

## Chapter IX

## Social policy, crime prevention and human resource development

In 2000, the United Nations continued efforts to advance social, cultural and human resource development and to strengthen its crime prevention and criminal justice programme.

In June, the General Assembly held its twenty-fourth special session to review and appraise the implementation of the Copenhagen Declaration on Social Development and the Programme of Action, adopted at the 1995 World Summit for Social Development. The special session, entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world", adopted further initiatives for social development, which reaffirmed the 1995 Copenhagen Declaration and established a broad framework for follow-up action by Governments, civil society and the international community.

The Commission for Social Development, at its February/March session, considered as its priority theme its contribution to the special session and adopted a set of agreed conclusions, which it transmitted to the Economic and Social Council and to the Preparatory Committee for the special session.

The Council, in other social development-related action, renewed until 2002 the mandate of the Special Rapporteur on disability of the Commission for Social Development, following a review of his report on the second monitoring period (1997-2000) of the implementation of the 1993 Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in April, considered the state of crime and criminal justice worldwide; international cooperation in combating transnational crime; promoting the rule of law and strengthening the criminal justice system; new developments in effective crime prevention; and accountability and fairness in the justice process for offenders and victims. It adopted the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, which was endorsed by the Assembly in December. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime

finalized the United Nations Convention against Transnational Organized Crime, as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air. The Convention and related Protocols, which were adopted in November by the Assembly, were opened for signature from 12 to 15 December in Palermo, Italy, and thereafter in New York until 12 December 2002. Other crime-related issues addressed by the Assembly were the development of an international legal instrument against corruption, combating the criminal misuse of information technologies, and combating corrupt practices and illegal transfer of funds and repatriation of such funds to the countries of origin. The Commission on Crime Prevention and Criminal Justice held its ninth session in April.

Regarding cultural development, the Assembly took action relating to the United Nations Year of Dialogue among Civilizations, the Olympic Truce and the Bethlehem 2000 project.

Human resource development remained the focus of the United Nations Institute for Training and Research and the United Nations University.

### Social policy and cultural issues

#### Social development

##### Follow-up to 1995

##### World Summit for Social Development

In 2000, the General Assembly held its twenty-fourth special session to review and appraise the implementation of the Copenhagen Declaration on Social Development and the Programme of Action, adopted at the 1995 World Summit for Social Development [YUN 1995, p. 1113]. Entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world", the special session adopted further initiatives for social development (**resolution S-24/2**), which included a political declara-

tion by Member States on how to promote social development in the context of globalization and a series of recommendations for further initiatives at the local, national, regional and international levels for the further implementation of the 10 commitments adopted at the 1995 Summit.

#### Twenty-fourth special session

The twenty-fourth special session of the General Assembly to review and appraise the implementation of the Copenhagen Declaration on Social Development and the Programme of Action [YUN 1995, p. 1114], adopted at the 1995 World Summit for Social Development, was held in Geneva from 26 June to 1 July [A/S-24/10]. The session was convened in accordance with Assembly resolution 50/161 [YUN 1995, p. 1122], subsequent to a recommendation of the Summit [ibid., p. 1118]. Participants at the session included delegations from 178 countries, 11 observers and representatives of 500 non-governmental organizations (NGOs).

Preparations for the session were made by the Preparatory Committee at its first [YUN 1999, p. 1037] and second sessions (see below).

In **resolution S-24/2** of 1 July (see p. 1013), the Assembly adopted proposals for further initiatives for social development, including poverty eradication, the promotion of full employment, social integration, respect for human dignity, and the attainment of the goals of universal and equitable access to quality education, the highest attainable standard of physical and mental health, and the access of all to primary health care. Other proposals emphasized acceleration of the economic, social and human resource development of Africa and the least developed countries (LDCs), structural adjustment programmes and cooperation through the United Nations and other multilateral institutions.

In other action, the Assembly approved the report of the Credentials Committee on 30 June (**resolution S-24/1**). Regarding procedural matters, the Assembly on 26 June appointed the members of the Credentials Committee (**decision S-24/11**); elected its President (**decision S-24/12**), Vice-Presidents (**decision S-24/13**), Chairpersons of the Main Committees (**decision S-24/14**) and officers of the Ad Hoc Committee of the Whole of the Twenty-fourth Special Session (**decision S-24/15**); made arrangements with regard to the organization of the session (**decision S-24/21**); and adopted the agenda for the special session (**decision S-24/22**). On 30 June, the Assembly decided that nine NGOs might make statements in the debate in plenary (**decision S-24/23**).

In his opening statement [A/S-24/PV.1], the Assembly President recalled that the signatories at the 1995 Summit had promised to establish time-

bound targets to cut poverty, promote greater equality between women and men, achieve full employment and establish universal access to education and primary health care. Since then, some noticeable national efforts and programmes had been launched. However, overall, many developing countries had continued to fall behind. The most frequently cited indication that social development was not yet secure on the international agenda was the decline in official development assistance (ODA) that had continued since Copenhagen, where the goal of committing 0.7 per cent of gross national product for such assistance was reaffirmed. The current task was to build upon the strong foundation of consensus reached in Copenhagen and to uphold the social commitment expressed at the Summit.

#### Preparatory process

**Preparatory Committee.** The Preparatory Committee for the special session, established by General Assembly resolution 52/25 [YUN 1997, p. 1109] to consider and decide on the process to achieve the session's purpose, held its second session in New York from 3 to 14 April 2000 [A/S-24/2]. It held a resumed session on 20 and 22 June [A/S-24/2/Add.1,2], also in New York, to consider the draft final document. The Committee's first session took place in 1999 [YUN 1999, p. 1037].

In April, the Committee, in addition to taking action on various procedural matters, adopted a decision bringing to the Assembly's attention a series of documents it had considered, including review reports and proposals for further action and initiatives submitted by organs and specialized agencies of the UN system and other concerned organizations [A/AC.253/16 & Add.1-17]; reports of the Secretary-General on implementation of the outcome of the 1995 Summit [A/AC.253/13-E/CN.5/2000/2] (see p. 1013), progress achieved in implementing UN resolutions concerning the right self-determination [A/AC.253/17], the development of guidelines on the role and social responsibilities of the private sector [A/AC.253/21], acceleration of development in Africa and LDCs [A/AC.253/22], promoting social integration in post-conflict situations [A/AC.253/23], the impact of globalization on social development [A/AC.253/25], the social impact of economic measures taken in response to financial crises in developing countries [A/AC.253/27], and resources for social development: additional and innovative measures [A/AC.253/28]; and the reports of the seminar on values and market economies (Paris, 19-21 January) [A/AC.253/24], as well as of the 1999 symposiums on States, markets and social progress [YUN 1999, p. 1038] and on socio-economic policies dur-

ing macroeconomic stabilization in countries with economies in transition [ibid.].

Commission for Social Development. At its thirty-eighth session (New York, 8-17 February) [E/2000/26 & Corr.1], the Commission for Social Development, the body responsible for Summit follow-up and implementation of the Copenhagen Declaration, considered as its priority theme the Commission's contribution to the overall review of the implementation of the Summit. On 28 February, the Economic and Social Council authorized the Commission to hold a resumed session on an exceptional basis, which took place on 14 and 17 March, to complete its work for the special session of the General Assembly (decision 2000/211). The Commission, on 17 March [res. 38/1], adopted a set of agreed conclusions on the review and appraisal of the implementation of the outcome of the 1995 World Summit and transmitted them to the Economic and Social Council and to the Preparatory Committee for the special session. The agreed conclusions addressed the themes of poverty eradication, full employment, social integration, Africa and LDCs, mobilization of resources for social development and capacity-building to implement social programmes.

The Commission had before it a comprehensive report of the Secretary-General on the implementation of the 1995 World Summit [A/AC.253/13-E/CN.5/2000/2], which highlighted national strategies and policies to implement the Summit outcome based on information contained in national submissions. It described the scope of regional and international cooperation for social development based on information received from regional commissions, specialized agencies, funds and programmes and other national and international bodies. A series of regional overviews and analyses evaluated the implementation of the Summit in the context of progress achieved, constraints encountered and lessons learned. An analytical overview and conclusions of the report were based on 11 cross-cutting issues (importance of rehabilitating the public sector; growth of inequality; informalization of employment; the working poor; making economic growth more employment-intensive; financing social protection; conflict, crises and social development; reversing the decline of ODA; debt reduction; globalization and liberalization; and local development and values in the global economy) arising from national reports and regional and global trends. Annexed to the report was a review of progress towards targets for 2000. The Commission took note of the Secretary-General's report [dec. 38/101], which was also submitted to the Preparatory Committee for the special session.

In other action related to the special session [dec. 38/101], the Commission took note of the report on the 1999 symposium on States, markets and social progress [YUN 1099, p. 1038].

Workshops. In May [A/S-24/5], Austria transmitted to the special session the outcome of workshops held during the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (see p. 1040) relating to combating corruption and to community involvement in crime prevention.

#### GENERAL ASSEMBLY ACTION

On 1 July [meeting 10], the General Assembly, on the recommendation of the Ad Hoc Committee of the Whole [A/S-24/8/Rev.1], adopted resolution S-24/2 without vote [agenda item 9].

#### Further initiatives for social development

The General Assembly

Adopts the proposals for further initiatives for social development annexed to the present resolution.

#### ANNEX

#### Further initiatives for social development

##### I. Political declaration

1. Five years have passed since the World Summit for Social Development, which marked the first time in history that heads of State and Government had gathered to recognize the significance of social development and human well-being for all and to give these goals the highest priority into the twenty-first century. The Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development established a new consensus to place people at the centre of our concerns for sustainable development and pledged to eradicate poverty, promote full and productive employment, and foster social integration to achieve stable, safe and just societies for all.

2. We, the representatives of Governments, meeting at this special session of the General Assembly at Geneva to assess achievements and obstacles and to decide on further initiatives to accelerate social development for all, reaffirm our will and commitment to implement the Copenhagen Declaration and Programme of Action, including the strategies and agreed targets contained therein. The Copenhagen Declaration and Programme of Action will remain the basic framework for social development in the years to come.

3. Since the Summit, recognition of the imperative of social development requiring an enabling environment has spread and strengthened. Furthermore, there is a growing awareness of the positive impact of effective social policies on economic and social development. Our review and appraisal has shown that Governments, relevant international organizations as well as actors of civil society have made continued efforts to improve human well-being and eradicate poverty. However, further actions are needed for the full implementation of the Copenhagen Declaration and Programme of Action. It has also become clear that there is no single universal path to achieving social development and

that all have experience, knowledge and information worth sharing.

4. Globalization and continuing rapid technological advances offer unprecedented opportunities for social and economic development. At the same time, they continue to present serious challenges, including widespread financial crises, insecurity, poverty, exclusion and inequality within and among societies. Considerable obstacles to further integration and full participation in the global economy remain for developing countries, in particular the least developed countries, as well as for some countries with economies in transition. Unless the benefits of social and economic development are extended to all countries, a growing number of people in all countries and even entire regions will remain marginalized from the global economy. We must act now in order to overcome those obstacles affecting peoples and countries and to realize the full potential of opportunities presented for the benefit of all.

5. We therefore reiterate our determination and duty to eradicate poverty, promote full and productive employment, foster social integration and create an enabling environment for social development. The maintenance of peace and security within and among nations, democracy, the rule of law, the promotion and protection of all human rights and fundamental freedoms, including the right to development, effective, transparent and accountable governance, gender equality, full respect for fundamental principles and rights at work and the rights of migrant workers are some of the essential elements for the realization of social and people-centred sustainable development. Social development requires not only economic activity but also reduction in the inequality in the distribution of wealth and more equitable distribution of the benefits of economic growth within and among nations, including the realization of an open, equitable, secure, non-discriminatory, predictable, transparent and multilateral rule-based international trading system, maximizing opportunities and guaranteeing social justice, and recognizing the interrelationship between social development and economic growth.

6. Full and effective implementation of the Copenhagen Declaration and Programme of Action is necessary at all levels. We reaffirm that while social development is a national responsibility it cannot be successfully achieved without the collective commitment and efforts of the international community. We invite Governments, the United Nations and other relevant international organizations, within their respective mandates, to strengthen the quality and consistency of their support for sustainable development, in particular in Africa and the least developed countries, as well as in some countries with economies in transition, and to continue coordinating their efforts in this regard. We also invite them to develop coordinated and gender-sensitive social, economic and environmental approaches in order to close the gap between goals and achievements. This in turn requires not only renewed political will but also the mobilization and allocation of additional resources at both the national and international levels. In this connection, we will strive to fulfil the yet to be attained internationally agreed target of 0.7 per cent of gross national product of developed countries for overall official development assistance as soon as possible.

7. We recognize that excessive debt-servicing has severely constrained the capacity of many developing countries, as well as countries with economies in transition, to promote social development. We also recognize the efforts being made by indebted developing countries to fulfil their debt-servicing commitment despite the high social cost incurred. We reaffirm our pledge to find effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries.

8. The fight against poverty requires the active participation of civil society and people living in poverty. We are convinced that universal access to high-quality education, including opportunities for the acquisition of skills required in the knowledge-based economy, health and other basic social services, and equal opportunities for active participation and sharing the benefits of the development process are essential for the achievement of the objectives of the Copenhagen Declaration and Programme of Action. Recognizing the primary responsibility of Governments in this regard, we acknowledge the importance of strengthening partnerships, as appropriate, among the public sector, the private sector and other relevant actors of civil society.

9. We reaffirm our pledge to place particular focus on, and give priority attention to, the fight against the worldwide conditions that pose severe threats to the health, safety, peace, security and well-being of our people. Among these conditions are: chronic hunger; malnutrition; illicit drug problems; organized crime; corruption; natural disasters; foreign occupation; armed conflicts; illicit arms trafficking; trafficking in persons; terrorism; intolerance and incitement to racial, ethnic, religious and other hatreds; xenophobia; and endemic, communicable and chronic diseases, in particular the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), malaria and tuberculosis.

10. We reiterate our resolve to reinforce solidarity with people living in poverty and dedicate ourselves to strengthening policies and programmes to create inclusive, cohesive societies for all—women and men, children, young and older persons—particularly those who are vulnerable, disadvantaged and marginalized. We recognize that their special needs will require specific targeted measures to empower them to live more productive and fulfilling lives.

11. Enhanced international cooperation is essential to implement the Copenhagen Declaration and Programme of Action as well as the further actions and initiatives adopted at the current special session, and to address the challenges of globalization. We recognize the need to continue to work on a wide range of reforms for a strengthened and more stable international financial system, enabling it to deal more effectively and in a timely manner with new challenges of development. We acknowledge the need for a coordinated follow-up to all major conferences and summits by Governments, regional organizations and all the bodies and organizations of the United Nations system, within their respective mandates.

12. Determined to give new momentum to our collective efforts to improve the human condition, we here set out further initiatives for the full implementation of the Copenhagen Declaration and Programme of Action. At the dawn of the new millennium, aware of our

responsibilities towards future generations, we are strongly committed to social development, including social justice, for all in a globalizing world. We invite all people in all countries and in all walks of life, as well as the international community, to join in renewed dedication to our shared vision for a more just and equitable world.

## **II. Review and assessment of the implementation of the outcome of the World Summit for Social Development**

1. One of the most important developments since the World Summit for Social Development in March 1995 is the increased priority which social development has been given in national and international policy objectives. The Summit also signified a recognition by States of the importance of making social improvement an integral part of development strategy at the national and international levels, as well as placing people at the centre of development efforts. The review and appraisal of the implementation of the outcome of the Summit shows that many new national policies and programmes have been initiated. The Summit has clearly also had an impact on the United Nations system, leading to a refocusing of its activities and galvanizing action. However, it is equally clear that national and international policy responses have been uneven. Despite some advances, there has been little progress in some key areas and regress is evident in others. As noted in one of the key issues of the analytical report of the Secretary-General, one major development since the Summit is that inequality within and among States continues to grow. Achieving the goals agreed upon at the Summit will require much stronger and more comprehensive action and new, innovative approaches (see sect. III below) by all actors, national and international, governmental and non-governmental, taking into account the outcomes of the relevant United Nations conferences and summits.

2. Since the Summit, globalization has presented new challenges for the fulfilment of the commitments made and the realization of the goals of the Summit. Globalization and interdependence have provided many beneficial opportunities but have also involved potential damage and costs. If anything, these forces have accelerated and often strained the capacity of Governments and the international community to manage them for the benefit of all. Economic growth has been impressive in some places and disappointing in others. Current patterns of globalization have contributed to a sense of insecurity as some countries, particularly developing countries, have been marginalized from the global economy. The growing interdependence of nations, which has caused economic shocks to be transmitted across national borders, as well as increased inequality, highlight weaknesses in current international and national institutional arrangements and economic and social policies, and reinforce the importance of strengthening them through appropriate reforms. There is wide recognition of the need for collective action to anticipate and offset the negative social and economic consequences of globalization and to maximize its benefits for all members of society, including those with special needs. For most developing countries, the terms of international trade have worsened and inflows of concessional financial resources have declined. The high debt burden has weakened the

capacity of many Governments to service their increasing external debt and eroded resources available for social development. Inappropriate design of structural adjustment programmes has weakened the management capacity of public institutions as well as the ability of Governments to respond to the social development needs of the weak and vulnerable in society and to provide adequate social services.

3. Since the Summit, policies and programmes to achieve social development have been implemented within the context of national economic, political, social, legal, cultural and historical environments. There has been an increasing interest in strengthening an enabling environment for sustainable development through the interaction of economic and social development and environmental protection. However, these national environments have been increasingly affected by global influences and forces beyond the control of individual Governments. Serious impediments to social development, many of which were identified by the Summit, still persist, including chronic hunger; malnutrition; illicit drug problems; organized crime; corruption; foreign occupation; armed conflicts; illicit arms trafficking; terrorism; intolerance and incitement to racial, ethnic, religious and other hatreds; xenophobia; endemic, communicable and chronic diseases, in particular HIV/AIDS, malaria and tuberculosis; and economic sanctions and unilateral measures at variance with international law and the Charter of the United Nations.

4. The ultimate goals of development are to improve living conditions for people and to empower them to participate fully in the economic, political and social arenas. Some Governments, in partnership with other actors, have contributed to an enabling environment for social development through efforts to ensure democracy and transparency in decision-making; the rule of law; accountability of government institutions; empowerment of women; and gender equality. Efforts have also been made to promote peace and security; respect for all human rights and fundamental freedoms, including the right to development; and tolerance and respect for cultural and ethnic diversity. However, progress in all these areas has been uneven and requires further effort.

5. At the Summit, quantitative targets were adopted and reaffirmed in the areas of basic social services and official development assistance. Out of thirteen targets, for the following nine areas the target date set was the year 2000: education; adult illiteracy; improved access to safe water supply and sanitation; malnutrition among children under five years of age; maternal mortality; infant mortality and the under-five mortality; life expectancy; malaria mortality and morbidity; and affordable and adequate shelter for all. Available data indicate that progress in these areas remains unsatisfactory. In the field of education, for example, there are still twenty-nine countries which have enrolment rates of less than 50 per cent, instead of the target of 80 per cent of children attending primary school.

6. Gender mainstreaming is widely accepted, but in some parts of the world the implementation of this concept has often not started. In many countries, women continue to suffer from discrimination with regard to the full enjoyment of all human rights.

7. The compilation by national Governments of broad-based and disaggregated data, both qualitative and quantitative indicators, to evaluate progress in the areas covered by the targets, has presented an important challenge. In this regard, Governments may, as appropriate, seek assistance from international organizations. Since the Summit, efforts have been made to improve the quality, timeliness and country coverage of data.

8. Given the nature and the broad scope of many of the goals and targets set in Copenhagen and the inevitable lag between the initiation of policies and measurable results, a comprehensive evaluation of the impact of new policies and programmes will take time. However, it is possible to make the following early assessments.

#### **Poverty eradication**

9. One of the most significant outcomes of the World Summit for Social Development has been to place the goal of eradicating poverty at the centre of national and international policy agendas. At the international level, development targets adopted at Copenhagen have increasingly influenced the policies and planning of bilateral and multilateral development partners. Many Governments have set national poverty reduction targets and formulated poverty eradication plans and strategies, including by promoting employment and developing or reinforcing tools to evaluate progress. Some have further developed existing poverty eradication plans, programmes and measures. Microcredit and other financial instruments have received increasing attention as effective means of empowering the poor, and many countries have expanded access to such programmes. Many countries have achieved improvements in literacy, life expectancy, school enrolment and the availability of basic social services, and have enhanced social protection systems and reduced infant mortality. However, progress has been uneven, revealing continuing disparities in access to basic social services, including a lack of access to quality education. Of particular concern in this regard is the increasing feminization of poverty and the uneven access to education for girls. For example, while countries in East Asia and the Pacific have achieved enrolment rates similar to those in developed countries, almost one third of school-age children in Africa are still without access to any form of education. In South Asia, it is estimated that fifty million children are out of primary school. Also, enrolment rates in some economies in transition have been declining. Groups with special needs are also affected by social exclusion and by poverty in different manners. In many countries, there are insufficient measures for improving their situation.

10. Progress in eradicating poverty has been mixed. In many countries, the number of people living in poverty has increased since 1995. In many developing countries, social service provision has deteriorated, leaving many without access to basic social services. Lack of resources, inadequate levels of economic development and in most cases the worsening terms of international trade, as well as weak infrastructures and inefficient administrative systems, have all undermined measures to eradicate poverty. Demographic changes in many parts of the world have led to new

challenges and caused new obstacles in eradicating poverty. In Africa and the least developed countries, economic growth has barely resumed. Also, in some countries with economies in transition, economic reform has been slow and social security arrangements have weakened. In several developed countries, economic growth and rising incomes have improved the living conditions of many people. In some developed countries, however, unemployment has contributed to situations of inequality, poverty and social exclusion. Countries affected by the recent international crises have experienced a sharp increase in poverty, especially among women and groups with special needs, and unemployment. Although there are now some signs that growth is resuming, the sharp reversal in this area has pushed back their progress in poverty reduction and employment by several years.

11. At the Summit and at the Fourth World Conference on Women held in Beijing, the international community recognized expressly that women and men experience poverty differently and unequally and become impoverished through different processes, and that if those differences are not taken into account the causes of poverty cannot be understood or dealt with by public actions. Persistent discrimination against women in the labour market, the existing gap in their wages, unequal access to productive resources and capital as well as education and training, and the socio-cultural factors that continue to influence gender relations and preserve the existing discrimination against women continue to hinder women's economic empowerment and exacerbate the feminization of poverty. Equality between women and men is widely accepted as essential for social development, but its implementation, including by mainstreaming a gender perspective into all policies and programmes aimed at eradicating poverty and the empowerment of women, has been slow.

#### **Full employment**

12. While overall progress since the World Summit for Social Development in reducing unemployment has been slow and uneven, there has been increased attention by Governments as well as civil society, including the private sector, to the goal of full employment and to policies aimed at employment growth, as well as a renewed perception that full employment is a feasible goal. Employment promotion has increasingly been put at the centre of socio-economic development, in recognition of the central importance of employment to poverty eradication and social integration.

13. The international community has also recognized the need to promote employment that meets labour standards as defined by relevant International Labour Organization and other international instruments, including prohibitions on forced and child labour, guarantees of the rights of freedom of association and bargaining collectively, equal remuneration for men and women for work of equal value and non-discrimination in employment. This is reflected in the adoption of the International Labour Organization Declaration on Fundamental Principles and Rights at Work and its Follow-up, and in the unanimous adoption of International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child

Labour. While some progress has been made in this respect, universal ratification of the relevant International Labour Organization conventions has not yet been achieved.

14. Many developed countries have strengthened their active employment promotion measures, including by the introduction of programmes to create jobs in social services and the provision of other public goods. These activities are sometimes relatively labour-intensive and also meet a growing demand for personal services, particularly for the elderly. In developing countries and those with economies in transition, labour-intensive public works programmes, in particular infrastructure investments in rural access roads, including farm-to-market roads, environmental rehabilitation, irrigation and urban regeneration schemes, have proven to be effective means of promoting employment and stimulating people-centred sustainable development. The important role of education and of vocational and skills development training at all levels in promoting employment, particularly in the long term, is increasingly recognized.

15. While in most countries the employment of women has increased steadily, gender inequalities, reflected in particular in the wage gap and a disproportionate share of family responsibilities, have remained obstacles to women's equal access to and participation in the labour market. Furthermore, in countries experiencing a lack of adequate employment and/or declining employment rates, women are often disproportionately affected and forced into the low-paid informal sector and out of social safety nets. In many parts of the world, this situation has also led to poverty and social exclusion, with inhuman consequences, such as forced prostitution, trafficking in women and children for the purposes of prostitution and sexual and other forms of exploitation, and the worst forms of child labour. At the same time, women's unpaid work remains unrecognized and unaccounted for in national accounts. To date, no universal measurement tools have been developed to evaluate women's unpaid work.

16. There has been an increase in casual and informal employment since the Summit. Casual employment arrangements have tended to spread in industrialized economies, with increasingly flexible labour markets and new mechanisms for subcontracting. In developing countries, the lack of growth of employment in the formal sector, among other factors, has led many people, especially women, into informal sector work and has increased migration to more attractive labour markets in other countries. While employment growth still remains the most effective means of reducing poverty, there appears to be a growing number of employed and underemployed persons, particularly women, with little employment security, low wages and low levels of social protection. In a number of countries, considerable attention has been focused on this issue in recent years, including the development of new initiatives. In some countries with economies in transition, there has been extensive growth of the shadow economy.

17. As a means of combating social exclusion, there have been efforts to integrate income support policies with active labour market policies for those marginal-

ized from the labour market. It is increasingly being recognized that these policies are an important tool to reduce the dependency of individuals on social assistance and to reintegrate them into the world of work and into society.

18. In a number of countries, social dialogue among employers, employees and Governments has contributed to social and economic development.

#### **Social integration**

19. Social integration is a prerequisite for creating harmonious, peaceful and inclusive societies. Promotion and protection of all human rights and fundamental freedoms, promotion of a culture of peace, tolerance and non-violence, respect for cultural and religious diversity, elimination of all forms of discrimination, equal opportunities for access to productive resources and participatory governance are important for social integration. Governments have developed new policy instruments, set up institutional arrangements, strengthened participation and dialogue with all social actors, and launched programmes to foster social cohesion and solidarity. However, lack of access to education, the persistence of poverty and unemployment, and inequitable access to opportunities and resources have caused social exclusion and marginalization. A growing number of people are afflicted by poverty because of the inequitable distribution of opportunities, resources, incomes and access to employment and to social services. In many countries, there is a growing schism between those in high-quality, well-paid employment and those in poorly remunerated, insecure jobs with low levels of social protection. Owing to continued discrimination and exclusion, women and girls face particular disadvantages in this regard.

20. Governments have made progress in promoting more inclusive societies. The adoption of democratic forms of government by an increasing number of countries offers opportunities for all to participate in all spheres of public life. The devolution of political power, the decentralization of administration and the development of local and municipal authorities have sometimes contributed to the creation of inclusive and participatory societies. In some countries, there are also consultative arrangements that enable wider involvement in the planning and evaluation of policies. In those countries, Governments as well as civil society, including the private sector, are involved in these processes. An encouraging development has been the strengthening of civil society, including non-governmental organizations and volunteers. In many countries, this provides the means for people to work together through partnerships with Governments, thereby promoting and protecting common interests and complementing the action of the public sector. The promotion and protection of all human rights, including the right to development, is an important element in the promotion of social integration. In this context, it is noted that the overall level of ratification of international human rights instruments has increased considerably since the World Summit for Social Development; however, universal ratification has not yet been achieved.

21. Governments have implemented a wide range of policies and programmes to respond to the special needs of vulnerable and disadvantaged groups and to

strengthen their participation in development processes through the provision of, *inter alia*, social services, employment opportunities, credit, skill development and training. However, further efforts in this area are required.

22. The protection of immigrants and migrant workers required the adoption of a broad range of targeted policies. Governments were urged to ensure the protection of the human rights and dignity of migrants, irrespective of their legal status. Governments were also urged to intensify efforts to provide basic social services, facilitate family reunification of documented migrants, promote social and economic integration of documented migrants, and ensure their equal treatment before the law. There has not been enough accession and ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families for it to come into force. Since the Summit, progress in implementing international instruments on the protection of migrants has been limited and problems concerning the violation of the human rights of migrants have persisted. In many parts of the world, migrants have been subjected to discrimination and documented migrants have not received adequate social protection.

23. Despite attempts to address the causes leading to and the pressures resulting from the movement of refugees and displaced persons, many countries, especially those hosting large refugee populations, have required international support to provide basic social services.

24. While there has been incremental but uneven movement towards equality and equity between women and men in all regions of the world, the fact remains that women are the most affected in times of crisis and economic restructuring. Whereas many countries have adopted national strategies on the implementation of the Beijing Declaration and Platform for Action, including general policy recommendations and specific plans of action, concrete progress in improving the status of women and promoting gender equality has been slow and uneven. All forms of violence against women and girls remain a persistent problem for all countries and create obstacles to social integration, hindering the advancement of gender equality and the full enjoyment of human rights by women.

25. There has been continued recognition that the family is the basic unit of society and that it plays a key role in social development and is a strong force of social cohesion and integration. In different cultural, political and social systems, various forms of the family exist.

26. The increase in violent conflicts, including those around issues of local autonomy and ethnic identity, as well as conflicts over the distribution of resources, have hampered social integration and diverted attention and resources from social and economic development to conflict management. This development has underlined the importance of social integration and access to basic social services as preventive measures against crises. Access to basic social services in conflict situations and social integration in post-conflict situations have also been underlined as important preventive tools.

27. The obstacles to the realization of the right of peoples to self-determination, in particular of peoples living under colonial or other forms of alien domination or foreign occupation, have continued to adversely affect the achievement of their social and economic development.

28. In some countries, social development is adversely affected by unilateral measures at variance with international law and the Charter of the United Nations that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries.

#### **Africa and the least developed countries**

29. At the World Summit for Social Development, Governments committed themselves to accelerating the economic, social and human resources development of Africa and the least developed countries. Many of the objectives undertaken at the Summit have yet to be fulfilled by the countries concerned and their international partners, although in this regard donors continue to support the efforts by Africa and the least developed countries.

30. The deteriorating social and economic condition of the least developed countries requires priority attention to the many international development commitments towards those countries which have not been met. Many least developed countries have seen their share of official development assistance decrease, and progress has not been achieved in fulfilling the agreed target of earmarking 0.15 to 0.20 per cent of gross national product as official development assistance for the least developed countries. Technical cooperation provided by the United Nations and its affiliated agencies has been cut back since the Summit.

31. African countries have made real efforts to implement the commitments made at Copenhagen, but internal and external constraints continue to make progress extremely difficult. The mobilization of resources at the national and international levels to accelerate the economic and social development of Africa and the least developed countries through a holistic approach is needed for the full implementation of the commitments. Equitable access to education and health services, income-earning opportunities, land, credit, infrastructure and technology, as well as official development assistance and debt reduction, are vital to social development in Africa and the least developed countries.

32. Social indicators in Africa show that the continent falls dramatically short of the targets set at the Summit five years ago. About 90 per cent of countries in sub-Saharan Africa will not meet the year 2000 goals on child mortality. Life expectancy remained lower than sixty years in forty-one of the fifty-three countries during the period 1995-2000. The HIV/AIDS pandemic is having severe social, economic, political and security impacts in some of the hardest hit countries.

33. Progress has been achieved in the development of democratic institutions in a number of countries. Further progress needs to be made in Africa and the least developed countries in strengthening institutions which are transparent and accountable in order to achieve faster economic and social development.



34. In a rapidly globalizing economic world, Africa continues to be marginalized. A persistent decline in the international terms of trade for commodities exported from African countries has reduced real national income and savings to finance investment. The external debt burden has drastically reduced resources available for social development. Furthermore, promises made to provide official development assistance to developing countries in general and the least developed countries in particular have not been fulfilled. More concerted efforts and an internationally enabling environment are necessary to integrate Africa as well as the least developed countries into the world economy.

#### **Mobilization of resources for social development**

35. The mobilization of domestic and international resources for social development is an essential component for the implementation of the commitments made at the World Summit for Social Development in Copenhagen. Since the Summit, reforms to promote the effective and efficient utilization of existing resources have received increasing attention. However, inadequate national revenue generation and collection, combined with new challenges regarding social services and social protection systems due, for instance, to demographic changes and other factors, jeopardize the financing of social services and social protection systems in many countries. New budgeting and accounting techniques have been adopted in several countries. The involvement and cooperation of local authorities, civil society and beneficiary communities have been found to be valuable in raising efficiency in the delivery of services.

36. In several countries and for various reasons, a shift has been occurring in the modalities for financing social protection away from universal, publicly provided coverage to income-based, targeted assistance. Among those reasons are stagnant or declining public revenues or the need to reduce fiscal deficits as well as changing priorities for public expenditures. Also, the need to create new employment opportunities and to provide incentives for the unemployed or underemployed and coverage for new social problems as well as to address the specific needs of disadvantaged and marginalized populations has motivated changes in social protection systems. In some countries, the principle of universal free provision of services, such as health care, education and water supply, has been replaced by user fees and privatization and by more targeted social service provision. However, in many countries, the impact of such measures, especially on the poor and vulnerable, remains to be seen.

37. Despite the renewed commitment at the Summit by donor countries to meet the agreed target of 0.7 per cent of their gross national product for official development assistance, overall official development assistance has continued to decline. Only four countries now meet the agreed target, with one more country about to reach it. In the meantime, the relative role of official development assistance within various forms of financing for development has also been declining. As a result of the Summit, however, earmarking of funds for social development has been formulated more explicitly in official development assistance policy. Official development assistance has been found to

be more effective when countries are committed to growth-oriented strategies combined with poverty eradication goals and strategies. Poverty eradication through sustainable development is seen by most donor countries as the main objective of development cooperation. The Bretton Woods institutions have also begun to pay more focused attention to the social development dimension in their structural adjustment programmes and lending policies. This process is currently being further strengthened.

38. The 20/20 initiative has encouraged interested Governments and donors to increase the amount of resources earmarked for basic social services and to enhance equity and efficiency in their use. It has also emphasized the need for additional resources in order to pursue effectively the social development agenda, while highlighting the difficulties and limitations of many countries, in particular developing countries, in raising or reallocating domestic resources.

39. There is greater acceptance that the increasing debt burden faced by the most indebted developing countries is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication. For many developing countries, as well as countries with economies in transition, excessive debt servicing has severely constrained their capacity to promote social development and provide basic services. Although the Heavily Indebted Poor Countries Debt Initiative has the potential to reduce debt-servicing costs significantly for the countries it covers, the fact remains that it has so far benefited only a few of them. This initiative has recently been strengthened to provide faster, deeper and broader debt relief, in the context of poverty reduction strategies in which Governments and civil society cooperate to make commitments to utilize the financial benefits to alleviate poverty. A few lender countries have adopted bilateral debt-cancellation initiatives which go beyond the Heavily Indebted Poor Countries Debt Initiative.

40. Microcredit and other financial instruments provide financial and other services to people who are often overlooked by the traditional banking sector, thus trying to reach the poorest families. Women play a very important role in such initiatives. Experience shows that women are creditworthy and when they earn an income they are able to contribute more directly to the economy.

41. Since the Summit, the external debt problems of the middle-income developing countries have crippled their social development efforts. A need has arisen for concerted national and international action to address effectively the debt problems of middle-income developing countries with a view to resolving their potential long-term debt-sustainability problems.

#### **Capacity-building to implement social policies and programmes**

42. Capacity-building is an important means of creating a national political, socio-economic and legal environment conducive to development and social progress. Member States have taken a number of actions to enhance their capacities to achieve the goals of the World Summit for Social Development, including adopting long-term strategies for social development; conducting national assessments of their institutional

capacities; taking legislative action to create an enabling environment; establishing partnerships with civil society; involving people in the management of their local affairs; mainstreaming a gender perspective into policies and programmes; improving transparent and accountable governance; strengthening the implementation, monitoring and evaluation of social policies, programmes and projects; and providing technical cooperation. However, the years since the Summit have also been marked by growing constraints on the capacity for public action. In some countries, increased constraints, including fiscal and political ones on Governments, have resulted in a reduction of the programmes and activities of the State.

43. The State has an important role in the provision of basic social services. However, in several countries, the State is no longer the sole provider of social services but rather the enabler of an overall favourable environment for social development, with increased responsibility for ensuring equitable delivery of and access to quality social services. This development has increased the need for stronger public institutions to provide an effective framework to ensure an equitable provision of basic social services for all. It is also recognized that an effective and accountable public sector is vital to ensuring the provision of social services.

44. International cooperation has been a critical element in the efforts of Governments towards capacity-building for social development. Technical cooperation, including that provided by the United Nations, has been supportive of such efforts by Governments, although in many areas such cooperation should be strengthened and broadened.

### **III. Further actions and initiatives to implement the commitments made at the World Summit for Social Development**

1. Governments should adopt an integrated focus in order to ensure that social development objectives are incorporated in all areas of governmental decision-making. In this connection, the General Assembly recommends taking the following further initiatives at the local, national, regional and international levels for the further implementation of the ten commitments adopted at the World Summit for Social Development as contained in the report of the Summit:

#### **Commitment 1**

#### **To create an economic, political, social, cultural and legal environment that will enable people to achieve social development:**

2. Governments, while designing and implementing their development policies, should ensure that people are placed at the centre of development. Therefore, people must have the right and the ability to participate fully in the social, economic and political life of their societies. Our global drive for social development and the recommendations for action contained in the present document are made in a spirit of consensus and international cooperation, in full conformity with the purposes and principles of the Charter of the United Nations, recognizing that the formulation and implementation of strategies, policies, programmes and actions for social development are the responsibility of each country and should take into account the diverse economic, social and environmental conditions in each

country, with full respect for the various religious and ethical values, cultural backgrounds and philosophical convictions of its people, and in conformity with all human rights and fundamental freedoms. In this context, international cooperation is essential for the full implementation of social development programmes and actions.

3. Make a renewed commitment to effective, transparent and accountable governance and democratic institutions that are responsive to the needs of people and enable them to take an active part in decision-making about priorities, policies and strategies.

4. Reaffirm the crucial role of Government in advancing people-centred sustainable development through actions to develop and maintain increased equality and equity, including gender equality; markets which function efficiently within a framework of ethical values; policies to eradicate poverty and enhance productive employment; universal and equal access to basic social services; social protection; and support for disadvantaged and vulnerable groups.

5. Reaffirm, promote and strive to ensure the realization of the rights set out in relevant international instruments and declarations, such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the Declaration on the Right to Development, including those relating to education, food, shelter, employment, health and information, particularly in order to assist people living in poverty and to ensure the strengthening of national and local institutions in charge of their implementation.

6. Urge the international community, particularly creditor and debtor countries and pertinent international financial institutions, to identify and implement development-oriented and durable solutions to external debt and debt-servicing problems of developing countries, which constitute an element affecting the development efforts and economic growth, inter alia, through debt relief, including the option of debt cancellation within the framework of official development assistance, and thereby strengthen the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people.

7. Enhance positive interaction among environmental, economic and social policies as also being essential for the successful attainment of Summit goals, by promoting the coordinated and simultaneous consideration of this objective in the process of policy formulation and recognizing continuously the impact of social, economic and financial policies on employment and sustainable livelihoods, poverty and social development.

8. Institute systems for ensuring the ex ante assessment and continuous monitoring of the social impact of economic policies at both the international and national levels, with a particular focus on the formulation of macroeconomic policies for dealing with financial crises and the design of economic reform programmes.

9. Develop national and, where appropriate, regional guidelines, taking into account broad definitions of productivity and efficiency, in order to undertake comprehensive assessments of the social and economic costs of unemployment and poverty to facili-

tate appropriate strategies for employment generation and poverty eradication.

10. Acknowledging that there is no single universal path to achieving social development, and recognizing the importance of Member States sharing information on their national experiences and best practices in social development on the basis of equality and mutual respect, request the Economic and Social Council to consider, through the Commission for Social Development, ways of sharing these experiences and practices to assist Member States in the development of policies to promote the goals of the Summit.

11. Strengthen the capacities of developing countries and countries with economies in transition to address the obstacles that hinder their participation in an increasingly globalized economy by:

(a) Stimulating and strengthening the industrialization process in developing countries;

(b) Facilitating the transfer to developing countries and countries with economies in transition of appropriate technology, know-how, knowledge and information, including for social development and capacity-building, complementing efforts of these countries in this regard through enhanced international cooperation, including technical cooperation and adequate financial resources;

(c) Increasing and improving access of products and services of developing countries to international markets through, inter alia, the negotiated reduction of tariff barriers and the elimination of non-tariff barriers, which unjustifiably hinder trade of developing countries, according to the multilateral trading system;

(d) Increasing and improving access of products and services of countries with economies in transition to international markets;

(e) Attaining, according to existing multilateral trading rules, greater universality of the multilateral trading system and accelerating the process directed towards the further accession to the World Trade Organization of developing countries and countries with economies in transition;

(f) Providing technical assistance bilaterally and through the auspices of the World Trade Organization, the United Nations Conference on Trade and Development, the International Trade Centre and other organizations to developing countries and countries with economies in transition for capacity-building and to address the ability to trade, as well as to participate effectively in international economic forums, and in international trade negotiations, including the dispute settlement mechanism of the World Trade Organization.

12. Take steps with a view to the avoidance of and refrain from any unilateral measure at variance with international law and the Charter of the United Nations that impedes the full achievement of economic and social development by the population of the affected countries, in particular women, children and persons with special needs, that hinders their well-being and that creates obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services. Ensure that food and medicine are not used as tools for political pressure.

13. Reduce negative impacts of international financial turbulence on social and economic development, inter alia, by:

(a) Improving preventive and other measures and early warning capabilities to address the excessive volatility of short-term capital flows, including consideration, inter alia, of a temporary debt standstill;

(b) Enhancing institutional capacities at the national and international levels to improve transparency of financial flows, and developing, strengthening and enforcing regulatory frameworks for monitoring operations, inter alia, to reduce the potential negative impact of financial operations;

(c) Where appropriate, establishing or strengthening at the regional level intergovernmental coordination mechanisms in economic, financial and social fields to promote economic and financial stability and social development at that level;

(d) Providing technical assistance to developing countries and countries with economies in transition to strengthen their domestic capital markets and to ensure their proper regulation by national Governments;

(e) Taking measures to protect basic social services, in particular education and health, in the policies and programmes adopted by countries when dealing with international financial crises;

(f) Acting to strengthen national institutions and consultative mechanisms for economic policy formulation, involving improved transparency and consultation with civil society;

(g) Encouraging international financial institutions and other related mechanisms to be vigilant about potential financial crises in countries, and assist countries in developing their capacities to forestall and mitigate crises with a view to providing a timely and effective response.

14. Ensure the effective involvement of developing countries and countries with economies in transition in the international economic decision-making process through, inter alia, greater participation in international economic forums, ensuring transparency and accountability of international financial institutions to accord a central position for social development in their policies and programmes.

15. Enhance development cooperation in order to augment the productive potential of people in developing countries and to build the capacity, among others, of the private sector to compete more effectively in the global marketplace in order to create the basis for generating greater resources for social development.

16. Support the Cologne initiative for the reduction of debt, particularly the speedy implementation of the enhanced Heavily Indebted Poor Countries Debt Initiative, and welcome commitments to ensure that additional financing is mobilized to fully fund debt relief to heavily indebted poor countries over the longer term and the provision that funds saved should be used to support anti-poverty programmes and social development.

17. Bearing in mind that corporations must abide by national legislation, encourage corporate social responsibility so that it contributes to social development goals, inter alia, by:

(a) Promoting increased corporate awareness of the interrelationship between social development and economic growth;

(b) Providing a legal, economic and social policy framework that is just and stable to support and stimulate private sector initiatives aimed at achieving these goals;

(c) Enhancing partnerships with business, trade unions and civil society at the national level in support of the goals of the Summit.

18. Take further effective measures to remove the obstacles to the realization of the right of peoples to self-determination, in particular peoples living under colonial and foreign occupation, which continue to adversely affect their economic and social development and are incompatible with the dignity and worth of the human person and must be combatted and eliminated.

19. Enhance international cooperation, including burden-sharing, and coordination of humanitarian assistance to countries affected by natural disasters and other humanitarian emergencies and post-conflict situations in ways that will be supportive of recovery and long-term development.

20. Create and improve conditions to allow for the voluntary repatriation of refugees in safety and dignity to their countries of origin, and the voluntary and safe return of internally displaced persons to their places of origin and their smooth reintegration into their societies.

21. Encourage relevant bodies of the United Nations system to address the issue of corruption which undermines the efforts made and efficient use of resources for social development, and in that context take note of the recommendation of the Commission on Crime Prevention and Criminal Justice that the General Assembly adopt a resolution to start the elaboration of an effective international legal instrument against corruption, and encourage relevant bodies of the United Nations system to give it serious consideration.

22. Encourage the ongoing work on a draft convention against transnational organized crime and the additional protocols thereto, with a view to the speedy finalization of this work.

23. Give proper consideration to urgent and effective measures regarding the issue of the social and humanitarian impact of sanctions, in particular on women and children, with a view to minimizing social and humanitarian effects of sanctions.

24. Support countries with economies in transition to establish effective regulatory environments, including adequate legal frameworks and institutions, to develop progressive and efficient tax systems to provide adequate resources for social development, and to better utilize existing material and labour resources, inter alia, by implementing measures to reduce the social costs of transition, in particular in order to reverse the trend of cuts in public spending for social services, and encouraging efforts to integrate non-governmental organizations, trade unions, employer organizations and other organizations of civil society into the operation of social policy.

## **Commitment 2**

**To eradicate poverty in the world, through decisive national actions and international cooperation, as an ethical, social, political and economic imperative of humankind:**

25. Place poverty eradication at the centre of economic and social development and build consensus

with all relevant actors at all levels on policies and strategies to reduce the proportion of people living in extreme poverty by one half by the year 2015 with a view to eradicating poverty.

26. Urge countries that have not yet done so to incorporate goals and targets for combating poverty into their national strategies for socio-economic development and to adjust their national strategies, as appropriate to the country context, by striving to establish or strengthen institutional mechanisms that ensure a multisectoral approach to poverty eradication, and enhancing the capacity of local government to address poverty while maintaining accountability, both to the central Government for funds allocated by it and to the constituents concerning the use of those funds.

27. In the context of comprehensive national strategies on poverty eradication, integrate policies at all levels, including economic and fiscal policies, capacity-building and institution-building, giving priority to investments in education and health, social protection and basic social services, in order to help to empower people living in poverty, by:

(a) Promoting coherence between national and international strategies and programmes to combat poverty at all levels;

(b) Assisting developing countries in improving capacities for poverty-related data collection and analysis, which is necessary for formulation of poverty reduction policies;

(c) Ensuring that macroeconomic policies reflect and fully integrate, inter alia, employment growth and poverty reduction goals;

(d) Encouraging Governments to re-evaluate, as appropriate, their national fiscal policies, including progressive tax mechanisms, with the aim of reducing income inequalities and promoting social equity;

(e) Restructuring public expenditure policies to make them more efficient, transparent and with clear lines of accountability to maximize their impact on poverty eradication;

(f) Improving access for people living in poverty to productive resources by implementing measures, such as skills training and microcredit schemes;

(g) Using employment policies, including self-employment, to reduce poverty;

(h) Encouraging the growth of small and medium-sized enterprises by formulating a consistent, long-term policy to support such enterprises, and by, inter alia, furthering access to capital and credit, promoting training opportunities and appropriate technology, reducing bureaucratic regulations, promoting gender equality and labour standards, and fostering improved access of small and medium-sized enterprises to contracts for infrastructure projects;

(i) Devising ways and means to allow for better acknowledgement of the nature of the informal sector so as to evaluate its share in the national economy and, where appropriate, to improve its productivity by increasing training and access to capital, including microcredit, to progressively improve working conditions through respect for basic workers' rights, to enhance social protection and to facilitate its eventual integration into the formal economy;

(j) Establishing, strengthening and expanding microcredit and other financial instruments adapted to the needs and potentials of marginalized people and

vulnerable groups in order to make microcredit available to a greater number of people, particularly women, and disadvantaged groups, especially people living in poverty, and to make information and training on its effective operation and benefits widely available;

(k) Encouraging and facilitating the development of cooperatives, where appropriate;

(l) Encouraging sustainable rural development, especially in areas low in agricultural potential;

(m) Expanding advisory services and technical assistance in the areas of agriculture, including animal husbandry and fisheries, and promoting small businesses and self-employment for rural workers, in particular women, in the light of increasing rural poverty, landlessness and rural-urban migration, and, similarly, promoting industrialization in rural areas for employment generation;

(n) Developing and promoting institutional capacities (e.g., by management training);

(o) Ensuring a gender equality perspective at all levels and taking measures to counteract the feminization of poverty, keeping in mind the potential role of women and girls in poverty eradication;

(p) Promoting participatory poverty assessments as well as social impact assessments which include sex, age and relevant socio-economic categories, defining, inter alia, the extent and localization of poverty and the groups most severely affected, in order to design anti-poverty strategies;

(q) Targeting the special needs of vulnerable and disadvantaged groups;

(r) Supporting initiatives that help to empower people living in poverty, especially female heads of households, and promote their capacities for self-organization to enable them to better utilize available opportunities, basic social services and productive resources;

(s) Ensuring community participation in the formulation and implementation of poverty reduction strategies and programmes with a view to increasing people's self-reliance and promoting a holistic approach to the various needs of the people. Civil society can play an important role in cooperation with national Governments in planning, organizing and providing basic social services;

(t) Ensuring access for all to basic social services, even during financial crises;

(u) Using health policies as an instrument for poverty eradication, along the lines of the World Health Organization strategy on poverty and health, developing sustainable and effectively managed pro-poor health systems which focus on the major diseases and health problems affecting the poor, achieving greater equity in health financing, and also taking into account the provision of and universal access to high-quality primary health care throughout the life cycle, including sexual and reproductive health care, not later than 2015, as well as health education programmes, clean water and safe sanitation, nutrition, food security and immunization programmes;

(v) Encouraging decentralization in the delivery of basic social services as a means of responding more efficiently to the needs of the people.

28. Develop and implement sustainable pro-poor growth strategies that enhance the potential and increase the ability of women and men living in poverty

to improve their lives; such strategies could include improving access to productive resources and microfinance and establishing programmes to raise productivity and improve knowledge, skills and capabilities.

29. Share best practices on how to establish or improve social protection systems covering risks that cannot be mastered by the beneficiaries themselves and trap people into poverty, ensuring access to social protection, including social safety nets, for people living in poverty, and promoting the role of systems of self-help and mutual benefits, including small, community-based innovative schemes, thereby supporting social cohesion and contributing to more universal and comprehensive systems of protection, taking into account country-specific circumstances, by:

(a) Exploring ways and means, supported by resources, including, as appropriate, through the reallocation of resources and financial assistance from donors, to develop social protection systems for vulnerable, unprotected and uninsured people, and in this context call upon the International Labour Organization and other relevant international organizations, within their mandates, to render technical assistance to developing countries and countries with economies in transition, upon their request;

(b) Developing, as required, new mechanisms to ensure the sustainability of these systems in the appropriate country context, especially that of ageing populations and increased unemployment.

30. Improve national capacity to address hunger, malnutrition and food insecurity at the household level, in cooperation with the World Food Programme, the Food and Agriculture Organization of the United Nations and other concerned agencies, in particular by recognizing and supporting women in their pivotal role in providing food security. In this regard, call upon Governments which have not done so to place food security as an essential element of their poverty eradication strategies and social policies.

31. Encourage international support to countries with economies in transition in order to assist them in:

(a) Combining universal coverage of social services, with targeted assistance to the most vulnerable groups to ease the pain of transition;

(b) Implementing policies to involve those individuals marginalized by the transition and to overcome exclusion and further deprivation;

(c) Maintaining adequate social programmes.

### Commitment 3

**To promote the goal of full employment as a basic priority of economic and social policies, and to enable all men and women to attain secure and sustainable livelihoods through freely chosen productive employment and work:**

32. Reassess, as appropriate, their macroeconomic policies with the aim of greater employment generation and reduction in the poverty level while striving for and maintaining low inflation rates.

33. Create an enabling environment for social dialogue by ensuring effective representation and participation of workers' and employers' organizations in order to contribute to the development of policies for achieving broad-based social progress.

34. Expand opportunities for productive employment, including self-employment, with particular

focus on small and medium-sized enterprises, by investing in the development of human resources, entrepreneurship and employability, especially through education, vocational and management training, occupational safety and health, and by, *inter alia*, strengthening technical cooperation and cooperation with the private sector in this area.

35. Support the comprehensive International Labour Organization programme on decent work, which includes promoting equal opportunities for all women and men, including persons with disabilities, to obtain decent and productive work, with full respect for the basic rights of workers as defined by relevant International Labour Organization and other international instruments, including prohibitions on forced labour and child labour, safeguarding of the rights of freedom of association and collective bargaining, equal remuneration for women and men for work of equal value, and non-discrimination in employment, and improving social protection and promoting social dialogue.

36. Recognize the need to elaborate a coherent and coordinated international strategy on employment to increase opportunities for people to achieve sustainable livelihoods and gain access to employment, and in this connection support the convening of a world employment forum by the International Labour Organization in 2001.

37. Invite the International Labour Organization to facilitate a coordinated exchange of best practices in the field of employment policies to stimulate and expand employment generation, reduce unemployment, enhance the quality of work and improve labour-market and employment services.

38. Improve the quality of work and level of employment, *inter alia*, by:

(a) Making continued efforts towards ratifying—where they have not done so—and fully implementing the International Labour Organization conventions concerning basic rights of workers, namely, freedom of association and the effective recognition of the right to organize and bargain collectively, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation;

(b) Strongly considering the ratification and full implementation of other International Labour Organization conventions concerning the employment rights of minors, women, youth, persons with disabilities, migrants and indigenous people;

(c) Respecting, promoting and realizing the principles contained in the International Labour Organization Declaration on Fundamental Principles and Rights at Work and its Follow-up;

(d) Supporting and participating in the global campaign for the immediate elimination of the worst forms of child labour, including by promoting universal ratification and implementation of International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(e) Promoting safe and healthy settings at work in order to improve working conditions and to reduce the impact on individuals and health-care systems of occupational accidents and diseases.

39. Ensure effective and comprehensive action to eliminate harmful child labour, *inter alia*, by designing and implementing national plans of action; ensuring access to basic education; strengthening employment and income-earning opportunities for families of child workers; giving special attention to the girl child; promoting cooperation among Governments, employers' and workers' organizations, families of child workers and civil society; and stressing the need for close cooperation among the International Labour Organization, the United Nations Children's Fund, the World Bank and other relevant actors.

40. Call upon relevant organizations of the United Nations system to provide national Governments with technical assistance in a coordinated manner in order to help them in their efforts to promote social development and achieve the goals of poverty eradication, full employment and social integration, including gender equality.

41. Encourage the private sector to respect basic worker rights as reaffirmed in the International Labour Organization Declaration on the Fundamental Principles and Rights at Work and its Follow-up.

42. Improve methods for collection and analysis of basic employment data, disaggregated by, *inter alia*, age, sex and relevant socio-economic categories, as appropriate in the country context, including with regard to the informal, agricultural and service sectors and new forms of employment, and assess the feasibility of developing and improving mechanisms to measure unremunerated work.

43. Consider the possibility of a major event on the informal sector in the year 2002, to be organized by the International Labour Organization.

44. Invite the International Labour Organization to help Member States, upon their request, to extend a range of support measures to informal sector workers, including legal rights, social protection and access to credit.

45. Devise and strengthen the modalities of coverage of social protection systems, as appropriate, to meet the needs of people engaged in flexible forms of employment.

46. Wherever appropriate, adopt and/or strengthen legislation or other mechanisms for determining minimum wages.

47. Ensure that migrant workers benefit from the protection provided by relevant national and international instruments, take concrete and effective measures against the exploitation of migrant workers, and encourage all countries to consider the ratification and full implementation of the relevant international instruments on migrant workers, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

48. Undertake appropriate measures, in cooperation with employers' and workers' organizations, as well as other relevant actors of civil society, to address the specific employment issues of youth, ageing workers, persons with disabilities, single parents and long-term unemployed, with particular regard to women, including:

(a) Improving access to new technologies, vocational training and counselling, implementing programmes for job placement and facilitating the acquisition of work experience, including on-the-job training, as well

as by the recognition of work experience acquired through voluntary activities and unpaid work;

(b) Promoting lifelong learning and access to labour market information, and tailoring programmes to meet the specific needs of those groups in the acquisition of skills required in the knowledge-based economy;

(c) Involving the private sector in skill training programmes;

(d) Adapting and improving access of youth to technical, secondary and higher education curricula, to meet the needs of a rapidly changing labour market, and easing transition between learning and work;

(e) Enabling older workers to remain and actively participate in working life.

49. Promote gender equality and eliminate gender discrimination in the labour market by:

(a) Promoting the principles of equal remuneration and the elimination of discrimination, and strongly considering ratifying International Labour Organization Conventions No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, and No. 111 concerning Discrimination in Respect of Employment and Occupation and fully implementing them once ratified;

(b) Ensuring the right to equal pay for equal work or work of equal value for women and men;

(c) Assisting women and men in reconciling employment and family responsibilities, inter alia, by flexible working arrangements, including parental voluntary part-time employment and work-sharing, as well as accessible and affordable quality child-care and dependant-care facilities, paying particular attention to the needs of single-parent households.

#### **Commitment 4**

**To promote social integration by fostering societies that are stable, safe and just and that are based on the promotion and protection of all human rights, as well as on non-discrimination, tolerance, respect for diversity, equality of opportunity, solidarity, security and participation of all people, including disadvantaged and vulnerable groups and persons:**

50. Strengthen mechanisms for the participation of all people, and promote cooperation and dialogue among all levels of government and civil society as contributions to social integration.

51. Strengthen support for civil society, including community organizations working with groups with special needs, and accelerate the implementation of United Nations instruments relating to those groups, encouraging sustained investment in social institutions and social capital and enhancing social networks, particularly with respect to people living in poverty and other marginalized groups.

52. Ensure an enabling environment for civil society organizations, inter alia, to facilitate their participation in the delivery of social services in a coordinated, democratic, transparent and accountable manner. Efforts should also be made to facilitate the contribution of civil society organizations, particularly from developing countries, to relevant international forums.

53. Promote the effective participation and contribution of disadvantaged and vulnerable groups and persons when drawing up legislation and programmes for poverty eradication and social inclusion.

54. Promote the contribution that voluntarism can make to the creation of caring societies as an additional mechanism in the promotion of social integration. The Commission for Social Development is invited to consider the issue in 2001, the International Year of Volunteers.

55. Promote the involvement of volunteers in social development, inter alia, by encouraging Governments, taking into account the views of all actors, to develop comprehensive strategies and programmes, by raising public awareness about the value and opportunities of voluntarism, and by facilitating an enabling environment for individuals and other actors of civil society to engage in voluntary activities and for the private sector to support such activities.

56. Recognize that the family is the basic unit of society and that it plays a key role in social development and is a strong force of social cohesion and integration. In different cultural, political and social systems, various forms of the family exist. Further recognize that equality and equity between women and men and respect for the rights of all family members are essential for family well-being and for society at large, and promote appropriate actions to meet the needs of families and their individual members, particularly in the areas of economic support and provision of social services. Greater attention should be paid to helping the family in its supporting, educating and nurturing roles, to the causes and consequences of family disintegration, and to the adoption of measures to reconcile work and family life for women and men.

57. Encourage the media, including via the Internet and other forms of information technology, to contribute to the promotion of social integration by adopting inclusive and participatory approaches in the production, dissemination and use of information, including by its accessibility to disadvantaged and marginalized groups.

58. While recognizing the positive role of the media and information technology, including the Internet, identify and take measures to counter the increasing dissemination of child pornography and other obscene materials, intolerance, including religious intolerance, hatred, racism, discrimination based on sex and age and the incitement to violence through the media and information technology, including the Internet.

59. Ensure that education at all levels promotes all human rights and fundamental freedoms, tolerance, peace, understanding of and respect for cultural diversity and solidarity in a globally interdependent world, as expressed in the Declaration and Programme of Action on a Culture of Peace, as well as in the context of the United Nations Year of Dialogue among Civilizations (2001), the United Nations Decade for Human Rights Education and the Third Decade to Combat Racism and Racial Discrimination.

60. Eliminate all forms of discrimination, including racial discrimination, xenophobia and related intolerance, and in this context support the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in South Africa in 2001.

61. Ensure continued and intensified action to combat all forms of gender-based violence, and recognize

that violence against women, whether in private or public life, both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms.

62. Recognize the contribution of indigenous people to society, promote ways of giving them greater responsibility for their own affairs, inter alia, by:

(a) Seeking means of giving them effective voice in decisions directly affecting them;

(b) Encouraging United Nations agencies within their respective mandates to take effective programmatic measures for engaging indigenous people in matters relevant to their interests and concerns.

63. Encourage the ongoing work on a draft declaration on the rights of indigenous people with the aim of achieving completion prior to the conclusion of the International Decade on the World's Indigenous People in 2004, and support the establishment of a United Nations permanent forum to discuss indigenous issues, within the mandate of the Economic and Social Council, relating to economic and social development, culture, the environment, education, health and human rights.

64. Exchange views and information on national experience and best practices in designing and implementing policies and programmes on ageing, and in promoting full integration and continued participation of older persons in society as full actors in the development process, and in this context support the convening of the Second World Assembly on Ageing, to be held in Spain in the year 2002.

65. Support, on an urgent basis, research on the actual and projected situation of older persons, particularly in developing countries, especially on their productive role and contributions to development, in order to contribute significantly to the revision of the International Plan of Action on Ageing at the Second World Assembly on Ageing.

66. Expand the range of policies and measures, inter alia, by promoting the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, to empower persons with disabilities to play their full role in society. Special attention should be given to women and children with disabilities and to persons with developmental, mental and psychiatric disabilities.

67. Ensure access to employment for persons with disabilities through the organization and design of the workplace environment, and improve their employability through measures which enhance education and acquisition of skills, through rehabilitation within the community wherever possible and other direct measures, which may include incentives to enterprises to employ people with disabilities.

68. Intensify efforts to ensure the protection of the human rights and dignity of migrants irrespective of their legal status, the social and economic integration of documented migrants, the provision of effective protection for migrants, particularly by implementing the relevant provisions of the Vienna Convention on Consular Relations, the provision of basic social services, the facilitation of family reunification of documented migrants and their equal treatment under the law.

69. Promote measures, at the national and international levels, to prevent trafficking and illegal transport of migrants and trafficking in persons, particu-

larly women and children, for the purposes of prostitution, economic exploitation and any other form of exploitation, such as domestic servitude and bonded labour. Develop clear penalties for trafficking in persons and trafficking and illegal transport of migrants, backed by effective administrative procedures and laws, ensuring the punishment of those who have been convicted of such crimes.

70. Finalize as soon as possible the trafficking and smuggling protocols which are currently being negotiated in Vienna by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime.

71. Support the efforts of the United Nations International Drug Control Programme to implement its mandate, within the framework of international drug control treaties and the outcome of the twentieth special session of the General Assembly devoted to combating the world drug problem, in a balanced and comprehensive approach, which includes reducing demand, fighting trafficking and reducing the supply of narcotic drugs and psychotropic substances.

72. Recognize that stable, supportive and nurturing family relationships, supported by communities and, where available, professional services, can provide a vital shield against substance abuse, particularly among minors. Schools and the media, inter alia, through the use of information technologies, including the Internet, should be encouraged to provide young people with information on the dangers of substance abuse and addiction and on how to seek help.

73. Recognize that the consumption of tobacco and the abuse of alcohol, especially by young women and men, pose a major threat to health, and support the development in each country of comprehensive programmes to reduce the consumption of tobacco, exposure to environmental tobacco smoke and the abuse of alcohol.

74. Further strengthen the effectiveness of organizations and mechanisms working for the prevention and peaceful resolution of conflicts and to address their social roots and consequences.

75. Strengthen the capability of relevant United Nations bodies, within their respective mandates, to promote measures for social integration in their post-conflict management strategies and activities, including in their research, analyses, training and operational activities, so as to better address trauma recovery, rehabilitation, reconciliation and reconstruction in post-conflict situations, inter alia, by promoting participatory development initiatives. Greater attention should be given to children, including unaccompanied refugee minors, displaced children, children separated from their families, those acting as soldiers and those involved in armed conflicts.

#### **Commitment 5**

**To promote full respect for human dignity and to achieve equality and equity between women and men, and to recognize and enhance the participation and leadership roles of women in political, civil, economic, social and cultural life and in development:**

76. Promote the full enjoyment of all human rights and fundamental freedoms by all women and girls as one of the prerequisites of gender equality. Governments should ensure that the human rights of women



and girls are respected, protected and promoted through the development, implementation and effective enforcement of gender-sensitive policies and legislation.

77. The elimination of discrimination against women and their empowerment and full participation in all areas of life and at all levels should be priority objectives at the national as well as at the international levels and an intrinsic part of social development. Equitable social development requires full respect for human dignity, equality and equity between women and men, and the mainstreaming of gender considerations in all levels of policy-making and in the planning of programmes and projects. Despite some progress, gender mainstreaming is not yet universal, and gender-based inequality continues in many areas of most societies.

78. Take fully into account and implement the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century".

79. Ensure gender mainstreaming in the implementation of each of the further initiatives related to each of the commitments made at the World Summit for Social Development, considering the specific roles and needs of women in all areas of social development, inter alia, by evaluating the gender implications of proposals and taking action to correct situations in which women are disadvantaged. The use of positive or affirmative action and empowerment programmes is commended to both Governments and international organizations.

80. Strengthen national efforts, including with assistance from the international community, to promote the empowerment of women, inter alia, by:

(a) Closing the gender gap in primary and secondary education by 2005 and ensuring free compulsory and universal primary education for both girls and boys by 2015;

(b) Increasing the access of women and girls to all levels and forms of education;

(c) Achieving a 50 per cent improvement in levels of adult literacy by 2015, especially for women;

(d) Increasing the participation of women and bringing about a balanced representation of women and men in all sectors and occupations in the labour market and closing the gender gap in earnings;

(e) Ensuring the reduction of maternal morbidity and mortality as a health sector priority;

(f) Eliminating all forms of violence against women, in the domestic as well as in the public sphere;

(g) Promoting programmes to enable women and men to reconcile their work and family responsibilities and to encourage men to share equally with women household and child care responsibilities.

81. Promote international cooperation to support regional and national efforts in the development and use of gender-related analysis and statistics, inter alia, by providing national statistical offices, upon their request, with institutional and financial support in order to enable them to respond to requests for data disaggregated by sex and age for use by national Governments in the formulation of gender-sensitive statistical indicators for monitoring and policy and programme impact assessment, as well as to undertake regular strategic surveys.

82. Support Governments in their efforts to institute action-oriented programmes and measures to accelerate the full implementation of the Copenhagen Programme of Action and the Beijing Platform for Action, with time-bound targets and/or measurable goals and evaluation methods, including gender-impact assessments, with the full participation of women for measuring and analysing progress.

83. Consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

84. Increased efforts are needed to provide equal access to education, health, and social services and to ensure the rights of women and girls to education and the enjoyment of the highest attainable standard of physical and mental health and well-being throughout the life cycle, as well as adequate, affordable and universally accessible health care and services, including as regards sexual and reproductive health, particularly in the face of the HIV/AIDS pandemic; they are also needed with regard to the growing proportion of older women.

85. Ensure that the reduction of maternal morbidity and mortality is a health sector priority and that women have ready access to essential obstetric care, well-equipped and adequately staffed maternal health-care services, skilled attendants at delivery, emergency obstetric care, effective referral and transport to higher levels of care, when necessary, post-partum care and family planning, in order to, inter alia, promote safe motherhood, and give priority attention to measures to prevent, detect and treat breast, cervical and ovarian cancer and osteoporosis, and sexually transmitted infections, including HIV/AIDS.

#### **Commitment 6**

**To promote and attain the goals of universal and equitable access to quality education, the highest attainable standard of physical and mental health, and the access of all to primary health care, making particular efforts to rectify inequalities relating to social conditions, without distinction as to race, national origin, gender, age or disability, respecting and promoting our common and particular cultures, striving to strengthen the role of culture in development, preserving the essential bases of people-centred sustainable development, and contributing to the full development of human resources and to social development, with the purpose of eradicating poverty, promoting full and productive employment and fostering social integration:**

86. Recognize the primary responsibility of Governments for providing or ensuring access to basic social services for all; develop sustainable, pro-poor health and education systems by promoting community participation in planning and managing basic social services, including health promotion and disease prevention; and diversify approaches to meet local needs, to the extent possible, utilizing local skills and resources.

87. Ensure appropriate and effective expenditure of resources for universal access to basic education and primary health care, within the country context, in recognition of the positive impact this can have on economic and social development, with particular efforts

to target the special needs of vulnerable and disadvantaged groups.

88. Improve the performance of health-care systems, in particular at the primary health-care level, by broadening access to health care.

89. Make basic health services available to all members of society and, where appropriate, explore the possibility of promoting non-profit community-based health insurance programmes among possible methods to support the Government in the promotion of accessible primary health care for all.

90. Encourage new action at the international level, including examining the feasibility of proclaiming a United Nations literacy decade, to support national efforts to achieve universal access to basic education and primary health services for all by the year 2015.

91. Invite international organizations, in particular the international financial institutions, according to their mandates, to keep in mind the overall objective of facilitating long-term development to support national health and education programmes.

92. Reaffirm the Dakar Framework for Action on Education for All, adopted at the World Education Forum, held in Dakar from 26 to 28 April 2000, to develop or strengthen national strategies or action plans at the appropriate level to promote its goals: to ensure that by 2015 all children, particularly girls and children in difficult circumstances or with special needs, including children with disabilities, have access to and complete free and compulsory primary education of good quality; to improve early childhood care and education; to ensure access to appropriate learning, life skills and citizenship programmes; to achieve a 50 per cent improvement in levels of adult literacy; to improve the quality of education; and to take action to eliminate gender disparities and to ensure that girls and women have full and equal access to education.

93. Recognize that achieving education for all will require additional financial support by countries and increased development assistance and debt relief for education by bilateral and multilateral donors, estimated to cost on the order of \$8 billion a year. It is therefore essential that new, concrete financial commitments be made by national Governments and also by bilateral and multilateral donors, including the World Bank and the regional development banks, by civil society and by foundations.

94. Take measures to better acknowledge and support the work of teachers and other educational personnel, including, where appropriate, improved compensation and benefits, relevant training and re-training programmes, human resource and career development strategies, and measures to encourage teachers' sustained contributions to quality education.

95. Encourage and assist developing countries and others in need in building capacities for secondary and tertiary education, as well as in training students in the skills and technologies necessary for effective participation in the modern, knowledge-based global economy, and promote international exchanges in the field of education so as to foster greater self-reliance in meeting the challenges of social and economic development and to increase sensitivity for and better understanding of all cultures and awareness of global issues.

96. Take all appropriate measures to ensure that infectious and parasitic diseases, such as malaria, tuberculosis, leprosy and Schistosomiasis, neither continue to take their devastating toll nor impede economic and social progress; and strengthen national and international efforts to combat these diseases, inter alia, through capacity-building in the developing countries with the cooperation of the World Health Organization, including support for research centres.

97. Take multisectoral measures at the national level to enable all women and men, including young people, to protect themselves and others against, and be protected from, HIV infection in order to counteract the devastating impact of the epidemic on personal, social and economic development. It is particularly important to protect the dignity and the human rights of and improve the quality of life for people living with HIV/AIDS. Measures to enhance prevention and address the consequences of the transmission of HIV/AIDS and other sexually transmitted infections may include:

(a) Strengthening health-care services, including sexual and reproductive health;

(b) Strengthening information, education and communication campaigns to raise awareness of HIV/AIDS and to promote safe and responsible sexual behaviour, in full partnership with youth, parents, families, educators and health-care providers;

(c) Training health-care providers in all areas of prevention and control of HIV/AIDS and sexually transmitted infections, and giving special attention to the avoidance of contaminating equipment and blood products, the need to ensure a safe blood supply and the avoidance of reusing or sharing needles among injecting drug users;

(d) Developing and implementing strategies to prevent mother-to-child transmission;

(e) Promoting analyses of the political, cultural, social, economic and legal aspects of HIV/AIDS in order to develop strategies and measures to address the epidemic and its impact on national development;

(f) Providing social and educational support to communities, households, orphans and children affected by HIV/AIDS.

98. Strengthen political commitment and efforts at the international and national levels against HIV/AIDS, with a focus on developing countries and countries with economies in transition, through partnership among the Joint United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) and its co-sponsors, bilateral donors, Governments and non-governmental organizations, including youth organizations, and the private sector, based on a multisectoral approach encompassing, among other things, education and prevention programmes and services, care, including prenatal care, access to affordable medications and other pharmaceutical agents, and support for people living with HIV/AIDS, including home-based care, family planning programmes and the empowerment of women.

99. Provide support to countries with economies in transition to revitalize systems of primary health care and to promote more vigorous campaigns for health education and the promotion of healthy lifestyles.

100. Encourage, at all levels, arrangements and incentives to mobilize commercial enterprises, especially in pharmaceuticals, to invest in research aimed at finding remedies that can be provided at affordable prices for diseases that particularly afflict people in developing countries, and invite the World Health Organization to consider improving partnerships between the public and private sectors in the area of health research.

101. Recognize the right of everyone to the enjoyment of the highest attainable standards of physical and mental health as contained in relevant international human rights instruments as well as in the Constitution of the World Health Organization. Further recognize the critical importance of access to essential medicines at affordable prices. Acknowledge the contribution of intellectual property rights to promote further research, development and distribution of drugs, and the fact that these intellectual property rights should contribute to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare. Agree that Member States may freely exercise, consistent with national laws and international agreements acceded to, in an unrestricted manner, the options available to them under international agreements to protect and advance access to life-saving, essential medicines.

102. Invite the World Health Organization, in collaboration with the United Nations Conference on Trade and Development, the World Trade Organization and other concerned agencies, to help to strengthen the capacities of the developing countries, particularly the least developed countries, to analyse the consequences of agreements on trade in health services for health equity and the ability to meet the health needs of people living in poverty, and to develop policies to ensure the promotion and protection of national health services.

103. Invite the World Health Organization to cooperate with Governments, at their request, and with international organizations, in monitoring and analysing the pharmaceutical and public health implications of relevant international agreements, including trade agreements, so that Governments can effectively assess and subsequently develop pharmaceutical and health policies and regulatory measures that address their concerns and priorities, and can maximize the positive and mitigate the negative impact of those agreements.

104. Invite the organizations of the United Nations system to cooperate with the World Health Organization to integrate the health dimension into their policies and programmes, in view of the close interdependence between health and other fields and the fact that solutions to good health may often be found outside of the health sector itself; such cooperation may build on initiatives undertaken in one or more of the following areas: health and employment, health and education, health and macroeconomic policy, health and environment, health and transport, health and nutrition, health and food security, health and housing, development of more equitable health financing systems, and trade in health goods and services.

105. Invite the United Nations system to support national efforts, where appropriate, to build on initiatives undertaken in one or more of the above-mentioned fields.

#### **Commitment 7**

#### **To accelerate the economic, social and human resource development of Africa and the least developed countries:**

106. Encourage concerted national and international efforts to promote an integrated approach to people-centred sustainable development.

107. Make concerted national and international efforts for promoting an enabling environment that will facilitate the integration of Africa and the least developed countries into the global economy and promote their participation in the multilateral trading system, inter alia, by:

(a) Implementing appropriate debt-relief initiatives that can lead to a sustainable solution to their debt burden;

(b) Improving market access for export products of Africa and the least developed countries, including through tariff- and quota-free treatment for essentially all products originating in least developed countries on as broad and liberal a basis as possible;

(c) Supporting programmes to assist them in taking full advantage of the multilateral trading regime, both on a bilateral basis and through multilateral efforts, inter alia, through the World Trade Organization, the International Trade Centre, United Nations Conference on Trade and Development and other relevant regional and subregional economic organizations;

(d) Pursuing structural adjustment programmes relevant to the needs of these countries by supporting growth-enhancing, poverty-reducing economic reforms;

(e) Supporting, inter alia, initiatives in the development of venture capital funds for investment in these countries in fields conducive to sustainable development.

108. Assist Governments in Africa and the least developed countries in enhancing the productive capacity and competitiveness of their countries through, inter alia, policies and programmes to support agricultural and industrial diversification, the establishment of cooperative business networks, public and private systems for sharing information, promoting technology and encouraging domestic and foreign investment, especially in the field of technology.

109. Call upon donor Governments and international organizations to encourage investment in critical infrastructure services, including reconstruction in post-conflict and natural disaster situations, and invite Governments in Africa and the least developed countries to utilize infrastructure investments to also promote employment.

110. Encourage interested Governments to consider the establishment of a world solidarity fund to be financed on a voluntary basis in order to contribute to the eradication of poverty and to promote social development in the poorest regions of the world.

111. Call upon the World Food Programme and other concerned agencies to strengthen food-for-work activities in low-income food-deficit countries, in particular in Africa, as an important measure to expand or rehabilitate needed community infrastructure, create employment and enhance household food security.

112. Strengthen support for South-South cooperation as a means to promote development in Af-

rica and the least developed countries by enhancing investment and transfer of appropriate technology through mutually agreed arrangements, as well as promoting regional human resource development and development of technology through, inter alia, technology-promotion centres.

113. Support increased efforts of Governments to promote and strengthen human-resource development in Africa and the least developed countries, in partnership with civil society, to achieve quality basic education for all, while at the same time continuing to invest in secondary and tertiary education, and with enhanced cooperation of the international community.

114. Support the efforts of Governments to allocate additional resources to education and the management capacities of the educational sector, and improve enrolment ratios, particularly for girls and women.

115. Support steps taken by Governments to encourage skilled and highly educated Africans to remain in the region and to utilize and further develop their skills.

116. Urge developed countries to strive to fulfil as soon as possible the agreed target of earmarking 0.15 to 0.20 per cent of gross national product as official development assistance for the least developed countries.

117. Accord priority to the least developed countries by the international community, including by United Nations funds and programmes, as well as international and regional financial institutions, in the allocation of resources on concessional terms for economic and social development.

118. Encourage the United Nations and its affiliated agencies to enhance the provision of technical cooperation to the least developed countries. In this context, call for the strengthening of the integrated framework for trade-related technical assistance to the least developed countries.

119. Encourage creditor countries to implement bilateral debt relief arrangements for the African and the least developed countries and stress that debt relief should contribute to national development objectives, including poverty eradication.

120. Give special attention to the least developed countries, in particular those in sub-Saharan Africa, in the implementation of the 20/20 initiative in cooperation with civil society in order to ensure access to basic social services for all.

121. Support the recommendations contained in the report of the Secretary-General and in that context await the outcome of the open-ended ad hoc working group on the causes of conflict and promotion of durable peace and sustainable development in Africa.

122. Encourage the twenty-five African countries most affected by HIV/AIDS to adopt time-bound targets for reducing infection levels, such as a target for reducing infection levels in young people by 25 per cent by 2005, and invite the Joint United Nations Programme on HIV/AIDS, in conjunction with its co-sponsoring agencies, to prepare and propose means for implementing a strategy for achieving this target.

123. Support African Governments in expanding and strengthening programmes related to young people and HIV/AIDS by developing a collective strategy with the donor community, international organizations and non-governmental organizations, facilitated by the establishment of national young people's task

forces, in order to ensure the necessary multisectoral response and the interventions to raise the awareness and address the needs of young people, as well as the needs of those living with HIV/AIDS and children orphaned by AIDS.

124. Invite the Joint United Nations Programme on HIV/AIDS and its co-sponsors, as part of the International Partnership Against AIDS in Africa, to support countries most affected by the HIV/AIDS pandemic, upon request, in their efforts:

(a) To allocate adequate resources, in particular financial resources, as well as wider access to quality medication by ensuring the provision and affordability of drugs, including a reliable distribution and delivery system; implementation of a strong generic drug policy; bulk purchasing; negotiation with pharmaceutical companies; appropriate financing systems; and encouragement of local manufacturing and import practices consistent with national laws and international agreements acceded to;

(b) To develop a strategy for resource mobilization for programmes on young people with their full involvement;

(c) To consolidate resources by creating or strengthening technical resource networks and identifying best practices at the country and regional levels;

(d) To develop a core set of indicators and tools to monitor implementation of youth programmes and progress towards achievement of the target to reduce infection levels in young people by 25 per cent by 2005.

125. Support African Governments and civil society organizations, inter alia, through the International Partnership Against AIDS in Africa and national programmes, in the provision of key services linked to social security, care and support, prevention and treatment of sexually transmitted infections, reduction of mother-to-child transmission, access to voluntary and confidential counselling and testing, and support of behavioural change and responsible sexual behaviour in order to scale up significantly efforts in Africa to curtail the spread of HIV, reduce the impact of HIV/AIDS and halt the further reversal of human, social and economic development.

126. Support and assist research and development centres in Africa and the least developed countries in the field of vaccines, medicine and public health, thereby strengthening training of medical personnel and counsellors, improving control and treatment of communicable and infectious diseases, such as HIV/AIDS, malaria and tuberculosis, as well as assisting in making vaccines and medicines for the control and treatment of these diseases widely available at affordable prices.

127. Encourage the international community to give its full support to an effective and successful outcome of the Third United Nations Conference on the Least Developed Countries to be held in Brussels in 2001.

#### **Commitment 8**

**To ensure that when structural adjustment programmes are agreed to they include social development goals, in particular eradicating poverty, promoting full and productive employment and enhancing social integration:**

128. Encourage international financial institutions and national Governments to adopt the principle of in-

tegration of social as well as economic aspects in the design of structural adjustment as well as reform programmes.

129. Adjustment programmes to address economic crises, including those negotiated between national Governments and the International Monetary Fund, should strive to ensure that this process does not lead to a severe drop in economic activity or sharp cuts in social spending.

130. Encourage Governments and international financial institutions to improve the ongoing dialogue on the design, implementation and reform of structural adjustment programmes, ensuring the full integration of social and economic frameworks for protecting social policies and programmes so that such programmes are genuinely nationally owned and driven; such dialogue would benefit from consultations by Governments with relevant actors and organizations of civil society. Encourage the international financial institutions to take into account the specific circumstances of countries concerned in providing support to their structural adjustment programmes.

131. Encourage the development of nationally owned poverty reduction strategies as a way to facilitate the dialogue of Governments with development partners and as a tool for the integration of social goals in national development strategies.

132. Design national policies, taking into account concerns of people living in poverty, by incorporating social development goals in the formulation of structural adjustment programmes, including poverty reduction strategies, in consultation with civil society, with a particular emphasis on:

(a) Designing economic policies for more equitable and enhanced access to income and resources to promote sustained economic growth and sustainable development, taking fully into account economic and social programmes aimed at poverty reduction;

(b) Protecting core social development expenditures identified by individual Governments from budgetary cuts, especially in times of crises, and encouraging international development banks to support national efforts in this regard;

(c) Ensuring that public services reach people living in poverty and vulnerable groups as a matter of priority, particularly through strengthening existing social programmes;

(d) Implementing adjustment and stabilization policies in ways that protect people living in poverty as well as vulnerable groups;

(e) Preserving and enhancing the social capital and strengthening the social fabric of society;

(f) Taking into account the evolving concept of poverty reduction strategy papers.

133. Ensure transparency and accountability by both Governments and international financial institutions for improved efficacy of structural adjustment programmes and fulfilment of social development goals.

134. Establish participatory mechanisms to undertake assessment of the social impact of structural adjustment programmes and reform packages before, during and after the implementation process with a view to mitigating their negative impact and developing policies to improve their positive impact on social development goals. Such assessments might involve

the support and cooperation of the United Nations system, including the Bretton Woods institutions, regional development banks and organizations of civil society.

135. Improve information-sharing and coordination between the Economic and Social Council and the relevant organizations of the United Nations system, including the Bretton Woods institutions, with a view to promoting social development and exploring ways and means to reduce the negative effects and improve the positive impact of structural adjustment programmes.

136. Ensure that gender issues are taken into account in the formulation and implementation of structural adjustment programmes.

#### **Commitment 9**

**To increase significantly and/or utilize more efficiently the resources allocated to social development in order to achieve the goals of the Summit through national action and regional and international cooperation:**

137. Recommend that the high-level intergovernmental event on financing for development, to be held in 2001, consider the mobilization of national and international resources for social development for the implementation of the Copenhagen Declaration and Programme of Action.

138. With the assistance of the international community, upon request, strengthen national information systems to produce reliable and disaggregated statistics on social development in order to assess the impact of social policies on economic and social development as well as to ensure that economic and social resources are used efficiently and effectively.

139. Undertake efforts to mobilize domestic resources for social development in accordance with national priorities and policies, inter alia, by:

(a) Reallocating public resources for investment in social development, inter alia, through the appropriate reduction of excessive military expenditures, including global military expenditures and the arms trade, and investments for arms production and acquisition, taking into consideration national security requirements;

(b) Endeavouring to enhance the cost-effectiveness of social spending;

(c) Strengthening mechanisms and policies to attract and manage private investment, thus freeing and also increasing public resources for social investments;

(d) Facilitating ways and means for the involvement and active partnership of civil society in the provision of social services.

140. Taking into account the challenges of globalization facing developing countries, support Governments, at their request, in the establishment of guidelines for policies aimed at generating domestic revenue to pay for social services, social protection and other social programmes, inter alia, by:

(a) Promoting equitable and progressive broadening of the tax base;

(b) Improving the efficiency of tax administration, including tax collection;

(c) Seeking new sources of revenue which simultaneously may discourage public bads;

(d) Undertaking various forms of public borrowing, including issuance of bonds and other financial instruments to finance capital works.

141. Promote, through national action, the mobilization of new and additional resources for social development, inter alia, by:

(a) Extending access to microcredit and other financial instruments to people living in poverty, particularly women;

(b) Supporting community participation in the planning, provision and maintenance of local infrastructure, through mechanisms such as community contracting of labour-based works;

(c) Improving and restructuring, as appropriate, national tax regimes and administration in order to establish an equitable and efficient system that supports social development policies and programmes and, inter alia, take measures to reduce tax evasion;

(d) Requesting the international community to support the efforts of all countries aimed at strengthening institutional capacity for preventing corruption, bribery, money-laundering and illegal transfer of funds, as well as repatriating these funds to their countries of origin.

142. Promote, through international action, the mobilization of new and additional resources for social development, inter alia, by:

(a) Developing appropriate means of international cooperation in tax matters;

(b) Exploring methods for dividing the liability of multinational corporations to pay taxes on profits among the various jurisdictions in which they operate;

(c) Exploring ways to combat the use of tax shelters and tax havens that undermine national tax systems;

(d) Improving the existing mechanisms for helping to stabilize commodity export earnings so as to respond to the real concerns of developing country producers, taking into account the fact that commodity price instability has remained extremely high, with declining trends for a number of commodities;

(e) Preventing tax avoidance and promoting treaties for avoiding double taxation;

(f) Exploring ways and means to increase and widen flows of public and private financial resources to developing countries, especially least developed countries;

(g) Conducting a rigorous analysis of advantages, disadvantages and other implications of proposals for developing new and innovative sources of funding, both public and private, for dedication to social development and poverty eradication programmes;

(h) Exploring ways and means of promoting the micro- and small enterprise sector whereby it becomes a possible vehicle for a new development model.

143. Urge international action to support national efforts to attract additional resources for social development, in several important areas:

(a) Encouraging creditor countries and institutions to take action to achieve rapid progress towards faster, broader and deeper debt relief as agreed under the enhanced Heavily Indebted Poor Countries Debt Initiative, which already considers increased flexibility with regard to eligibility criteria and through other means, to help to alleviate the debt burdens of those countries covered by the Initiative, stressing that debt relief should contribute to development objectives, including poverty reduction, and in this regard urging countries to direct those resources freed through debt relief, in particular through debt cancellation and reduction,

towards these objectives, consistent with General Assembly resolution 54/202 of 22 December 1999;

(b) Strengthening the institutional capacity of developing countries in debt management, calling upon the international community to support the efforts towards this end, and in this regard stressing the importance of such initiatives as the Debt Management and Financial Analysis System and the debt-management capacity-building programme;

(c) Calling for concerted national and international action to address effectively debt problems of low and middle-income developing countries with a view to resolving their potential long-term debt-sustainability problems through various debt-treatment measures, including, as appropriate, orderly mechanisms for debt reduction, and encouraging all creditor and debtor countries to utilize to the fullest extent possible, where appropriate, all existing mechanisms for debt reduction;

(d) Calling for continued international cooperation, including the reaffirmation to strive to fulfil the yet to be attained internationally agreed target of 0.7 per cent of the gross national product of developed countries for overall official development assistance as soon as possible, thereby increasing the flow of resources for social development;

(e) Encouraging donor and recipient countries, based on mutual agreement and commitment, to implement fully the 20/20 initiative, in line with the Oslo and Hanoi Consensus documents, to ensure universal access to basic social services;

(f) Providing concessional financing for social development programmes and projects to support the efforts of developing countries to achieve social development goals and targets;

(g) Providing landlocked countries and transit developing countries with appropriate technical and financial assistance in their efforts to implement the outcome of the Summit, particularly in addressing their special needs and problems;

(h) Implementing the commitments regarding the special needs and vulnerabilities of the small island developing States, in particular by providing effective means, including adequate, predictable, new and additional resources for social development programmes, in accordance with the Programme of Action for the Sustainable Development of Small Island Developing States and the results of the twenty-second special session of the General Assembly and on the basis of the relevant provisions of the Programme of Action.

144. Promote greater efficiency and effectiveness in the use of resources for social development.

145. Invite Governments to consider sector-wide approaches for the achievement of social development goals, in accordance with overall national development goals and priorities.

#### **Commitment 10**

**To promote an improved and strengthened framework for international, regional and subregional cooperation for social development, in a spirit of partnership, through the United Nations and other multilateral institutions:**

146. Develop, strengthen and make more effective indicators at the national level for assessing and guiding social development, in collaboration with research

institutions and civil society, as appropriate. These could include quantitative and qualitative indicators for assessing, inter alia, the social and gender impact of policies. Also develop and strengthen national information systems to produce reliable statistics on social and economic development. The relevant bodies of the United Nations and other relevant institutions should support, upon request, these national efforts.

147. Invite the Statistical Commission, with the assistance of the Statistics Division of the Department of Economic and Social Affairs of the Secretariat and in close cooperation with other relevant bodies of the United Nations system, including the Administrative Committee on Coordination, and, as appropriate, other relevant international organizations, to review, with a view to facilitating future consideration by the Economic and Social Council, the work undertaken in harmonizing and rationalizing basic indicators in the context of follow-up to United Nations conferences and summits, taking fully into account the decisions taken in other functional and regional commissions, and in that process to identify a limited number of common indicators from among those currently accepted and widely used by the States Members of the United Nations in order to lessen the data-provision burden on Member States, bearing in mind the work done so far in this area.

148. Strengthen cooperation at the regional level, which might include:

(a) Promoting dialogue among regional and sub-regional groups and organizations;

(b) Encouraging regional commissions to initiate or continue evaluation of the implementation of the Copenhagen Declaration and Programme of Action and the further initiatives contained in the present document;

(c) Encouraging the implementation of regional social development agendas where they exist; encouraging recipient countries, donor Governments and agencies and multilateral financial institutions to take greater account of the regional social development agenda of regional commissions and regional and sub-regional organizations, including in their funding policies and programmes.

149. Further strengthen the Economic and Social Council as the body primarily responsible for coordinating international action in follow-up to United Nations conferences and summits, which could include:

(a) Fostering a closer working relationship with the United Nations funds and programmes and the specialized agencies;

(b) Supporting continuing existing cooperation between the Economic and Social Council and the Bretton Woods institutions and joint meetings with the World Bank and the International Monetary Fund, so that the objectives and policy approaches of the United Nations conferences and summits are given due consideration by those institutions.

150. Promote South-South cooperation, particularly in terms of economic and technical cooperation, and support triangular mechanisms whereby donors would provide appropriate support.

151. Promote the full realization of the right to development and the elimination of obstacles to development through, inter alia, the implementation of the provisions of the Declaration on the Right to Develop-

ment as reaffirmed by the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993.

152. Continue work on a wide range of reforms to create a strengthened and more stable international financial system, enabling it to deal more effectively and in a timely manner with the new challenges of development.

153. Consider the establishment, as appropriate, of national mechanisms, where they do not already exist, for the implementation of the Copenhagen Declaration and Programme of Action and the further initiatives contained in the present document.

154. Invite parliamentarians to continue to adopt legislative measures and to expand awareness-raising, necessary for implementing the commitments of the World Summit for Social Development and the further initiatives contained in the present document, and encourage the contribution of the Inter-Parliamentary Union in this effort.

155. Invite the Economic and Social Council to consolidate the ongoing initiatives and actions established in the Copenhagen Declaration and Programme of Action, the first United Nations Decade for the Eradication of Poverty (1997-2006) and the recommendations contained in the present document with a view to launching a global campaign to eradicate poverty.

156. Commit ourselves and encourage the United Nations system and all other relevant actors to take further determined sustained action to implement the commitments of the Copenhagen Declaration and Programme of Action and the results of the current special session of the General Assembly, entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world", and request the Economic and Social Council to assess regularly, through the Commission for Social Development, the further implementation of the Copenhagen commitments and the outcome of the special session, not excluding the possibility of bringing together, at the appropriate time, all parties involved to evaluate progress and to consider new initiatives.

#### Outcome of special session

**Report of Secretary-General.** A September report of the Secretary-General on the twenty-fourth special session [A/55/344], prepared in response to General Assembly resolution 54/23 [YUN 1999, p. 1038], contained an analysis of the outcome document, particularly new initiatives regarding the role of Governments; the relationship between social policies and economic development; financial stability and international financial architecture; poverty eradication; employment; social integration; gender equality and mainstreaming; health and education for all; greater integration of developing countries, Africa and LDCs and those with economies in transition; debt relief; and resources for social development. It discussed further follow-up action by the UN system, particularly the Economic and Social Council, and presented an overview of the new initiatives.

**GENERAL ASSEMBLY ACTION**

On 29 November [meeting 74], the General Assembly adopted **resolution 55/46** [draft: A/55/L.40 & Add.1] without vote [agenda item 37].

**Implementation of the outcome of the World Summit for Social Development and of the special session of the General Assembly in this regard**

The General Assembly,

Recalling the World Summit for Social Development, held in Copenhagen from 6 to 12 March 1995, and the twenty-fourth special session of the General Assembly entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world", held in Geneva from 26 June to 1 July 2000,

Stressing the importance of the outcome of the twenty-fourth special session of the General Assembly which reviewed and assessed the implementation of the Copenhagen Declaration on Social Development and the Programme of Action and adopted further actions and initiatives to implement the commitments made at the Summit,

Recalling the United Nations Millennium Declaration and the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: Gender equality, development and peace for the twenty-first century",

1. Reaffirms the commitments made by heads of State and Government at the World Summit for Social Development, contained in the Copenhagen Declaration on Social Development and the Programme of Action, which established a new consensus to place people at the centre of the concerns for sustainable development and pledged to eradicate poverty, promote full and productive employment and foster social integration so as to achieve stable, safe and just societies for all, and the decisions on further action and initiatives to accelerate social development for all, adopted at the twenty-fourth special session of the General Assembly and contained in the further initiatives for social development;

2. Also reaffirms that the Copenhagen Declaration and the Programme of Action and the further initiatives for social development adopted at the twenty-fourth special session will constitute the basic framework for the further promotion of social development in the forthcoming years;

3. Emphasizes the vital importance of placing the goals of social development, as contained in the Copenhagen Declaration and the Programme of Action and in the outcome document of the twenty-fourth special session, at the centre of economic policy-making, including in policies that influence domestic and global market forces and the global economy;

4. Invites the Secretary-General, the Economic and Social Council, the Commission for Social Development, the regional commissions, the relevant agencies, funds and programmes of the United Nations system and other relevant intergovernmental forums, within their respective mandates, to take on a priority basis all steps necessary to ensure the effective implementation of all commitments and undertakings contained in the Copenhagen Declaration and the Programme of Action and in the outcome document of the twenty-fourth special session;

5. Expresses its appreciation to the Government and people of Switzerland for contributing to the successful outcome of the twenty-fourth special session;

6. Takes note of the report of the Secretary-General on the outcome of the twenty-fourth special session;

7. Decides to include in the provisional agenda of its fifty-sixth session an item entitled "Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly", and requests the Secretary-General to submit to the General Assembly at its fifty-sixth session a report on this question.

**Commission for Social Development**

The Commission for Social Development held its thirty-eighth session from 8 to 17 February and on 14 and 17 March in New York [E/2000/26 & Corr. 1]. In addition to adopting a set of agreed conclusions on the review and appraisal of the implementation of the outcome of the 1995 World Summit for Social Development (see p. 1013), the Commission recommended to the Economic and Social Council the adoption of draft resolutions on further promotion of equalization of opportunities by, for and with persons with disabilities (see p. 1036) and follow-up to the 1999 International Year of Older Persons (see p. 1140).

In the context of preparations for the Commission's 2001 session, the Secretariat organized, in cooperation with Germany and South Africa, expert group meetings on the challenge of social protection in a globalizing world (Berlin, 10-12 October) and on traditional and modern schemes of social protection in the context of development (Cape Town, 30 October-1 November) [E/CN.5/2001/2]. The meetings aimed to explore the development of social protection systems for vulnerable and unprotected people, as well as to make suggestions on new mechanisms to ensure the sustainability of the systems in various country contexts.

On 27 July, the Economic and Social Council, taking note of the Commission's report on its thirty-eighth session, endorsed the Commission's resolutions and decisions and approved its provisional agenda and documentation for 2001 (decision 2000/238).

On 18 October, the Council decided to invite those NGOs accredited to the twenty-fourth special session of the General Assembly to attend the Commission's thirty-ninth (2001) session, provided that they had started the process of applying for consultative status (decision 2000/310).

**2000 Report on the World Social Situation**

An overview of the 2000 Report on the World Social Situation [E/2000/9], presented by the Secretary-General in April, summarized global developments from a social perspective. It re-



viewed demographic and economic trends; societal changes affecting and affected by the situation of families, civil society and public institutions; trends in living conditions; contemporary social problems, such as discrimination, armed conflicts, violence, corruption and crime; and education, technology and information. The report identified developments that were expected to influence and shape society, radically affecting life in far-reaching and fundamental ways.

The report was to be issued as a sales publication in 2001.

On 28 July, the Economic and Social Council took note of the overview of the report (**decision 2000/289**).

### **UN Research Institute for Social Development**

In 2000, the United Nations Research Institute for Social Development (UNRISD) continued to conduct research into the social dimensions of development. A November report of the UNRISD Board [E/CN.5/2001/3] described the Institute's activities, including participation in the twenty-fourth special session of the General Assembly (see p. 1012), for which UNRISD had produced the report *Visible Hands: Taking Responsibility for Social Development*, a synthesis of 40 commissioned papers that highlighted patterns of economic growth, liberalization and inequality which continued to obstruct progress. UNRISD commissioned papers and held a public workshop to coincide with the Assembly's special session on women (see p. 1082), and began a project to strengthen the empirical basis for the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (see p. 641). A special initiative was begun on improving research and knowledge on social development within international organizations (Bellagio, Italy, November).

Research continued within six projects initiated during the previous biennium: information technologies and social development; gender, poverty and well-being; business responsibility for sustainable development; public sector reform and crisis-ridden States; grass-roots initiatives for land reform; and urban governance. In addition, four new projects initiated during 1999-2000 were under way on neo-liberalism and institutional reform in East Asia; social policy in a development context; technocratic policy-making and democratization; and HIV/AIDS and development.

Although it was part of the UN system, UNRISD activities were financed through voluntary

contributions from Governments, international agencies and foundations.

### **Persons with disabilities**

**Report of Special Rapporteur.** During the year, the Commission for Social Development considered the final report of its Special Rapporteur on disability, Bengt Lindqvist (Sweden) [E/CN.5/2000/3 & Corr.1], describing the second monitoring period (1997-2000) of implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, contained in General Assembly resolution 48/96 [YUN 1993, p. 977]. During the period under review, the Special Rapporteur continued to advise Governments upon request, participate in seminars and conferences to discuss the practical implementation of the Rules, and study the implementation of the Rules worldwide through the use of surveys. He had visited countries in transition (Armenia, Bulgaria, Mongolia, Romania, Russian Federation), where he observed that they had not yet developed guidelines for a modern disability policy. In visits to developing countries (Chile, Costa Rica, Jordan, Thailand, Uruguay), he noted that programmes varied considerably. The Special Rapporteur reported on the results of the third global survey, conducted in collaboration with the World Health Organization (WHO), the body responsible for three of the Rules under preconditions for equal opportunity (medical care, rehabilitation, support services). The survey aimed to identify government policies regarding medical care, rehabilitation, support services and personnel training, as well as strategies adopted and problems encountered when working in the area of medical care and rehabilitation of persons with disabilities. The Special Rapporteur stated that a high proportion of Governments indicated the existence of medical services (99 countries of 104 responding), rehabilitation (73 of 102) and the provision of devices and equipment (87 of 96). He noted positive developments regarding children with disabilities and legislation, but more needed to be done, in particular to improve living conditions for girls and women with disabilities and for persons with developmental and psychiatric disabilities.

**Report of Secretary-General.** In a December interim report [E/CN.5/2001/7] on implementation of the World Programme of Action concerning Disabled Persons [YUN 1982, p. 981], the Secretary-General stated that in 2000 the Special Rapporteur had formulated a multi-year work programme and travelled, on request, to Belarus, Brazil, Bulgaria, Hungary, the Russian Federation

and Uganda. He participated in the Nineteenth World Congress of Rehabilitation International (Rio de Janeiro, Brazil, 25-29 August) and the Sixth Congress on the Inclusion of Children with Disabilities (Edmonton, Canada, 22-24 October), and organized an international seminar on human rights and disability (Stockholm, Sweden, 4-10 November).

Regarding activities under the African Decade of Disabled People (2000-2009), proclaimed by the Organization of African Unity, the UN Voluntary Fund on Disability supported an international workshop on environmental accessibility and universal design in developing countries (Providence, Rhode Island, United States, 14-18 June) and the Eastern Africa regional workshop on application of universal design concepts and principles and information technologies (Nairobi, 6-10 November). Within the context of the Asian and Pacific Decade of Disabled Persons (1993-2002), proclaimed in 1992 by the Economic and Social Commission for Asia and the Pacific [YUN 1992, p. 490], a series of regional and sub-regional technical meetings on accessibility focused on training related to barrier-free design.

The Secretary-General reported that, from 1 September 1999 to 31 October 2000, the UN Voluntary Fund on Disability provided \$763,901 in grants to 26 disability-related projects. Annexed to the report was a description of the projects.

**NGO Summit.** The World NGO Summit on Disability (Beijing, 10-12 March) [A/54/861-E/2000/47, A/S-24/3] adopted the Beijing Declaration on the Rights of People with Disabilities in the New Century, which called for an initiative that would lead to the adoption of an international convention on the rights of all people with disabilities.

(For information on persons with disabilities and human rights, see p. 733.)

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 27 July [meeting 43], the Economic and Social Council, on the recommendation of the Commission for Social Development [E/2000/26 & Corr.1], adopted **resolution 2000/10** without vote [agenda item 14 (b)].

#### **Further promotion of equalization of opportunities by, for and with persons with disabilities**

The Economic and Social Council,

Recalling General Assembly resolution 37/52 of 3 December 1982, by which the Assembly adopted the World Programme of Action concerning Disabled Persons, resolution 48/96 of 20 December 1993, by which it adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and resolutions 52/82 of 12 December 1997 and 54/121 of 17 December 1999,

Recalling also Economic and Social Council resolutions 1997/19 on equalization of opportunities for per-

sons with disabilities and 1997/20 on children with disabilities, of 21 July 1997, Commission on Human Rights resolution 1998/31 on the human rights of persons with disabilities of 17 April 1998 and other relevant resolutions of the General Assembly and the Economic and Social Council and its functional commissions,

Recalling further the purposes and principles of the Charter of the United Nations, and reaffirming the obligations contained in relevant human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Recalling the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development, in which Governments are requested to promote the Standard Rules and to develop strategies for their implementation,

Reaffirming the outcomes of the major United Nations conferences and summits and their respective follow-up reviews, in particular as they pertain to the promotion of the rights and well-being of persons with disabilities on the basis of their full participation and equality,

Mindful of the need to adopt and implement effective strategies and policies to promote the rights and the full and effective participation of persons with disabilities in economic, social, cultural and political life, on the basis of equality, to achieve a society for all,

Noting with great concern that persons with disabilities in some circumstances are among the poorest of the poor and continue to be excluded from the benefits of development, such as education and access to gainful employment,

Noting with satisfaction that the Standard Rules play an important role in influencing the promotion, formulation and evaluation of policies, plans, programmes and actions at the national, regional and international levels to further the equalization of opportunities by, for and with persons with disabilities,

Acknowledging the active role played by non-governmental organizations, including organizations of persons with disabilities, in cooperation with Governments and relevant intergovernmental bodies and organizations, to promote awareness and support implementation and evaluation of the Standard Rules at the national, regional and international levels,

Recognizing that the United Nations Voluntary Fund on Disability has relied on a narrow donor base, and that a sustained and predictable financial basis for the execution of the World Programme of Action concerning Disabled Persons and the implementation of the Standard Rules needs a broadening of its donor base,

1. Takes note with appreciation of the valuable work done by the Special Rapporteur for monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities of the Commission for Social Development, and welcomes his report on his second mission, 1997-2000;

2. Also takes note with appreciation of the important efforts of Governments as well as non-governmental organizations and academic institutions during the first and second missions of the Special Rapporteur to build capacities to implement the Standard Rules at the national, regional and interregional levels;

3. Welcomes the many initiatives and actions of Governments, relevant United Nations bodies and organi-

zations, including the Bretton Woods institutions, as well as non-governmental organizations to implement further the goal of full participation and equality for persons with disabilities in accordance with the Standard Rules;

4. Urges Governments, intergovernmental organizations as well as non-governmental organizations to take practical action to create greater awareness and support to implement further the Standard Rules, and to consider taking further initiatives, as appropriate, with special emphasis accorded, as noted in the report of the Special Rapporteur, to the human rights of persons with disabilities, children with disabilities and their families, gender aspects, in particular the issue of discrimination against women and girls with disabilities, and the situation of persons with developmental and psychiatric disabilities, with a focus on integrating such persons into society;

5. Urges the relevant bodies and organizations of the United Nations system, including relevant human rights treaty bodies, within their respective mandates, the regional commissions, intergovernmental organizations as well as non-governmental organizations to work closely with the programme on disability of the Division for Social Policy and Development of the Secretariat to promote the rights of persons with disabilities, including activities at the field level, by sharing knowledge, experiences, findings and recommendations concerning persons with disabilities;

6. Encourages the United Nations system, the Bretton Woods institutions and Governments to enhance cooperation, through appropriate mechanisms, with organizations of persons with disabilities or concerned with disability issues so as to implement the Standard Rules in an effective and coordinated manner;

7. Decides to renew the mandate of the Special Rapporteur for a further period through the year 2002 so that the results of his continued promotion and monitoring of the implementation of the Standard Rules, in accordance with section IV of the Standard Rules, will be available to the fourth quinquennial review and appraisal of the World Programme of Action concerning Disabled Persons, in accordance with General Assembly resolution 52/82, and to request the Special Rapporteur, assisted by the Secretariat and in consultation with his panel of experts, to prepare a report for submission to the Commission for Social Development at its fortieth session, in which he should, *inter alia*, present his views on further developing the proposals contained in his report on his second mission and on forms for complementing and developing the Standard Rules, and on ways to enhance the involvement of the relevant bodies and organizations of the United Nations system and relevant intergovernmental regional organizations regarding the implementation of the Standard Rules;

8. Encourages States parties to include in their reports to the relevant treaty bodies information on persons with disabilities, and reiterates its invitation to the Special Rapporteur and the relevant human rights treaty bodies, including the Committee on the Rights of the Child, within their respective mandates, to enhance their cooperation, as appropriate, to ensure that the rights of persons with disabilities are appropriately addressed;

9. Requests the Secretary-General to invite relevant organizations of the United Nations system to provide, upon request, advisory services to Governments, *inter alia*, on formulating and evaluating disability-sensitive policies and programmes, on reinforcing the disability dimension in mainstream technical cooperation activities, and for building national capacities and institutions to further equalization of opportunities in accordance with the Standard Rules, and to submit a report to the Commission at its fortieth session;

10. Also requests the Secretary-General to strengthen and improve mechanisms for consultation, exchange of information and coordination, as appropriate, and active participation of relevant United Nations bodies, specialized agencies and related organizations to implement further the Standard Rules, *inter alia*, within the framework of the Administrative Committee on Coordination;

11. Urges relevant bodies and organizations of the United Nations system to identify ways and means and to develop within their existing programmes support services and related initiatives to improve living conditions for persons with developmental and psychiatric disabilities, in particular women and children;

12. Encourages Governments, non-governmental organizations and the private sector to continue to contribute to the United Nations Voluntary Fund on Disability so that it is able to support on a predictable and sustained basis new and expanded initiatives at the regional, subregional and national levels to strengthen national capacities for equalization of opportunities by, for and with persons with disabilities, and the activities of the Special Rapporteur during his renewed mandate;

13. Urges Governments to observe the International Day of Disabled Persons, 3 December, as an opportunity for promoting the human rights of persons with disabilities and for raising awareness of their special needs with a view towards their full and effective participation in society;

14. Encourages international support for the African Decade of Disabled People during the years 2000-2009, to promote equalization of opportunities by, for and with persons with disabilities as well as to promote and protect their human rights.

## Cultural development

### Follow-up to 1998 intergovernmental conference

In response to General Assembly resolution 53/184 [YUN 1998, p. 1030], the Secretary-General, in August, transmitted a report of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on cultural development [A/55/339], which described activities taken by Member States, international organizations and UNESCO to implement the Action Plan adopted by the 1998 Intergovernmental Conference on Cultural Policies for Development [YUN 1998, p. 1030].

## GENERAL ASSEMBLY ACTION

On 20 December [meeting 87], on the recommendation of the Second (Economic and Financial) Committee [A/55/581/Add.3], the General Assembly adopted **resolution 55/192** without vote [agenda item 94 (c)].

**Culture and development**

The General Assembly,

Recalling its resolutions 41/187 of 8 December 1986, 46/158 of 19 December 1991, 51/179 of 16 December 1996, 52/197 of 18 December 1997 and 53/184 of 15 December 1998 on cultural development,

Encouraged by the positive international response to the results of the work of the World Commission on Culture and Development and of the Intergovernmental Conference on Cultural Policies for Development organized by the United Nations Educational, Scientific and Cultural Organization at Stockholm from 30 March to 2 April 1998,

Noting the steps taken by Member States, organizations of the United Nations system and non-governmental organizations to implement the recommendations in the Action Plan on Cultural Policies for Development adopted at the Conference,

Bearing in mind the importance of cultural values and cultural diversity as elements of sustainable development,

Underlining the fact that tolerance and respect for cultural diversity and universal promotion and protection of human rights, including the right to development, are mutually supportive,

Emphasizing the need to enhance the potential of culture as a means of prosperity, sustainable development and global coexistence,

1. Takes note of the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization;

2. Invites all Member States, intergovernmental bodies, organizations of the United Nations system and non-governmental organizations:

(a) To ensure, in cooperation with the United Nations Educational, Scientific and Cultural Organization, continuous and effective implementation of the Action Plan on Cultural Policies for Development;

(b) To intensify further their efforts to integrate cultural factors into their development programmes and projects, so as to ensure sustainable development that fully respects cultural diversity;

(c) To implement fully the Declaration and Programme of Action on a Culture of Peace adopted by the General Assembly on 13 September 1999;

(d) To commit themselves to promoting the dialogue among civilizations as an essential process for human development and mutual understanding and for strengthening international cooperation;

(e) To analyse the connection between culture and development and the elimination of poverty in the context of the first United Nations Decade for the Eradication of Poverty (1997-2006), as recommended in the Action Plan;

(f) To safeguard cultural and linguistic diversity in the context of globalization and to support action by the United Nations Educational, Scientific and Cultural Organization in this regard;

3. Encourages the United Nations Educational, Scientific and Cultural Organization to continue its work to promote a greater awareness of the crucial relationship between culture and development;

4. Also encourages the United Nations Educational, Scientific and Cultural Organization, in conjunction, as appropriate, with other relevant United Nations bodies and multilateral development institutions, to continue to provide support, upon request, to developing countries, in particular in national capacity-building, for the implementation of international cultural conventions, including conservation of heritage and protection of cultural property, and for the restitution of cultural property, in accordance with General Assembly resolution 54/190 of 17 December 1999, as well as support and opportunities for the promotion and enhancement of cultural goods and services and of cultural tourism respectful of the integrity of cultural and natural heritage;

5. Requests the Secretary-General, in consultation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to submit to the General Assembly at its fifty-seventh session a report on the implementation of the present resolution.

**International Year of Dialogue among Civilizations (2001)**

Pursuant to General Assembly resolution 54/113 [YUN 1999, p. 1044], the Secretary-General presented a November report [A/55/492/Rev.1], describing activities taken to implement the United Nations Year of Dialogue among Civilizations (2001), proclaimed by the Assembly in resolution 53/22 [YUN 1998, p. 1031]. A number of initiatives were launched to celebrate and defuse the fear of diversity and to underline the importance of inclusion. Governments, academic institutions and NGOs conducted seminars, debates and research. On 5 September, dialogue among civilizations was the subject of a meeting at the head-of-State level held at Headquarters. Reports on preparations for the Year received from Governments, UN bodies, specialized agencies and intergovernmental organizations were available for consultation in the UN Department of Economic and Social Affairs.

The Trust Fund established for the dialogue among civilizations had received limited contributions.

**Communication.** In October [A/55/455], Uzbekistan transmitted the text of the Declaration of the UNESCO International Congress on Inter-religious Dialogue and a Culture of Peace (Tashkent, 14-16 September).

## GENERAL ASSEMBLY ACTION

On 13 November [meeting 60], the General Assembly adopted **resolution 55/23** [draft: A/55/L.30 & Add.1] without vote [agenda item 32].

### United Nations Year of Dialogue among Civilizations

The General Assembly,

Recalling its resolutions 53/22 of 4 November 1998 and 54/113 of 10 December 1999 entitled "United Nations Year of Dialogue among Civilizations",

Reaffirming the purposes and principles embodied in the Charter of the United Nations, which, inter alia, call for collective effort to strengthen friendly relations among nations, remove threats to peace and foster international cooperation in resolving international issues of an economic, social, cultural and humanitarian character and in promoting and encouraging universal respect for human rights and fundamental freedoms for all,

Noting that civilizations are not confined to individual nation-States, but rather encompass different cultures within the same civilization, and reaffirming that civilizational achievements constitute the collective heritage of humankind, providing a source of inspiration and progress for humanity at large,

Bearing in mind the specificities of each civilization and the United Nations Millennium Declaration of 8 September 2000, which considers, inter alia, that tolerance is one of the fundamental values essential to international relations in the twenty-first century and should include the active promotion of a culture of peace and dialogue among civilizations, with human beings respecting one another, in all their diversity of belief, culture and language, neither fearing nor repressing differences within and between societies but cherishing them as a precious asset of humanity,

Noting that globalization brings greater interrelatedness among people and increased interaction among cultures and civilizations, and encouraged by the fact that the celebration of the United Nations Year of Dialogue among Civilizations, at the beginning of the twenty-first century, will provide the opportunity to emphasize that globalization not only is an economic, financial and technological process which could offer great benefit, but also constitutes a profoundly human challenge that invites us to embrace the interdependence of humankind and its rich cultural diversity,

Recognizing the diverse civilizational achievements of humankind, crystallizing cultural pluralism and creative human diversity,

Bearing in mind the valuable contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Stressing the need for the universal protection and promotion of all human rights and fundamental freedoms, including the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Underlining the fact that tolerance and respect for diversity and universal promotion and protection of human rights are mutually supportive, and recognizing that tolerance and respect for diversity effectively promote and are supported by, inter alia, the empowerment of women,

Emphasizing the need to acknowledge and respect the richness of all civilizations, to seek common grounds among and within civilizations in order to address

threats to global peace and common challenges to human values and achievements, taking into consideration, inter alia, cooperation, partnership and inclusion,

Welcoming the collective endeavour of the international community to enhance understanding through constructive dialogue among civilizations,

Encouraged by the positive reception of Governments, international organizations, civil society organizations and international public opinion to the proclamation of the United Nations Year of Dialogue among Civilizations, and welcoming the initiatives undertaken by governmental and non-governmental actors to promote dialogue,

Expressing its firm determination to facilitate and promote dialogue among civilizations,

1. Takes note with appreciation of the report of the Secretary-General;

2. Welcomes the convening, at the level of heads of State, of a round table on dialogue among civilizations, organized by the Islamic Republic of Iran and the United Nations Educational, Scientific and Cultural Organization, held at United Nations Headquarters on 5 September 2000 and which further contributed to the promotion of dialogue among civilizations;

3. Invites Governments, the United Nations system, including the United Nations Educational, Scientific and Cultural Organization, and other relevant international and non-governmental organizations to continue and further intensify planning and organizing appropriate cultural, educational and social programmes to promote the concept of dialogue among civilizations, inter alia, through organizing conferences and seminars and disseminating information and scholarly material on the subject, and to inform the Secretary-General of their activities;

4. Calls upon Governments to encourage all members of society to take part in promoting dialogue among civilizations and provide them with an opportunity to make contributions to the United Nations Year of Dialogue among Civilizations;

5. Encourages all Governments to expand their educational curricula relative to the teaching of respect for various cultures and civilizations, human rights education, the teaching of languages, the history and philosophy of various civilizations as well as the exchange of knowledge, information and scholarships among Governments and civil society in order to promote a better understanding of all cultures and civilizations;

6. Encourages all Member States, regional and international organizations, civil society and non-governmental organizations to continue to develop appropriate initiatives at all levels to promote dialogue in all fields with a view to fostering mutual recognition and understanding among and within civilizations;

7. Notes with interest the activities undertaken and proposals made by Member States, the United Nations Educational, Scientific and Cultural Organization and international and regional organizations, including the Organization of the Islamic Conference and non-governmental organizations, for the preparation of the United Nations Year of Dialogue among Civilizations;

8. Decides to devote two days of plenary meetings at the fifty-sixth session of the General Assembly, on 3 and 4 December 2001, to the consideration of the item, including consideration of any follow-up measures, and commemoration of the United Nations Year of

Dialogue among Civilizations, and encourages Member States and observers to be represented at the highest possible political level;

9. Invites all Governments, funding institutions, civil society organizations and the private sector to consider contributing to the Trust Fund established by the Secretary-General in 1999 to promote dialogue among civilizations;

10. Requests the Secretary-General to continue to provide the necessary support for strengthening the activities pertaining to dialogue among civilizations;

11. Also requests the Secretary-General to submit to the General Assembly at its fifty-sixth session a substantive report on the prospect of dialogue among civilizations and the activities pertaining to the United Nations Year of Dialogue among Civilizations;

12. Decides to include in the provisional agenda of its fifty-sixth session the item entitled "United Nations Year of Dialogue among Civilizations".

### Olympic Truce

On 1 September [A/54/971], the President of the General Assembly appealed to States to observe the Olympic Truce at the XXVII Olympic Games (Sydney, Australia, 15 September-1 October).

The General Assembly, on 5 September, took note of its President's appeal (**decision** 54/487).

**Communication.** On 5 September [A/54/972], Greece appealed for the observance of the Olympic Truce.

### Bethlehem 2000

On 7 November [meeting 54], the General Assembly adopted **resolution** 55/18 [draft: A/55/L.3 & Add.1] without vote [agenda item 36].

#### Bethlehem 2000

The General Assembly,

Recalling the fact that the Palestinian city of Bethlehem is the birthplace of Jesus Christ and one of the most historic and significant sites on earth,

Noting that the world is continuing to celebrate in Bethlehem, a city of peace, the onset of the new millennium in a global vision of hope for all peoples,

Stressing again the monumental importance of the event for the Palestinian people, for the peoples of the region and for the international community as a whole, as it comprises significant religious, historical and cultural dimensions,

Aware of the Bethlehem 2000 Project as a multifaceted undertaking for commemoration of the event, which began at Christmas, 1999, and will come to a close at Easter, 2001,

Aware also of the assistance needed with regard to the above-mentioned Project, and expressing appreciation for the steps already taken towards increasing the engagement and participation of the international community, including donor countries, and organizations of the United Nations system, in particular the United Nations Educational, Scientific and Cultural Organization, the United Nations Development Programme and the World Bank, as well as the European Commission, religious institutions and others,

Recalling the convening of the Bethlehem 2000 International Conference in Rome, on 18 and 19 February 1999, and its impact on the promotion of the Bethlehem 2000 Project and the mobilization of public awareness in all regions in support of this endeavour,

Welcoming the participation in the Bethlehem celebrations of several heads of State and Government and many other eminent personalities, including religious leaders, and expressing appreciation for the Palestinian preparations for this event,

Welcoming also the historic Jubilee 2000 pilgrimage of His Holiness Pope John Paul II to the Holy Land, his landmark visit to the holy sites in Bethlehem and the important message delivered by the Pontiff at Manger Square,

Expressing the need for immediate change in the situation on the ground in the vicinity of Bethlehem, especially with regard to ensuring freedom of movement,

Stressing the need for ensuring free and unhindered access to the holy places in Bethlehem to the faithful of all religions and the citizens of all nationalities,

Expressing the renewed hope for a successful outcome of the Middle East peace process and the achievement of a final settlement between the Palestinian and Israeli sides, so that the millennium may be celebrated in an atmosphere of peace and reconciliation,

1. Welcomes this global and historic celebration in Bethlehem and the onset of the third millennium as a symbol of the shared hope for peace among all peoples of the world;

2. Expresses support for the Bethlehem 2000 Project, and commends the efforts undertaken by the Palestinian Authority in this regard;

3. Notes with appreciation the worldwide support for the Bethlehem 2000 Project, and calls for sustained assistance and engagement by the international community as a whole, including private sector participation, in ensuring the success of the Project and of this monumental commemoration;

4. Requests the Secretary-General to continue to mobilize the pertinent organizations and agencies of the United Nations system to increase their efforts to ensure the successful completion of the Bethlehem 2000 Project;

5. Decides to conclude, at the current session, consideration by the General Assembly of the item entitled "Bethlehem 2000".

## Crime prevention and criminal justice

### Tenth UN Crime Congress

The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April [A/CONF.187/15], with a high-level segment on 14 and 15 April, adopted the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century. The Declaration was sub-

sequently submitted to the General Assembly's millennium session, in accordance with Assembly resolution 54/125 [YUN 1999, p. 1050]. In other action, the Congress approved the report of the Credentials Committee.

The Congress, which was attended by 134 States, as well as observers from UN offices and organs and the specialized agencies, intergovernmental organizations, NGOs and over 300 experts, was held under the theme crime and justice: meeting the challenges of the twenty-first century. It considered five major topics with a corresponding working paper prepared by the Secretariat: the state of crime and criminal justice worldwide [A/CONF.187/5]; international cooperation in combating transnational crime: new challenges in the twenty-first century [A/CONF.187/6]; promoting the rule of law and strengthening the criminal justice system [A/CONF.187/3]; effective crime prevention: keeping pace with new developments [A/CONF.187/7]; and offenders and victims: accountability and fairness in the justice process [A/CONF.187/8]. During the Congress, workshops were convened on combating corruption [A/CONF.187/9]; crimes related to computer networks [A/CONF.187/10]; community involvement in crime prevention [A/CONF.187/11]; and women in the criminal justice system [A/CONF.187/12].

Penuell Mpapa Maduna, Minister of Justice of South Africa, was elected President of the Congress.

In opening remarks, the Deputy Secretary-General of the United Nations, on behalf of the Secretary-General, noted that unprecedented challenges posed by increasingly global criminal networks fostered the recognition that no country could cope with the growth of transnational crime on its own. She stressed that new forms of transnational crime undermined confidence in political institutions and affected the stability and prosperity of societies. Fighting crime should be part of a global effort to create a more peaceful and prosperous world.

#### **Follow-up to the Tenth Congress**

On 18 and 19 April, the Commission on Crime Prevention and Criminal Justice (see p. 1044) considered the report of the Tenth Congress and an April note by the Secretariat [E/CN.15/2000/6], recalling that the General Assembly, in resolution 54/125 [YUN 1999, p. 1050], had requested the Commission to give priority in 2000 to the conclusions and recommendations of the Tenth Congress, with a view to recommending, through the Economic and Social Council, follow-up by the Assembly at its fifty-fifth (2000) session. The Assembly had also asked the Congress to submit,

through the Commission and the Council, the Vienna Declaration to the Millennium Assembly.

Following deliberations, the Commission recommended to the Council two draft texts, which were adopted as resolutions 2000/11 and 2000/12.

#### **ECONOMIC AND SOCIAL COUNCIL ACTION**

On 27 July [meeting 43], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/2000/30], adopted resolution 2000/11 without vote [agenda item 14 (c)].

#### **Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century**

The Economic and Social Council  
Recommends to the General Assembly the adoption of the following draft resolution:  
[For text, see General Assembly resolution 55/59 below.]

#### **GENERAL ASSEMBLY ACTION**

On 4 December [meeting 81], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/55/593], adopted resolution 55/59 without vote [agenda item 105].

#### **Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century**

The General Assembly,  
Recalling that, in its resolution 54/125 of 17 December 1999, it requested the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to submit, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, its declaration to the Millennium Assembly for consideration and action, and requested the Commission to give priority attention at its ninth session to the conclusions and recommendations of the Tenth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the General Assembly at its fifty-fifth session,

Endorses the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the States Members of the United Nations and the other States participating in the high-level segment of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, as contained in the annex to the present resolution.

#### **ANNEX**

#### **Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century**

We the States Members of the United Nations,  
Concerned about the impact on our societies of the commission of serious crimes of a global nature, and convinced of the need for bilateral, regional and international cooperation in crime prevention and criminal justice,

Concerned in particular about transnational organized crime and the relationships between its various forms,

Convinced that adequate prevention and rehabilitation programmes are fundamental to an effective crime control strategy and that such programmes should take into account social and economic factors that may make people more vulnerable to and likely to engage in criminal behaviour,

Stressing that a fair, responsible, ethical and efficient criminal justice system is an important factor in the promotion of economic and social development and of human security,

Aware of the promise of restorative approaches to justice that aim to reduce crime and promote the healing of victims, offenders and communities,

Having assembled at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Vienna from 10 to 17 April 2000 to decide to take more effective concerted action, in a spirit of cooperation, to combat the world crime problem,

Declare as follows:

1. We note with appreciation the results of the regional preparatory meetings for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

2. We reaffirm the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and fundamental freedoms, and promotion of the highest standards of fairness, humanity and professional conduct.

3. We emphasize the responsibility of each State to establish and maintain a fair, responsible, ethical and efficient criminal justice system.

4. We recognize the necessity of closer coordination and cooperation among States in combating the world crime problem, bearing in mind that action against it is a common and shared responsibility. In this regard, we acknowledge the need to develop and promote technical cooperation activities to assist States in their efforts to strengthen their domestic criminal justice systems and their capacity for international cooperation.

5. We shall accord high priority to the completion of the negotiation of the United Nations Convention against Transnational Organized Crime and the protocols thereto, taking into account the concerns of all States.

6. We support efforts to assist States in capacity-building, including in obtaining training and technical assistance and in developing legislation, regulations and expertise, with a view to facilitating the implementation of the Convention and the protocols thereto.

7. Consistent with the goals of the Convention and the protocols thereto, we shall endeavour:

(a) To incorporate a crime prevention component into national and international development strategies;

(b) To intensify bilateral and multilateral cooperation, including technical cooperation, in the areas to be covered by the Convention and the protocols thereto;

(c) To enhance donor cooperation in areas with crime prevention aspects;

(d) To strengthen the capability of the United Nations Centre for International Crime Prevention, as well as the United Nations Crime Prevention and

Criminal Justice Programme network, to assist States, at their request, in building capacity in areas to be covered by the Convention and the protocols thereto.

8. We welcome the efforts being made by the United Nations Centre for International Crime Prevention to develop, in cooperation with the United Nations Interregional Crime and Justice Research Institute, a comprehensive global overview of organized crime as a reference tool and to assist Governments in policy and programme development.

9. We reaffirm our continued support for and commitment to the United Nations and to the United Nations Crime Prevention and Criminal Justice Programme, especially the Commission on Crime Prevention and Criminal Justice and the United Nations Centre for International Crime Prevention, the United Nations Interregional Crime and Justice Research Institute and the institutes of the Programme network, and resolve to strengthen the Programme further through sustained funding, as appropriate.

10. We undertake to strengthen international cooperation in order to create a conducive environment for the fight against organized crime, promoting growth and sustainable development and eradicating poverty and unemployment.

11. We commit ourselves to taking into account and addressing, within the United Nations Crime Prevention and Criminal Justice Programme, as well as within national crime prevention and criminal justice strategies, any disparate impact of programmes and policies on women and men.

12. We also commit ourselves to the development of action-oriented policy recommendations based on the special needs of women as criminal justice practitioners, victims, prisoners and offenders.

13. We emphasize that effective action for crime prevention and criminal justice requires the involvement, as partners and actors, of Governments, national, regional, interregional and international institutions, intergovernmental and non-governmental organizations and various segments of civil society, including the mass media and the private sector, as well as the recognition of their respective roles and contributions.

14. We commit ourselves to the development of more effective ways of collaborating with one another with a view to eradicating the scourge of trafficking in persons, especially women and children, and the smuggling of migrants. We shall also consider supporting the global programme against trafficking in persons developed by the United Nations Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, which is subject to close consultation with States and review by the Commission on Crime Prevention and Criminal Justice, and we establish 2005 as the target year for achieving a significant decrease in the incidence of those crimes worldwide and, where that is not attained, for assessing the actual implementation of the measures advocated.

15. We also commit ourselves to the enhancement of international cooperation and mutual legal assistance to curb illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and we establish 2005 as the target year for achieving a significant decrease in their incidence worldwide.



16. We further commit ourselves to taking enhanced international action against corruption, building on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, the International Code of Conduct for Public Officials, relevant regional conventions and regional and global forums. We stress the urgent need to develop an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime, and we invite the Commission on Crime Prevention and Criminal Justice to request the Secretary-General to submit to it at its tenth session, in consultation with States, a thorough review and analysis of all relevant international instruments and recommendations as part of the preparatory work for the development of such an instrument. We shall consider supporting the global programme against corruption developed by the United Nations Centre for International Crime Prevention and the United Nations Inter-regional Crime and Justice Research Institute, which is subject to close consultation with States and review by the Commission on Crime Prevention and Criminal Justice.

17. We reaffirm that combating money-laundering and the criminal economy constitutes a major element of the strategies against organized crime, established as a principle in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994. We are convinced that the success of this action rests upon setting up broad regimes and coordinating appropriate mechanisms to combat the laundering of the proceeds of crime, including the provision of support to initiatives focusing on States and territories offering offshore financial services that allow the laundering of the proceeds of crime.

18. We decide to develop action-oriented policy recommendations on the prevention and control of computer-related crime, and we invite the Commission on Crime Prevention and Criminal Justice to undertake work in this regard, taking into account the ongoing work in other forums. We also commit ourselves to working towards enhancing our ability to prevent, investigate and prosecute high-technology and computer-related crime.

19. We note that acts of violence and terrorism continue to be of grave concern. In conformity with the Charter of the United Nations and taking into account all the relevant General Assembly resolutions, we shall together, in conjunction with our other efforts to prevent and to combat terrorism, take effective, resolute and speedy measures with respect to preventing and combating criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations. With this in view, we undertake to do our utmost to foster universal adherence to the international instruments concerned with the fight against terrorism.

20. We also note that racial discrimination, xenophobia and related forms of intolerance continue, and we recognize the importance of taking steps to incorporate into international crime prevention strategies and norms measures to prevent and combat crime asso-

ciated with racism, racial discrimination, xenophobia and related forms of intolerance.

21. We affirm our determination to combat violence stemming from intolerance on the basis of ethnicity, and we resolve to make a strong contribution, in the area of crime prevention and criminal justice, to the planned World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

22. We recognize that the United Nations standards and norms in crime prevention and criminal justice contribute to efforts to deal with crime effectively. We also recognize the importance of prison reform, the independence of the judiciary and the prosecution authorities, and the International Code of Conduct for Public Officials. We shall endeavour, as appropriate, to use and apply the United Nations standards and norms in crime prevention and criminal justice in national law and practice. We undertake to review relevant legislation and administrative procedures, as appropriate, with a view to providing the necessary education and training to the officials concerned and ensuring the necessary strengthening of institutions entrusted with the administration of criminal justice.

23. We also recognize the value of the model treaties on international cooperation in criminal matters as important tools for the development of international cooperation, and we invite the Commission on Crime Prevention and Criminal Justice to call upon the United Nations Centre for International Crime Prevention to update the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice in order to provide the most up-to-date versions of the model treaties to States seeking to utilize them.

24. We further recognize with great concern that juveniles in difficult circumstances are often at risk of becoming delinquent or easy candidates for recruitment by criminal groups, including groups involved in transnational organized crime, and we commit ourselves to undertaking countermeasures to prevent this growing phenomenon and to including, where necessary, provisions for juvenile justice in national development plans and international development strategies and to including the administration of juvenile justice in our funding policies for development cooperation.

25. We recognize that comprehensive crime prevention strategies at the international, national, regional and local levels must address the root causes and risk factors related to crime and victimization through social, economic, health, educational and justice policies. We urge the development of such strategies, aware of the proven success of prevention initiatives in numerous States and confident that crime can be reduced by applying and sharing our collective expertise.

26. We commit ourselves to according priority to containing the growth and overcrowding of pre-trial and detention prison populations, as appropriate, by promoting safe and effective alternatives to incarceration.

27. We decide to introduce, where appropriate, national, regional and international action plans in support of victims of crime, such as mechanisms for mediation and restorative justice, and we establish 2002 as a target date for States to review their relevant practices, to develop further victim support services and awareness campaigns on the rights of victims and to consider the establishment of funds for victims, in ad-

dition to developing and implementing witness protection policies.

28. We encourage the development of restorative justice policies, procedures and programmes that are respectful of the rights, needs and interests of victims, offenders, communities and all other parties.

29. We invite the Commission on Crime Prevention and Criminal Justice to design specific measures for the implementation of and follow-up to the commitments that we have undertaken in the present Declaration.

#### **ECONOMIC AND SOCIAL COUNCIL ACTION**

On 27 July [meeting 43], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/2000/30], adopted resolution 2000/12 without vote [agenda item 14 (c)].

#### **Follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders**

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 55/60 below.]

#### **GENERAL ASSEMBLY ACTION**

On 4 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/55/593], adopted resolution 55/60 without vote [agenda item 105].

#### **Follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders**

The General Assembly,

Recalling its resolution 54/125 of 17 December 1999,

Taking note with appreciation of the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, including the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth Congress during its high-level segment, which were considered by the Commission on Crime Prevention and Criminal Justice at its ninth session, held in Vienna from 18 to 20 April 2000,

1. Urges Governments, in their efforts to prevent and combat crime, especially transnational crime, and to maintain well-functioning criminal justice systems, to be guided by the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

2. Requests the Commission on Crime Prevention and Criminal Justice to continue at its tenth session its consideration of the findings and recommendations embodied in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century adopted by the Tenth Congress and, as appropriate, the report of the Tenth Congress, and to take appropriate action;

3. Requests the Secretary-General to prepare, in consultation with Member States, draft plans of action to include specific measures for the implementation of and follow-up to the commitments undertaken in the Declaration for consideration and action by the Commission at its tenth session.

#### **Commission on Crime Prevention and Criminal Justice**

The Commission on Crime Prevention and Criminal Justice, at its ninth session (Vienna, 18-20 April) [E/2000/30], recommended the adoption of three draft resolutions by the General Assembly, and two draft resolutions and one draft decision by the Economic and Social Council.

The Commission brought to the Council's attention its resolution on strategic management [res. 9/1], by which the Commission decided that the theme of its tenth (2001) session would be progress made in global action against corruption.

By decision 2000/239 of 27 July, the Council took note of the report of the Commission on its ninth session and approved the provisional agenda and documentation for the tenth session.

Note by Secretariat. An April note by the Secretariat [E/2000/3] informed the Commission that the Secretary-General had issued his sixth quinquennial report on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (see p. 672).

#### **UN Crime Prevention and Criminal Justice Programme**

A July report of the Secretary-General [A/55/119] provided an overview of progress made in implementing General Assembly resolution 54/131 [YUN 1999, p. 1052] on strengthening the UN Crime Prevention and Criminal Justice Programme. It updated information contained in a February report of the Executive Director of the Office for Drug Control and Crime Prevention [E/CN.15/2000/2].

The report noted that advances had been made in reinforcing reform measures to combat uncivil elements of society and achieve synergy in fighting crime and drug abuse. Further progress was made in strengthening the Programme's operations, particularly the global programmes against corruption, trafficking in human beings and transnational organized crime. Secretariat support for the programmes and for developing international legal instruments continued, and traditional crime and justice issues were addressed. Those measures had led to greater donor confidence, as evidenced through increased voluntary contributions to the UN Crime Prevention and Criminal Justice Fund, which in turn enabled the Programme to expand its operational activities.

The report described action taken at the Tenth Crime Congress (see p. 1040) and the Commission's ninth session (see above) and noted that

significant progress had been achieved in drafting a Convention against Transnational Organized Crime and related Protocols (see p. 1048).

Regarding the technical cooperation activities of the Centre for International Crime Prevention, as at 30 June the total value of ongoing projects amounted to \$5.4 million for: an assessment of corruption in Hungary; support to Lebanon's anti-corruption strategy and strengthening its legislative and institutional capacity for juvenile justice; assistance to the Philippines for coalitions against trafficking in human beings; the control and prevention of drugs and related organized crime in the Russian Federation; measures to counteract domestic violence and organized crime and for capacity-building in the area of youth justice in South Africa; preventing and controlling economic and financial crime in the former Yugoslav Republic of Macedonia; and a global programme relating to the UN transnational organized crime survey. Under the global programme against corruption, following assessment missions, pilot projects were being finalized for Benin, Nicaragua, Nigeria, South Africa and Uganda. An expert group meeting (Vienna, 13-14 April) reviewed and strengthened an anti-corruption tool kit. In collaboration with Transparency International, the Centre organized a meeting of chief justices on the global programme's component element of strengthening judicial integrity. The Centre advanced the implementation of the global programme against trafficking in human beings, in cooperation with the UN Interregional Crime and Justice Research Institute (UNICRI). Two missions were undertaken to Brazil in connection with a project to assess routes and methods used by organized crime groups to traffic human beings in the Latin American region. A project was being developed to assess trafficking flows and countermeasures in Benin, Nigeria and Togo and support government efforts to combat the disappearance of children believed to be sold by traffickers as slave labour. Progress was made in implementing the first phase of global studies on transnational organized crime, aimed at assessing transnational organized crime groups worldwide according to their level of danger. Information was collected on the most dangerous organized crime groups active in 12 countries (Australia, Canada, Colombia, Czech Republic, Germany, Italy, Japan, Netherlands, Russian Federation, South Africa, United Kingdom, United States) and one region (Caribbean). In cooperation with UNICRI, the Centre drew up a project aimed at analysing and assessing the threat posed by Nigerian criminal networks active in Côte d'Ivoire, Ghana, Nigeria

and Senegal. Another project aimed at analysing and assessing transnational organized crime in Central Asia.

Projects outside the global programmes included a juvenile justice programme in Guatemala, a project to support the establishment of a unified data bank, and a project to assess the situation of and enhance cooperation in combating organized crime among countries of the Commonwealth of Independent States. A prison reform project was designed for the Caribbean region, as was a project on crime prevention in Senegal.

Contributions and pledges to the UN Crime Prevention and Criminal Justice Fund during 1999 and 2000, as at 30 June 2000, totalled \$3.3 million and \$1.6 million, respectively.

In an April report [A/55/6 (Prog. 12)], the Secretary-General discussed the proposed medium-term plan for 2002-2005 on crime prevention and criminal justice, noting that its overall objective was to strengthen international cooperation and assistance to Governments in tackling crime problems, particularly those posed by transnational organized crime, trafficking in persons, and economic and financial crime, including money-laundering, corruption and terrorism.

#### 1998 OIOS report

On 7 April, on the recommendation of the Fifth (Administrative and Budgetary) Committee, the General Assembly adopted **resolution 54/257**, by which it took note of the 1998 report of the Office of Internal Oversight Services (OIOS) [YUN 1998, p. 1035] on the review of programme management in the Crime Prevention and Criminal Justice Division, which had become the Centre for International Crime Prevention. The Assembly reaffirmed that the discontinuation of mandates on crime prevention and criminal justice was within the prerogative of the pertinent legislative bodies.

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/55/593], adopted **resolution 55/64** without vote [agenda item 105].

#### **Strengthening of the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity**

The General Assembly,

Recalling its resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme, in which it approved the statement of principles and programme of action annexed to that resolution,

Emphasizing the role of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and promotion of the highest standards of fairness, humanity and professional conduct,

Convinced of the desirability of closer coordination and cooperation among States in combating crime, including drug-related crimes such as money-laundering, illicit arms trade and terrorist crimes, bearing in mind the role that could be played by both the United Nations and regional organizations in this respect,

Recognizing the urgent need to increase technical cooperation activities to assist countries, in particular developing countries and countries with economies in transition, with their efforts in translating United Nations policy guidelines into practice,

Recognizing also the need to maintain a balance in the technical cooperation capacity of the United Nations Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention between the immediate priority of the United Nations Convention against Transnational Organized Crime and the protocols thereto and other priorities identified by the Economic and Social Council,

Recalling its relevant resolutions in which it requested the Secretary-General, as a matter of urgency, to provide the United Nations Crime Prevention and Criminal Justice Programme with sufficient resources for the full implementation of its mandate, in conformity with the high priority attached to the Programme,

Bearing in mind the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, which was adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and endorsed by the General Assembly in its resolution 55/59 of 4 December 2000, in which Member States renewed their commitment to combat organized crime in all its forms and manifestations and to promote crime prevention in all its areas,

Welcoming the successful completion of the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, established by its resolution 53/111 of 9 December 1998, and the progress achieved in the elaboration of the three supplementary protocols, namely the Protocol against the Smuggling of Migrants by Land, Sea and Air, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,

1. Takes note with appreciation of the report of the Secretary-General on the progress made in the implementation of General Assembly resolution 54/131 of 17 December 1999;

2. 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, in responding to the needs of the international community in the face of both national and transnational criminality and in assisting Member States in achieving

the goals of preventing crime within and among States and improving the response to crime;

3. Also reaffirms the role of the United Nations Centre for International Crime Prevention in providing to Member States, upon request, technical cooperation, advisory services and other forms of assistance in the field of crime prevention and criminal justice, including in the area of prevention and control of organized crime;

4. Notes the programme of work of the Centre, including the three global programmes addressing, respectively, trafficking in human beings, corruption and organized crime, formulated on the basis of close consultations with Member States and review by the Commission on Crime Prevention and Criminal Justice, and calls upon the Secretary-General further to strengthen the Centre by providing it with the resources necessary for the full implementation of its mandate;

5. Supports the high priority given to technical cooperation and advisory services in the field of crime prevention and criminal justice, including in the area of prevention and control of transnational organized crime, and stresses the need to enhance the operational activities of the Centre to assist, in particular, developing countries and countries with economies in transition;

6. Welcomes the increased number of technical assistance projects in the field of juvenile justice, reflecting an increased awareness among Member States of the importance of juvenile justice reform in establishing and maintaining stable societies and the rule of law;

7. Invites all States to support, through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, the operational activities of the United Nations Crime Prevention and Criminal Justice Programme;

8. Encourages relevant programmes, funds and organizations of the United Nations system, in particular the United Nations Development Programme, international financial institutions, in particular the World Bank, and regional and national funding agencies to support the technical operational activities of the Centre;

9. Urges States and funding agencies to review, as appropriate, their funding policies for development assistance and to include a crime prevention and criminal justice component in such assistance;

10. Welcomes the efforts undertaken by the Commission on Crime Prevention and Criminal Justice to exercise more vigorously its mandated function of resource mobilization, and calls upon the Commission to strengthen further its activities in this direction;

11. Expresses its appreciation to non-governmental organizations and other relevant sectors of civil society for their support to the United Nations Crime Prevention and Criminal Justice Programme;

12. Welcomes the efforts of the Executive Director of the United Nations Office for Drug Control and Crime Prevention to enhance the synergies between the United Nations International Drug Control Programme and the United Nations Centre for International Crime Prevention, in conformity with the reform proposals of the Secretary-General;

13. Requests the Secretary-General to take all necessary measures to assist the Commission on Crime Pre-

vention and Criminal Justice, as the principal policy-making body in this field, in performing its activities, including cooperation and coordination with other relevant bodies, such as the Commission on Narcotic Drugs, the Commission on Human Rights, the Commission on the Status of Women and the Commission for Social Development;

14. Invites States to make adequate voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund in order to strengthen the capacity of the Centre to provide technical assistance to requesting States for the implementation of the commitments entered into at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and, in particular, to implement programmes designed to combat and prevent the trafficking in human beings, the smuggling of migrants and corruption, and to study and bring about action to combat and prevent transnational organized crime;

15. Encourages States to begin making adequate and regular voluntary contributions for the implementation of the United Nations Convention against Transnational Organized Crime and the protocols thereto, which will be open for signature in Palermo, Italy, on 12 December 2000, through the United Nations funding mechanism specifically designed for that purpose in the Convention;

16. Requests the Secretary-General to take all necessary measures and provide adequate support to the Centre during the biennium 2002-2003 so as to enable it to promote the speedy entry into force of the Convention and the protocols thereto;

17. Welcomes the decision of the Commission on Crime Prevention and Criminal Justice to mainstream a gender perspective into its activities and its request to the Secretariat that a gender perspective be integrated into all activities of the Centre;

18. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-sixth session.

On 23 December, the Assembly decided that the agenda item on crime prevention and criminal justice would remain for consideration during its resumed fifty-fifth (2001) session (**decision 55/458**).

#### **UN African crime prevention institute**

In response to General Assembly resolution 54/130 [YUN 1999, p. 1056], the Secretary-General, in July [A/55/156], updated information on the activities, operations and funding of the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI).

UNAFRI implemented the final phase of a project on regional extradition and mutual legal assistance and undertook the second phase of a project on trafficking in firearms and ammunition in Africa. The Institute, in cooperation with other concerned agencies, was developing a programme to counter the proliferation of illicit small arms in Africa. Studies on penal reform continued, as did the development of strategies

to assist Governments in implementing UN standards and norms related to juvenile justice. A crime victimization survey continued to be implemented in cooperation with the University of South Africa, and a survey report on Lesotho was published.

Although UNAFRI continued to receive political support from its member States, the Governing Board, the General Assembly, the Commission and the Tenth Crime Congress, its financial situation remained precarious, constraining its capacity to deliver effective and comprehensive services to African countries. The sixth session of the Institute's Governing Board (Kampala, Uganda, 29-30 May) approved the proposed programme of work, including measures to address the serious financial situation. UNAFRI was directed to adopt innovative and attractive programmes designed as a package to enhance their market appeal. The Director was requested to undertake an evaluation of the Institute to serve as a basis for a review of its mission, functions, funding and support, and methods of work.

The Institute's total resources for 2000 amounted to \$423,689, which came from member States' assessed contributions, a UN grant and specific project grants, and income received from the rental of parts of its premises and facilities, in addition to other sources. As at 30 June, member States' outstanding balances totalled some \$2.5 million for the period 1989 to 2000. Contributions had been received from 15 members, while 13 had never paid.

#### **GENERAL ASSEMBLY ACTION**

On 4 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/55/593], adopted **resolution 55/62** without vote [agenda item 105].

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

The General Assembly,

Recalling its resolution 54/130 of 17 December 1999 and all other relevant resolutions,

Taking note of the report of the Secretary-General,

Bearing in mind 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,

Noting that the financial situation of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders has greatly affected its capacity to deliver its 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 Secretary-General for his efforts to mobilize the financial resources necessary to provide the Institute with the core professional staff required to enable it to function effectively in the fulfilment of its mandated obligations;

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

5. Calls upon all Member States and non-governmental organizations to adopt concrete practical measures to support the Institute in the development of the requisite capacity and implement its programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa;

6. 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;

7. Also requests the Secretary-General to deploy 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;

8. Calls upon the United Nations Crime Prevention and Criminal Justice Programme and the United Nations International Drug Control Programme to work closely with the Institute;

9. 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;

10. Also requests the Secretary-General to make concrete proposals, including the provision of additional core professional staff, in order to strengthen the programmes and activities of the Institute and to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution.

### Transnational crime

Efforts were made in 2000 to complete the drafting of an international instrument against organized transnational crime, central to the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime adopted by the 1994 World Ministerial Conference on Organized Transnational Crime [YUN 1994, p. 1160] and in accordance with General Assembly resolution 54/126 [YUN 1999, p. 1058]. To that end, the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime finalized, in 2000, the Convention and two of the three supplementary legal instruments: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea

and Air. The Committee was unable to achieve consensus on the draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.

### International convention

In 2000, the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime held five sessions in Vienna, during which it finalized the Convention and the draft Protocol against the Smuggling of Migrants by Land, Sea and Air, and the draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children: 17-28 January [A/AC.254/25]; 21 February-3 March [A/AC.254/28]; 5-16 June [A/AC.254/31]; 17-28 July [A/AC.254/34]; and 2-29 October [A/AC.254/38]. The Ad Hoc Committee was unable to finalize the draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, due to a lack of consensus. Many delegations emphasized the importance of finalizing the draft Protocol prior to the 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects (see p. 518). The reports of the Ad Hoc Committee on its 1999 [YUN 1999, p. 1057] and 2000 sessions were summarized in a November report [A/55/383].

At a High-level Political Signing Conference in Palermo, Italy [A/CONF.195/2 & Corr.1], the Convention and its Protocols thereto were opened for signature from 12 to 15 December, and thereafter in New York until 12 December 2002. As at 31 December, 124 States had signed the Convention; 81, the Protocol on illegal trafficking in persons, especially women and children; and 78, the Protocol on smuggling migrants.

### GENERAL ASSEMBLY ACTION

On 15 November [meeting 62], the General Assembly, on the recommendation of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime [A/55/383], adopted **resolution 55/25** without vote [agenda item 105].

### United Nations Convention against Transnational Organized Crime

The General Assembly,

Recalling its resolution 53/111 of 9 December 1998, in which it decided to establish an open-ended inter-governmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea,

Recalling also its resolution 54/126 of 17 December 1999, in which it requested the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify that work in order to complete it in 2000,

Recalling further its resolution 54/129 of 17 December 1999, in which it accepted with appreciation the offer of the Government of Italy to host a high-level political signing conference in Palermo for the purpose of signing the United Nations Convention against Transnational Organized Crime (Palermo Convention) and the protocols thereto, and requested the Secretary-General to schedule the conference for a period of up to one week before the end of the Millennium Assembly in 2000,

Expressing its appreciation to the Government of Poland for submitting to it at its fifty-first session a first draft United Nations convention against transnational organized crime and for hosting the meeting of the inter-sessional open-ended intergovernmental group of experts, established pursuant to resolution 52/85 of 12 December 1997, on the elaboration of a preliminary draft of a possible comprehensive international convention against transnational organized crime, held in Warsaw from 2 to 6 February 1998,

Expressing its appreciation to the Government of Argentina for hosting the informal preparatory meeting of the Ad Hoc Committee, held in Buenos Aires from 31 August to 4 September 1998,

Expressing its appreciation to the Government of Thailand for hosting the Asia-Pacific Ministerial Seminar on Building Capacities for Fighting Transnational Organized Crime, held in Bangkok on 20 and 21 March 2000,

Deeply concerned by the negative economic and social implications related to organized criminal activities, and convinced of the urgent need to strengthen cooperation to prevent and combat such activities more effectively at the national, regional and international levels,

Noting with deep concern the growing links between transnational organized crime and terrorist crimes, taking into account the Charter of the United Nations and the relevant resolutions of the General Assembly,

Determined to deny safe havens to those who engage in transnational organized crime by prosecuting their crimes wherever they occur and by cooperating at the international level,

Strongly convinced that the United Nations Convention against Transnational Organized Crime will constitute an effective tool and the necessary legal framework for international cooperation in combating, *inter alia*, such criminal activities as money-laundering, corruption, illicit trafficking in endangered species of wild flora and fauna, offences against cultural heritage and the growing links between transnational organized crime and terrorist crimes,

1. Takes note of the report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, which carried out its work at the headquarters of the United Nations Office for Drug Control and Crime Prevention in Vienna, and commends the Ad Hoc Committee for its work;

2. Adopts 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 the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime annexed to the present resolution, and opens them for signature at the High-level Political Signing Conference to be held in Palermo, Italy, from 12 to 15 December 2000 in accordance with resolution 54/129;

3. Requests the Secretary-General to prepare a comprehensive report on the High-level Political Signing Conference to be held in Palermo in accordance with resolution 54/129;

4. Notes that the Ad Hoc Committee has not yet completed its work on the draft 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;

5. Requests the Ad Hoc Committee to continue its work in relation to this draft Protocol, in accordance with resolutions 53/111, 53/114 and 54/126, and to finalize such work as soon as possible;

6. Calls upon all States to recognize the links between transnational organized criminal activities and acts of terrorism, taking into account the relevant General Assembly resolutions, and to apply the United Nations Convention against Transnational Organized Crime in combating all forms of criminal activity, as provided therein;

7. Recommends that the Ad Hoc Committee established by the General Assembly in its resolution 51/210 of 17 December 1996, which is beginning its deliberations with a view to developing a comprehensive convention on international terrorism, pursuant to resolution 54/110 of 9 December 1999, should take into consideration the provisions of the United Nations Convention against Transnational Organized Crime;

8. Urges all States and regional economic organizations to sign and ratify the United Nations Convention against Transnational Organized Crime and the protocols thereto as soon as possible in order to ensure the speedy entry into force of the Convention and the protocols thereto;

9. Decides that, until the Conference of the Parties to the Convention established pursuant to the United Nations Convention against Transnational Organized Crime decides otherwise, the account referred to in article 30 of the Convention will be operated within the United Nations Crime Prevention and Criminal Justice Fund, and encourages Member States to begin making adequate voluntary contributions to the above-mentioned account for the provision to developing countries and countries with economies in transition of the technical assistance that they might require for implementation of the Convention and the protocols thereto, including for the preparatory measures needed for that implementation;

10. Also decides that the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime will complete its tasks arising from the elaboration of the United Nations Convention against

Transnational Organized Crime by holding a meeting well before the convening of the first session of the Conference of the Parties to the Convention, in order to prepare the draft text of the rules of procedure for the Conference of the Parties and other rules and mechanisms described in article 32 of the Convention, which will be communicated to the Conference of the Parties at its first session for consideration and action;

11. Requests the Secretary-General to designate the Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention to serve as the secretariat for the Conference of the Parties to the Convention in accordance with article 33 of the Convention;

12. Also requests the Secretary-General to provide the Centre for International Crime Prevention with the resources necessary to enable it to promote in an effective manner the expeditious entry into force of the United Nations Convention against Transnational Organized Crime and to discharge the functions of secretariat of the Conference of the Parties to the Convention, and to support the Ad Hoc Committee in its work pursuant to paragraph 10 above.

#### ANNEX I

#### United Nations Convention against Transnational Organized Crime

##### Article 1

###### Statement of purpose

The purpose of this Convention is to promote co-operation to prevent and combat transnational organized crime more effectively.

##### Article 2

###### Use of terms

For the purposes of this Convention:

(a) "Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;

(b) "Serious crime" shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;

(c) "Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure;

(d) "Property" shall mean assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in, such assets;

(e) "Proceeds of crime" shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence;

(f) "Freezing" or "seizure" shall mean temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority;

(g) "Confiscation", which includes forfeiture where applicable, shall mean the permanent depriva-

tion of property by order of a court or other competent authority;

(h) "Predicate offence" shall mean any offence as a result of which proceeds have been generated that may become the subject of an offence as defined in article 6 of this Convention;

(i) "Controlled delivery" shall mean the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more States, with the knowledge and under the supervision of their competent authorities, with a view to the investigation of an offence and the identification of persons involved in the commission of the offence;

(j) "Regional economic integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it; references to "States Parties" under this Convention shall apply to such organizations within the limits of their competence.

#### Article 3

##### Scope of application

1. This Convention shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of:

(a) The offences established in accordance with articles 5, 6, 8 and 23 of this Convention; and

(b) Serious crime as defined in article 2 of this Convention; where the offence is transnational in nature and involves an organized criminal group.

2. For the purpose of paragraph 1 of this article, an offence is transnational in nature if:

(a) It is committed in more than one State;

(b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;

(c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or

(d) It is committed in one State but has substantial effects in another State.

#### Article 4

##### Protection of sovereignty

1. States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

2. Nothing in this Convention entitles a State Party to undertake in the territory of another State the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other State by its domestic law.

#### Article 5

Criminalization of participation in an organized criminal group

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) Either or both of the following as criminal offences distinct from those involving the attempt or completion of the criminal activity:



- (i) Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group;
  - (ii) Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in:
    - a. Criminal activities of the organized criminal group;
    - b. Other activities of the organized criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim;
- (b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group.
2. The knowledge, intent, aim, purpose or agreement referred to in paragraph 1 of this article may be inferred from objective factual circumstances.
3. States Parties whose domestic law requires involvement of an organized criminal group for purposes of the offences established in accordance with paragraph 1 (a) (i) of this article shall ensure that their domestic law covers all serious crimes involving organized criminal groups. Such States Parties, as well as States Parties whose domestic law requires an act in furtherance of the agreement for purposes of the offences established in accordance with paragraph 1 (a) (i) of this article, shall so inform the Secretary-General of the United Nations at the time of their signature or of deposit of their instrument of ratification, acceptance or approval of or accession to this Convention.

#### Article 6

##### Criminalization of the laundering of proceeds of crime

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
- (a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;
  - (ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;
- (b) Subject to the basic concepts of its legal system:
- (i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;
  - (ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

2. For purposes of implementing or applying paragraph 1 of this article:

(a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;

(b) Each State Party shall include as predicate offences all serious crime as defined in article 2 of this Convention and the offences established in accordance with articles 5, 8 and 23 of this Convention. In the case of States Parties whose legislation sets out a list of specific predicate offences, they shall, at a minimum, include in such list a comprehensive range of offences associated with organized criminal groups;

(c) For the purposes of subparagraph (b), predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there;

(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;

(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence;

(f) Knowledge, intent or purpose required as an element of an offence set forth in paragraph 1 of this article may be inferred from objective factual circumstances.

#### Article 7

##### Measures to combat money-laundering

1. Each State Party:

(a) Shall institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer identification, record-keeping and the reporting of suspicious transactions;

(b) Shall, without prejudice to articles 18 and 27 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.

2. States Parties shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures

may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate negotiable instruments.

3. In establishing a domestic regulatory and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are called upon to use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering.

4. States Parties shall endeavour to develop and promote global, regional, subregional and bilateral co-operation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering.

#### Article 8

##### Criminalization of corruption

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences conduct referred to in paragraph 1 of this article involving a foreign public official or international civil servant. Likewise, each State Party shall consider establishing as criminal offences other forms of corruption.

3. Each State Party shall also adopt such measures as may be necessary to establish as a criminal offence participation as an accomplice in an offence established in accordance with this article.

4. For the purposes of paragraph 1 of this article and article 9 of this Convention, "public official" shall mean a public official or a person who provides a public service as defined in the domestic law and as applied in the criminal law of the State Party in which the person in question performs that function.

#### Article 9

##### Measures against corruption

1. In addition to the measures set forth in article 8 of this Convention, each State Party shall, to the extent appropriate and consistent with its legal system, adopt legislative, administrative or other effective measures to promote integrity and to prevent, detect and punish the corruption of public officials.

2. Each State Party shall take measures to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions.

#### Article 10

##### Liability of legal persons

1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to

establish the liability of legal persons for participation in serious crimes involving an organized criminal group and for the offences established in accordance with articles 5, 6, 8 and 23 of this Convention.

2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.

3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.

4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

#### Article U

##### Prosecution, adjudication and sanctions

1. Each State Party shall make the commission of an offence established in accordance with articles 5, 6, 8 and 23 of this Convention liable to sanctions that take into account the gravity of that offence.

2. Each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences covered by this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences.

3. In the case of offences established in accordance with articles 5, 6, 8 and 23 of this Convention, each State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence, to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings.

4. Each State Party shall ensure that its courts or other competent authorities bear in mind the grave nature of the offences covered by this Convention when considering the eventuality of early release or parole of persons convicted of such offences.

5. Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence covered by this Convention and a longer period where the alleged offender has evaded the administration of justice.

6. Nothing contained in this Convention shall affect the principle that the description of the offences established in accordance with this Convention and of the applicable legal defences or other legal principles controlling the lawfulness of conduct is reserved to the domestic law of a State Party and that such offences shall be prosecuted and punished in accordance with that law.

#### Article 12

##### Confiscation and seizure

1. States Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of:

(a) Proceeds of crime derived from offences covered by this Convention or property the value of which corresponds to that of such proceeds;

(b) Property, equipment or other instrumentalities used in or destined for use in offences covered by this Convention.

2. States Parties shall adopt such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.

3. If proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.

4. If proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.

5. Income or other benefits derived from proceeds of crime, from property into which proceeds of crime have been transformed or converted or from property with which proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime.

6. For the purposes of this article and article 13 of this Convention, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. States Parties shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.

7. States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law and with the nature of the judicial and other proceedings.

8. The provisions of this article shall not be construed to prejudice the rights of bona fide third parties.

9. Nothing contained in this article shall affect the principle that the measures to which it refers shall be defined and implemented in accordance with and subject to the provisions of the domestic law of a State Party.

#### Article 13

##### International cooperation for purposes of confiscation

1. A State Party that has received a request from another State Party having jurisdiction over an offence covered by this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:

(a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or

(b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party in accordance with article 12, paragraph 1, of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, situated in the territory of the requested State Party.

2. Following a request made by another State Party having jurisdiction over an offence covered by this Convention, the requested State Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, of this Convention for the purpose of eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1 of this article, by the requested State Party.

3. The provisions of article 18 of this Convention are applicable, *mutatis mutandis*, to this article. In addition to the information specified in article 18, paragraph 15, requests made pursuant to this article shall contain:

(a) In the case of a request pertaining to paragraph 1 (a) of this article, a description of the property to be confiscated and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law;

(b) In the case of a request pertaining to paragraph 1 (b) of this article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a statement of the facts and information as to the extent to which execution of the order is requested;

(c) In the case of a request pertaining to paragraph 2 of this article, a statement of the facts relied upon by the requesting State Party and a description of the actions requested.

4. The decisions or actions provided for in paragraphs 1 and 2 of this article shall be taken by the requested State Party in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral treaty, agreement or arrangement to which it may be bound in relation to the requesting State Party.

5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General of the United Nations.

6. If a State Party elects to make the taking of the measures referred to in paragraphs 1 and 2 of this article conditional on the existence of a relevant treaty, that State Party shall consider this Convention the necessary and sufficient treaty basis.

7. Cooperation under this article may be refused by a State Party if the offence to which the request relates is not an offence covered by this Convention.

8. The provisions of this article shall not be construed to prejudice the rights of bona fide third parties.

9. States Parties shall consider concluding bilateral or multilateral treaties, agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this article.

#### Article 14

##### Disposal of confiscated proceeds of crime or property

1. Proceeds of crime or property confiscated by a State Party pursuant to articles 12 or 13, paragraph 1, of this Convention shall be disposed of by that State Party in accordance with its domestic law and administrative procedures.

2. When acting on the request made by another State Party in accordance with article 13 of this Convention, States Parties shall, to the extent permitted by domestic law and if so requested, give priority consideration to returning the confiscated proceeds of crime or property to the requesting State Party so that it can give compensation to the victims of the crime or return such proceeds of crime or property to their legitimate owners.

3. When acting on the request made by another State Party in accordance with articles 12 and 13 of this Convention, a State Party may give special consideration to concluding agreements or arrangements on:

(a) Contributing the value of such proceeds of crime or property or funds derived from the sale of such proceeds of crime or property or a part thereof to the account designated in accordance with article 30, paragraph 2 (c), of this Convention and to intergovernmental bodies specializing in the fight against organized crime;

(b) Sharing with other States Parties, on a regular or case-by-case basis, such proceeds of crime or property, or funds derived from the sale of such proceeds of crime or property, in accordance with its domestic law or administrative procedures.

#### Article 15 Jurisdiction

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with articles 5, 6, 8 and 23 of this Convention when:

(a) The offence is committed in the territory of that State Party; or

(b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

(a) The offence is committed against a national of that State Party;

(b) The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory; or

(c) The offence is:

(i) One of those established in accordance with article 5, paragraph 1, of this Convention and is committed outside its territory with a view to the commission of a serious crime within its territory;

(ii) One of those established in accordance with article 6, paragraph 1 (b) (ii), of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with article 6, paragraph 1 (a) (i) or (ii) or (b) (i), of this Convention within its territory.

3. For the purposes of article 16, paragraph 10, of this Convention, each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences covered by this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.

4. Each State Party may also adopt such measures as may be necessary to establish its jurisdiction over the offences covered by this Convention when the alleged offender is present in its territory and it does not extradite him or her.

5. If a State Party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that one or more other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall, as appropriate, consult one another with a view to coordinating their actions.

6. Without prejudice to norms of general international law, this Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

#### Article 16 Extradition

1. This article shall apply to the offences covered by this Convention or in cases where an offence referred to in article 3, paragraph 1 (a) or (b), involves an organized criminal group and the person who is the subject of the request for extradition is located in the territory of the requested State Party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party.

2. If the request for extradition includes several separate serious crimes, some of which are not covered by this article, the requested State Party may apply this article also in respect of the latter offences.

3. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

4. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.

5. States Parties that make extradition conditional on the existence of a treaty shall:

(a) At the time of deposit of their instrument of ratification, acceptance, approval of or accession to this Convention, inform the Secretary-General of the United Nations whether they will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention; and

(b) If they do not take this Convention as the legal basis for cooperation on extradition, seek, where appropriate, to conclude treaties on extradition with other States Parties to this Convention in order to implement this article.

6. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves.

7. Extradition shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable extradition treaties, including, *inter alia*, conditions in relation to the minimum pen-

ally requirement for extradition and the grounds upon which the requested State Party may refuse extradition.

8. States Parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.

9. Subject to the provisions of its domestic law and its extradition treaties, the requested State Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the requesting State Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings.

10. A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State Party. The States Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.

11. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State Party to serve the sentence imposed as a result of the trial or proceedings for which the extradition or surrender of the person was sought and that State Party and the State Party seeking the extradition of the person agree with this option and other terms that they may deem appropriate, such conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 10 of this article.

12. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting Party, consider the enforcement of the sentence that has been imposed under the domestic law of the requesting Party or the remainder thereof.

13. Any person regarding whom proceedings are being carried out in connection with any of the offences to which this article applies shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the domestic law of the State Party in the territory of which that person is present.

14. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person's position for any one of these reasons.

15. States Parties may not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.

16. Before refusing extradition, the requested State Party shall, where appropriate, consult with the requesting State Party to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation.

17. States Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition.

#### Article 17

##### Transfer of sentenced persons

States Parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences covered by this Convention, in order that they may complete their sentences there.

#### Article 18

##### Mutual legal assistance

1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention as provided for in article 3 and shall reciprocally extend to one another similar assistance where the requesting State Party has reasonable grounds to suspect that the offence referred to in article 3, paragraph 1 (a) or (b), is transnational in nature, including that victims, witnesses, proceeds, instrumentalities or evidence of such offences are located in the requested State Party and that the offence involves an organized criminal group.

2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with article 10 of this Convention in the requesting State Party.

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

- (a) Taking evidence or statements from persons;
- (b) Effecting service of judicial documents;
- (c) Executing searches and seizures, and freezing;
- (d) Examining objects and sites;
- (e) Providing information, evidentiary items and expert evaluations;

(f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;

(g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;

(h) Facilitating the voluntary appearance of persons in the requesting State Party;

(i) Any other type of assistance that is not contrary to the domestic law of the requested State Party.

4. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist

the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party pursuant to this Convention.

5. The transmission of information pursuant to paragraph 4 of this article shall be without prejudice to inquiries and criminal proceedings in the State of the competent authorities providing the information. The competent authorities receiving the information shall comply with a request that said information remain confidential, even temporarily, or with restrictions on its use. However, this shall not prevent the receiving State Party from disclosing in its proceedings information that is exculpatory to an accused person. In such a case, the receiving State Party shall notify the transmitting State Party prior to the disclosure and, if so requested, consult with the transmitting State Party. If, in an exceptional case, advance notice is not possible, the receiving State Party shall inform the transmitting State Party of the disclosure without delay.

6. The provisions of this article shall not affect the obligations under any other treaty, bilateral or multilateral, that governs or will govern, in whole or in part, mutual legal assistance.

7. Paragraphs 9 to 29 of this article shall apply to requests made pursuant to this article if the States Parties in question are not bound by a treaty of mutual legal assistance. If those States Parties are bound by such a treaty, the corresponding provisions of that treaty shall apply unless the States Parties agree to apply paragraphs 9 to 29 of this article in lieu thereof. States Parties are strongly encouraged to apply these paragraphs if they facilitate cooperation.

8. States Parties shall not decline to render mutual legal assistance pursuant to this article on the ground of bank secrecy.

9. States Parties may decline to render mutual legal assistance pursuant to this article on the ground of absence of dual criminality. However, the requested State Party may, when it deems appropriate, provide assistance, to the extent it decides at its discretion, irrespective of whether the conduct would constitute an offence under the domestic law of the requested State Party.

10. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences covered by this Convention may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent;

(b) The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.

11. For the purposes of paragraph 10 of this article:

(a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State Party from which the person was transferred;

(b) The State Party to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed before-

hand, or as otherwise agreed, by the competent authorities of both States Parties;

(c) The State Party to which the person is transferred shall not require the State Party from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State Party to which he or she was transferred.

12. Unless the State Party from which a person is to be transferred in accordance with paragraphs 10 and 11 of this article so agrees, that person, whatever his or her nationality, shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts, omissions or convictions prior to his or her departure from the territory of the State from which he or she was transferred.

13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention. Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.

14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances and where agreed by the States Parties, requests may be made orally, but shall be confirmed in writing forthwith.

15. A request for mutual legal assistance shall contain:

(a) The identity of the authority making the request;

(b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the

request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;

(c) A summary of the relevant facts, except in relation to requests for the purpose of service of judicial documents;

(d) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;

(e) Where possible, the identity, location and nationality of any person concerned; and

(f) The purpose for which the evidence, information or action is sought.

16. The requested State Party may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution.

17. A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to the domestic law of the requested State Party and where possible, in accordance with the procedures specified in the request.

18. Wherever possible and consistent with fundamental principles of domestic law, when an individual is in the territory of a State Party and has to be heard as a witness or expert by the judicial authorities of another State Party, the first State Party may, at the request of the other, permit the hearing to take place by video conference if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting State Party. States Parties may agree that the hearing shall be conducted by a judicial authority of the requesting State Party and attended by a judicial authority of the requested State Party.

19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party. Nothing in this paragraph shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.

20. The requesting State Party may require that the requested State Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party.

21. Mutual legal assistance may be refused:

(a) If the request is not made in conformity with the provisions of this article;

(b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, order or public or other essential interests;

(c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;

(d) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.

22. States Parties may not refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.

23. Reasons shall be given for any refusal of mutual legal assistance.

24. The requested State Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. The requested State Party shall respond to reasonable requests by the requesting State Party on progress of its handling of the request. The requesting State Party shall promptly inform the requested State Party when the assistance sought is no longer required.

25. Mutual legal assistance may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.

26. Before refusing a request pursuant to paragraph 21 of this article or postponing its execution pursuant to paragraph 25 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.

27. Without prejudice to the application of paragraph 12 of this article, a witness, expert or other person who, at the request of the requesting State Party, consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in that territory in respect of acts, omissions or convictions prior to his or her departure from the territory of the requested State Party. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days or for any period agreed upon by the States Parties from the date on which he or she has been officially informed that his or her presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of his or her own free will.

28. The ordinary costs of executing a request shall be borne by the requested State Party, unless otherwise agreed by the States Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the States Parties shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

29. The requested State Party:

(a) Shall provide to the requesting State Party copies of government records, documents or information in its possession that under its domestic law are available to the general public;

(b) May, at its discretion, provide to the requesting State Party in whole, in part or subject to such conditions as it deems appropriate, copies of any govern-

ment records, documents or information in its possession that under its domestic law are not available to the general public.

30. States Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to or enhance the provisions of this article.

#### Article 19 Joint investigations

States Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis. The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully respected.

#### Article 20 Special investigative techniques

1. If permitted by the basic principles of its domestic legal system, each State Party shall, within its possibilities and under the conditions prescribed by its domestic law, take the necessary measures to allow for the appropriate use of controlled delivery and, where it deems appropriate, for the use of other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, by its competent authorities in its territory for the purpose of effectively combating organized crime.

2. For the purpose of investigating the offences covered by this Convention, States Parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.

3. In the absence of an agreement or arrangement as set forth in paragraph 2 of this article, decisions to use such special investigative techniques at the international level shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.

4. Decisions to use controlled delivery at the international level may, with the consent of the States Parties concerned, include methods such as intercepting and allowing the goods to continue intact or be removed or replaced in whole or in part.

#### Article 21 Transfer of criminal proceedings

States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence covered by this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.

#### Article 22 Establishment of criminal record

Each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems appropriate, any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence covered by this Convention.

#### Article 23 Criminalization of obstruction of justice

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences covered by this Convention;

(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences covered by this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public officials.

#### Article 24 Protection of witnesses

1. Each State Party shall take appropriate measures within its means to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by this Convention and, as appropriate, for their relatives and other persons close to them.

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

(a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;

(b) Providing evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witness, such as permitting testimony to be given through the use of communications technology such as video links or other adequate means.

3. States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.

4. The provisions of this article shall also apply to victims insofar as they are witnesses.

#### Article 25 Assistance to and protection of victims

1. Each State Party shall take appropriate measures within its means to provide assistance and protection to victims of offences covered by this Convention, in particular in cases of threat of retaliation or intimidation.

2. Each State Party shall establish appropriate procedures to provide access to compensation and restitution for victims of offences covered by this Convention.



3. Each State Party shall, subject to its domestic law, enable views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.

#### Article 26

##### Measures to enhance cooperation with law enforcement authorities

1. Each State Party shall take appropriate measures to encourage persons who participate or who have participated in organized criminal groups:

(a) To supply information useful to competent authorities for investigative and evidentiary purposes on such matters as:

- (i) The identity, nature, composition, structure, location or activities of organized criminal groups;
- (ii) Links, including international links, with other organized criminal groups;
- (iii) Offences that organized criminal groups have committed or may commit;

(b) To provide factual, concrete help to competent authorities that may contribute to depriving organized criminal groups of their resources or of the proceeds of crime.

2. Each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence covered by this Convention.

3. Each State Party shall consider providing for the possibility, in accordance with fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence covered by this Convention.

4. Protection of such persons shall be as provided for in article 24 of this Convention.

5. Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of this article.

#### Article 27

##### Law enforcement cooperation

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. Each State Party shall, in particular, adopt effective measures:

(a) To enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;

(b) To cooperate with other States Parties in conducting inquiries with respect to offences covered by this Convention concerning:

- (i) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;
- (ii) The movement of proceeds of crime or property derived from the commission of such offences;
- (iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;

(c) To provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes;

(d) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;

(e) To exchange information with other States Parties on specific means and methods used by organized criminal groups, including, where applicable, routes and conveyances and the use of false identities, altered or false documents or other means of concealing their activities;

(f) To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by this Convention.

2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them. In the absence of such agreements or arrangements between the States Parties concerned, the Parties may consider this Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Whenever appropriate, States Parties shall make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

3. States Parties shall endeavour to cooperate with their means to respond to transnational organized crime committed through the use of modern technology.

#### Article 28

##### Collection, exchange and analysis of information on the nature of organized crime

1. Each State Party shall consider analysing, in consultation with the scientific and academic communities, trends in organized crime in its territory, the circumstances in which organized crime operates, as well as the professional groups and technologies involved.

2. States Parties shall consider developing and sharing analytical expertise concerning organized criminal activities with each other and through international and regional organizations. For that purpose, common definitions, standards and methodologies should be developed and applied as appropriate.

3. Each State Party shall consider monitoring its policies and actual measures to combat organized crime and making assessments of their effectiveness and efficiency.

## Article 29

## Training and technical assistance

1. Each State Party shall, to the extent necessary, initiate, develop or improve specific training programmes for its law enforcement personnel, including prosecutors, investigating magistrates and customs personnel, and other personnel charged with the prevention, detection and control of the offences covered by this Convention. Such programmes may include secondments and exchanges of staff. Such programmes shall deal, in particular and to the extent permitted by domestic law, with the following:

- (a) Methods used in the prevention, detection and control of the offences covered by this Convention;
- (b) Routes and techniques used by persons suspected of involvement in offences covered by this Convention, including in transit States, and appropriate countermeasures;
- (c) Monitoring of the movement of contraband;
- (d) Detection and monitoring of the movements of proceeds of crime, property, equipment or other instrumentalities and methods used for the transfer, concealment or disguise of such proceeds, property, equipment or other instrumentalities, as well as methods used in combating money-laundering and other financial crimes;
- (e) Collection of evidence;
- (f) Control techniques in free trade zones and free ports;
- (g) Modern law enforcement equipment and techniques, including electronic surveillance, controlled deliveries and undercover operations;
- (h) Methods used in combating transnational organized crime committed through the use of computers, telecommunications networks or other forms of modern technology; and
- (i) Methods used in the protection of victims and witnesses.

2. States Parties shall assist one another in planning and implementing research and training programmes designed to share expertise in the areas referred to in paragraph 1 of this article and to that end shall also, when appropriate, use regional and international conferences and seminars to promote cooperation and to stimulate discussion on problems of mutual concern, including the special problems and needs of transit States.

3. States Parties shall promote training and technical assistance that will facilitate extradition and mutual legal assistance. Such training and technical assistance may include language training, secondments and exchanges between personnel in central authorities or agencies with relevant responsibilities.

4. In the case of existing bilateral and multilateral agreements or arrangements, States Parties shall strengthen, to the extent necessary, efforts to maximize operational and training activities within international and regional organizations and within other relevant bilateral and multilateral agreements or arrangements.

## Article 30

Other measures: implementation of the Convention through economic development and technical assistance

1. States Parties shall take measures conducive to the optimal implementation of this Convention to the extent possible, through international cooperation,

taking into account the negative effects of organized crime on society in general, in particular on sustainable development.

2. States Parties shall make concrete efforts to the extent possible and in coordination with each other, as well as with international and regional organizations:

(a) To enhance their cooperation at various levels with developing countries, with a view to strengthening the capacity of the latter to prevent and combat transnational organized crime;

(b) To enhance financial and material assistance to support the efforts of developing countries to fight transnational organized crime effectively and to help them implement this Convention successfully;

(c) To provide technical assistance to developing countries and countries with economies in transition to assist them in meeting their needs for the implementation of this Convention. To that end, States Parties shall endeavour to make adequate and regular voluntary contributions to an account specifically designated for that purpose in a United Nations funding mechanism. States Parties may also give special consideration, in accordance with their domestic law and the provisions of this Convention, to contributing to the aforementioned account a percentage of the money or of the corresponding value of proceeds of crime or property confiscated in accordance with the provisions of this Convention;

(d) To encourage and persuade other States and financial institutions as appropriate to join them in efforts in accordance with this article, in particular by providing more training programmes and modern equipment to developing countries in order to assist them in achieving the objectives of this Convention.

3. To the extent possible, these measures shall be without prejudice to existing foreign assistance commitments or to other financial cooperation arrangements at the bilateral, regional or international level.

4. States Parties may conclude bilateral or multilateral agreements or arrangements on material and logistical assistance, taking into consideration the financial arrangements necessary for the means of international cooperation provided for by this Convention to be effective and for the prevention, detection and control of transnational organized crime.

## Article 31

## Prevention

1. States Parties shall endeavour to develop and evaluate national projects and to establish and promote best practices and policies aimed at the prevention of transnational organized crime.

2. States Parties shall endeavour, in accordance with fundamental principles of their domestic law, to reduce existing or future opportunities for organized criminal groups to participate in lawful markets with proceeds of crime, through appropriate legislative, administrative or other measures. These measures should focus on:

(a) The strengthening of cooperation between law enforcement agencies or prosecutors and relevant private entities, including industry;

(b) The promotion of the development of standards and procedures designed to safeguard the integrity of public and relevant private entities, as well as codes of conduct for relevant professions, in particular

lawyers, notaries public, tax consultants and accountants;

(c) The prevention of the misuse by organized criminal groups of tender procedures conducted by public authorities and of subsidies and licences granted by public authorities for commercial activity;

(d) The prevention of the misuse of legal persons by organized criminal groups; such measures could include:

- (i) The establishment of public records on legal and natural persons involved in the establishment, management and funding of legal persons;
- (ii) The introduction of the possibility of disqualifying by court order or any appropriate means for a reasonable period of time persons convicted of offences covered by this Convention from acting as directors of legal persons incorporated within their jurisdiction;
- (iii) The establishment of national records of persons disqualified from acting as directors of legal persons; and
- (iv) The exchange of information contained in the records referred to in subparagraphs (d) (i) and (iii) of this paragraph with the competent authorities of other States Parties.

3. States Parties shall endeavour to promote the reintegration into society of persons convicted of offences covered by this Convention.

4. States Parties shall endeavour to evaluate periodically existing relevant legal instruments and administrative practices with a view to detecting their vulnerability to misuse by organized criminal groups.

5. States Parties shall endeavour to promote public awareness regarding the existence, causes and gravity of and the threat posed by transnational organized crime. Information may be disseminated where appropriate through the mass media and shall include measures to promote public participation in preventing and combating such crime.

6. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that can assist other States Parties in developing measures to prevent transnational organized crime.

7. States Parties shall, as appropriate, collaborate with each other and relevant international and regional organizations in promoting and developing the measures referred to in this article. This includes participation in international projects aimed at the prevention of transnational organized crime, for example by alleviating the circumstances that render socially marginalized groups vulnerable to the action of transnational organized crime.

#### Article 32

##### Conference of the Parties to the Convention

1. A Conference of the Parties to the Convention is hereby established to improve the capacity of States Parties to combat transnational organized crime and to promote and review the implementation of this Convention.

2. The Secretary-General of the United Nations shall convene the Conference of the Parties not later than one year following the entry into force of this Convention. The Conference of the Parties shall adopt

rules of procedure and rules governing the activities set forth in paragraphs 3 and 4 of this article (including rules concerning payment of expenses incurred in carrying out those activities).

3. The Conference of the Parties shall agree upon mechanisms for achieving the objectives mentioned in paragraph 1 of this article, including:

(a) Facilitating activities by States Parties under articles 29, 30 and 31 of this Convention, including by encouraging the mobilization of voluntary contributions;

(b) Facilitating the exchange of information among States Parties on patterns and trends in transnational organized crime and on successful practices for combating it;

(c) Cooperating with relevant international and regional organizations and non-governmental organizations;

(d) Reviewing periodically the implementation of this Convention;

(e) Making recommendations to improve this Convention and its implementation.

4. For the purpose of paragraphs 3 (d) and (e) of this article, the Conference of the Parties shall acquire the necessary knowledge of the measures taken by States Parties in implementing this Convention and the difficulties encountered by them in doing so through information provided by them and through such supplemental review mechanisms as may be established by the Conference of the Parties.

5. 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 this Convention, as required by the Conference of the Parties.

#### Article 33

##### Secretariat

1. The Secretary-General of the United Nations shall provide the necessary secretariat services to the Conference of the Parties to the Convention.

2. The secretariat shall:

(a) Assist the Conference of the Parties in carrying out the activities set forth in article 32 of this Convention and make arrangements and provide the necessary services for the sessions of the Conference of the Parties;

(b) Upon request, assist States Parties in providing information to the Conference of the Parties as envisaged in article 32, paragraph 5, of this Convention; and

(c) Ensure the necessary coordination with the secretariats of relevant international and regional organizations.

#### Article 34

##### Implementation of the Convention

1. Each State Party shall take the necessary measures, including legislative and administrative measures, in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention.

2. The offences established in accordance with articles 5, 6, 8 and 23 of this Convention shall be established in the domestic law of each State Party independently of the transnational nature or the involvement of an organized criminal group as described in article 3, paragraph 1, of this Convention, except to the

extent that article 5 of this Convention would require the involvement of an organized criminal group.

3. Each State Party may adopt more strict or severe measures than those provided for by this Convention for preventing and combating transnational organized crime.

#### Article 35

##### Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Convention through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Convention, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

#### Article 36

Signature, ratification, acceptance, approval and accession

1. This Convention shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

2. This Convention shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Convention in accordance with paragraph 1 of this article.

3. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Convention is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Convention. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Convention. Such organization shall also inform the

depositary of any relevant modification in the extent of its competence.

#### Article 37

##### Relation with protocols

1. This Convention may be supplemented by one or more protocols.

2. In order to become a Party to a protocol, a State or a regional economic integration organization must also be a Party to this Convention.

3. A State Party to this Convention is not bound by a protocol unless it becomes a Party to the protocol in accordance with the provisions thereof.

4. Any protocol to this Convention shall be interpreted together with this Convention, taking into account the purpose of that protocol.

#### Article 38

##### Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Convention after the deposit of the fortieth instrument of such action, this Convention shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument.

#### Article 39

##### Amendment

1. After the expiry of five years from the entry into force of this Convention, a State Party may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed

their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Convention and any earlier amendments that they have ratified, accepted or approved.

#### Article 40

##### Denunciation

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Convention when all of its member States have denounced it.

3. Denunciation of this Convention in accordance with paragraph 1 of this article shall entail the denunciation of any protocols thereto.

#### Article 41

##### Depositary and languages

1. The Secretary-General of the United Nations is designated depositary of this Convention.

2. The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

#### ANNEX II

##### **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime**

##### **Preamble**

The States Parties to this Protocol,

Declaring that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights,

Taking into account the fact that, despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, there is no universal instrument that addresses all aspects of trafficking in persons,

Concerned that, in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected,

Recalling General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument addressing trafficking in women and children,

Convinced that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument for the prevention, suppression and punishment of trafficking in persons,

especially women and children, will be useful in preventing and combating that crime,

Have agreed as follows:

#### **I. General provisions**

##### Article 1

##### Relation with the United Nations Convention against Transnational Organized Crime

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.

2. The provisions of the Convention shall apply, *mutatis mutandis*, to this Protocol unless otherwise provided herein.

3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

##### Article 2

##### Statement of purpose

The purposes of this Protocol are:

(a) To prevent and combat trafficking in persons, paying particular attention to women and children;

(b) To protect and assist the victims of such trafficking, with full respect for their human rights; and

(c) To promote cooperation among States Parties in order to meet those objectives.

##### Article 3

##### Use of terms

For the purposes of this Protocol:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

##### Article 4

##### Scope of application

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.

Article 5  
Criminalization

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:

(a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;

(b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and

(c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

**II. Protection of victims of trafficking in persons**

Article 6

Assistance to and protection of victims of trafficking in persons

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, *inter alia*, by making legal proceedings relating to such trafficking confidential.

2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:

(a) Information on relevant court and administrative proceedings;

(b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.

3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:

(a) Appropriate housing;

(b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;

(c) Medical, psychological and material assistance; and

(d) Employment, educational and training opportunities.

4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.

6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

Article 7

Status of victims of trafficking in persons in receiving States

1. In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.

Article 8

Repatriation of victims of trafficking in persons

1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.

3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.

4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.

5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.

6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

**III. Prevention, cooperation and other measures**

Article 9

Prevention of trafficking in persons

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.

2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.

3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

#### Article 10

##### Information exchange and training

1. Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law, to enable them to determine:

(a) Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons;

(b) The types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons; and

(c) The means and methods used by organized criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them.

2. States Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers. The training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

3. A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.

#### Article 11

##### Border measures

1. Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons.

2. Each State Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of this Protocol.

3. Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.

4. Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.

5. Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.

6. Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.

#### Article 12

##### Security and control of documents

Each State Party shall take such measures as may be necessary, within available means:

(a) To ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and

(b) To ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.

#### Article 13

##### Legitimacy and validity of documents

At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for trafficking in persons.

### IV. Final provisions

#### Article 14

##### Saving clause

1. Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.

2. The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be consistent with internationally recognized principles of non-discrimination.

#### Article 15

##### Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

#### Article 16

Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

#### Article 17

Entry into force

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be

counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

#### Article 18

Amendment

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

#### Article 19

Denunciation

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

#### Article 20

Depositary and languages

1. The Secretary-General of the United Nations is designated depositary of this Protocol.



2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

**ANNEX III**  
**Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime**

**Preamble**

The States Parties to this Protocol,

Declaring that effective action to prevent and combat the smuggling of migrants by land, sea and air requires a comprehensive international approach, including co-operation, the exchange of information and other appropriate measures, including socio-economic measures, at the national, regional and international levels,

Recalling General Assembly resolution 54/212 of 22 December 1999, in which the Assembly urged Member States and the United Nations system to strengthen international cooperation in the area of international migration and development in order to address the root causes of migration, especially those related to poverty, and to maximize the benefits of international migration to those concerned, and encouraged, where relevant, interregional, regional and subregional mechanisms to continue to address the question of migration and development,

Convinced of the need to provide migrants with humane treatment and full protection of their rights,

Taking into account the fact that, despite work undertaken in other international forums, there is no universal instrument that addresses all aspects of smuggling of migrants and other related issues,

Concerned at the significant increase in the activities of organized criminal groups in smuggling of migrants and other related criminal activities set forth in this Protocol, which bring great harm to the States concerned,

Also concerned that the smuggling of migrants can endanger the lives or security of the migrants involved,

Recalling General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument addressing illegal trafficking in and transporting of migrants, including by sea,

Convinced that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument against the smuggling of migrants by land, sea and air will be useful in preventing and combating that crime,

Have agreed as follows:

**I. General provisions**

**Article 1**

Relation with the United Nations Convention against Transnational Organized Crime

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.

2. The provisions of the Convention shall apply, mutatis mutandis, to this Protocol unless otherwise provided herein.

3. The offences established in accordance with article 6 of this Protocol shall be regarded as offences established in accordance with the Convention.

**Article 2**

Statement of purpose

The purpose of this Protocol is to prevent and combat the smuggling of migrants, as well as to promote co-operation among States Parties to that end, while protecting the rights of smuggled migrants.

**Article 3**

Use of terms

For the purposes of this Protocol:

(a) "Smuggling of migrants" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;

(b) "Illegal entry" shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;

(c) "Fraudulent travel or identity document" shall mean any travel or identity document:

(i) That has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; or

(ii) That has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or

(iii) That is being used by a person other than the rightful holder;

(d) "Vessel" shall mean any type of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or operated by a Government and used, for the time being, only on government non-commercial service.

**Article 4**

Scope of application

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 6 of this Protocol, where the offences are transnational in nature and involve an organized criminal group, as well as to the protection of the rights of persons who have been the object of such offences.

**Article 5**

Criminal liability of migrants

Migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been the object of conduct set forth in article 6 of this Protocol.

**Article 6**

Criminalization

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally and in order to obtain, directly or indirectly, a financial or other material benefit:

- (a) The smuggling of migrants;
- (b) When committed for the purpose of enabling the smuggling of migrants:
  - (i) Producing a fraudulent travel or identity document;
  - (ii) Procuring, providing or possessing such a document;
- (c) Enabling a person who is not a national or a permanent resident to remain in the State concerned without complying with the necessary requirements for legally remaining in the State by the means mentioned in subparagraph (b) of this paragraph or any other illegal means.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:

- (a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;
- (b) Participating as an accomplice in an offence established in accordance with paragraph 1 (a), (b) (i) or (c) of this article and, subject to the basic concepts of its legal system, participating as an accomplice in an offence established in accordance with paragraph 1 (b) (ii) of this article;
- (c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

3. Each State Party shall adopt such legislative and other measures as may be necessary to establish as aggravating circumstances to the offences established in accordance with paragraph 1 (a), (b) (i) and (c) of this article and, subject to the basic concepts of its legal system, to the offences established in accordance with paragraph 2 (b) and (c) of this article, circumstances:

- (a) That endanger, or are likely to endanger, the lives or safety of the migrants concerned; or
- (b) That entail inhuman or degrading treatment, including for exploitation, of such migrants.

4. Nothing in this Protocol shall prevent a State Party from taking measures against a person whose conduct constitutes an offence under its domestic law.

## II. Smuggling of migrants by sea

### Article 7 Cooperation

States Parties shall cooperate to the fullest extent possible to prevent and suppress the smuggling of migrants by sea, in accordance with the international law of the sea.

### Article 8

#### Measures against the smuggling of migrants by sea

1. A State Party that has reasonable grounds to suspect that a vessel that is flying its flag or claiming its registry, that is without nationality or that, though flying a foreign flag or refusing to show a flag, is in reality of the nationality of the State Party concerned is engaged in the smuggling of migrants by sea may request the assistance of other States Parties in suppressing the use of the vessel for that purpose. The States Parties so requested shall render such assistance to the extent possible within their means.

2. A State Party that has reasonable grounds to suspect that a vessel exercising freedom of navigation in accordance with international law and flying the flag

or displaying the marks of registry of another State Party is engaged in the smuggling of migrants by sea may so notify the flag State, request confirmation of registry and, if confirmed, request authorization from the flag State to take appropriate measures with regard to that vessel. The flag State may authorize the requesting State, *inter alia*:

- (a) To board the vessel;
- (b) To search the vessel; and
- (c) If evidence is found that the vessel is engaged in the smuggling of migrants by sea, to take appropriate measures with respect to the vessel and persons and cargo on board, as authorized by the flag State.

3. A State Party that has taken any measure in accordance with paragraph 2 of this article shall promptly inform the flag State concerned of the results of that measure.

4. A State Party shall respond expeditiously to a request from another State Party to determine whether a vessel that is claiming its registry or flying its flag is entitled to do so and to a request for authorization made in accordance with paragraph 2 of this article.

5. A flag State may, consistent with article 7 of this Protocol, subject its authorization to conditions to be agreed by it and the requesting State, including conditions relating to responsibility and the extent of effective measures to be taken. A State Party shall take no additional measures without the express authorization of the flag State, except those necessary to relieve imminent danger to the lives of persons or those which derive from relevant bilateral or multilateral agreements.

6. Each State Party shall designate an authority or, where necessary, authorities to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures. Such designation shall be notified through the Secretary-General to all other States Parties within one month of the designation.

7. A State Party that has reasonable grounds to suspect that a vessel is engaged in the smuggling of migrants by sea and is without nationality or may be assimilated to a vessel without nationality may board and search the vessel. If evidence confirming the suspicion is found, that State Party shall take appropriate measures in accordance with relevant domestic and international law.

### Article 9 Safeguard clauses

1. Where a State Party takes measures against a vessel in accordance with article 8 of this Protocol, it shall:

- (a) Ensure the safety and humane treatment of the persons on board;
- (b) Take due account of the need not to endanger the security of the vessel or its cargo;

(c) Take due account of the need not to prejudice the commercial or legal interests of the flag State or any other interested State;

(d) Ensure, within available means, that any measure taken with regard to the vessel is environmentally sound.

2. Where the grounds for measures taken pursuant to article 8 of this Protocol prove to be unfounded, the vessel shall be compensated for any loss or damage that may have been sustained, provided that the vessel has not committed any act justifying the measures taken.

3. Any measure taken, adopted or implemented in accordance with this chapter shall take due account of the need not to interfere with or to affect:

(a) The rights and obligations and the exercise of jurisdiction of coastal States in accordance with the international law of the sea; or

(b) The authority of the flag State to exercise jurisdiction and control in administrative, technical and social matters involving the vessel.

4. Any measure taken at sea pursuant to this chapter shall be carried out only by warships or military aircraft, or by other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

### HI. Prevention, cooperation and other measures

#### Article 10 Information

1. Without prejudice to articles 27 and 28 of the Convention, States Parties, in particular those with common borders or located on routes along which migrants are smuggled, shall, for the purpose of achieving the objectives of this Protocol, exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant information on matters such as:

(a) Embarkation and destination points, as well as routes, carriers and means of transportation, known to be or suspected of being used by an organized criminal group engaged in conduct set forth in article 6 of this Protocol;

(b) The identity and methods of organizations or organized criminal groups known to be or suspected of being engaged in conduct set forth in article 6 of this Protocol;

(c) The authenticity and proper form of travel documents issued by a State Party and the theft or related misuse of blank travel or identity documents;

(d) Means and methods of concealment and transportation of persons, the unlawful alteration, reproduction or acquisition or other misuse of travel or identity documents used in conduct set forth in article 6 of this Protocol and ways of detecting them;

(e) Legislative experiences and practices and measures to prevent and combat the conduct set forth in article 6 of this Protocol; and

(f) Scientific and technological information useful to law enforcement, so as to enhance each other's ability to prevent, detect and investigate the conduct set forth in article 6 of this Protocol and to prosecute those involved.

2. A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.

#### Article 11 Border measures

1. Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect the smuggling of migrants.

2. Each State Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of the offence es-

tablished in accordance with article 6, paragraph 1 (a), of this Protocol.

3. Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.

4. Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.

5. Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.

6. Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.

#### Article 12 Security and control of documents

Each State Party shall take such measures as may be necessary, within available means:

(a) To ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and

(b) To ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.

#### Article 13 Legitimacy and validity of documents

At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for purposes of conduct set forth in article 6 of this Protocol.

#### Article 14

##### Training and technical cooperation

1. States Parties shall provide or strengthen specialized training for immigration and other relevant officials in preventing the conduct set forth in article 6 of this Protocol and in the humane treatment of migrants who have been the object of such conduct, while respecting their rights as set forth in this Protocol.

2. States Parties shall cooperate with each other and with competent international organizations, non-governmental organizations, other relevant organizations and other elements of civil society as appropriate to ensure that there is adequate personnel training in their territories to prevent, combat and eradicate the conduct set forth in article 6 of this Protocol and to protect the rights of migrants who have been the object of such conduct. Such training shall include:

(a) Improving the security and quality of travel documents;

(b) Recognizing and detecting fraudulent travel or identity documents;

(c) Gathering criminal intelligence, relating in particular to the identification of organized criminal groups known to be or suspected of being engaged in conduct set forth in article 6 of this Protocol, the methods used to transport smuggled migrants, the misuse of travel or identity documents for purposes of conduct set forth in article 6 and the means of concealment used in the smuggling of migrants;

(d) Improving procedures for detecting smuggled persons at conventional and non-conventional points of entry and exit; and

(e) The humane treatment of migrants and the protection of their rights as set forth in this Protocol.

3. States Parties with relevant expertise shall consider providing technical assistance to States that are frequently countries of origin or transit for persons who have been the object of conduct set forth in article 6 of this Protocol. States Parties shall make every effort to provide the necessary resources, such as vehicles, computer systems and document readers, to combat the conduct set forth in article 6.

#### Article 15

##### Other prevention measures

1. Each State Party shall take measures to ensure that it provides or strengthens information programmes to increase public awareness of the fact that the conduct set forth in article 6 of this Protocol is a criminal activity frequently perpetrated by organized criminal groups for profit and that it poses serious risks to the migrants concerned.

2. In accordance with article 31 of the Convention, States Parties shall cooperate in the field of public information for the purpose of preventing potential migrants from falling victim to organized criminal groups.

3. Each State Party shall promote or strengthen, as appropriate, development programmes and cooperation at the national, regional and international levels, taking into account the socio-economic realities of migration and paying special attention to economically and socially depressed areas, in order to combat the root socio-economic causes of the smuggling of migrants, such as poverty and underdevelopment.

#### Article 16

##### Protection and assistance measures

1. In implementing this Protocol, each State Party shall take, consistent with its obligations under international law, all appropriate measures, including legislation if necessary, to preserve and protect the rights of persons who have been the object of conduct set forth in article 6 of this Protocol as accorded under applicable international law, in particular the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

2. Each State Party shall take appropriate measures to afford migrants appropriate protection against violence that may be inflicted upon them, whether by individuals or groups, by reason of being the object of conduct set forth in article 6 of this Protocol.

3. Each State Party shall afford appropriate assistance to migrants whose lives or safety are endangered by reason of being the object of conduct set forth in article 6 of this Protocol.

4. In applying the provisions of this article, States Parties shall take into account the special needs of women and children.

5. In the case of the detention of a person who has been the object of conduct set forth in article 6 of this Protocol, each State Party shall comply with its obligations under the Vienna Convention on Consular Relations, where applicable, including that of informing the person concerned without delay about the provisions concerning notification to and communication with consular officers.

#### Article 17

##### Agreements and arrangements

States Parties shall consider the conclusion of bilateral or regional agreements or operational arrangements or understandings aimed at:

(a) Establishing the most appropriate and effective measures to prevent and combat the conduct set forth in article 6 of this Protocol; or

(b) Enhancing the provisions of this Protocol among themselves.

#### Article 18

##### Return of smuggled migrants

1. Each State Party agrees to facilitate and accept, without undue or unreasonable delay, the return of a person who has been the object of conduct set forth in article 6 of this Protocol and who is its national or who has the right of permanent residence in its territory at the time of return.

2. Each State Party shall consider the possibility of facilitating and accepting the return of a person who has been the object of conduct set forth in article 6 of this Protocol and who had the right of permanent residence in its territory at the time of entry into the receiving State in accordance with its domestic law.

3. At the request of the receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who has been the object of conduct set forth in article 6 of this Protocol is its national or has the right of permanent residence in its territory.

4. In order to facilitate the return of a person who has been the object of conduct set forth in article 6 of this Protocol and is without proper documentation, the State Party of which that person is a national or in which he or she has the right of permanent residence shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.

5. Each State Party involved with the return of a person who has been the object of conduct set forth in article 6 of this Protocol shall take all appropriate measures to carry out the return in an orderly manner and with due regard for the safety and dignity of the person.

6. States Parties may cooperate with relevant international organizations in the implementation of this article.

7. This article shall be without prejudice to any right afforded to persons who have been the object of conduct set forth in article 6 of this Protocol by any domestic law of the receiving State Party.

8. This article shall not affect the obligations entered into under any other applicable treaty, bilateral

or multilateral, or any other applicable operational agreement or arrangement that governs, in whole or in part, the return of persons who have been the object of conduct set forth in article 6 of this Protocol.

#### IV. Final provisions

##### Article 19

###### Saving clause

1. Nothing in this Protocol shall affect the other rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.

2. The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are the object of conduct set forth in article 6 of this Protocol. The interpretation and application of those measures shall be consistent with internationally recognized principles of non-discrimination.

##### Article 20

###### Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

##### Article 21

###### Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic

integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

##### Article 22

###### Entry into force

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

##### Article 23

###### Amendment

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

#### Article 24 Denunciation

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

#### Article 25 Depositary and languages

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

## Strategies for crime prevention

### Corruption

In January [A/AC.254/25], the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime (see p. 1048), in response to General Assembly resolution 54/128 [YUN 1999, p. 1062], discussed the desirability of an international legal instrument against corruption. The Committee was of the view that the legal instrument was desirable and that it should be independent of the United Nations Convention against Transnational Organized Crime (see p. 1050).

The Committee transmitted its views to the Commission on Crime Prevention and Criminal Justice, which drafted a resolution for the Assembly's adoption (see below).

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 27 July [meeting43], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/2000/30], adopted **resolution 2000/13** without Vote [agenda item 14 (c)].

### An effective international legal instrument against corruption

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 55/61 below.]

#### GENERAL ASSEMBLY ACTION

On 4 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/55/593], adopted **resolution 55/61** without vote [agenda item 105].

### An effective international legal instrument against corruption

The General Assembly,

Noting the corrosive effect that corruption has on democracy, development, the rule of law and economic activity,

Recalling its resolutions 53/111 of 9 December 1998, by which it established the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, and 54/126 of 17 December 1999, in which it requested the Ad Hoc Committee to complete its work in 2000,

Recalling also its resolution 54/128 of 17 December 1999, in which it requested the Ad Hoc Committee to explore the desirability of an international instrument against corruption, either ancillary to or independent of the United Nations Convention against Transnational Organized Crime,

Taking note of the report of the Ad Hoc Committee on its seventh session, during which it considered the implementation of resolution 54/128,

Recalling the debates and especially the statements made at the high-level segment and the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in particular the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,

Bearing in mind the need to prepare a broad instrument that takes into account existing international conventions against corruption,

1. Recognizes that an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime, is desirable;

2. Decides to begin the elaboration of such an instrument in Vienna at the headquarters of the United Nations Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention;

3. Requests the Secretary-General to prepare a report analysing all relevant international legal instruments, other documents and recommendations addressing corruption, considering, inter alia, obligations as regards criminalization of all forms of corruption and international cooperation, regulatory aspects of corruption and the relationship between corruption and money-laundering, and to submit it to the Commission on Crime Prevention and Criminal Justice at an inter-sessional meeting in order to allow Member States to provide comments to the Commission prior to its tenth session;

4. Requests the Commission, at its tenth session, to review and assess the report of the Secretary-General and, on that basis, to provide recommendations and guidance as to future work on the development of a legal instrument against corruption;

5. Requests the Secretary-General to convene, upon completion of the negotiation of the United Nations Convention against Transnational Organized Crime and the related protocols, an intergovernmental open-ended expert group to examine and prepare, on the basis of the report of the Secretary-General and of the recommendations of the Commission at its tenth session, draft terms of reference for the negotiation of the future legal instrument against corruption;

6. Requests the intergovernmental open-ended expert group to submit the draft terms of reference for the negotiation of the future legal instrument, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, to the General Assembly at its fifty-sixth session for adoption;

7. Decides to establish an ad hoc committee for the negotiation of such an instrument to start its work in Vienna as soon as the draft terms of reference for such negotiation are adopted;

8. Invites donor countries to assist the United Nations in ensuring the effective participation of developing countries, in particular least developed countries, in the work of the intergovernmental open-ended expert group and the ad hoc committee, including travel and local expenses;

9. Requests the Secretary-General to provide the Commission and the intergovernmental open-ended expert group with the required facilities and resources to support their work.

#### ANNEX

##### Indicative list of international legal instruments, documents and recommendations against corruption

(a) International Code of Conduct for Public Officials;

(b) United Nations Declaration against Corruption and Bribery in International Commercial Transactions;

(c) General Assembly resolution 54/128, in which the Assembly subscribed to the conclusions and recommendations of the Expert Group Meeting on Corruption and its Financial Channels, held in Paris from 30 March to 1 April 1999;

(d) Report of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

(e) Inter-American Convention against Corruption adopted by the Organization of American States on 29 March 1996;

(f) Recommendation 32 of the Senior Experts Group on Transnational Organized Crime endorsed by the Political Group of Eight in Lyon, France, on 29 June 1996;

(g) The Twenty Guiding Principles for the Fight against Corruption adopted by the Committee of Ministers of the Council of Europe on 6 November 1997;

(h) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions adopted by the Organisation for Economic Co-operation and Development on 21 November 1997;

(i) Agreement Establishing the Group of States against Corruption adopted by the Committee of Ministers of the Council of Europe on 1 May 1999, and the

Criminal Law Convention on Corruption adopted by the Committee of Ministers of the Council of Europe on 4 November 1998;

(j) Joint Action on corruption in the private sector adopted by the Council of the European Union on 22 December 1998;

(k) Declarations made by the first Global Forum on Fighting Corruption, held in Washington, D.C., from 24 to 26 February 1999, and the second Global Forum, to be held in The Hague in 2001;

(l) Civil Law Convention on Corruption adopted by the Committee of Ministers of the Council of Europe on 9 September 1999;

(m) Model Code of Conduct for Public Officials adopted by the Committee of Ministers of the Council of Europe on 11 May 2000;

(n) Principles to Combat Corruption in African Countries of the Global Coalition for Africa;

(o) Conventions and related protocols of the European Union on corruption;

(p) Best practices such as those compiled by the Basel Committee on Banking Supervision, the Financial Action Task Force on Money-Laundering and the International Organization of Securities Commissions.

#### Corrupt practices and illegal transfer of funds

Pursuant to General Assembly resolutions 53/176 [YUN 1998, p. 1046] and 54/205 [YUN 1999, p. 1063], the Secretary-General, in September [A/55/405], submitted a report prepared by the United Nations Conference on Trade and Development, describing measures taken by 47 countries, as well as international organizations, groups of countries and NGOs, to give effect to Assembly resolutions aimed at preventing corrupt practices in international commercial transactions and the illegal transfer of funds.

#### GENERAL ASSEMBLY ACTION

On 20 December [meeting 87], on the recommendation of the Second Committee [A/55/580], the General Assembly adopted **resolution 55/188** without vote [agenda item 93].

##### Preventing and combating corrupt practices and illegal transfer of funds and repatriation of such funds to the countries of origin

The General Assembly,

Recalling its resolutions 53/176 of 15 December 1998 on action against corruption and bribery in international commercial transactions, 54/205 of 22 December 1999 on the prevention of corrupt practices and illegal transfer of funds and 55/61 of 4 December 2000 on an effective international legal instrument against corruption,

Concerned about the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Recognizing the importance of international co-operation and existing international and national laws

for combating corruption in international commercial transactions,

Noting with appreciation the recent adoption of the United Nations Convention against Transnational Organized Crime and its two protocols,

Recognizing the important role of the business community, including, in particular, the private sector, in enhancing the dynamic process of the development of the agricultural, industrial and service sectors and the need to create an enabling environment at the national and international levels for business in order to facilitate economic growth and sustainable development of developing countries, most especially African countries, taking into account the development priorities of Governments,

Mindful of the very important role that the private sector can play in fostering economic growth and development and of the active involvement of the United Nations system in facilitating the constructive participation and orderly interaction of the private sector in the development process by embracing universal principles and norms, such as honesty, transparency and accountability,

Taking note of the report of the Secretary-General on the prevention of corrupt practices and illegal transfer of funds,

1. Reiterates its condemnation of corruption, bribery, money-laundering and the illegal transfer of funds;
2. Calls for further international and national measures to combat corrupt practices and bribery in international transactions and for international cooperation in support of those measures;
3. Also calls for, while recognizing the importance of national measures, increased international cooperation, inter alia, through the United Nations system, in regard to devising ways and means of preventing and addressing illegal transfers, as well as repatriating illegally transferred funds to the countries of origin, and calls upon all countries and entities concerned to cooperate in this regard;
4. Requests the international community to support the efforts of all countries to strengthen institutional capacity and regulatory frameworks for preventing corruption, bribery, money-laundering and illegal transfer of funds, as well as for the repatriation of those funds to the countries of origin;
5. Reiterates its request to the Secretary-General, as contained in resolution 55/61, to convene an intergovernmental open-ended expert group to examine and prepare, on the basis of the report of the Secretary-General and of recommendations of the Commission on Crime Prevention and Criminal Justice at its tenth session, draft terms of reference for the negotiation of the future legal instrument against corruption, and invites the expert group on the same basis to examine the question of illegally transferred funds and the repatriation of such funds to the countries of origin;
6. Decides to keep this matter under review, and, in this regard, requests the Secretary-General, in consultation with Member States and relevant bodies of the United Nations system, to prepare, without duplicating material contained in the report requested by the Assembly in resolution 55/61, an analytical report containing information on the progress made in the implementation of the present resolution and, bearing in mind resolution 54/205, concrete recommendations,

inter alia, with regard to the repatriation of illegally transferred funds to the countries of origin, and to submit the report to the General Assembly at its fifty-sixth session under the item entitled "Sectoral policy questions: business and development".

### **Criminal misuse of information technologies**

#### **GENERAL ASSEMBLY ACTION**

On 4 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/55/593], adopted **resolution 55/63** without vote [agenda item 105].

#### **Combating the criminal misuse of information technologies**

The General Assembly,

Recalling the United Nations Millennium Declaration, in which Member States resolved to ensure that the benefits of new technologies, especially information and communication technologies, in conformity with recommendations contained in the Ministerial Declaration of the high-level segment of the substantive session of 2000 of the Economic and Social Council, are available to all,

Recalling also its resolution 45/121 of 14 December 1990, in which it endorsed the recommendations of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and noting in particular the resolution on computer-related crimes, in which the Eighth Congress called upon States to intensify their efforts to combat computer-related abuses more effectively,

Emphasizing the contributions that the United Nations, in particular the Commission on Crime Prevention and Criminal Justice, can make in the promotion of more efficient and effective law enforcement and administration of justice and of the highest standards of fairness and human dignity,

Recognizing that the free flow of information can promote economic and social development, education and democratic governance,

Noting significant advancements in the development and application of information technologies and means of telecommunication,

Expressing concern that technological advancements have created new possibilities for criminal activity, in particular the criminal misuse of information technologies,

Noting that reliance on information technologies, while it may vary from State to State, has resulted in a substantial increase in global cooperation and coordination, with the result that the criminal misuse of information technologies may have a grave impact on all States,

Recognizing that gaps in the access to and use of information technologies by States can diminish the effectiveness of international cooperation in combating the criminal misuse of information technologies, and noting the need to facilitate the transfer of information technologies, in particular to developing countries,

Noting the necessity of preventing the criminal misuse of information technologies,



Recognizing the need for cooperation between States and private industry in combating the criminal misuse of information technologies,

Underlining the need for enhanced coordination and cooperation among States in combating the criminal misuse of information technologies, and, in this context, stressing the role that can be played by both the United Nations and regional organizations,

Welcoming the work of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Noting the work of the Committee of Experts on Crime in Cyberspace of the Council of Europe on a draft convention on cybercrime, the principles agreed to by the Ministers of Justice and the Interior of the Group of Eight in Washington, D.C., on 10 December 1997, which were endorsed by the heads of State of the Group of Eight in Birmingham, United Kingdom of Great Britain and Northern Ireland, on 17 May 1998, the work of the Conference of the Group of Eight on a dialogue between government and industry on safety and confidence in cyberspace, held in Paris from 15 to 17 May 2000, and the recommendations approved on 3 March 2000 by the Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, convened in San Jose, Costa Rica, from 1 to 3 March 2000 within the framework of the Organization of American States,

1. Notes with appreciation the efforts of the above-mentioned bodies to prevent the criminal misuse of information technologies, and also notes the value of, inter alia, the following measures to combat such misuse:

(a) States should ensure that their laws and practice eliminate safe havens for those who criminally misuse information technologies;

(b) Law enforcement cooperation in the investigation and prosecution of international cases of criminal misuse of information technologies should be coordinated among all concerned States;

(c) Information should be exchanged between States regarding the problems that they face in combating the criminal misuse of information technologies;

(d) Law enforcement personnel should be trained and equipped to address the criminal misuse of information technologies;

(e) Legal systems should protect the confidentiality, integrity and availability of data and computer systems from unauthorized impairment and ensure that criminal abuse is penalized;

(f) Legal systems should permit the preservation of and quick access to electronic data pertaining to particular criminal investigations;

(g) Mutual assistance regimes should ensure the timely investigation of the criminal misuse of information technologies and the timely gathering and exchange of evidence in such cases;

(h) The general public should be made aware of the need to prevent and combat the criminal misuse of information technologies;

(i) To the extent practicable, information technologies should be designed to help to prevent and detect criminal misuse, trace criminals and collect evidence;

(j) The fight against the criminal misuse of information technologies requires the development of solutions taking into account both the protection of individual freedoms and privacy and the preservation of

the capacity of Governments to fight such criminal misuse;

2. Invites States to take into account the above-mentioned measures in their efforts to combat the criminal misuse of information technologies;

3. Decides to maintain the question of the criminal misuse of information technologies on the agenda of its fifty-sixth session, as part of the item entitled "Crime prevention and criminal justice".

## UN standards and norms

### Juvenile justice reform

In an April report on juvenile justice reform [E/CN.15/2000/5], prepared pursuant to Economic and Social Council resolutions 1997/30 [YUN 1997, p. 1158] and 1998/21 [YUN 1998, p. 1047], the Secretary-General analysed the roles, functions and activities of partners, including UN entities, within the parameters of relevant UN instruments and policies, particularly the 1989 Convention on the Rights of the Child, adopted by the General Assembly in resolution 44/25 [YUN 1989, p. 561]. The report contained information provided by the Office of the UN High Commissioner for Human Rights, the United Nations Children's Fund (UNICEF), the Committee on the Rights of the Child and WHO.

Noting that the standards originating in the United Nations were incorporated into the Convention on the Rights of the Child, the report described the activities of the Committee on the Rights of the Child (see p. 614), the Convention's monitoring body, and reviewed UN action with regard to standard-setting, monitoring and implementation of instruments and technical advisory services.

Non-binding instruments establishing and governing juvenile justice were described, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), adopted by the Assembly in resolution 40/33 [YUN 1985, p. 746]; the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), adopted by the Assembly in resolution 45/112 [YUN 1990, p. 738]; and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, adopted by the Assembly in resolution 45/113 [ibid., p. 743].

### Restorative justice

In April [A/CONF.187/15], following a discussion on restorative justice, the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders concluded that restorative justice was desirable, as was quality control and evaluation of relevant initiatives. It was sug-

gested that the Commission on Crime Prevention and Criminal Justice should be invited to formulate basic principles and standards to guide States in the fair and effective use of mediation and other processes of restorative justice.

#### **ECONOMIC AND SOCIAL COUNCIL ACTION**

On 27 July [meeting 43], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/2000/30], adopted **resolution 2000/14** without vote [agenda item 14 (c)].

#### **Basic principles on the use of restorative justice programmes in criminal matters**

The Economic and Social Council,

Recalling its resolution 1999/26 of 28 July 1999, entitled "Development and implementation of mediation and restorative justice measures in criminal justice", in which the Council requested the Commission on Crime Prevention and Criminal Justice to consider the desirability of formulating United Nations standards in the field of mediation and restorative justice,

Noting the discussions on restorative justice during the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in relation to the agenda item entitled "Offenders and victims: accountability and fairness in the justice process",

Recognizing that the use of restorative justice measures does not prejudice the right of States to prosecute alleged offenders,

1. Takes note of the preliminary draft elements of a declaration of basic principles on the use of restorative justice programmes in criminal matters, annexed to the present resolution;

2. Requests the Secretary-General to seek comments from Member States and relevant intergovernmental and non-governmental organizations, as well as the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, on the desirability and the means of establishing common principles on the use of restorative justice programmes in criminal matters, including the advisability of developing an instrument, such as the preliminary draft elements of a declaration annexed to the present resolution, and on the contents of this draft;

3. Also requests the Secretary-General to convene, subject to the availability of voluntary contributions, a meeting of experts selected on the basis of equitable geographical representation to review the comments received and to examine proposals for further action in relation to restorative justice, including mediation, as well as the possibility of developing an instrument such as a declaration of basic principles on the use of restorative justice programmes in criminal matters, taking into account the preliminary draft elements of a declaration annexed to the present resolution;

4. Further requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its eleventh session on the comments received and the results of the meeting of experts;

5. Invites the Commission to take action at its eleventh session on the basis of the report of the Secretary-General;

6. Calls upon Member States, building on the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to continue to exchange information on experiences in the implementation and evaluation of programmes for restorative justice, including mediation.

#### **ANNEX**

#### **Preliminary draft elements of a declaration of basic principles on the use of restorative justice programmes in criminal matters**

##### **I. Definitions**

1. "Restorative justice programme" means any programme that uses restorative processes or aims to achieve restorative outcomes.

2. "Restorative outcome" means an agreement reached as the result of a restorative process. Examples of restorative outcomes include restitution, community service and any other programme or response designed to achieve reparation for the victim and community and reintegration of the victim and/or the offender.

3. "Restorative process" means any process in which the victim, the offender and/or any other individuals or community members affected by a crime participate together actively in the resolution of matters arising from the crime, often with the help of a fair and impartial third party. Examples of restorative processes include mediation, conferencing and sentencing circles.

4. "Parties" means the victim, the offender and any other individuals or community members affected by a crime who may be involved in a restorative justice programme.

5. "Facilitator" means a fair and impartial third party whose role is to facilitate the participation of victims and offenders in an encounter programme.

##### **II. Use of restorative justice programmes**

6. Restorative justice programmes should be generally available at all stages of the criminal justice process.

7. Restorative processes should be used only with the free and voluntary consent of the parties. The parties should be able to withdraw such consent at any time during the process. Agreements should be arrived at voluntarily by the parties and should contain only reasonable and proportionate obligations.

8. All parties should normally acknowledge the basic facts of a case as a basis for participation in a restorative process. Participation should not be used as evidence of admission of guilt in subsequent legal proceedings.

9. Obvious disparities with respect to factors such as power imbalances and the age, maturity or intellectual capacity of the parties should be taken into consideration in referring a case to and in conducting a restorative process. Similarly, obvious threats to the safety of any of the parties should also be considered in referring a case to and in conducting a restorative process. The views of the parties themselves about the suitability of restorative processes or outcomes should be given great deference in this consideration.

10. Where restorative processes and/or outcomes are not possible, criminal justice officials should do all they can to encourage the offender to take responsibility vis-a-vis the victim and affected communities, and reintegration of the victim and/or offender into the community.

### III. Operation of restorative justice programmes

11. Guidelines and standards should be established, with legislative authority when necessary, that govern the use of restorative justice programmes. Such guidelines and standards should address:

- (a) The conditions for the referral of cases to restorative justice programmes;
- (b) The handling of cases following a restorative process;
- (c) The qualifications, training and assessment of facilitators;
- (d) The administration of restorative justice programmes;
- (e) Standards of competence and ethical rules governing the operation of restorative justice programmes.

12. Fundamental procedural safeguards should be applied to restorative justice programmes and in particular to restorative processes:

- (a) The parties should have the right to legal advice before and after the restorative process and, where necessary, to translation and/or interpretation. Minors should, in addition, have the right to parental assistance;
- (b) Before agreeing to participate in restorative processes, the parties should be fully informed of their rights, the nature of the process and the possible consequences of their decision;
- (c) Neither the victim nor the offender should be induced by unfair means to participate in restorative processes or outcomes.

13. Discussions in restorative processes should be confidential and should not be disclosed subsequently, except with the agreement of the parties.

14. Judicial discharges based on agreements arising out of restorative justice programmes should have the same status as judicial decisions or judgements and should preclude prosecution in respect of the same facts (*non bis in idem*).

15. Where no agreement can be made between the parties, the case should be referred back to the criminal justice authorities and a decision as to how to proceed should be taken without delay. Lack of agreement may not be used as justification for a more severe sentence in subsequent criminal justice proceedings.

16. Failure to implement an agreement made in the course of a restorative process should be referred back to the restorative programme or to the criminal justice authorities and a decision as to how to proceed should be taken without delay. Failure to implement the agreement may not be used as justification for a more severe sentence in subsequent criminal justice proceedings.

### IV. Facilitators

17. Facilitators should be recruited from all sections of society and should generally possess good understanding of local cultures and communities. They should be able to demonstrate sound judgement and the interpersonal skills necessary for conducting restorative processes.

18. Facilitators should perform their duties in an impartial manner, based on the facts of the case and on the needs and wishes of the parties. They should always respect the dignity of the parties and ensure that the parties act with respect towards each other.

19. Facilitators should be responsible for providing a safe and appropriate environment for the restorative process. They should be sensitive to any vulnerability of the parties.

20. Facilitators should receive initial training before taking up facilitation duties and should also receive in-service training. The training should aim at providing skills in conflict resolution, taking into account the particular needs of victims and offenders, at providing basic knowledge of the criminal justice system and at providing a thorough knowledge of the operation of the restorative programme in which they will do their work.

### V. Continuing development of restorative justice programmes

21. There should be regular consultation between criminal justice authorities and administrators of restorative justice programmes to develop a common understanding of restorative processes and outcomes, to increase the extent to which restorative programmes are used and to explore ways in which restorative approaches might be incorporated into criminal justice practices.

22. Member States should promote research on and evaluation of restorative justice programmes to assess the extent to which they result in restorative outcomes, serve as an alternative to the criminal justice process and provide positive outcomes for all parties.

23. Restorative justice processes may need to undergo change in concrete form over time. Member States should therefore encourage regular, rigorous evaluation and modification of such programmes in the light of the above definitions.

### International fund

In accordance with Economic and Social Council resolution 1998/21 [YUN 1998, p. 1047], a working group of experts on the possible establishment of a fund for victims of crimes and abuse of power was convened in January.

The group endorsed the creation of such an international fund and suggested that it be used to support the development and/or strengthening of victim support services through technical assistance, develop measures for special victim types or groups, particularly with regard to transnational crime, and design international awareness-raising campaigns promoting victims' rights and effective crime prevention.

### ECONOMIC AND SOCIAL COUNCIL ACTION

On 27 July [meeting 43], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/2000/30], adopted **resolution 2000/15** without vote [agenda item 14 (c)].

### Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

The Economic and Social Council,  
Recognizing the importance of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse

of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985, and the adoption of the Declaration as an important landmark in international efforts to improve the treatment of victims,

Bearing in mind that the General Assembly, in its resolution 40/34, called upon Member States to take the necessary steps to give effect to the provisions of the Declaration, and urged United Nations entities, other intergovernmental organizations and non-governmental organizations to cooperate in the implementation of those provisions,

Recalling its resolution 1998/21 of 28 July 1998, in which it requested the Secretary-General to seek the views of Member States regarding the desirability and feasibility of establishing an international fund for victims of crime and abuse of power and to convene a working group on this matter, consisting of Member States that expressed an interest in such a fund,

Recalling also the plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, annexed to its resolution 1998/21,

Deeply concerned about the continuing victimization by crime, especially organized crime, violence, terrorism and abuse of power, in particular of vulnerable individuals such as women and children, which exacts a vast human cost and impairs the quality of life in many parts of the world,

1. Notes with appreciation the work done by the working group of experts that met in January 2000 pursuant to resolution 1998/21;

2. Takes note of the finding of the working group of experts that there is a need to provide adequate assistance to initiatives in the area of victim care;

3. Requests the Secretary-General to prepare a report on possible ways and means of providing adequate assistance to initiatives in the area of victim care, taking into account, inter alia, the existing mechanisms providing such assistance and the report of the working group of experts, and to submit it to the Commission on Crime Prevention and Criminal Justice at its tenth session;

4. Calls upon the Secretary-General, Member States and intergovernmental and non-governmental organizations to continue to take the necessary steps to give effect to the provisions of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in cooperation with United Nations entities and other intergovernmental and non-governmental organizations;

5. Invites the Commission on Crime Prevention and Criminal Justice to consider at its tenth session the report of the working group of experts and the report of the Secretary-General.

## Human resource development

### UN research and training institutes

#### UN Institute for Training and Research

**Report of Executive Director.** A report of the Executive Director of the United Nations Insti-

tute for Training and Research (UNITAR) [A/55/14], covering the period from 1 July 1998 to 30 June 2000, presented the accomplishments achieved during the Institute's restructuring period, as well as its current situation and future challenges. The report described the activities of UNITAR's training programme in multilateral diplomacy and international affairs management, and training and capacity-building programmes in social and economic development. Annexed to the report was a chronological list of training activities during the reporting period, statistical data on participation, a list of materials published during the reporting period and financial data.

**Report of Secretary-General.** A September report of the Secretary-General [A/55/510], prepared in accordance with General Assembly resolution 54/229 [YUN 1999, p. 1069], noted that UNITAR programmes had remained steady and sustained. Some 120 programmes, seminars and workshops had been organized throughout the world each year since 1996. Project delivery on a limited number of well-identified areas in which UNITAR had expertise and sound track records, introduced as part of the restructuring process, had continued. The network of partnership with national and regional academic and specialized centres had been expanded, particularly in Africa. Research on the design and development of new pedagogic methodologies was continued and efforts were made to develop distance learning, including e-training.

The Secretary-General said that UNITAR's financial situation had improved, but remained fragile. The funding of Special Purpose Grants was satisfactory but voluntary contributions to the General Fund remained insufficient. The Secretary-General discussed the provision of additional facilities to the Institute.

#### GENERAL ASSEMBLY ACTION

On 20 December [meeting 87], the General Assembly, on the recommendation of the Second Committee [A/55/584], adopted resolution 55/208 without vote [agenda item 97].

#### United Nations Institute for Training and Research

The General Assembly,

Recalling its resolutions 49/125 of 19 December 1994, 50/121 of 20 December 1995, 51/188 of 16 December 1996, 52/206 of 18 December 1997, 53/195 of 15 December 1998 and 54/229 of 22 December 1999,

Having considered the reports of the Secretary-General and the Executive Director of the United Nations Institute for Training and Research,

Welcoming the efforts made towards consolidation of the restructuring process of the Institute and the recent progress made by the Institute in its various programmes and activities, including the improved cooperation that has been established with other organi-

zations of the United Nations system and with regional and national institutions,

Expressing its appreciation to the Governments and private institutions that have made or pledged financial and other contributions to the Institute,

Noting that contributions to the General Fund have not increased and that the participation of the developed countries in training programmes in New York and Geneva is increasing,

Noting also that the bulk of the resources contributed to the Institute are directed to the Special Purpose Grants Fund rather than to the General Fund, and stressing the need to address that unbalanced situation,

Noting further that the Institute receives no subsidy from the United Nations regular budget, that it provides training programmes to all Member States free of charge and that similar United Nations institutions based at Geneva are not charged rent or maintenance costs,

Reiterating that training activities should be accorded a more visible and larger role in support of the management of international affairs and in the execution of the economic and social development programmes of the United Nations system,

1. Reaffirms the importance of a coordinated, United Nations system-wide approach to research and training based on an effective coherent strategy and an effective division of labour among the relevant institutions and bodies;

2. Also reaffirms the relevance of the United Nations Institute for Training and Research in view of the growing importance of training within the United Nations and the training requirements of States and the relevance of training-related research activities undertaken by the Institute within its mandate;

3. Stresses the need for the Institute to strengthen further its cooperation with other United Nations institutes and relevant national, regional and international institutes;

4. Welcomes the progress made in building partnerships between the Institute and other agencies and bodies of the United Nations system with respect to their training programmes, and, in this context, underlines the need to develop further and to expand the scope of these partnerships, in particular at the country level;

5. Welcomes also the decisions taken so far by the Secretary-General to ensure continuity in the management of the Institute and to consider the proper grade for the post of Executive Director;

6. Requests the Board of Trustees of the United Nations Institute for Training and Research to intensify its efforts to attract experts from developing countries and countries with economies in transition for the preparation of relevant training materials for the programmes and activities of the Institute, and stresses that the courses of the Institute should focus primarily on development issues;

7. Renews its appeal to all Governments, in particular those of developed countries, and to private institutions that have not yet contributed financially or otherwise to the Institute, to give it their generous financial and other support, and urges the States that have interrupted their voluntary contributions to consider re-

suming them in view of the successful restructuring and revitalization of the Institute;

8. Calls upon developed countries, which are increasingly participating in the training programmes conducted in New York and Geneva, to make contributions or consider increasing their contributions to the General Fund;

9. Encourages the Board of Trustees of the Institute to continue its efforts to resolve the critical financial situation of the Institute, in particular with a view to broadening its donor base and increasing the contributions made to the General Fund;

10. Also encourages the Board of Trustees to consider diversifying further the venues of the events organized by the Institute and to include the cities hosting regional commissions, in order to promote greater participation and reduce costs;

11. Requests the Secretary-General, in consultation with the Institute and United Nations funds and programmes, to continue to explore ways and means of systematically utilizing the Institute in the execution of training and capacity-building programmes for the economic and social development of developing countries;

12. Notes with appreciation the services rendered by the Executive Director of the Institute in the light of the challenges emanating from the increased responsibilities encountered by his office;

13. Requests the Secretary-General to consider re-classifying the rental rates and maintenance costs charged to the Institute with a view to alleviating its current financial difficulties, which are aggravated by the current practice of charging commercial rates, taking into account that other organizations affiliated with the United Nations enjoy such privileges;

14. Also requests the Secretary-General to report to it at its fifty-sixth session on the implementation of the present resolution.

On 23 December, the Assembly decided that the item on training and research would remain for consideration at its resumed fifty-fifth (2001) session (**decision 55/458**).

### United Nations University

In a September report [A/55/412], the Secretary-General, in response to General Assembly resolution 53/194 [YUN 1998, p. 1058], presented measures taken to improve interaction between the United Nations University (UNU) and the rest of the UN system. He observed that over the preceding year, UNU had continued to progress in developing closer relations with other UN entities. Under the UNU Council's four-year strategic plan (2000-2004), developed in consultation with UN organizations and agencies, ongoing projects and new initiatives would be structured within two broad programme areas: peace and governance, and environment and sustainable development.

The Secretary-General concluded that, in spite of the relatively modest level of funding,

UNU continued to expand its activities and programmes. UNU research findings had played an important role in policy formulation within the UN system. However, there was a need for better communication between UNU research producers and potential system-wide research consumers, an area partially addressed through a new dialogue process initiated in Geneva during 2000, which brought the two together to discuss enhanced collaboration.

#### GENERAL ASSEMBLY ACTION

On 20 December [meeting 87], the General Assembly, on the recommendation of the Second Committee [A/55/584], adopted **resolution 55/206** without vote [agenda item 97].

#### United Nations University

The General Assembly,

Reaffirming its previous resolutions on the United Nations University, including resolution 53/194 of 15 December 1998,

Having considered the report of the Council of the United Nations University, as presented by the Rector of the University on 31 October 2000, and the report of the Secretary-General,

Bearing in mind the need to continue to ensure a coordinated, system-wide approach to training and training-related research issues and to continue to pursue a coherent strategy for building on common fields of interest and complementarities among the various training and research institutions in the United Nations system,

Expressing its deep appreciation for the voluntary contributions made to date by Governments and other public and private entities in support of the University,

Noting with satisfaction that, since its creation twenty-five years ago, the University has developed a distinctive identity in the United Nations system and the international academic and scientific community,

1. Welcomes the adoption by the Governing Council of the United Nations University of the "Strategic Plan, 2000: Advancing Knowledge for Human Security and Development", which has a programmatic focus on research, policy studies, capacity-building and dissemination of information in the two thematic areas of peace and governance and environment and sustainable development, in line with the priority concerns of the United Nations;

2. Takes note with appreciation of the steps taken by the Council and the Rector of the University to promote the work and the visibility of the University, in particular among Member States, the United Nations and its agencies, through such measures as organizing a series of public forums for the purpose of disseminating the results of its research, and requests them to further intensify such efforts;

3. Welcomes the contribution made by the University to the work of the United Nations, both in intergovernmental processes, including United Nations global conferences, and in analytical work, and requests the Rector to intensify his efforts to extend the policy studies programme of the University;

4. Emphasizes the continuing need of the University to strengthen the capacity of scholarly and scientific institutions in developing countries by extending its capacity-building programmes and through innovative partnerships and networking, involving the United Nations system, academic entities, professional associations, private sector bodies and other elements of civil society that will bring additional input to the work of the University;

5. Welcomes the progress made by the University in improving interaction and communication between the University and the rest of the United Nations system, noted in the report of the Secretary-General, requests the Rector to intensify his efforts in this regard, and also requests the Secretary-General to encourage other bodies of the United Nations system to improve their interaction and communication with the University so that it may serve as a think tank for the system;

6. Requests the Secretary-General, in this connection, to continue his consideration of innovative measures to improve interaction and communication between the University and other relevant bodies of the United Nations system and, in the light of resolution 53/194, to ensure that the work of the University is taken into account in all relevant activities of the system so that the system may draw more extensively upon the work of the University, and to submit a report thereon to the Assembly at its fifty-seventh session;

7. Welcomes the progress made with regard to the participation of the University in the work of the Administrative Committee on Coordination, and encourages the University to play an active role in this regard in order to better understand and respond to the needs of the United Nations system as it carries out its work;

8. Also welcomes the initiative taken by the University, together with the United Nations Office at Geneva, in bringing together United Nations research entities, and invites the Secretary-General to use those annual meetings to develop greater synergy among them, and between them and other bodies of the United Nations system;

9. Takes note of the important ongoing cooperation between the University and the United Nations Educational, Scientific and Cultural Organization, in particular in the follow-up activities to the World Conference on Higher Education, held in Paris from 5 to 9 October 1998, the preparation of the World Water Development Report and the initiation of the programme on dialogue among civilizations;

10. Recognizes the importance of the creation of linkages, collaboration and cooperation with other research institutions and universities throughout the world, in particular in developing countries, in order to facilitate the exchange of information, experience and best practice so as to mainstream the perspective of developing countries in the activities of the University;

11. Requests the University to broaden the reach of its dissemination activities by using innovative methods, including new information and communication technologies, to ensure that the knowledge developed by the University is made available to all those to whom it may be of benefit;

12. Requests the Council and the Rector, taking into account the previous resolutions of the Assembly and the report of the Joint Inspection Unit on the University, to continue to make further efforts to ensure the

efficiency and cost-effectiveness of the activities of the University, as well as its financial transparency and accountability, to intensify efforts to augment its Endowment Fund and to find innovative ways to mobilize operating contributions and other programme and project support;

13. Invites the international community to make voluntary contributions to the University, including its research and training centres and programmes, and in particular to its Endowment Fund.

### **Education for all**

The Education for All (EFA) 2000 Assessment—a detailed analysis of the state of basic education worldwide—which was launched in 1997 under the auspices of the EFA Forum [YUN 1997, p. 1181] to follow up the 1990 World Conference on Education for All [YUN 1990, p. 763], demonstrated significant progress in many countries. However, in 2000, more than 113 million children did not have access to primary education, 880 million adults were illiterate, gender discrimination con-

tinued to permeate education systems, and the quality of learning and the acquisition of human values and skills fell short of the aspirations and needs of individuals and societies.

The World Education Forum (Dakar, Senegal, 26-28 April), sponsored by the United Nations Development Programme, UNESCO, the United Nations Population Fund, UNICEF and the World Bank, was convened to assess progress towards education for all since the 1990 World Conference. At the opening of the Forum, the Secretary-General launched the 10-year United Nations Girls' Education Initiative. The Forum adopted the Dakar Framework for Action, Education for All: Meeting Our Collective Commitments, which reaffirmed the goal of education for all, committed participants to work towards specific educational goals by 2015 or earlier, and called for the development or strengthening of national action plans and the reinforcement of national, regional and international mechanisms.