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Crime prevention and criminal justice

Resolution adopted by the General Assembly on 19 December 2023

[*on the report of the Third Committee (A/78/482, para. 29)*]

78/226. Technical assistance provided by the United Nations Office on Drugs and Crime related to counter-terrorism

The General Assembly,

Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security and that all acts of terrorism are criminal and unjustifiable, regardless of their motivations, wherever, whenever and by whomsoever committed, and that they are to be unequivocally condemned,

Reaffirming also that terrorism in all its forms and manifestations cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Stressing again the need to strengthen international, regional and subregional cooperation to effectively prevent and combat terrorism, in particular by enhancing the national capacity of States through the provision of technical assistance, based on the needs and priorities identified by requesting States,

Reaffirming the responsibility of all States to uphold the Charter of the United Nations in its entirety and to fully respect the principles of sovereign equality and the territorial integrity of States and that of non-intervention in the domestic affairs of other States throughout all our efforts in preventing and combating crime,

Emphasizing the need to address the conditions conducive to the spread of terrorism while fully respecting the purposes and principles of the Charter and international law,

Recalling the Declaration and Programme of Action on a Culture of Peace¹ and the Global Agenda for Dialogue among Civilizations,²

¹ Resolutions 53/243 A and B.

² Resolution 56/6.



Recalling also all relevant United Nations resolutions on technical and legislative assistance in countering terrorism, particularly the most recent ones,³

Recalling in particular its resolution 74/175 of 18 December 2019, in which it, inter alia, called upon the United Nations Office on Drugs and Crime to further enhance technical assistance, upon request, for building the capacity of States parties to implement the international conventions and protocols related to counter-terrorism, as well as to follow up on the implementation of the United Nations Global Counter-Terrorism Strategy,⁴ its biennial review and other relevant United Nations resolutions, and recognizing the need for capacity-building to help Member States to understand the benefits of these conventions and protocols, so as to support States that are considering becoming States parties, in line with their legal frameworks,

Reiterating all aspects of the United Nations Global Counter-Terrorism Strategy and the need for States to continue the full implementation of all four pillars of the Strategy, and recalling its resolution 75/291 of 30 June 2021, entitled “The United Nations Global Counter-Terrorism Strategy: seventh review”, in which it, inter alia, requested the United Nations Office on Drugs and Crime to continue providing technical assistance to requesting States,

Welcoming the adoption by the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice of the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development,⁵ and in particular the actions that Member States committed to taking in order to prevent and combat terrorism in all its forms and manifestations,

Taking note of the report of the Secretary-General on technical assistance in implementing the international conventions and protocols related to terrorism,⁶

Noting the ongoing work under the United Nations Global Counter-Terrorism Coordination Compact, and noting also the role of the United Nations Office on Drugs and Crime as the Chair of the Working Group on Criminal Justice, Legal Responses and Countering the Financing of Terrorism,

Noting with appreciation the ongoing work of the United Nations Office on Drugs and Crime to support Member States in their efforts to prevent and counter terrorism in all its forms and manifestations and violent extremism as and when conducive to terrorism in the crime prevention and criminal justice context, including their efforts to address the conditions conducive to terrorism, reinforce development and social inclusion, promote the integration of the rule of law, human rights and gender equality, in a manner compliant with their obligations under domestic and international law, and reiterating that this work needs to be done in close coordination with Member States,

Reaffirming the primary responsibility of Member States and their respective national institutions in countering terrorism, concerned that terrorists continue to endeavour to exploit underlying conditions in some countries, such as the limited reach of Governments and lack of capacity to deliver essential services by law enforcement and security institutions, and emphasizing that enhancing the capabilities and capacities of State institutions, where applicable and upon request, to

³ Resolutions 72/194, 72/284, 73/174, 73/186, 73/211, 74/175 and 75/291 and Security Council resolutions 2133 (2014), 2178 (2014), 2195 (2014), 2199 (2015), 2253 (2015), 2309 (2016), 2322 (2016), 2341 (2017), 2347 (2017), 2349 (2017), 2368 (2017), 2396 (2017) and 2462 (2019).

⁴ Resolution 60/288.

⁵ Resolution 76/181, annex.

⁶ E/CN.15/2023/5.

prevent and counter terrorism is a pivotal component for successful efforts against terrorism,

Underscoring the importance of a whole-of-government and whole-of-society approach, stressing the importance of relevant stakeholders, including civil society, in supporting and complementing the efforts of Member States in countering terrorism and preventing violent extremism conducive to terrorism, and in this regard encouraging the full, equal and meaningful participation of women and youth in this process,

Reaffirming its concern that in some cases terrorists benefit from transnational organized crime as a source of financing or logistical support, recognizing that the nature and scope of the linkages between terrorism and transnational organized crime vary by context and in some contexts are evolving in scope and scale, and emphasizing the need to coordinate efforts at the local, national, regional, subregional and international levels to respond to this challenge, in accordance with international and domestic law,

Welcoming the work of the United Nations Office on Drugs and Crime on the issue of children affected by terrorism, including on the prevention of the involvement of children with terrorist groups and on the rehabilitation and reintegration of those children, including children associated with foreign terrorist fighters, and taking note of the *Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: the Role of the Justice System* and its three related training manuals, and of the road map on the treatment of children associated with terrorist and violent extremist groups developed by the Office,

Recognizing that Member States may face challenges in obtaining and using admissible evidence, including digital, physical and forensic evidence, including in areas affected by armed conflicts, that can be used to help prosecute and secure the convictions of foreign terrorist fighters and those supporting foreign terrorist fighters,

Taking note of the Global Programme on Preventing and Countering Terrorism (2022–2027) of the United Nations Office on Drugs and Crime, which supports Member States, upon request, in preventing and countering terrorism through preventive, legal and criminal justice approaches, with a focus on the safety and protection of people,

Taking note also of the independent, in-depth evaluations of projects and programmes on preventing and countering terrorism that have been undertaken by the United Nations Office on Drugs and Crime, within its mandate,

1. *Urges* Member States that have not yet done so to consider becoming parties to the existing international conventions and protocols related to counter-terrorism, and requests the United Nations Office on Drugs and Crime, within its mandate and in close coordination with the relevant entities of the United Nations Global Counter-Terrorism Coordination Compact, to continue to provide technical assistance to Member States, upon request, for adherence to and legislative incorporation of those international legal instruments;

2. *Encourages* Member States to consider becoming parties to other relevant conventions to support international cooperation in criminal matters, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto,⁷ and to effectively implement relevant international instruments to which they are party and relevant United Nations resolutions, and requests the United

⁷ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

Nations Office on Drugs and Crime to provide technical assistance to requesting States to those ends;

3. *Requests* the United Nations Office on Drugs and Crime to continue and enhance its assistance, upon request, related to international legal and judicial cooperation pertaining to countering terrorism, including in criminal matters related to foreign terrorist fighters, by fostering the development of strong and effective central and other relevant authorities for international cooperation in criminal matters;

4. *Also requests* the United Nations Office on Drugs and Crime, in collaboration with other relevant entities of the United Nations Global Counter-Terrorism Coordination Compact, to ensure that assistance provided to Member States in relation to preventing and countering terrorism is aligned with and relevant to the priority needs of the requesting States, taking into account their particular circumstances, including the national and regional context, as well as fully respecting applicable international law;

5. *Recognizes* the fundamental role of effective international cooperation in preventing and combating crime, including terrorism-related crimes, and to this end underlines the importance of addressing, tackling and effectively responding to international challenges and barriers, in particular measures, that hinder such cooperation, and which are not consistent with the Charter of the United Nations and obligations under international law, and in this regard urges States, consistent with their international obligations, to refrain from applying such measures;

6. *Recognizes with deep concern* the overall rise in instances of discrimination, intolerance and violence, regardless of the actors, directed against members of religious and other communities in various parts of the world, including cases motivated by Islamophobia, antisemitism, Christianophobia and prejudice against persons of any other religion or belief;

7. *Calls upon* Member States to take appropriate measures to address the new and emerging threats posed by the rise in terrorist attacks on the basis of xenophobia, racism and other forms of intolerance, or in the name of religion or belief, including through investigation, information exchange and cooperation, and requests the United Nations Office on Drugs and Crime to provide technical assistance to requesting States to those ends;

8. *Requests* the United Nations Office on Drugs and Crime, within its mandate and in cooperation with Member States, other United Nations entities, regional and subregional organizations and relevant actors, to consider supporting initiatives to involve youth in the promotion of a culture of peace, tolerance and intercultural and interreligious dialogue and develop, as appropriate, an understanding of respect for human dignity, pluralism and diversity, including, as appropriate, through education programmes, as well as sports and physical activities, that could prevent and discourage their participation in acts of terrorism, violent extremism conducive to terrorism, violence, xenophobia and all forms of discrimination, and takes note of the guidance issued by the United Nations, including the technical and practical guides on preventing violent extremism through sport published by the Office;

9. *Also requests* the United Nations Office on Drugs and Crime, within its mandate, to continue to provide technical assistance to Member States, upon request, related to collecting, analysing, preserving, storing, using and sharing forensic and electronic evidence for the investigation and prosecution of terrorism and terrorism-related offences and related to enhancing mutual legal assistance in that regard, recalls the *Practical Guide for Requesting Electronic Evidence Across Borders*, developed

by the Office,⁸ and takes note of the updated Model Law on Mutual Assistance in Criminal Matters, with new provisions on electronic evidence and the use of special investigative techniques, and related technical tools on electronic evidence and international cooperation developed by the Office;

10. *Calls upon* Member States, and the United Nations Office on Drugs and Crime and other relevant United Nations entities that support capacity-building, to share best practices and technical expertise with a view to improving the collection, handling, preservation, admissibility, sharing and use of relevant information and evidence, consistent with domestic and international law, including digital evidence and information and evidence obtained in areas affected by armed conflict, in order to ensure the effective investigation and prosecution of those who have committed crimes, including foreign terrorist fighters returning and relocating to and from areas affected by armed conflict;

11. *Stresses* the importance of the development and maintenance of effective, fair, humane, transparent and accountable criminal justice systems by Member States, in accordance with domestic law and applicable international law, as a basis for any strategy to counter terrorism, bearing in mind, as appropriate, the relevant and applicable provisions of the United Nations standards and norms on crime prevention and criminal justice, and requests the United Nations Office on Drugs and Crime to take into account in its technical assistance to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law;

12. *Encourages* Member States to use, as appropriate, the platforms and tools developed by the United Nations Office on Drugs and Crime, including the Sharing Electronic Resources and Laws on Crime knowledge management portal, and further invites Member States to consider the use of the Office website on the International Convention for the Suppression of Acts of Nuclear Terrorism,⁹ to facilitate international cooperation in criminal matters related to terrorism and to provide the Office with relevant information to promote the sharing of good practices and experiences, including the contact details of and any other relevant information about designated authorities for inclusion in its repository database;

13. *Requests* the United Nations Office on Drugs and Crime, in cooperation with the International Criminal Police Organization and other relevant entities of the United Nations Global Counter-Terrorism Coordination Compact, to continue to provide technical assistance to Member States, upon request, with a view to building their capacity to responsibly collect, record and share biometric data in order to detect and identify terrorists, including foreign terrorist fighters, in compliance with domestic and international law;

14. *Also requests* the United Nations Office on Drugs and Crime, within its mandate in the area of countering and preventing terrorism in all its forms and manifestations, to continue to develop specialized legal knowledge and to continue to strengthen the provision of technical assistance to Member States, upon request, on effective measures for criminal justice responses addressing the prevention of terrorism in compliance with all their obligations under applicable international law, including human rights, refugee and humanitarian law;

15. *Calls for* increased attention and action at the national and international levels to assist Member States, upon their request, to ensure that all counter-terrorism measures comply with the rule of law and applicable international law, including

⁸ In cooperation with the Counter-Terrorism Committee Executive Directorate and the International Association of Prosecutors.

⁹ United Nations, *Treaty Series*, vol. 2445, No. 44004.

international human rights law, international humanitarian law and international refugee law, and encourages in this regard the United Nations Office on Drugs and Crime to engage with and, upon request, provide support to Member States, within its mandate, to integrate and mainstream the promotion and protection of human rights and fundamental freedoms throughout its capacity-building projects and programmes across all four pillars of the United Nations Global Counter-Terrorism Strategy;

16. *Requests* the United Nations Office on Drugs and Crime, within its mandate, to continue to provide technical assistance, upon request, to build the capacity of Member States in assessing their terrorist financing risks, effectively investigating and prosecuting cases of terrorist financing, effectively implementing asset-freezing mechanisms, strengthening their financial oversight and regulatory systems to deny terrorists the space to exploit, raise and move funds, and implementing effective inter-agency cooperation, in line with relevant international standards on countering money-laundering and the financing of terrorism, to comply with their applicable international obligations to prevent and combat the financing of terrorism;

17. *Encourages* Member States to further identify, analyse and counter any potential, existing and in some cases growing links between organized crime, illicit drug-related and other activities, fraud, money-laundering and the financing of terrorism, in order to enhance criminal justice responses to those crimes, recognizing that terrorists could benefit from organized crime as a source of financing or logistical support and that the nature and scope of the linkages between terrorism and transnational organized crime vary by context, and calls upon the United Nations Office on Drugs and Crime, within its mandate, to support, upon request, the efforts of Member States in that regard;

18. *Requests* the United Nations Office on Drugs and Crime, within its mandate, to continue to support requesting Member States in the implementation of capacity-building programmes to strengthen crime prevention and criminal justice responses to the destruction of and trafficking in cultural property by terrorists;

19. *Rejects* attempts at the justification or glorification of terrorist acts that may incite further terrorist acts, calls upon all Member States to adopt such measures as may be necessary and appropriate, and in accordance with their obligations under international law, to prohibit by law incitement to commit a terrorist act or terrorist acts, and to prevent such conduct and deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct, and calls upon the United Nations Office on Drugs and Crime to provide technical assistance in this regard to requesting States;

20. *Calls upon* Member States to strengthen efforts to improve the security and resilience of critical infrastructure and the protection of particularly vulnerable or “soft” targets, such as infrastructure and public places, as well as to develop strategies to prevent, protect against, mitigate, investigate, respond to and recover from damage from terrorist attacks, in particular in the area of civil protection, and to consider establishing or strengthening partnerships with the public and private sectors in this regard, and calls upon the United Nations Office on Drugs and Crime to continue to provide technical assistance to Member States, upon request, with a view to strengthening their criminal justice responses as well as their strategies for reducing the risk of terrorist attacks on critical infrastructure;

21. *Also calls upon* Member States to strengthen their border management so as to effectively prevent the movement of foreign terrorist fighters and terrorist

groups, and requests the United Nations Office on Drugs and Crime to continue to provide technical assistance to that end to requesting States;

22. *Requests* the United Nations Office on Drugs and Crime, within its mandate and in collaboration with, when appropriate, relevant entities of the United Nations Global Counter-Terrorism Coordination Compact, to continue to provide assistance to requesting Member States in addressing the threat of foreign terrorist fighters, including returning and relocating foreign terrorist fighters, where appropriate, through its capacity-building activities, with regard to enhancing their cooperation, developing relevant measures and appropriate criminal justice responses, preventing the financing, mobilization, travel, recruitment, training, organization and radicalization of foreign terrorist fighters, ensuring that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and developing and implementing appropriate criminal justice responses, in compliance with relevant obligations under international and domestic law;

23. *Notes with appreciation* the cooperation between the Office of Counter-Terrorism, the United Nations Office on Drugs and Crime, the Counter-Terrorism Committee Executive Directorate, the International Civil Aviation Organization and the Office of Information and Communications Technology of the Secretariat under the United Nations Countering Terrorist Travel Programme in providing to Member States, upon request, related technical assistance to build their legislative and operational capacity, including in establishing terrorist screening databases and collecting, processing, analysing and effectively exchanging travel data such as advance passenger information and passenger name record data, and bearing in mind in this regard the International Civil Aviation Organization standards and recommended practices on passenger name record data adopted in June 2020;

24. *Requests* the United Nations Office on Drugs and Crime to continue, within its mandate, to develop its specialized knowledge of the international legal framework against chemical, biological, radiological and nuclear terrorism as enshrined in the relevant conventions and protocols in order to continue to provide assistance to requesting Member States in the effective legal, operational and technical implementation of these instruments, including through capacity-building;

25. *Expresses concern* at the global dissemination of terrorist content through the Internet, including materials from real-world attacks, and recognizes the importance of multi-stakeholder approaches to address such threats, which are inclusive of Governments, private entities, civil society and academia, and requests the United Nations Office on Drugs and Crime to provide technical assistance to requesting States in this regard;

26. *Requests* the United Nations Office on Drugs and Crime, within its mandate and in cooperation with other relevant entities of the United Nations Global Counter-Terrorism Coordination Compact, to continue to support innovative measures and approaches to build the capacity of Member States, upon request, in relation to the challenges and opportunities that new technologies provide, including human rights aspects, in preventing and countering terrorism;

27. *Also requests* the United Nations Office on Drugs and Crime to provide, upon request, technical assistance for building the capacity of Member States in the development and implementation of assistance and support programmes for victims of terrorism, including victims of gender-based violence committed by terrorists, in accordance with relevant national legislation, human rights and applicable international law, with emphasis on the particular needs of women and children, and takes note in this regard of the *Model Legislative Provisions to Support the Needs and*

Protect the Rights of Victims of Terrorism, developed by the Office together with the Inter-Parliamentary Union and the Office of Counter-Terrorism;

28. *Further requests* the United Nations Office on Drugs and Crime to continue to support requesting Member States, in accordance with relevant national legislation, in preventing the involvement of children in armed and terrorist groups and in ensuring that children alleged to have, accused of having or recognized as having infringed the law, particularly those who are deprived of their liberty, children who are victims and witnesses of crime, and children born of sexual violence committed by armed and terrorist groups are treated in a manner consistent with their rights, dignity and needs, including for psychosocial support, in accordance with national legislation as well as applicable international law, in particular the obligations under the Convention on the Rights of the Child,¹⁰ for States parties to the Convention, with the best interests of the child as a primary consideration, and, bearing in mind relevant applicable international standards on the rights of the child in the administration of justice in this regard, urges Member States, in accordance with their national law, to consider relevant measures to effectively reintegrate children formerly associated with armed groups, including terrorist groups;

29. *Encourages* the efforts of Member States, including through their competent agencies, to engage, where appropriate, with relevant actors, including religious authorities and community leaders with relevant expertise, in crafting and delivering effective counter-narratives and in countering narratives used by terrorists and their supporters, underlines that Member States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and facilitating understanding, inclusive dialogue and respect for religious and cultural diversity and human rights, and requests the United Nations Office on Drugs and Crime to provide, within its mandate, technical assistance to requesting States;

30. *Calls upon* all Member States, given the complex global security context today, to highlight the important roles of women in preventing and countering terrorism and violent extremism as and when conducive to terrorism, while avoiding their instrumentalization, and encourages the United Nations Office on Drugs and Crime, in cooperation with other relevant entities of the United Nations Global Counter-Terrorism Coordination Compact, to assist Member States, upon request, in mainstreaming gender perspectives into criminal justice responses to terrorism in order to prevent the recruitment of women and girls as terrorists and to promote the full protection of women and girls from any form of exploitation or violence perpetrated by terrorists, consistent with their obligations under human rights law, also taking into account, as appropriate, inputs from relevant stakeholders, including civil society, and notes with appreciation the efforts of the Office in this regard;

31. *Encourages* civil society, including non-governmental organizations, to engage, as appropriate, in efforts to enhance the implementation of the United Nations Global Counter-Terrorism Strategy, including through interaction with Member States and the United Nations system, encourages Member States and the United Nations Office on Drugs and Crime to continue engagement with civil society in accordance with its mandate, to support the role of civil society actors in the design, implementation and monitoring of the Strategy, and encourages Member States to create and maintain an enabling environment for civil society, including a legal framework that protects and promotes human rights, in accordance with international human rights law;

¹⁰ Ibid., vol. 1577, No. 27531.

32. *Requests* the United Nations Office on Drugs and Crime, through its programmatic work on addressing prison challenges, to continue to support requesting Member States in taking appropriate measures, in line with domestic law, to maintain a safe and humane environment in prisons, taking into consideration the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),¹¹ develop tools that can help to address radicalization to violence and terrorist recruitment and develop risk assessments to evaluate the susceptibility of prisoners to terrorist recruitment and radicalization to violence, and in facilitating the dissemination of information on approaches and promising practices pertaining to the prevention of radicalization to violence and terrorist recruitment of individuals in prisons;

33. *Also requests* the United Nations Office on Drugs and Crime, within its mandate and upon request, to provide support to Member States in building their own capacity for the evaluation of programmes and projects and facilitate the exchange of experiences and knowledge from the evaluations relating to preventing and countering terrorism;

34. *Expresses its appreciation* to Member States that have supported the technical assistance activities of the United Nations Office on Drugs and Crime, including through financial contributions, and invites Member States to consider making additional, sustainable voluntary financial contributions and providing in-kind support, in accordance with the rules and procedures of the United Nations, in particular in view of the need for enhanced, effective and coordinated delivery of technical assistance on criminal justice responses to prevent and counter terrorism;

35. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with sufficient resources to carry out activities, within its mandate, to assist Member States, upon request, in the implementation of the relevant elements of the United Nations Global Counter-Terrorism Strategy;

36. *Also requests* the Secretary-General to submit to the General Assembly at its seventy-eighth session a report on the implementation of the present resolution.

50th plenary meeting
19 December 2023

¹¹ Resolution 70/175, annex.