

## ECOSOC Resolution 2004/25

### **The rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction**

*The Economic and Social Council,*

*Bearing in mind* that one of the fundamental purposes of the United Nations, as enshrined in the Preamble to the Charter of the United Nations, is to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained,

*Recalling* the ministerial-level discussion of the Security Council held in September 2003, during which the Council invited all Member States to contribute to enhancing the role of the United Nations in establishing justice and the rule of law in post-conflict societies,

*Fully aware* that the international community is confronted with the problem of conflict and war in certain parts of the world, especially in Africa, Asia and Latin America and the Caribbean,

*Concerned* about the activities of organized criminal groups engaged in trafficking in human beings, drug trafficking and money-laundering at the national and international levels, and in particular about the destabilizing impact of those activities on national security and peacekeeping and reconstruction efforts,

*Recalling* the United Nations Millennium Declaration,<sup>1</sup> in which heads of State and Government expressed their resolve to strengthen respect for the rule of law in international as in national affairs, and stated that they would spare no effort to strengthen respect for all internationally recognized human rights and fundamental freedoms, including the right to development, and would support the consolidation of democracy in Africa and assist Africans in their struggle for lasting peace, poverty eradication and sustainable development, thereby bringing Africa into the mainstream of the world economy,<sup>2</sup>

*Bearing in mind* that, in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, Member States emphasized that it was the responsibility of each State to establish and maintain a fair, responsible, ethical and efficient criminal justice system and that effective action for crime prevention and criminal justice required 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,<sup>3</sup>

*Recalling* the plans of action for the implementation of the Vienna Declaration on Crime and Justice, in particular the actions against

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<sup>1</sup> See General Assembly resolution 55/2.

<sup>2</sup> General Assembly resolution 55/2, paras. 9, 24 and 27.

<sup>3</sup> General Assembly resolution 55/59, annex, paras. 3 and 13.

transnational organized crime, corruption, money-laundering, terrorism and high-technology and computer-related crime and the actions on crime prevention, witnesses and victims of crime, prison overcrowding and alternatives to incarceration, juvenile justice, special needs of women in the criminal justice system, standards and norms and restorative justice,<sup>4</sup>

*Recalling also* the Basic Principles on the Independence of the Judiciary,<sup>5</sup>

*Stressing* that the participants in the Symposium on the Role of Judges in the Promotion and Protection of Human Rights,<sup>6</sup> held in Vienna on 24 November 2003, called upon States to ensure that the rule of law and the independence of the judicial system and its functioning were to be preserved, to the extent possible, in conflict situations and that judges and their staff were to be protected from unlawful pressure, which might hinder them from exercising their functions,

*Noting* the thematic discussions on the “Rule of law and development: the contribution of operational activities in crime prevention and criminal justice” held at the thirteenth session of the Commission on Crime Prevention and Criminal Justice,

*Recalling* Commission on Human Rights resolution 2004/43, entitled “Human rights in the administration of justice, in particular juvenile justice”, in which the Commission encouraged all relevant parts of the United Nations system, as well as relevant regional and international intergovernmental and non-governmental organizations, including professional associations, to continue to develop and coordinate their activities in promoting human rights in the administration of justice, in particular juvenile justice, addressing as a matter of priority the needs of judges,

*Recalling also* the draft resolution entitled “Drug control and related crime prevention assistance for countries emerging from conflict”,<sup>7</sup> recommended by the Commission on Narcotic Drugs for adoption by the Economic and Social Council, in which the Council would urge Member States emerging from conflict to give adequate priority to addressing the drug problem and related crime in their post-conflict reconstruction efforts,

*Noting with satisfaction* the steady progress being made towards restoring peace in a number of conflict zones throughout the world, especially in Africa, Asia and Latin America and the Caribbean,

*Noting with appreciation* the progress made by the United Nations Office on Drugs and Crime in the implementation of the criminal justice reform programme in Afghanistan, aimed at restoring the rule of law in that post-conflict society,

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<sup>4</sup> General Assembly resolution 56/261, annex, sects. I, II and VI-XV.

<sup>5</sup> *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

<sup>6</sup> See E/CN.4/2004/G/26, annex.

<sup>7</sup> *Official Records of the Economic and Social Council, 2004, Supplement No. 8* (E/2004/28), chap. I, sect. II, draft resolution I; subsequently adopted by the Economic and Social Council as resolution 2004/39.

*Recognizing* the importance of the rule of law in post-conflict reconstruction and the consolidation of peace,

*Noting* the leading role of the Department of Peacekeeping Operations of the Secretariat, among other entities, in providing assistance to countries in post-conflict situations,

1. *Requests* the United Nations Office on Drugs and Crime, in coordination with the Department of Peacekeeping Operations of the Secretariat and other relevant entities charged with providing assistance to countries in post-conflict situations, to consider specific practical strategies to assist in promoting the rule of law, especially in countries emerging from conflict, paying particular attention to the most affected countries in Africa and taking an integrated approach to crime prevention and criminal justice reform, with particular emphasis on protecting vulnerable groups, subject to the availability of extrabudgetary resources;

2. *Encourages* the United Nations Office on Drugs and Crime to continue to provide technical assistance and advisory services to Member States upon request in support of criminal justice reform and to incorporate elements concerning the rule of law into such assistance, wherever possible, including in the framework of peacekeeping and post-conflict reconstruction, in coordination with the Department of Peacekeeping Operations and other relevant entities charged with providing assistance to countries in post-conflict situations, drawing on United Nations standards and norms in crime prevention and criminal justice, the United Nations Convention against Transnational Organized Crime<sup>8</sup> and the Protocols thereto<sup>9</sup> and the United Nations Convention against Corruption;<sup>10</sup>

3. *Invites* the United Nations Office on Drugs and Crime to develop assessment tools for criminal justice reform, including in the framework of peacekeeping and post-conflict reconstruction;

4. *Urges* Member States providing development assistance to countries emerging from conflict to increase, where relevant, their bilateral assistance in crime prevention and criminal justice to those countries;

5. *Invites* the global and regional intergovernmental financial and development institutions, including the World Bank and the International Monetary Fund, to strengthen collaboration with the Department of Peacekeeping Operations, the United Nations Office on Drugs and Crime and other providers of technical assistance in the area of the rule of law and to provide adequate funding for projects in the justice sector;

6. *Invites* the institutes of the United Nations Crime Prevention and Criminal Justice Programme network to include in their work programmes the question of the rule of law, with a view to contributing to a better understanding of the links between the rule of law and development, and to develop appropriate training materials;

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<sup>8</sup> General Assembly resolution 55/25, annex I.

<sup>9</sup> General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.

<sup>10</sup> General Assembly resolution 58/4, annex.

7. *Urges* the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005, to incorporate matters related to the rule of law in its programme of work, where relevant;

8. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on the implementation of the present resolution.

*47th plenary meeting  
21 July 2004*