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Panel discussion: “Focus on the Vienna based Commissions and the importance of drug control, crime prevention and criminal justice in the context of the post 2015 development agenda, including the issue of human trafficking”

Chair:

H.E. Ambassador **Martin Sajdik**, Permanent Representative of Austria to the United Nations in New York;

Panelists:

Mr. **Yury Fedotov**, Executive Director, United Nations Office on Drugs and Crime;

H.E. Ambassador **Xolisa Mfundiso Mabongho**, Permanent Representative of South Africa to the United Nations in Vienna, Chairperson of the 22nd session of the CCPCJ,

H.E. Ambassador **Khaled Abdel Rahman Shamaa**, Permanent Representative of Egypt to the United Nations in Vienna, First-Vice Chairperson of the 56th session of the CND,

H.R.H. Princess **Bajrakitiyabha Mahidol**, Permanent Representative of Thailand to the United Nations in Vienna

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I. Introduction

1. The Vienna-based functional commissions of the Economic and Social Council (ECOSOC), the Commission on Narcotic Drugs (CND) and the Commission on Crime Prevention and Criminal Justice (CCPCJ), play important roles in developing policies and fostering international cooperation for the achievement of inclusive and sustainable development. The Commissions are the governing bodies of the United Nations Office on Drugs and Crime (UNODC), providing guidance and oversight for the United Nations drug programme and the crime prevention and criminal justice programme, respectively. Another important part of their work is the preparations for - and follow-up to - major United Nations conferences within their mandates, in particular, the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice in 2015 (for the CCPCJ) and the Special Session of the General Assembly on the world drug problem in 2016 (for the CND).

2. Challenges relating to drugs and crime affect the enabling environment for achieving the Millennium Development Goals, and therefore the work of CND and CCPCJ is of crucial importance to the post 2015 development agenda. This paper provides information on the work of the Commissions on issues of relevance to wider United Nations policies, with a focus on recent developments that occurred at their 2013 sessions. *Complementing the information provided in the annex referred to below*, it highlights **opportunities for Member States to consider the importance of drug control, crime prevention and criminal justice in the context of the post 2015 development agenda. Recommendations for the consideration of the Council are also included.**

3. The *attached annex* reflects inputs received from Member States of the CND and the CCPCJ concerning issues to be considered in the context of the post-2015 development agenda. These were transmitted by the Chairpersons of the respective Commissions to the President of ECOSOC in December 2012.

II. Crime Prevention and Criminal Justice and Development

4. The mandate of the CCPCJ is of direct relevance to broader policies and action to foster development. In 1991, the General Assembly adopted the “**Statement of principles and programmes of action of the United Nations crime prevention and criminal justice programme**”, which set out the mandate of the CCPCJ, stating that rising crime impaired the process of development.¹

5. The “Statement of principles and programmes of action of the United Nations crime prevention and criminal justice programme” also recalled the functions of the quinquennial United Nations congresses on crime prevention and criminal justice, which are the UN major conference on crime prevention and criminal justice matters. The final Declaration adopted by the Congress goes traditionally through the CCPCJ and the Council to the General Assembly for endorsement. The Commission is also the body translating the outcome (Declaration) of the Congress into concrete action through the adoption of resolutions. Many of these resolutions are recommended for adoption by the Council or, through the Council, for adoption by the General Assembly.

6. The CCPCJ has since its establishment in 1992, identified links between sustainable economic and social development and the crime issues within its mandate, including **transnational organized crime, corruption** and the **standards and norms in crime prevention and criminal justice.**

Action taken by the CCPCJ in 2013

7. At its twenty-second session (22 to 26 April 2013), the CCPCJ advanced the preparations for the **Thirteenth United Nations Congress on Crime Prevention and Criminal Justice to be held in Qatar in 2015.** The Commission recommended, through the Council, *a draft resolution* on this topic, entitled “*Follow-up to the Twelfth United*

¹ A/RES/46/152, annex, para. 4.

Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice”, for adoption by the General Assembly at its 68th session. The resolution recognizes the importance of the contributions that the Thirteenth Congress would make to the United Nations post-2015 development agenda. Thus, the Congress will be an important opportunity for Member States to consider crime prevention and criminal justice issues in a broader context.

8. In line with General Assembly resolution 67/184, the Thirteenth Congress will focus on “*Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation*”. The Congress agenda also includes the following items:

(1) Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development;

(2) International cooperation, including at the regional level, to combat transnational organized crime;

(3) Comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime; and

(4) National approaches to public participation in strengthening crime prevention and criminal justice.

9. In addition, the following issues will be considered in workshops during the Congress:

(a) Role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders;

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

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

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

10. At its twenty-second session, the Commission also recommended through the Council to the General Assembly for adoption ***a draft resolution***, entitled “***The rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015***”. In the draft resolution, Member States recognized the **cross-cutting nature of the rule of law, crime prevention and criminal justice and development**, and

recommended that **such linkages and interrelationships be properly addressed**. They underscored that the post-2015 development agenda should be guided by respect for the rule of law and that crime prevention and criminal justice have an important role in this.

11. The draft resolution also referred to the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the national and international levels², and reiterated that the advancement of the rule of law at the national and international levels is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law. It was emphasized that this interrelationship should be considered in implementing the post-2015 international development agenda.

12. Furthermore, the draft resolution stressed the need for a comprehensive approach and further involvement of the States members of the CCPCJ in the discussions leading to the formation of the post-2015 United Nations development agenda, in close coordination with ECOSOC and other United Nations bodies and entities, fully taking into account the focus areas of the Millennium Development Goals. The draft resolution also emphasized that special attention should be placed on channelling the work of the CCPCJ, where appropriate, into the discussions on the post-2015 United Nations development agenda, in close consultation with other stakeholders.

III. Drug Control and Development

13. Since its establishment as a functional commission of ECOSOC in 1946, the CND has served as the leading UN policy-making body on international drug control, undertaking functions under the drug control conventions³, including the scheduling of controlled substances. The CND reviews and analyses the global drug control situation, considering the interrelated issues of prevention of drug abuse, rehabilitation of drug users and supply and trafficking in illicit drugs.

14. In recent years, the Commission has adopted **a number of resolutions referring to the Millennium Development Goals**. These include: with regard to alternative development - goals 1 (eradicating extreme poverty and hunger) and 7 (ensuring environmental sustainability); with regard to injecting drug use - goal 6 (combating HIV/AIDS, malaria and other diseases); and through acknowledging the specific needs of women in the context of comprehensive and integrated drug demand reduction programmes and strategies - goal 3 (promoting gender equality and empowering women).

15. At the high-level segment at its 52nd session, in 2009 the CND adopted the **Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to counter the World Drug Problem**⁴, which is the key policy

² A/RES/67/1.

³ The Single Convention on Narcotic Drugs of 1954 as amended by the 1972 Protocol; the Convention on Psychotropic Substances of 1971; and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

⁴ See *Official Records of the Economic and Social Council, 2009, Supplement No. 8 (E/2009/28), Chap. I, sect. C.*

document guiding action by the international community on drug control matters. The document was subsequently adopted by the General Assembly in December 2009 in **Resolution 64/182**. The Plan of Action makes a **number of references to development issues**, in particular in those paragraphs related to **alternative development**.⁵

Action by the CND in 2013

16. At its 56th session (11 to 15 March 2013), the CND recommended through the Council for adoption by the General Assembly **a draft resolution** entitled, **“United Nations Guiding Principles on Alternative Development”** which reaffirms that development-oriented drug policies and programmes should be undertaken in accordance with the Millennium Development Goals, and also taking into account the specific situation of countries and regions and, where appropriate, security concerns.

17. During the session, the CND also acknowledged the **work of UNODC in assisting Member States to achieve the Millennium Development Goals** and its pivotal role in addressing the world drug situation. The work carried out by UNODC in the **areas of drug demand reduction, supply reduction, crop monitoring, prevention, treatment and rehabilitation, as well as in addressing HIV/AIDS**, was noted as well. UNODC and its governing bodies were requested to continue to be actively involved in discussions on the post-2015 development agenda.

18. The CND also advanced the preparations for its **2014 High-Level Review of the implementation by Member States of the Political Declaration and Plan of Action on international cooperation towards an integrated and balanced strategy to counter the world drug problem**. The Commission adopted **resolution 56/12**, entitled **“Preparations for the high-level review of the implementation by Member States of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem”**, in which it decided that the high-level review shall consist of a general debate and round-table discussions on the three parts of the Plan of Action:

- (a) Demand reduction: reducing abuse and dependence through a comprehensive approach;
- (b) Supply reduction: reducing the illicit supply of drugs; control of precursors and of amphetamine-type stimulants; and international cooperation on eradicating the illicit cultivation of crops used for the production of narcotic drugs and psychotropic substances and on alternative development; and

⁵ Plan of Action on international cooperation towards an integrated and balanced strategy to counter the world drug problem: Para. 43 (d) recommends action on measuring the qualitative and quantitative impact of alternative development and drug crop eradication programmes with respect to the sustainability of illicit crop reduction and socio-economic development; Para. 45 (d) recommends action in respect of the inclusion in national development strategies of integrated and sustainable alternative development programmes, recognizing that poverty and vulnerability are some of the factors behind illicit drug crop cultivation and that poverty eradication is a principal objective of the Millennium Development Goals; Para. 47 (a) reads: “[Member States should] tackle alternative development in a larger development context through a holistic and integrated approach, taking into account the Millennium Development Goals, with the priority of eradicating poverty”.

(c) International cooperation: countering money laundering and promoting judicial cooperation;

19. The Commission also resolved that a **brief joint ministerial statement** be issued at the conclusion of the high-level review, identifying, on the basis of the review of the progress made in the implementation by Member States of the Political Declaration and Plan of Action, **achievements, challenges and priorities for further action**, in the framework of the three international drug control conventions and other relevant United Nations instruments.

20. In its resolution 56/12, the CND resolved that the outcome of the high-level review would be submitted to the General Assembly for its consideration, in view of, inter alia, the **special session of the General Assembly on the world drug problem to be held early 2016**. In its *resolution 67/193*, entitled “*International cooperation against the world drug problem*”, the Assembly had decided “that the special session of the General Assembly will review the progress in the implementation of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, including an assessment of the achievements and challenges in countering the world drug problem, within the framework of the three international drug control conventions and other relevant United Nations instruments”. The CND in its resolution 56/12 recommended to the Assembly that the Commission should play its leading role in the preparatory process for the special session, as the central policymaking body within the United Nations system dealing with drug-related matters. The CND would play this role, including by presenting its proposals, through the Council, regarding progress made in the implementation of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem.

IV. Recommendations for consideration by ECOSOC

21. In line with its role in ensuring the integrated and coordinated implementation of, and follow up to, the outcomes of all major United Nations Conferences, the Council might, complementary to the action taken by the General Assembly, wish to consider taking the following actions:

(a) Special event on crime prevention and criminal justice

22. In order to strengthen its involvement in the follow up to the United Nations Congresses on crime prevention and criminal justice, the Council could consider **holding a special event during its substantive session in 2015** to receive the outcome of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Qatar in April 2015, and **to discuss the follow up action taken by the CCPCJ at its 24th session in May 2015**, immediately following the 13th Congress.

23. The active involvement of the Council in the follow-up to the Thirteenth Crime Congress would be important to ensure that the ECOSOC system is made aware of the outcome and able to support follow-up action decided upon by the 24th session of the CCPCJ, in a comprehensive and coherent manner.

(b) Special event on the world drug problem

24. In the area of international drug control, the Council could consider **holding a special event during its substantive session in 2014**. The objective of the event would be **to discuss the outcome of the high-level review conducted by the CND at its 57th session**, to be held in March 2014, **in the context of the broader development agenda**. By doing so, the Council could implement the recommendation contained in operative paragraph 40 of the Political Declaration that the Council devote one of its high-level segments to a theme related to the world drug problem.

25. Based on the proposals made by the CND pursuant to its resolution 56/12, the Council could play an important role in raising awareness of achievements, challenges and priorities for further action identified by the CND during the high-level review. The Council could thereby make a valuable contribution to the substantive preparations for the General Assembly Special Session on the World Drug Problem, scheduled to be held in early 2016.

(c) Added value and possible outcome of the special events

26. By holding these special events on the world drug problem and on crime prevention and criminal justice, the Council would give “crime prevention and criminal justice” and “drug control” enhanced and focused attention during its substantive sessions and would also fulfil its role in coordinating the preparations for, and follow-up to, major United Nations conferences. An active involvement of the Council would be important to ensure that the ECOSOC system is able to support follow-up action in a comprehensive and coherent manner. In particular, the proposed special events could be used to foster cooperation and to promote synergies with other subsidiary organs of the Council, as well as to engage a broader constituency, including civil society and the private sector.

27. The special events would provide all relevant stakeholders with an opportunity to consider and discuss drugs and crime issues from a broader ECOSOC perspective, focusing especially on their relevance to implementing the global development agenda beyond 2015.

28. As an outcome of the special events, the President of ECOSOC may wish to prepare an official summary, which could be circulated to all Member States and might be taken up by the Council for further action.

ANNEX

Response by the Chairperson of the 21st session of the Commission on Crime Prevention and Criminal Justice to the President of the Council⁶

A. Process followed to formulate a response to the invitation by the President of the Council

The response below to the invitation by the President of the Economic and Social Council, dated 7 December 2011, contains a compilation of views expressed by Member States before and during the reconvened 21st session of the CCPCJ on the issues within its mandate that should be reflected in the post-2015 development agenda.

Written input was received following a letter, dated 4 September 2012, sent to Permanent Missions by the Chairpersons of the CND and the CCPCJ, at the recommendation of the Extended Bureaux of the respective Commissions.

The CCPCJ was informed during its reconvened twenty-second session on 7 December 2012 about the written input received (see E/CN.7/2012/CRP.11 – E/CN.15/2012/CRP.9 plus corrigendum). Some additional views were expressed by Member States at that occasion, which can be found in the summary of relevant deliberations (contained in E/2012/30/Add.1 – E/CN.15/2012/24/Add.1).

B. Input regarding CCPCJ related issues for inclusion in the post-2015 development agenda

Member States stressed the need to consider the linkages between development and justice, security and the rule of law in the context of the review of the Millennium Development Goals and the elaboration of the post-2015 development agenda. On the one hand, poverty, inequalities, lack of education, high population growth, rapid urbanization, social exclusion and marginalization were considered as root causes for crime. Vulnerable groups, especially women and children, were most at risk of violence and victimization.

On the other hand, crime-related violence, transnational organized crime, including trafficking in persons and smuggling of migrants, as well as drug trafficking not only caused losses in terms of human resources and future productivity, but also negatively affected the enabling environment for the realization of development goals, the rule of law, business and finance and human security.

The inputs of Member States reflect the understanding that crime prevention and criminal justice efforts could play a significant role in strengthening the rule of law and achieving social, economic and environmental development. Global crime prevention and criminal justice issues, suggested by several Member States for consideration in the context of the post-2015 development agenda, included measures to prevent and address transnational organized crime, especially trafficking in persons, corruption and other forms of crime, including youth crime. The contribution of crime prevention and law enforcement to social integration and social inclusion, as well as their relationship with broader socio-economic policies were also considered important.

It was stressed that corruption and other forms of economic crime hamper development by depriving economic actors of resources that are vital for poverty eradication. Weak justice institutions could render societies susceptible to transnational organized crime and drug trafficking, especially in fragile and post-conflict States where the consequences of violence on development are significant. It was suggested that due consideration should be given to the impact of economic crime on development and that anti-corruption measures should be mainstreamed into judicial sector reform programming.

⁶ Attached to the letter sent by the Chairperson of the twenty-first session of the CCPCJ, HRH Amb. Bajrakitiyabha Mahidol, to the President of ECOSOC, H.E. Amb. Milos Koterec, dated 17 December 2012.

Access to justice and the rule of law were also suggested for consideration in the post-2015 development agenda. Member States emphasized ways to strengthen justice sector reform, including capacity building, especially in post-conflict and transitional contexts. The United Nations standards and norms in crime prevention and criminal justice played an important role in support of effective, fair, humane and accountable criminal justice systems.

Member States further referred to issues related to security and the prevention of interpersonal violence in the context of the post-2015 development agenda. Trafficking in persons and smuggling of migrants had significant impacts on sustainable development. Violence against women and children were equally serious issues and crime prevention and criminal justice measures contributed to their prevention and elimination. Member States stressed the importance of preventing urban crime and promoting the safety of cities, action against criminal threats to tourism and measures to combat cybercrime, as well as strategies to combat environmental crime to achieve sustainability and action against smuggling in precious metals. The importance of public-private partnerships in the fight against crime was also emphasized.

At the reconvened 21st session of the Commission on Crime Prevention and Criminal Justice, held on 7 December 2012, delegations stressed the importance of considering corruption, drug trafficking and organized crime, including trafficking in persons, in the context of the post 2015 development agenda.

It was stressed that discussions on relevant issues that should be included in the post 2015 development agenda were to be placed within the framework of relevant international conventions, including the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption.

The 13th United Nations Congress on Crime Prevention and Criminal Justice to be held in Qatar in 2015 was mentioned as an important opportunity to mainstream crime and justice issues into this process. Reference was made to the main theme of the 13th Crime Congress: “Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation”.

As the post 2015 development agenda was intrinsically linked to sustainable development, Member States stressed the need for a comprehensive approach and supported further involvement of the Commission on Crime Prevention and Criminal Justice in the discussions leading to the establishment of the post-2015 development agenda, in close coordination with ECOSOC and other United Nations bodies and entities. The functional commissions of ECOSOC could contribute, within their respective mandates, to the economic, social and environmental dimensions of sustainable development.

Response by the Chairperson of the 55th session of the Commission on Narcotic Drugs to the President of the Economic and Social Council⁷

A. Process followed to formulate a response to the invitation by the President of the Council

The below response to the invitation by the President of ECOSOC, dated 7 December 2011, contains a compilation of views expressed by Member States before and during the reconvened 55th session of the CND, on the issues within its mandate that should be reflected in the post-2015 development agenda.

Written input was received following a letter, dated 4 September 2012, sent to Permanent Missions by the Chairpersons of the CND and the CCPJO, at the recommendation of the Extended Bureaux of the respective Commissions.

⁷ Attached to the letter sent by the Chairperson 55th session of the CND, H.E. Amb. Carmen Buján, to the President of ECOSOC, H.E. Ambassador Milos Koterec, dated 17 December 2012.

The CND was informed during its reconvened fifty-fifth session on 7 December 2012 about the written input received (see E/CN.7/2012/CRP.11 – E/CN.15/2012/CRP.9 plus corrigendum). Some additional views were expressed by Member States at that occasion, which can be found in the summary of relevant deliberations (contained in E/2012/28/Add.1 – E/CN.7/2012/18/Add.1).

B. Input regarding CND related issues for inclusion in the post-2015 development agenda

The inputs of Member States reflect the understanding that the world drug problem has an impact on economic growth and development. It was stressed that the mandates of the Commission on Narcotic Drugs were closely related to the existing Millennium Development Goals on poverty eradication, gender equality and combating HIV/AIDS, malaria and other diseases. Member States underlined that measures to counter the world drug problem, including prevention, demand control, rehabilitation, supply control and drug trafficking, should be further discussed within the existing multilateral framework. Adopting a gender perspective was crucial in this regard, since drug policies that take into account gender considerations could contribute to achieving gender equality.

With regard to demand reduction and related measures, the importance of respect for human rights, including the right to health was stressed. Relevant policies needed to facilitate social inclusion and should be based on a multidimensional approach to development. It was suggested that related issues, including drug use and access to drug treatment services, could become part of a broader development goal on public health. The incidence of HIV/AIDS and other blood-borne diseases among injecting drug users was stressed in the context of Millennium Development Goal 6 on combating HIV/AIDS, malaria and other diseases.

With regard to supply reduction, the important contribution of alternative development measures to the eradication of poverty and the achievement of environmental sustainability was highlighted. Member States supported the consideration of alternative development in the context of the post-2015 development agenda, either as an additional development goal or in the context of existing targets on poverty reduction. Further specific concerns included the importance of countering the diversion of precursors for drug production, the problem of synthetic drugs, and assistance to counter the production and trafficking of drugs originating from Afghanistan, including through the Paris Pact Initiative.

With regard to countering money-laundering and promoting judicial cooperation to enhance international cooperation against the world drug problem, action against the legalization of financial flows from drug trafficking was considered important.

At the reconvened 55th session of the Commission on Narcotic Drugs, held on 7 December 2012, delegations emphasized the need to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes while preventing their diversion and abuse. Prevention, treatment and rehabilitation of drug abuse and addiction were considered essential components of a comprehensive approach, in which other agencies such as WHO had an important role to play. The importance of focusing on youth in the fight against the world drug problem was also stressed. Speakers also pointed to the importance of alternative development and of gender mainstreaming in efforts to reduce poverty. The effects of “narco-corruption” on good governance were also mentioned.

It was stressed that discussions on relevant issues that should be included in the post 2015 development agenda were to be placed within the framework of the international drug control conventions, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption.

As the post 2015 development agenda was intrinsically linked to sustainable development, Member States stressed the need for a comprehensive approach and supported further involvement of the Commission on Narcotic Drugs in the discussions leading to the establishment of the post-2015 development agenda, in close coordination with ECOSOC and other United Nations bodies and entities. The functional commissions of ECOSOC could contribute, within their respective mandates, to the economic, social and environmental dimensions of sustainable development.