

II

Measures against child prostitution

Recalling the Convention on the Rights of the Child,²⁴ in article 34 (a) of which States parties are called upon to prevent the inducement or coercion of a child to engage in any unlawful sexual activity,

Noting that, in article 3, paragraph 1 (b), of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,²⁶ States parties are called upon to ensure that the act of offering, obtaining, procuring or providing a child for prostitution is fully covered under their criminal or penal law,

Considering that child prostitution is undeniably a traumatic experience for the children involved,

Reaffirming the need to make persons who procure or obtain the sexual services of children responsible for their action, which violates the rights and the dignity of the children involved,

Calls upon Member States to take immediate steps to provide for the effective and proportional punishment, under their domestic law, of persons who procure or obtain the sexual services of children.

III

Time limits for criminal proceedings in cases involving the sexual abuse or exploitation of children

Emphasizing that sexual abuse or exploitation provokes traumas among children who are the victims of such abuse or exploitation and that the experience may affect them throughout their life,

Emphasizing also that the perpetrators are often to be found within the family, among the acquaintances or friends of the family, or among other persons in the immediate environment of or holding a position of authority over the victims,

Considering that the victims of sexual abuse or exploitation generally need time to reach the level of maturity required to perceive the abusive nature of the events that they have experienced, to express their opinion about those events and to dare to denounce them,

Calls upon Member States to make every effort to ensure, in conformity with domestic legislation, that the time limit for bringing criminal proceedings in cases involving the sexual abuse or exploitation of a child does not obstruct the effective prosecution of the offender, for instance, by considering the possibility of postponing the beginning of the time limit until the child has reached the age of civil majority.

37th plenary meeting
24 July 2002

2002/15. United Nations standards and norms in crime prevention and criminal justice

The Economic and Social Council,

Reaffirming the importance of United Nations standards and norms in crime prevention and criminal justice and the need to maintain a balance between the current main priority issue of combating transnational organized crime and the other priority issues of the United Nations Crime Prevention and Criminal Justice Programme,

Recalling General Assembly resolution 56/161 of 19 December 2001 on human rights in the administration of justice,

Taking note of Commission on Human Rights resolution 2002/47 of 23 April 2002 on human rights in the administration of justice, in particular juvenile justice,

Bearing in mind that the theme for the eleventh session of the Commission on Crime Prevention and Criminal Justice was "Reform of the criminal justice system: achieving effectiveness and equity",

Recalling the relevant provisions of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, annexed to General Assembly resolution 55/59 of 4 December 2000,

Recalling also the plans of action for the implementation of the Vienna Declaration, annexed to General Assembly resolution 56/261 of 31 January 2002, in particular the plans of action on crime prevention, on witnesses and victims of crime, on prison overcrowding and alternatives to incarceration, on juvenile justice, on the special needs of women in the criminal justice system and on standards and norms,

Mindful of the recommendation of the Office of Internal Oversight Services, submitted to the Committee for Programme and Coordination of the Economic and Social Council at its forty-first session, that the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat should propose to the Commission on Crime Prevention and Criminal Justice at its twelfth session a revised mechanism for reporting on the use and application of the United Nations standards and norms in crime prevention and criminal justice,⁶⁴

I

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

Recalling its resolution 1993/34 of 27 July 1993, in section III of which it requested the Secretary-General to

⁶⁴ E/AC.51/2001/5, para. 13.

commence without delay a process of information-gathering to be undertaken by means of surveys,

Recalling also its resolution 1998/21 of 28 July 1998, in section I of which it requested the Secretary-General to continue the information-gathering,

1. *Takes note* of the report of the Secretary-General on reform of the criminal justice system: achieving effectiveness and equity and the use and application of United Nations standards and norms, especially concerning juvenile justice and penal reform;⁶⁵

2. *Also takes note* of the reports of the Secretary-General on the implementation of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,⁶⁶ on the implementation of the United Nations Declaration on Crime and Public Security,⁶⁷ and on the implementation of the International Code of Conduct for Public Officials,⁶⁸ and considers the first cycle of information-gathering on the use and application of the United Nations standards and norms in crime prevention and criminal justice to have been completed;

3. *Requests* the Secretary-General to convene a meeting of a group of experts, subject to the availability of extrabudgetary funds, to evaluate the results achieved and the progress made in the application of existing United Nations standards and norms in crime prevention and criminal justice, to review the present system of reporting, to assess the advantages to be expected in using a cross-sectoral approach and to make concrete proposals to be considered by the Commission on Crime Prevention and Criminal Justice at its twelfth session;

4. *Encourages* the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat to continue, subject to the availability of existing funds, to provide technical assistance and advisory services to Member States, upon request, in support of criminal justice reform, including in the framework of peacekeeping and post-conflict reconstruction, drawing on the United Nations standards and norms in crime prevention and criminal justice;

5. *Invites* Member States to make available voluntary funds for technical cooperation projects in the area of criminal justice reform;

6. *Invites* the Centre for International Crime Prevention to further increase cooperation and coordination with other relevant entities, in particular the United Nations Crime Prevention and Criminal Justice Programme Network of Institutes and the Office of the United Nations High Commissioner for Human Rights, in the use and application of

the United Nations standards and norms in crime prevention and criminal justice, with the aim of enhancing complementarities and reinforcing the existing collaboration in the implementation of their respective programmes, and to strengthen collaborative ties with other United Nations entities and relevant intergovernmental and non-governmental organizations.

II

Penal reform

Recalling its resolution 1999/27 of 28 July 1999 on penal reform,

Recognizing that acute prison overcrowding may result in the violation of basic human rights of prisoners and prison staff,

1. *Invites* Member States to undertake the necessary efforts to solve the problem of prison overcrowding, inter alia, by, if necessary, introducing or making appropriate use of alternatives to imprisonment;

2. *Invites* relevant bodies and specialized agencies of the United Nations system, subject to the availability of existing funds, as well as Member States, to continue to provide assistance in the form of advisory services, needs assessment, capacity-building, training or other assistance to States, upon request, in order to enable them to improve prison conditions, reduce prison overcrowding and increase reliance on alternatives to imprisonment.

III

Administration of juvenile justice

Recalling its resolution 1999/28 of 28 July 1999 on administration of juvenile justice,

1. *Requests* the Secretary-General to strengthen cooperation between the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat and other relevant partners, in particular the other members of the coordination panel on technical advice and assistance in juvenile justice established in line with the Guidelines for Action on Children in the Criminal Justice System,⁶⁹ including follow-up to the recommendations of the Committee on the Rights of the Child on juvenile justice matters;

2. *Invites* the Centre for International Crime Prevention and Member States to continue, in cooperation with the United Nations Crime Prevention and Criminal Justice Programme Network of Institutes and other entities, subject to the availability of existing funds, to develop and carry out projects to prevent youth crime, to strengthen juvenile justice systems

⁶⁵ E/CN.15/2002/3.

⁶⁶ E/CN.15/2002/6 and Add.2.

⁶⁷ E/CN.15/2002/11.

⁶⁸ E/CN.15/2002/6/Add.1 and 3.

⁶⁹ Resolution 1997/30, annex.

and to improve the rehabilitation and treatment of juvenile offenders, as well as to improve the protection of child victims.

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2002/16. International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance for the victims

The Economic and Social Council,

Convinced that the kidnapping of persons is a serious crime and a violation of the right to individual freedom, as well as other fundamental rights, including international humanitarian law applicable in situations of armed conflict,

Recalling General Assembly resolution 55/25 of 15 November 2000, in which the Assembly adopted the United Nations Convention against Transnational Organized Crime, an instrument forming part of the legal framework necessary for international cooperation in the fight against kidnapping, especially kidnapping committed for the purpose of extortion,

Noting the transnational nature of organized crime and the tendency of organized criminal groups to expand their illicit operations,

Concerned by the growing tendency of organized criminal groups to resort to kidnapping, especially kidnapping for the purpose of extortion, as a method of accumulating capital with a view to consolidating their criminal operations and carrying out other illegal activities, such as illicit trafficking in firearms, money-laundering, drug trafficking, illicit trafficking in human beings and crimes related to terrorism,

Convinced that the links between various illegal activities and organized criminal groups pose an additional threat to personal security and the quality of life, hindering economic and social development,

Convinced also that one of the most effective ways to combat organized crime is to trace, detect, freeze and confiscate the assets of criminal groups in order to undermine their structure,

Recalling the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000, which was convened with the intention of adopting more effective concerted action, in a spirit of cooperation, to combat the world crime problem,

Recalling also the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, endorsed by the General Assembly in its resolution 55/59 of 4 December 2000 and contained in the annex thereto, in which Member States participating in the Tenth Congress declared their intention to strengthen international cooperation in order to create a conducive environment for the fight against organized crime,

Concerned about the increase in kidnapping in various countries of the world and by the harmful effects of that crime on the victims and their families, and resolved to support the provision of assistance to them and measures to protect them and promote their recovery,

1. *Vigorously condemns and rejects* the worldwide practice of kidnapping, in any circumstance and for any purpose, which consists in unlawfully detaining a person or persons against their will for the purpose of demanding for their liberation an illicit gain or any other economic gain or other material benefit, or in order to oblige someone to do or not do something, and resolves to treat it henceforth as a serious crime, particularly when it is connected with the action of organized criminal groups or terrorist groups;

2. *Urges* Member States that have not already done so to adopt the legislative or other measures necessary to establish as a serious crime in their domestic legislation kidnapping in all its modalities, especially kidnapping committed for the purpose of extortion, in accordance with the United Nations Convention against Transnational Organized Crime;

3. *Encourages* Member States to foster international cooperation, especially mutual legal assistance and collaboration between law enforcement authorities, through information exchange with a view to preventing, combating and eradicating kidnapping, in particular kidnapping committed for the purpose of extortion;

4. *Exhorts* Member States that have not already done so, in furtherance of the fight against kidnapping, to strengthen their measures against money-laundering and to provide international cooperation and mutual assistance through the tracing, detection, freezing and confiscation of proceeds of kidnapping, in order to undermine the structure of organized criminal groups;

5. *Invites* Member States to provide to the Secretary-General information on the practice of kidnapping and on relevant domestic measures that have been taken, including those related to support and assistance to the victims and their families;

6. *Requests* the Secretary-General, drawing upon extrabudgetary contributions or within existing resources, based on replies received from Member States and in coordination with competent entities of the United Nations system, to report to the Commission on Crime Prevention and Criminal Justice at its thirteenth session on the factual and legal situation of kidnapping throughout the world, including the situation of victims, and to submit a progress report on that subject to the Commission at its twelfth session.

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