fight against corruption, notes in this context the role that the Global Compact can play in fighting corruption and promoting transparency, and emphasizes the need for all relevant stakeholders, including within the United Nations system, as appropriate, to continue to promote corporate responsibility and accountability;

25. *Urges* the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of proceeds of corruption and to facilitate asset recovery and the return of such proceeds in accordance with the Convention, and to support national efforts in formulating strategies for mainstreaming and promoting anti-corruption efforts, transparency and integrity in both the public and private sectors;

26. *Urges* States parties and signatories to the Convention to strengthen the capacity of legislators, law enforcement officials, judges and prosecutors to deal with matters relating to asset recovery, including in the areas of mutual legal assistance, confiscation, criminal confiscation and, where appropriate, non-conviction-based forfeiture, in accordance with domestic law and the Convention, and civil proceedings, and to give the highest consideration to providing technical assistance in those fields, upon request;

27. *Encourages* Member States to exchange and share with each other, including through regional and international organizations, as appropriate, information on lessons learned and good practices, as well as information related to

⁵ Ibid., sect. I.A, resolution 4/1.

technical assistance activities and initiatives in order to strengthen international efforts to prevent and combat corruption;

28. *Takes note* of the Stolen Asset Recovery Initiative of the United Nations Office on Drugs and Crime and the World Bank and its cooperation with relevant partners, including the International Centre for Asset Recovery, and encourages coordination among existing initiatives;

29. *Welcomes* the establishment of the International Anti-Corruption Academy as a centre of excellence for education, training and academic research in the anti-corruption field, including in the area of asset recovery, and looks forward to its continued efforts in this regard to promote the goals and implementation of the Convention;

30. *Takes note* of the decision by the Conference of the States Parties to the Convention to accept the offer by the Government of the Russian Federation to host its sixth session in 2015, and reiterates its appreciation for the offer by the Government of Panama to host the fifth session of the Conference in 2013;

31. *Requests* the Secretary-General, within existing reporting obligations, to include in his report to the General Assembly at its sixty-eighth session under the item on crime prevention and criminal justice a section entitled “Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption”, and also requests the Secretary-General to transmit to the Assembly the report of the Conference of the States Parties to the United Nations Convention against Corruption on its fifth session.

42. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Reports considered by the General Assembly in connection with the question of crime prevention and criminal justice

The General Assembly decides to take note of the following reports submitted under the item entitled "Crime prevention and criminal justice":

(a) Report of the Secretary-General on follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice;¹

(b) Note by the Secretary-General transmitting the report of the Conference of the States Parties to the United Nations Convention against Corruption on its fourth session.²

¹ A/67/97.

² A/67/218.