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Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice

Note verbale dated 9 January 2012 from the Permanent Mission of the Republic of Korea to the United Nations (Vienna) addressed to the United Nations Office on Drugs and Crime

The Permanent Mission of the Republic of Korea to the United Nations (Vienna) presents its compliments to the United Nations Office on Drugs and Crime and has the honour to forward, pursuant to Commission on Crime Prevention and Criminal Justice resolution 19/3, the outcome of the Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, held in Seoul, Republic of Korea, from 29 June to 2 July 2011, with the request that it will be made available as an official document at the twenty-first session of the Commission on Crime Prevention and Criminal Justice, to be held in Vienna from 23 to 27 April 2012.

The Permanent Mission of the Republic of Korea to the United Nations (Vienna) avails itself of this opportunity to renew to the United Nations Office on Drugs and Crime the assurances of its highest consideration.

* E/CN.15/2012/1.



Annex to the note verbale dated 9 January 2012 from the Permanent Mission of the Republic of Korea to the United Nations (Vienna) addressed to the United Nations Office on Drugs and Crime

Report on the Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, held in Seoul from 29 June to 2 July 2011

I. Background

1. In its resolution 19/3, entitled “Hosting of the Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors by the Republic of Korea”, the Commission took note of the conclusions and recommendations of the Third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, held in Bucharest on 24 and 25 March 2009. The Commission welcomed the initiative of the Government of the Republic of Korea to act as host to the Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, in 2011, while deeply regretting the devastating natural disaster that struck Chile in February 2010 and that led to the Government of Chile withdrawing its offer to act as host to the Fourth World Summit.

2. In the same resolution, the Commission requested the United Nations Office on Drug and Crime (UNODC) to assist the Government of the Republic of Korea in the preparations for the Fourth World Summit in collaboration with the technical secretariat of the World Summit and the International Association of Prosecutors, and invited Member States and other donors to provide extrabudgetary contributions, in accordance with the rules and procedures of the United Nations, for assisting in the hosting of the Fourth World Summit.

II. Attendance and organization of work

3. The Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors was held in Seoul, Republic of Korea, from 29 June to 2 July 2011.

A. Attendance

4. The Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors was attended by representatives of 98 States. Also attending the Summit were observers for United Nations Secretariat units and other entities and specialized agencies of the United Nations system and intergovernmental and non-governmental organizations.

B. Opening

5. The Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors was officially opened on 30 June 2011, by the Prosecutor General of the Republic of Korea, who welcomed the participants to the Summit. He

emphasized that the goal of the Summit was to discuss the common roles and functions that the prosecution services could play in upholding the rule of law in the domestic and international spheres, and in maintaining social order and protecting human rights in criminal proceedings. The Prosecutor General of the Republic of Korea also highlighted the challenges posed by emerging crimes to the rule of law, and stressed that mechanisms of international cooperation in criminal matters needed to be enhanced to promote more streamlined cooperation among States.

6. The Under-Secretary-General for Legal Affairs of the United Nations indicated that upholding the rule of law was at the centre of the Organization's objectives, and described it as a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. She further underlined that the principle of rule of law required the adoption of measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency. She also referred to the principle of complementarity as a benchmark for defining the interrelationship between national and international criminal justice norms and stressed the need for strengthening judicial capacity to implement such norms.

7. The Secretary-General of the United Nations, through a video message, expressed his support for the holding of the Summit and reiterated that the work of the United Nations and of the International Criminal Court depended on the continued engagement and support of States.

8. The President of the Republic of Korea addressed the Summit emphasizing that the upholding of the rule of law in all jurisdictions was dependent on international cooperation. He also recommended the creation of a structure whereby prosecution services could collaborate for this purpose. He further recalled the G20 Summit goals of 2010, and called for the achievement of fairness and justice in societies through international cooperation. He also stressed the important role of prosecution offices in preserving and promoting the rule of law.

9. The President of the International Association of Prosecutors (IAP) thanked the Government of the Republic of Korea for hosting the Summit and stressed that the Annual Meeting of the International Association of Prosecutors had a complementary relation to the World Summit. He referred to the guidelines on the role of prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana in 1990, as well as the IAP Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors, acknowledged by the Commission on Crime Prevention and Criminal Justice in its resolution 17/2 of 2008, as important standards and norms that delineate the role and functions of the prosecution services.

10. The Prosecutor General of Romania provided a brief account of developments since the Second Summit, held in Qatar in 2005, and the Third Summit, held in Romania in 2009. She stressed the role of the technical secretariat of the Summit,

established by the Government of Romania, in fostering collaboration among prosecution services involved in hosting the Summit.

11. The Attorney General of Qatar recalled the important role of the Summit with regard to the promotion of the rule of law worldwide and across national jurisdictions. He recognized the contribution of international tribunals in finding ways to enhance international cooperation and underlined that active and quick national responses were needed in order to fight corruption and crime in all their forms. With reference to the third session of the Conference of the States Parties to the United Nations Convention against Corruption, held in Doha in 2009, he recalled the achievements made by States and the continuing challenges in the fight against corruption worldwide, which needed to continue, especially in view of economic crisis.

C. Administrative session

12. At the administrative session held on 30 June 2011, the Prosecutor General of the Republic of Korea was elected President of the Summit by acclamation. The Summit also endorsed the chairpersons of the plenary sessions, Mr. Joon Gyu Kim; Ms. Patricia O'Brien, United Nations Under-Secretary-General for Legal Affairs; Ms. Olyvia Martha Imalwa, Prosecutor General of Namibia; Mr. James Hamilton, President of the International Association of Prosecutors; and Mr. Brian Joseph Saunders, Director of Public Prosecutions, Canada.

III. Proceedings of the Summit

A. Plenary sessions

(a) Targeting the proceeds of crime

13. At its first plenary session of 30 June 2011, the Summit focused on the role, function and significance of prosecution services in targeting the proceeds of crime. The Plenary heard statements by the Prosecutor General of Italy, the Prosecutor General of Albania, the Prosecutor General of Saudi Arabia, the Prosecutor General of Japan and the Director of Public Prosecutions of Zambia. Interventions were also made by the Deputy Assistant Attorney General of the United States of America, the Director of Public Prosecutions of France, the Senior Deputy Prosecutor General of Austria, the Deputy Prosecutor General of Ukraine, the Director of Public Prosecutions of Fiji and the Deputy Prosecutor General of the Russian Federation.

14. Most of the speakers pointed to the importance of adopting and implementing adequate legislation for targeting the proceeds of crime and of maximizing synergies among judicial systems through international cooperation in this regard. Speakers made reference to different forms of seizure and confiscation of the proceeds of crime, including non-conviction-based confiscation, preventive seizure applicable particularly in serious organized crime cases, and value-based confiscation. One speaker highlighted the importance of developing national capabilities in order to target proceeds of crime and develop effective legislation to that effect. In this connection, the need to invest in human resources and in appropriate facilities and equipment was highlighted.

15. Speakers stressed the need to ensure the development of robust seizure and confiscation regimes at the domestic level, as well as to regulate the administration of seized and confiscated assets when dealing with corruption and economic crime cases. Several speakers noted that corruption was an obstacle to the correct utilization of the proceeds of crime, some of which were not transformed into public assets due to corruption schemes. In this context, many speakers stressed the need for States to ratify and implement the United Nations Convention against Corruption, the United Nations Convention against Transnational Organized Crime and the International Convention for the Suppression of the Financing of Terrorism. Some speakers also suggested limiting the concept of immunity for individuals holding public office, particularly those in higher levels of government — a measure which could lead and has led in some States to less politicized and more transparent and effective criminal proceedings.

16. Speakers also highlighted the importance of putting in place measures in the private sector that would prevent crime or minimize the chances of its commission. Many speakers underlined the vital role that the financial sector played in targeting the proceeds of crime, in particular through the identification of possible perpetrators and the swift freezing of assets, including those assets that had been moved outside of the jurisdiction where the crime was committed. Some speakers also stressed the need for States to put in place schemes for protecting financial and banking systems.

17. Most speakers stressed that international cooperation was essential in the prevention, investigation and prosecution of offences, including the targeting of proceeds of crime. In this context, speakers shed light on the need to foster mechanisms for such cooperation including through concluding bilateral treaties or arrangements and enhancing mutual legal assistance in line with applicable multilateral conventions. Some speakers also mentioned the obligation of prosecutors to share experiences with their counterparts in other States. One speaker suggested the creation of a global database on rules of asset recovery that could be readily accessible in each State.

18. Acknowledging that the rule of law could only be upheld through the protection of human rights, most speakers noted that fair and transparent procedures for dealing with the proceeds of crime were needed.

(b) Dealing with specific groups of people in contact with criminal justice

19. At its second plenary session of 30 June 2011, the Summit discussed the role of prosecutors in dealing with specific groups of people in contact with criminal justice. The Plenary heard statements by the United Nations Under-Secretary-General for Legal Affairs, the Prosecutor General of China, the Attorney General of the United Kingdom of Great Britain and Northern Ireland, the Attorney General of Panama, the Chairman of the Board of Prosecutors General of the Netherlands, the Attorney General of Bahrain and the Prosecutors General of the Philippines. Interventions were also made by the Attorney General of Nepal, the Attorney General of Angola, the Supreme State Prosecutor Councillor of Slovenia and a representative of the State Prosecution Service of Paraguay.

20. Many speakers recognized the need to strengthen international and regional cooperation among prosecution services and law enforcement authorities in dealing

with specific groups of people, including children and juvenile offenders, and victims and witnesses, especially in cases of human trafficking. Speakers also provided examples of successful cooperation with other countries and referred to their obligations under relevant international conventions, including the Convention on the Rights of the Child and its Optional Protocols, the United Nations Convention against Transnational Organized Crime and its supplementary Trafficking in Persons Protocol, and the United Nations Convention against Corruption.

21. Several speakers presented measures taken at the domestic level, including the adoption of legislation and the establishment of ad hoc institutions, to ensure that effective witness protection is guaranteed for those specific groups of people. Speakers highlighted the need to strengthen the professional ethics and qualifications of prosecutors through appropriate education and training measures, while taking into account public opinion and fostering public trust.

22. Speakers also discussed national experiences with regard to offenders collaborating with prosecution services, including on challenges faced in this regard. Under common law, immunity or a reduction in sentence could be offered to an offender agreeing to assist the prosecution, on the basis of a decision by the prosecutor and a sufficient degree of transparency and accountability. While such prosecutorial powers could be increasingly useful in cases of financial crime, a risk remained that the successful prosecution of cases would be hindered by collaborating offenders providing insufficient and contradictory information.

23. Speakers recognized the value of increased cooperation among all components of the criminal justice system. With reference to recent case law of the European Court of Human Rights, one speaker called for an integrated approach of cooperation between prosecution services, other government authorities and non-governmental organizations, in order to enable effective prevention, protection and prosecution in connection with cases of trafficking in persons.

24. Some speakers highlighted the social, economic and political difficulties faced by developing countries and countries affected by armed conflict and stressed that the international community should assist them in implementing measures to protect vulnerable groups in contact with the justice system.

(c) Addressing emerging crimes and prosecuting international crimes

25. At its morning session of 1 July 2011, the Plenary considered ways to effectively counteract emerging forms of crime and to prosecute international crimes. The Plenary heard statements by the Prosecutor General of Spain, the Attorney General of Singapore, the General Prosecutor of Turkey, the Attorney General of Jordan, the Prosecutor General of Kazakhstan and the Prosecutor General of the Islamic Republic of Iran. Interventions were also made by the Attorney General of Zimbabwe, the Chief Prosecutor of Sweden and the Solicitor General of Malaysia.

26. Speakers highlighted the challenges and limitations faced by States in fighting international and transnational crime, including differences in criminal procedures and limitations to jurisdiction. The need for international and regional cooperation and technical assistance was stressed, including measures to ensure witness

protection, information exchange and mutual legal assistance, in order to prosecute international and transnational crimes more effectively and avoid impunity.

27. Most speakers noted that the development of technology and the enhancement of communications were necessary to meet the needs of practitioners worldwide, but were faced with a number of emerging challenges. In this context, speakers highlighted the risk cybercrime posed to national and individual security, and noted that identity theft was of particular concern as it could lead to the perpetration of other crimes, such as bank and credit card fraud. Several speakers stated that identity theft was a regular activity carried out through now common practices such as phishing and spear phishing and through the attainment of personal data from social network sites. Speakers suggested that, accordingly, Governments should typify identity theft as an offence within their domestic legislation in order to adequately deal with it and its consequences.

28. Regarding the creation and application of appropriate legislation and other measures to deal with cybercrime, several speakers recommended the adoption of international or regional conventions that could balance the rights of people using the Internet while effectively combating cybercrime. Some speakers suggested the creation of a model law that would penalize cybercrime, while others further suggested that such international instruments address one specific crime at a time, such as identity theft. One speaker proposed the creation of a supranational institution for cross-border judicial coordination which would function as a focal point for collecting and distributing data on cybercrime threats and judicial assistance requests to national judicial institutions.

29. Many speakers stated that there were large disparities among States in their technological capacities to address the issue of cybercrime. For this reason, speakers noted, international cooperation was vital in facilitating assistance and exchange of practices and information between judicial and security authorities, ensuring the use of technology among prosecutors and security forces and keeping up to date with innovations and modern practices.

30. Several speakers highlighted the many steps their States had taken in order to provide training for police and law enforcement officials to combat cybercrime, both in technological and legal terms. Some examples of this were the provision of technological training to prosecutors and the use of international or regional institutions to coordinate efforts to combat cybercrime.

31. One speaker drew attention to the fact that many perpetrators of international crimes were living as refugees and migrants in other States. With reference to domestic measures taken to investigate and prosecute such perpetrators, a call was made for States to take their responsibility to prosecute seriously, in order to avoid impunity for international crimes.

32. One speaker addressed the issue of maritime piracy, which remained one of the main challenges for the international community. Reference was made to national experiences and measures taken in this regard, as well as to several international instruments, including the United Nations Convention on the Law of the Sea, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the International Convention against the Taking of Hostages, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, which could be used as legal bases for the

prosecution of and cooperation in cases of maritime piracy. States needed to criminalize maritime piracy in order to exercise their jurisdiction over this crime. Increased international cooperation, mutual legal assistance, prisoner transfer arrangements and technical assistance for relevant national courts, among other measures, were also needed.

33. One speaker highlighted the threat posed by terrorism and other crimes committed to finance terrorism, such as trafficking in persons, drug and arms trafficking and money-laundering. With reference to national measures taken to address these issues, the speaker stressed the need for enhancing international and regional cooperation, in order to enhance regional security structures and confidence-building measures.

(d) Shifting towards an enhanced cooperative paradigm

34. At its first afternoon session of 1 July 2011, the Plenary examined ways to strengthen international cooperation to ensure a fair and just society. The Plenary heard statements by the Director of Public Prosecutions of the United Republic of Tanzania, the Prosecutor General of Chile, the Attorney General of Indonesia, the Prosecutor General of Romania, the Attorney General of Sri Lanka, the Director of Public Prosecutions of the Bahamas and the Prosecutor General of the General Prosecution Service of Celle (Germany). Interventions were also made by the Deputy Prosecutor General of the Russian Federation, the Deputy Prosecutor General of Morocco and the Vice Prosecutor General of Brazil.

35. Speakers identified existing challenges and difficulties in achieving effective international cooperation in criminal matters, including differences between legal systems, especially with regard to the requirement of double criminality and the discretionary or mandatory nature of prosecution for certain offences, often resulting in long waiting times when dealing with assistance requests. Some countries also lacked capacity and personnel, while others were reluctant to ratify relevant international instruments.

36. Speakers highlighted national best practices, cooperation experiences and ways to enhance cooperation at the bilateral, regional and international levels. In this regard, the use of cross-border joint investigation teams consisting of police and prosecutors of different States was cited as an example to enhance mutual legal assistance. One speaker also highlighted the need for technical assistance and referred to the work of the Stolen Asset Recovery Initiative, jointly supported by UNODC and the World Bank.

37. Several speakers suggested that action should be taken to enhance international cooperation, based on the principles of trust, solidarity and common responsibility. Concrete suggestions included training for prosecutors with a view to addressing differences between legal systems, the dissemination of knowledge and best practices through seminars, workshops and publications, including guidelines for prosecutors. It was also recommended that a standardized format should be used for assistance requests and that informal dialogue and direct contacts among prosecutors should be enhanced. Better coordination between international judicial and police cooperation was also considered necessary. Speakers recognized the value of new technologies such as video link testimony and information-sharing through online databases.

38. A proposal was made to consider creating new United Nations conventions on extradition and mutual legal assistance complementary to relevant regional instruments, as well as a specific tribunal on piracy. It was proposed that a monitoring committee should be created, with equitable regional composition, to report to subsequent Summits on the implementation of the Summit's recommendations in the different regions.

(e) Open floor

39. At its second afternoon session of 1 July 2011, the Plenary heard interventions by the Attorney General of Bangladesh, the Prosecutor General of Guinea, the State Attorney of Israel, the Assistant Attorney General of Mozambique, the Director of Public Prosecutions of Nauru, the Prosecutor General of the Democratic Republic of the Congo, the Attorney General of Bhutan, the Chief Prosecutor of Timor-Leste, the Prosecutor General of Rwanda and the Attorney General of Samoa.

40. Speakers congratulated the Government of the Republic of Korea for the successful outcome of the Summit, and thanked the Prosecutor General of the Republic of Korea for his hospitality. Speakers also reiterated that international cooperation was the cornerstone for effectively combating transnational organized crime and international crimes. Speakers from smaller jurisdictions in particular called for the continued and increased support to their prosecution services and judicial systems in combating corruption and transnational organized crime.

B. Special sessions

(a) Presentations by international organizations

41. Following the second plenary session on 30 June 2011, the Plenary heard presentations by different international bodies and organizations on their role in dealing with issues related to the topic of the Summit. Statements were made by the General Counsel of the International Association of Prosecutors, the Director of the Division for Treaty Affairs of UNODC, and the Prosecutor General of the General Prosecution Service of Celle (Germany), in his capacity as representative of the Consultative Council of European Prosecutors of the Council of Europe.

(b) Regional summit

42. Prior to the morning session of 1 July 2011, the Plenary was split into four regional groups in order to devote attention to "New initiatives of the prosecution service".

43. The African group discussed ways to strengthen international and national legislation and procedures including possible harmonization of laws, as well as issues concerning human trafficking, civil recovery, training in civil forfeiture, assistance and training provided by UNODC, the use of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, ways to seize proceeds of crime outside the personal or territorial jurisdiction and ways to identify and track different forms of crime.

44. The Americas group discussed international cooperation initiatives implemented in the region, including through the Iberoamerican Association of Prosecution Services (Asociación Iberoamericana de Ministerios Públicos

(AIAMP)), as well as good practices and national experiences in the area of training and capacity-building, witness protection, evidence-sharing, mutual legal assistance and information-sharing, and methods to enhance the efficiency of prosecutorial practice.

45. The Middle East/Asia Pacific group discussed the “IAP Model Treaty for the Asia-Pacific Convention in Criminal Justice”, a non-binding treaty that would bring a multilateral and comprehensive approach to combating crime. States of the region displayed support for the Model Treaty, acknowledging that diplomatic channels were at times slow, thus necessitating the direct contact between prosecution services. States further discussed the need to bring better coordination for crimes of transnational nature, as well as the need to utilize modern technologies for efficient communication among prosecution services. States supported the provisions contained in the Model Treaty for supranational and supraregional methods for combating crime.

46. The European group discussed the ways in which prosecution services could streamline the administrative process in view of financial and budgetary constraints. States commented on their national experiences in streamlining administrative processes and discussed the “IAP Model Treaty for the Asia-Pacific Convention in Criminal Justice” and mechanisms for regional cooperation.

IV. Closure of the Summit

47. At its closing session of 1 July 2011, the Director of the Division for Treaty Affairs of UNODC presented a summary of the report on the Fourth Summit. The Prosecutor General of the Republic of Korea presented a revised draft declaration which was adopted by the Summit by acclamation (see annex). In his closing address, the Prosecutor General of the Republic of Korea thanked all participants, as well as UNODC and IAP, for their support and collaboration in the Summit.

Appendix

2011 Seoul Declaration on “New Initiatives of the Prosecution Service — Fair and Just Society”

We, the participants in the Fourth World Summit of Prosecutors General, Attorneys General and Chief Prosecutors,

Having assembled in Seoul, Republic of Korea, from 29 June to 2 July 2011,

Recalling the work and outcomes of the three previous World Summits, held in Antigua, Guatemala (2004), Doha, Qatar (2005) and Bucharest, Romania (2009),

Reaffirming the key role of Prosecutors General, Attorneys General and Chief Prosecutors in ensuring the proper, efficient and fair administration of the criminal justice system,

Reaffirming also the leading role of the United Nations Office on Drugs and Crime, as well as other international organizations and the International Association of Prosecutors, in promoting international standards on the professional functions,

duties and independence of prosecutors, including the United Nations Guidelines on the Role of Prosecutors (1990);¹ the Council of Europe Recommendation Rec(2000)19 on the role of criminal prosecution in the criminal justice system (2000);² the European Guidelines on Ethics and Conduct for Public Prosecutors (“The Budapest Guidelines”, 2005); and the Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors,³

Recognizing the need to deny criminals and organized criminal groups the proceeds of their crimes, as well as the role, functions and significance of prosecution services in targeting, freezing or seizing and confiscating those proceeds,

Stressing the need for appropriate protection measures to specific groups of people in contact with criminal justice, including victims of crime and witnesses, as well as children and juveniles,

Convinced that criminal justice responses to juvenile delinquency should take into account the human rights and best interests of children and juveniles, as called for in the Convention on the Rights of the Child and its Optional Protocols, and in relevant United Nations standards and norms in juvenile justice,

Noting with concern the rise of new and emerging forms of transnational crime,

Noting also that the development of information and communications technologies and the increasing use of the Internet create new opportunities for offenders and facilitate the growth of crime,

Acknowledging the importance of international cooperation in criminal matters in accordance with international obligations and national laws as a cornerstone of the efforts of States to prevent, prosecute and punish crime, in particular in its transnational forms,

Stressing the importance of technical assistance and training which are tailor-made to the specific needs of prosecution services, as well as law enforcement and judicial authorities, as appropriate, with the aim of improving the capacity of those authorities to deal effectively with complex matters related to the investigation, prosecution and adjudication of crimes, including ways and means to target the proceeds derived from them,

Declare as follows:

1. We recognize the importance of pursuing new initiatives to promote the rule of law and achieve the common goal of a fair, just and secure society.
2. We encourage efforts geared towards strengthening the role of public prosecution services to guarantee in our activities the application of human rights and the rule of law.

¹ Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, from 27 August to 7 September 1990.

² Adopted by the Committee of Ministers of the Council of Europe on 6 October 2000.

³ Commission on Crime Prevention and Criminal Justice resolution 17/2, annex.

3. We stress the need for all States to adopt within their national legal systems effective measures for the identification, freezing or seizure and confiscation of proceeds of crime or property acquired through, or involved in, the commission of a crime and the profits therefrom. We also recommend that States take all appropriate measures as may be necessary to regulate the administration by their competent authorities of frozen, seized or confiscated proceeds of crime or property and the profits therefrom.

4. We underline the importance of strengthening international cooperation for purposes of confiscation and effective and prompt asset recovery and, where appropriate, taking such measures as may be necessary to allow confiscation of proceeds of crime or property and the profits therefrom without a criminal conviction in cases where the offender cannot be prosecuted by reason of death, flight or absence or in other cases that may be prescribed in national legislation. We further stress the need for States to enter into bilateral and multilateral agreements or arrangements on asset-sharing and recovery with respect to criminal proceedings, as well as assets confiscated in the context of international cooperation, using, if necessary, model treaties developed by the United Nations and the G-8.

5. We recommend that States take and implement appropriate legal and administrative measures, as well as make use of and further develop the potential of the prosecution services, to ensure the protection of victims of crime, taking into account the specific needs of socially vulnerable groups such as children and juveniles, women, disabled persons and consumers. To achieve this goal, we encourage the promotion of cooperation with non-governmental organizations, community-based organizations and other elements of civil society, as available.

6. We highlight, in particular, the need for States parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, that have not yet done so to adopt effective legislation, coherent strategies and integrated policies for the protection of victims of trafficking in persons, consistent with the provisions of the Protocol. We further hope that States that have not yet ratified the Protocol will do so in due time and implement its provisions effectively.

7. We stress the need for States to take and implement appropriate legal and administrative measures for the establishment of comprehensive and effective witness protection programmes to enable effective protection from potential retaliation or intimidation of witnesses and any persons who provide in good faith and on reasonable grounds evidence or information pertaining to the commission of crimes, including corruption-related offences.

8. We underline the significance for law enforcement authorities and the prosecution services to develop coordinated and coherent approaches in dealing with offenders who seek immunity from prosecution or mitigated punishment in return for their assistance in the investigation and prosecution of crimes as witnesses.

9. We support the development of comprehensive and efficient policies to prevent and combat corruption-related offences, particularly those involving persons entrusted with prominent public functions, including government officials.

10. We oppose any attempt by any party to interfere in the impartial and independent exercise of prosecutors' and investigators' functions.

11. We recommend that appropriate legal measures be taken to prevent, prosecute and punish such emerging forms of crime as economic fraud and identity-related crime, trafficking in cultural property, environmental crime and maritime piracy, and to enhance international cooperation in this regard, including through the exchange of relevant information and best practices, as well as through technical and legal assistance.

12. We support the work of the open-ended intergovernmental expert group, established by the Commission on Crime Prevention and Criminal Justice in accordance with General Assembly resolution 65/230 of 21 December 2010, to conduct a comprehensive study of the problem of cybercrime and responses to it by 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. To this end, we note the importance of putting in place at the domestic level a comprehensive set of criminalization and evidence-gathering provisions to prosecute cybercrime and address its transnational implications.

13. We strongly recommend that States, consistent with their international obligations, continue to reinforce mechanisms for international cooperation in criminal matters, including extradition, mutual legal assistance, law enforcement cooperation, cooperation in conducting joint investigation teams and information-sharing and, in doing so, ensure that relevant requests for assistance are executed in a more direct, full and speedy manner.

14. We stress the need for those States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption. We further welcome the establishment of the mechanism for the review of implementation of the Convention and strongly support its ongoing work.

15. We also stress the need for 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. We further take note of ongoing initiatives aimed at exploring options regarding an appropriate and effective mechanism to assist the Conference of the Parties to the Convention in the review of its implementation.

16. We recommend that the United Nations Office on Drugs and Crime continue to provide, upon request, in cooperation with Member States and other relevant international organizations, technical assistance and training to States to improve national legislation and build the capacity of national competent authorities to deal effectively with all forms of crime.

17. We support the establishment of a global database on issues related to asset recovery. In this regard, we welcome the initiative of the United Nations Office on Drugs and Crime, in collaboration with other organizations such as the International Association of Anti-Corruption Authorities, the United Nations Development Programme, the World Bank, the Asian Development Bank and others, to put in place a web-based portal on Tools and Resources for Anti-Corruption

Knowledge (TRACK) to facilitate the collection and dissemination of knowledge on anti-corruption and asset recovery.

18. We encourage efforts to strengthen operational cooperation among prosecutorial authorities at the regional level, including through effective networking and information exchange. In this regard, we further welcome the initiative of the Korean Prosecution Service to develop for the Asia-Pacific region an “IAP Model Treaty for the Asia-Pacific Convention on Cooperation in Criminal Justice”.

19. We strongly support efforts to ensure a more structured and institutionalized nature of the Summit, including through coordination with, and assistance to, its technical secretariat.

20. We express our profound gratitude to the people and Government of the Republic of Korea for their warm and generous hospitality and for the excellent facilities provided for the Fourth World Summit.
