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### Commission on Crime Prevention and Criminal Justice

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#### Draft report

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#### Addendum

### **World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice**

1. At its 1st, 2nd, 3rd, 7th and 8th meetings, on 16, 17 and 21 April 2009, the Commission on Crime Prevention and Criminal Justice considered agenda item 4, which read as follows:

“World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice:

- “(a) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime;
- “(b) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption;
- “(c) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the international instruments to prevent and combat terrorism;
- “(d) Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations Crime



Prevention and Criminal Justice Programme network, non-governmental organizations and other bodies.”

2. For its consideration of agenda item 4, the Commission had before it the following:

(a) Report of the Secretary-General on international cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime (E/CN.15/2009/2 and Corr.1);

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

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

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

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

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

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

(h) Note verbale dated 7 April 2009 from the Permanent Mission of Romania to the United Nations (Vienna) addressed to the United Nations Office on Drugs and Crime (E/CN.15/2009/18);

(i) Report of the expert group meeting on crime statistics held in Vienna from 28 to 30 January 2009 (E/CN.15/2009/CRP.3);

(j) Organized crime and its threat to security: tackling a disturbing consequence of drug control; report by the Executive Director of the United Nations Office on Drug and Crime (E/CN.7/2009/CRP.4–E/CN.15/2009/CRP.4);

(k) Joint UNODC-ECA Workshop on Crime Statistics held in Addis Ababa from 9 to 12 December 2008 (E/CN.15/2009/CRP.5).

3. Introductory statements were made by the Director of the Division for Policy Analysis and Public Affairs of the United Nations Office on Drugs and Crime (UNODC) and other representatives of the Secretariat. Statements were made by the observer for the Czech Republic (on behalf of the States members of the European Union, with the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, Serbia, the EFTA country Norway, member of the European Economic Area, as well as Armenia, Georgia, the Republic of Moldova and Ukraine, associating themselves with the statement) and by the representative of Ukraine (on behalf of the States

Members of the United Nations that are members of the Organization for Democracy and Economic Development (GUAM)). Statements were also made by the representatives of the Republic of Korea, Canada, India, Turkey, Thailand, Japan, the United States of America, Saudi Arabia, the United Kingdom of Great Britain and Northern Ireland, Algeria, the Islamic Republic of Iran, Austria, the Russian Federation, Romania, Indonesia, Turkey, Argentina, Colombia and the Libyan Arab Jamahiriya. Statements were also made by the observers for the Plurinational State of Bolivia, Kuwait, Switzerland, Liechtenstein, Belarus, Egypt, Serbia, the Dominican Republic, Sri Lanka, Costa Rica, Panama, Azerbaijan and the Bolivarian Republic of Venezuela. Statements were made by the observers for the Global Alliance against Traffic in Women, the League of Arab States, the Korean Institute of Criminology and the International Society for Traumatic Stress Studies.

## **Deliberations**

### **1. Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime**

4. Several speakers referred to the impact of transnational organized crime on sustainable economic and social development and on the safety and security of States, noting that globalization and increased international trade had facilitated the illicit activities of transnational organized criminal groups. Speakers emphasized the need for efficient cooperation mechanisms at the regional and international levels. Several speakers mentioned that the global financial crisis posed an additional challenge for States, with the risk that organized groups might take advantage of that crisis. Attention was drawn to the importance of enhancing international cooperation to address the global challenge of transnational organized crime within the principles of national sovereignty, non-interference in internal affairs of States, respect for territorial integrity and national legislation, and peaceful coexistence among States.

5. Several speakers stressed the value of the United Nations Convention against Transnational Organized Crime and its Protocols as an adequate international framework for fighting organized crime. States were encouraged to continue championing those instruments and to ensure that they were fully and effectively implemented; international cooperation and technical assistance were key elements to ensuring such implementation. Several speakers recognized UNODC as a key partner in that endeavour and encouraged Member States to continue supporting its work in that area.

6. Speakers noted with satisfaction the progress made in terms of adherence to the Organized Crime Convention and its Protocols such that an almost universal framework of international cooperation existed on a broad range of serious crimes. Much remained to be done however, and States that had not yet done so were urged to become parties to those instruments. One speaker stressed that the full implementation of the Organized Crime Convention and its Protocols would constitute the basis for transparent, integrated and objective international cooperation. Speakers noted that the complexity of the links between various forms of transnational crime, such as economic fraud and identity-related crime,

money-laundering, drug trafficking and the financing of terrorism, required universal adherence to and full implementation of the existing instruments in order to achieve the harmonization of approaches among States having different legal systems.

7. Several speakers noted with appreciation the outcome of the fourth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, held in Vienna from 8 to 17 October 2008. Several speakers welcomed, in particular, Conference decision 4/1 and expressed support for the establishment of an intergovernmental working group on the review of the implementation of the Convention and its Protocols. Several speakers stressed that effective implementation of the Convention and its Protocols required the adoption of a strong, objective and efficient review mechanism, as that would assist in identifying difficulties as well as good practices.

8. Several speakers provided information on measures taken at the national and regional levels to fight organized crime and promote the rule of law, including legislative developments in such areas as the criminalization of participation in an organized criminal group, cybercrime and other offences involving the misuse of information technology; the extension of the criminal liability of legal persons in offences related to organized crime; the waiving of the statute of limitations for offences related to organized crime; broadened jurisdictional rules; and enhanced provisions for the investigation and prosecution of such offences. Reference was made to the Ministerial Conference on Drug Trafficking, Transnational Organized Crime and Terrorism as Challenges to Security and Development in the Caribbean held in Santo Domingo from 17 to 20 February 2009 and to the adoption of a political declaration and action plan.

9. Several speakers made mention of the importance of judicial and law enforcement cooperation and called for improved collaboration through mechanisms of mutual legal assistance, extradition and exchange of information. Several speakers stated that the Organized Crime Convention was being used successfully in their countries and reported on positive developments in the confiscation of proceeds of crime through effective international cooperation, using the Convention as a legal basis. Emphasis was placed on the importance of overcoming existing political, jurisdictional and practical obstacles to enhancing international cooperation. Speakers noted with satisfaction the increased support provided by UNODC in the area of international cooperation and encouraged the Office to continue helping States to improve regional and international cooperation.

10. With regard to technical assistance, some speakers reported on the provision by their Governments of funds and expertise to support UNODC activities in that area and encouraged other Member States to do so as well.

11. Several speakers called upon the international community to show strong political commitment and pay greater attention to the challenges posed by trafficking in persons and the smuggling of migrants. Several speakers welcomed the development by UNODC of a model law on trafficking in persons and the smuggling of migrants and of practical tools to support the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational

Organized Crime. UNODC was invited to continue elaborating practical norms on the basis of experience gained from current projects.

12. Several speakers highlighted the importance of protecting the victims of trafficking in persons and advocated a multidisciplinary approach to combating such trafficking. UNODC and its partners were urged to further strengthen and continue cooperation on technical assistance and on improving assistance provided to victims. Emphasis was placed on the importance of cooperation between UNODC and non-governmental organizations and of working with civil society, in particular on the identification of victims. One speaker noted that insufficient attention was being paid to the issue of trafficking in human organs and called upon Member States to take a firm position and adopt appropriate measures to fight that organized criminal activity.

13. Several speakers welcomed the publication in February 2009 of the Global Report on Trafficking in Persons. Some speakers reiterated their support for the Global Initiative to Fight Human Trafficking (UN.GIFT) and the activities carried out within its framework aimed at raising awareness and creating a conducive environment for sharing experiences and information and building partnerships. Speakers welcomed the work done at the meeting of the Working Group on Trafficking in Persons held in Vienna on 14 and 15 April 2009. One speaker felt that a global plan of action represented the best window of opportunity, as it would ensure full and effective implementation of all the international instruments against trafficking in persons, including the Trafficking in Persons Protocol, and effective coordination among all stakeholders. That speaker also welcomed the idea of holding a thematic debate in the General Assembly in May 2009 on a global plan of action against trafficking in persons. Speakers highlighted the importance of international cooperation and the need to strengthen the role of the Inter-Agency Cooperation Group against Trafficking in Persons. One speaker referred to the need to strengthen the role of the Global Migration Group.

14. Some speakers expressed concern about the growing firepower of criminal organizations and the access of such organizations to sophisticated arms and weapons. They urged States to ensure the exchange of information in real time, to implement the provisions 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, and to overcome the difficulties preventing the ratification and implementation of that protocol. Concern was expressed about the high level of violence and the loss of lives attributable to trafficking in firearms, and States and UNODC were encouraged to continue their efforts to promote the effective implementation of the Firearms Protocol.

15. Several speakers stressed the importance of examining the links between various illicit transnational activities (such as trafficking in persons, drugs and other controlled substances, arms, forest products, exotic and endangered species and luxury goods) and other emerging crimes (such as the criminal use of the Internet and other technologies). The synergy and operational links existing between terrorists and organized crime syndicates needed to be recognized and addressed.

16. In view of the close connection between money-laundering and most forms of transnational crime, one speaker advocated the development of a United Nations

convention on money-laundering, as set out in recommendation 174 of the report of the High-level Panel on Threats, Challenges and Change (A/59/565). One speaker called for coordinated and joint efforts by States to combat the phenomenon of kidnapping and hostage-taking by organized criminal groups and terrorist groups; and requested UNODC to broaden its technical assistance programmes and foster international cooperation, including through the utilization of the United Nations *Counter-Kidnapping Manual*.

17. Expressing concern about the growing challenge posed by piracy, in particular off the coast of Somalia, some speakers drew attention to the transnational dimension of that form of organized crime. Although several international legal instruments had already been adopted to address the problem of piracy, including the United Nations Convention on the Law of the Sea and the 1958 conventions on the law of the sea, it was stressed that national and international maritime legislation should also sanction acts of maritime piracy. The speaker called on the international community to consider the adoption of a protocol against piracy, to supplement the Organized Crime Convention.

18. Some speakers welcomed the holding, pursuant to Commission resolution 16/1, of a meeting of the Open-ended Expert Group on International Cooperation in Preventing and Combating Illicit International Trafficking in Forest Products, including Timber, Wildlife and Other Forest Biological Resources, held in Jakarta from 26 to 28 March 2008, as well as the growing attention being paid to crimes against the environment. One speaker mentioned environmental crime as an emerging form of transnational organized crime and welcomed the adoption of resolutions by the Commission and by the Economic and Social Council in that area. Speakers noted the importance of criminalizing the transport of and trafficking in plants or products traded in violation of national or international law.

19. Regret was expressed that UNODC had not been able to convene the expert group meeting on protection against trafficking in cultural property, pursuant to Economic and Social Council resolutions 2004/34 and 2008/23. Some speakers, noting the continued importance attached by many States to the protection and preservation of cultural property from theft and trafficking, urged Member States and relevant institutions to promote or reinforce mechanisms for strengthening cooperation and mutual assistance to fight such trafficking.

20. Several speakers referred to the importance of strengthening the links and the respective roles of the Commission and the Conference of the Parties to the United Nations Convention against Transnational Organized Crime as policymaking and governing bodies on matters regarding crime prevention and criminal justice.

21. One speaker observed that the Commission was obliged to consider and maintain a proper balance between crime prevention and criminal justice issues, including their national and transnational dimensions. The Secretariat was requested to reflect the issues of crime prevention and criminal justice in a more balanced manner in the documentation for the nineteenth session of the Commission.

**2. Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption**

22. Speakers welcomed the increase in the number of States parties to the United Nations Convention against Corruption and urged those Member States that had not yet done so to accede to or ratify the Convention and implement its provisions. One speaker stated that the Organized Crime Convention and the Convention against Corruption were groundbreaking instruments in setting standards for international cooperation, and UNODC was encouraged to continue promoting those two instruments. Speakers reaffirmed the need to establish an effective and efficient mechanism for reviewing the implementation of the Convention against Corruption, which would also be crucial in identifying technical assistance needs and filling gaps in implementation. The Convention provisions on asset recovery were considered particularly important and required specialized technical assistance in order to give them full effect. The usefulness of the Convention as a direct legal basis for international cooperation requests was noted.

23. Speakers welcomed the efforts by UNODC to assist States in implementing the Convention against Corruption, including through the Stolen Asset Recovery (StAR) initiative developed and jointly implemented by the World Bank and UNODC. Responding to a request from the floor, a representative of the Secretariat provided additional information on the initiative. One speaker provided an update on the establishment of the International Anti-Corruption Academy in partnership with the International Criminal Police Organization (INTERPOL). Several speakers informed the Commission about their Governments' efforts to implement the Convention, including through the adoption of legislation in conformity with the provisions of the Convention, the establishment and strengthening of anti-corruption authorities and international cooperation on asset recovery. The importance of the involvement of civil society and the private sector was highlighted. One speaker noted that promoting e-government was an effective way to increase transparency in transactions and eliminate the effect of personal relationships, as well as to provide accurate standards for accountability and auditing.

**3. Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the international instruments to prevent and combat terrorism**

24. In her introductory statement, the Chief of the Terrorism Prevention Branch referred to the technical assistance delivered by UNODC in the area of counter-terrorism and to the challenges lying ahead. Expanded capacity-building efforts were urgently needed to enable Member States to fully and effectively utilize the relevant international legal instruments. In that regard, UNODC had begun to build specialized legal knowledge and deliver expertise for strengthening the capacity of national criminal justice systems to apply the legal regime against terrorism in conformity with the rule of law. UNODC was drawing on available in-house capacity and was enhancing its collaboration and coordination with other relevant entities and organizations to that end.

25. Many speakers noted that terrorism constituted a serious challenge to international peace and security and it threatened to undermine the values on which the United Nations was based, including the rule of law, respect for human rights,

fundamental freedoms and the opportunity for all to achieve social and economic development. Several speakers stated that terrorism should not be associated with any particular nationality, society, religion or ethnic group. Speakers expressed solidarity with the victims and relatives of victims of acts of terrorism.

26. Several speakers underlined the importance of upholding the rule of law, respecting human rights and complying with international obligations and standards in countering terrorism. Effective counter-terrorism measures and respect for the rule of law were viewed as complementary and mutually reinforcing. The importance of criminal justice response, duly conforming with the principles of the rule of law was mentioned. It was noted that counter-terrorism measures must comply with the Charter of the United Nations and with the obligations of Member States under international humanitarian and refugee law.

27. Many speakers stressed the importance of the efforts of the international community and the pivotal role of the United Nations, including through the United Nations Global Counter-Terrorism Strategy,<sup>1</sup> in countering terrorism, an area that remained a key priority. Several speakers drew attention to the need to address the conditions conducive to the spread of terrorism. One speaker referred to the importance of the reintegration of individuals associated with terrorist acts and to the action taken by his Government in that regard.

28. Most speakers acknowledged the value of the technical assistance delivered by UNODC, which had become the main provider of technical assistance within the United Nations system on the legal and related aspects of countering terrorism. Speakers expressed support for the work of UNODC in assisting Member States to become parties to and implement the relevant international instruments related to terrorism, including its work to strengthen the capacity of national criminal justice systems to apply effectively the provisions of those instruments and to reinforce international cooperation. The expertise and operational capacity of UNODC in several aspects of drug control and crime prevention were considered significant comparative advantages for delivering technical assistance in the area of counter-terrorism.

29. Some speakers made specific reference to the efforts of UNODC to provide specialized expertise through technical assistance tools, in particular the innovative online training course on global norms against terrorism at work (offered in English and French) and the forthcoming digest of cases for counter-terrorism practitioners. Appreciation was expressed for the organization by UNODC of regional and subregional workshops, including several at the ministerial level.

30. Several speakers stressed that technical assistance needed to be sustained and intensified in order to ensure effective and adequate follow-up to initial assistance efforts and thus achieve a long-term impact. The need for specialized and systematic training for criminal justice officials was highlighted.

31. Several speakers underlined the importance of close collaboration with the counter-terrorism bodies established by the Security Council. Support was expressed for the work of the Counter-Terrorism Implementation Task Force and for the contributions made by UNODC to that work. The recent institutionalization of the Task Force was welcomed, as was the active involvement of UNODC in many

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<sup>1</sup> General Assembly resolution 60/288.



of the Task Force working groups, including as co-chair of the Working Group on Integrated Assistance for Countering Terrorism.

32. Attention was drawn to the importance of working in partnership and the importance of enhanced cooperation and coordination, both within UNODC and between UNODC and other entities and organizations at the international and regional levels. Specific reference was made to the need for close cooperation between UNODC and the International Atomic Energy Agency in the area of combating nuclear terrorism.

33. A number of speakers noted the need for strengthening the exchange of information among Member States and the relevant United Nations entities.

34. Several speakers described measures taken by their Governments to implement the legal regime against terrorism, including the ratification of existing international legal instruments related to terrorism. Other legislative measures included the criminalization of terrorism-related offences, the building of capacity to prevent and prosecute terrorist acts and the introduction of specific arrangements for identifying the financing of terrorism, including new provisions relating to money-laundering and to the seizure and confiscation of funds. Other measures included the creation of specialized counter-terrorism bodies and inter-agency coordination mechanisms, capacity-building at police and intelligence agencies to respond effectively to the threat of international terrorism, and activities addressing issues related to the victims of terrorism. Reference was made to specific national activities geared towards the ratification and implementation of the relevant international legal instruments and undertaken with support from UNODC and also to the technical assistance provided by UNODC to assist States in meeting the reporting obligations in respect of the relevant Security Council committees.

35. Several speakers emphasized that international and regional cooperation in criminal matters, in particular in extradition and mutual legal assistance, including observance of the principle of “extradite or prosecute”, was crucial to any effort to prevent and combat terrorism. Some speakers made reference to regional conventions relating to terrorism and to the need to develop regional and subregional mechanisms for fostering cooperation in criminal matters as a way to counter terrorism and the need for in-depth training in international cooperation in criminal matters also as a way to counter terrorism. A call was made to reinforce support for the African Centre for Studies and Research on Terrorism.

36. The importance of depriving terrorists of their sources of financing was stressed. Several speakers noted the links between terrorism and other forms of crime, including organized crime, money-laundering, cybercrime, identity theft, drug trafficking and corruption. A few speakers made reference to the increase in acts of piracy. One speaker noted that piracy and terrorism should be dealt with as two distinct crimes.

37. Emphasis was placed on the importance of integrated services that incorporated the cross-cutting aspects of drug control and the prevention of crime and terrorism to provide synergetic responses. Some speakers noted that there was a need to ensure that areas of synergy were established within UNODC to deal with cross-cutting issues of counter-terrorism and other relevant substantive areas of the Office’s work, such as money-laundering, transnational organized crime, drug trafficking, corruption and criminal justice reform. It was noted that the thematic

programme on terrorism prevention elaborated by UNODC provided valuable strategic direction.

38. It was observed that the constantly changing and increasingly complex and multifaceted nature of terrorism required a long-term approach on various fronts. One speaker underlined the value of public-private sector partnerships as essential to the fight against organized crime and terrorism.

39. A number of speakers highlighted the need to complete the work on the draft comprehensive convention on international terrorism, including an agreed definition of terrorism. The need to distinguish between acts of terrorism and acts undertaken in the course of the legitimate struggle for self-determination as recognized under international humanitarian law was stressed.

40. Many speakers called upon the international community and donors to provide adequate financial resources for the counter-terrorism work of UNODC. A number of speakers noted that UNODC required increased core capacity and specialized expertise for its counter-terrorism work and that that, in turn, required increased resources, including allocations from the regular budget of the United Nations.

41. In her concluding remarks, the Chief of the Terrorism Prevention Branch took note of the call by Member States to intensify the work of UNODC within its mandate; to develop innovative measures; to better utilize areas of synergy; and to continue to enhance partnerships.

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

42. Welcoming the initiatives carried out by UNODC in the area of international crime data collection, one speaker emphasized that the collection of such data was essential and that the United Nations Survey on Crime Trends and Operations of Criminal Justice Systems needed to be revised and streamlined. In that regard, Member States should provide the necessary resources to support data collection and should also provide UNODC with relevant, timely and accurate information on crime trends and the operation of criminal justice systems. Other speakers highlighted the importance of comprehensive data on crime trends in combating specific manifestations of crime and observed that ensuring the availability of such data should constitute part of the work of the Commission. One speaker reported that his Government was engaged in an initiative to collect, combine and standardize data collected through the United Nations Survey on Crime Trends and Operations of Criminal Justice Systems.

43. One speaker referred to the regional high-level conference for promoting the rule of law and human security in South-Eastern Europe held in Belgrade on 30 and 31 March 2009 and organized jointly by UNODC and the Government of Serbia. The States participating in the conference had signed a joint statement in which they confirmed their commitment to coordinate their responses to the transnational threats of organized crime, trafficking in drugs and in persons, smuggling of migrants and of firearms, money-laundering and the financing of terrorism, corruption, drug abuse and the spread of HIV/AIDS. The conference had also

endorsed a programme on promoting the rule of law and human security in South-Eastern Europe.

44. One speaker referred to the Third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, held in Bucharest from 23 to 25 March 2009, at which 102 Member States had been represented. The agenda for the Summit had been developed in cooperation with UNODC and included a number of items aimed at increasing the efficiency and effectiveness of criminal justice systems and fostering international cooperation.

45. It was noted that international cooperation and effective measures to combat piracy should be promoted within the mandate of the International Maritime Organization to ensure maritime safety.

46. A number of speakers referred to the activities carried out by members of the United Nations Crime Prevention and Criminal Justice Programme network and to the contributions that members of the network had made in areas such as overcrowding in prisons, the development of a survey to facilitate reporting by States in relation to the Organized Crime Convention and the Convention against Corruption, violence against women and prison reform.

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