

Reaffirming that the sovereignty and territorial integrity of all States must be respected, including their right to control their own borders,

Concerned that the smuggling of aliens undermines public confidence in policies and procedures for immigration and for the protection of refugees,

Noting that the smuggling of aliens can involve criminal elements in many States, including the State or States where the smuggling scheme was planned, the State of nationality of the aliens, the State where the means of transport was prepared, the flag State of any vessels or aircraft that transport the aliens, States through which the aliens transit to their destination or in order to be repatriated and the State of destination,

Taking into account the efforts of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the International Civil Aviation Organization and the International Maritime Organization in responding to requests from States for assistance in dealing with the smuggling of aliens,

Emphasizing the need for States to cooperate urgently at the bilateral and multilateral levels, as appropriate, to thwart these activities,

1. *Condemns* the practice of smuggling aliens in violation of international and national law and without regard for the safety, well-being and human rights of the migrants;

2. *Commends* those States that have cooperated to combat the smuggling of aliens and to address specific incidents where smuggled aliens have needed to be processed in accordance with international standards and the domestic laws and procedures of the State concerned and returned safely to appropriate destinations;

3. *Urges* States to take appropriate steps to frustrate the objectives and activities of smugglers of aliens and thus to protect would-be migrants from exploitation and loss of life, *inter alia*, by amending criminal laws, if necessary, to encompass the smuggling of aliens and by establishing or improving procedures to permit the ready discovery of false travel documents supplied by smugglers;

4. *Requests* States to cooperate in order to prevent the illegal transport by smugglers of third country nationals through their territory;

5. *Requests* States that have not done so to make special efforts to prevent their airports, means of ground transportation and air carriers from being used by smugglers of aliens;

6. *Also requests* States to cooperate in the interest of safety of life at sea, to increase their efforts to prevent the smuggling of aliens on ships and to ensure that prompt and effective action is taken against the smuggling of aliens by ship;

7. *Calls upon* Member States and relevant specialized agencies and international organizations to take into account socio-economic factors and to cooperate at the bilateral and multilateral levels in addressing all aspects of the problem of the smuggling of aliens;

8. *Reaffirms* the importance of existing international conventions in preventing the economic exploitation and loss of life that can result from smuggling aliens, and calls upon all

States to exchange information and to consider ratifying or acceding to such conventions where they have not done so and fully to implement and enforce them;

9. *Emphasizes* that international efforts to prevent the smuggling of aliens should not inhibit legal migration or freedom of travel or undercut the protection provided by international law to refugees;

10. *Reaffirms also* the need to observe fully international and national law in dealing with the smuggling of aliens, including the provision of humane treatment and strict observance of all the human rights of migrants;

11. *Requests* the relevant specialized agencies and intergovernmental organizations, in particular the International Organization for Migration, the International Maritime Organization, the International Criminal Police Organization and the International Civil Aviation Organization, to consider ways and means, within their respective spheres of competence, to enhance international cooperation to combat the smuggling of aliens;

12. *Requests* the Commission on Crime Prevention and Criminal Justice to consider giving special attention to the question of the smuggling of aliens at its third session, to be held in 1994, in order to encourage international cooperation to address this problem within the framework of its mandate;

13. *Requests* the Secretary-General to transmit the text of the present resolution to all Member States and to relevant specialized agencies and intergovernmental organizations;

14. *Invites* Member States and relevant specialized agencies and intergovernmental organizations to report to the Secretary-General on the measures they have taken to combat the smuggling of aliens;

15. *Also requests* the Secretary-General to report to the General Assembly on the measures taken by States, specialized agencies and intergovernmental organizations to combat the smuggling of aliens, and decides to consider this question at its forty-ninth session under the item entitled "Crime prevention and criminal justice".

85th plenary meeting
20 December 1993

48/103. Crime prevention and criminal justice

The General Assembly,

Alarmed by high costs of crime, particularly in its new and transnational forms, and the danger posed to the individual as such and to societies and to the welfare of all nations by the rising incidence of crime,

Reaffirming the responsibility assumed by the United Nations in crime prevention and criminal justice,

Emphasizing the need for strengthened regional and international cooperation to combat crime in all its forms and to improve the effectiveness and efficiency of criminal justice systems,

Bearing in mind 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 promotion of the highest standards of fairness, humanity and professional conduct,

Recognizing that many States suffer from an extreme shortage of human and financial resources, which impedes them from responding adequately to problems related to crime,

Recalling its relevant resolutions as well as the decisions of the Economic and Social Council, in which a high level of priority was accorded to the activities of the United Nations crime prevention and criminal justice programme and an appropriate share of the overall resources of the United Nations requested for the programme,

Recalling also its resolution 47/91 of 16 December 1992, in which it requested the Secretary-General to strengthen the crime prevention and criminal justice programme and to upgrade, as a matter of urgency, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat to a Division,

Taking note of Economic and Social Council resolution 1993/34 of 27 July 1993, in which the Council requested the Secretary-General to strengthen the institutional capacity of the programme to enable it to plan, execute and evaluate operational activities and advisory services in its area of competence, upon request from Member States,

Convinced that the Crime Prevention and Criminal Justice Branch can be effective only if it is provided with resources commensurate with its requirements and adequate to allow it to implement its mandates and to respond in a timely and efficient manner to the increasing requests of Member States for its services,

Concerned about the delay in the implementation of its resolutions 46/152 of 18 December 1991 and 47/91 and Economic and Social Council resolutions 1992/22 of 30 July 1992 and 1993/31 and 1993/34 of 27 July 1993, with respect to the strengthening of the United Nations crime prevention and criminal justice programme and the upgrading of the Crime Prevention and Criminal Justice Branch to a Division,

1. *Welcomes with appreciation* Economic and Social Council resolutions 1993/27, 1993/28, 1993/29, 1993/30, 1993/31, 1993/32, 1993/33 and 1993/34 of 27 July 1993;

2. *Reaffirms* the importance of the United Nations crime prevention and criminal justice programme and the crucial role it has to play in promoting 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 to achieve the goals of preventing crime within and among States and improving the response to crime;

3. *Also reaffirms* the priority attached to the United Nations crime prevention and criminal justice programme, in accordance with General Assembly resolutions 46/152 and 47/91, and the need for an appropriate share of the existing resources of the United Nations for the programme;

4. *Requests* the Secretary-General, as a matter of urgency, to give effect to its resolutions 46/152 and 47/91 and to Economic and Social Council resolutions 1992/22, 1993/31 and

1993/34 by providing the United Nations crime prevention and criminal justice programme with sufficient resources for the full implementation of its mandates, in conformity with the high priority attached to the programme;

5. *Reiterates its request* to the Secretary-General to upgrade the Crime Prevention and Criminal Justice Branch to a Division, as recommended in and in accordance with resolution 47/91;

6. *Also requests* the Secretary-General to provide from existing resources adequate funds to build and maintain the institutional capacity of the United Nations crime prevention and criminal justice programme to respond to requests of Member States for assistance in the field of crime prevention and criminal justice, if necessary through the reallocation of resources;

7. *Further requests* the Secretary-General to take all necessary measures to assist the Commission on Crime Prevention and Criminal Justice, as the principal policy-making body in the field of crime prevention and criminal justice, to perform its functions and to ensure the proper coordination of all relevant activities in the field, in particular with the Commission on Human Rights and the Commission on Narcotic Drugs;

8. *Invites* the Committee for Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions to ensure proper follow-up to the proposals of the Secretary-General in the implementation of the present resolution;

9. *Requests* the Secretary-General to undertake all steps necessary to ensure the appropriate organization of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in accordance with Economic and Social Council resolution 1993/32;

10. *Expresses its support* for the World Ministerial Conference on Organized Transnational Crime, to be held in Italy in the last quarter of 1994, and calls upon Member States to be represented at the Conference at the highest possible level;

11. *Also requests* the Secretary-General to take all necessary measures, within existing resources, to ensure the appropriate organization of the Conference and to submit its conclusions and recommendations to the General Assembly at its forty-ninth session;

12. *Welcomes* the initiative to hold in Italy in June 1994, under the auspices of the Crime Prevention and Criminal Justice Branch, the International Conference on "Laundering and Controlling Proceeds of Crime: a Global Approach", to be organized by the Government of Italy and the International Scientific and Professional Advisory Council;

13. *Invites* the relevant funding agencies of the United Nations to consider including crime prevention and criminal justice activities in their funding programmes, from within their existing resources, taking into account the increasing needs of Member States in the field, and to cooperate closely with the United Nations crime prevention and criminal justice programme in planning and implementing those activities;

14. *Invites* Governments to lend their full support to the United Nations crime prevention and criminal justice pro-

gramme and to increase financial contributions to the Crime Prevention and Criminal Justice Fund;

15. *Requests* the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution and of resolutions 46/152 and 47/91.

*85th plenary meeting
20 December 1993*

48/104. Declaration on the Elimination of Violence against Women

The General Assembly,

Recognizing the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings,

Noting that those rights and principles are enshrined in international instruments, including the Universal Declaration of Human Rights,³ the International Covenant on Civil and Political Rights,⁴ the International Covenant on Economic, Social and Cultural Rights,⁵ the Convention on the Elimination of All Forms of Discrimination against Women⁴¹ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁷⁵

Recognizing that effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women would contribute to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women, set forth in the present resolution, will strengthen and complement that process,

Concerned that violence against women is an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women,⁷⁶ in which a set of measures to combat violence against women was recommended, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

Affirming that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women,

Recognizing that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men,

Concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

Recalling the conclusion in paragraph 23 of the annex to Economic and Social Council resolution 1990/15 of 24 May

1990 that the recognition that violence against women in the family and society was pervasive and cut across lines of income, class and culture had to be matched by urgent and effective steps to eliminate its incidence,

Recalling also Economic and Social Council resolution 1991/18 of 30 May 1991, in which the Council recommended the development of a framework for an international instrument that would address explicitly the issue of violence against women,

Welcoming the role that women's movements are playing in drawing increasing attention to the nature, severity and magnitude of the problem of violence against women,

Alarmed that opportunities for women to achieve legal, social, political and economic equality in society are limited, *inter alia*, by continuing and endemic violence,

Convinced that in the light of the above there is a need for a clear and comprehensive definition of violence against women, a clear statement of the rights to be applied to ensure the elimination of violence against women in all its forms, a commitment by States in respect of their responsibilities, and a commitment by the international community at large to the elimination of violence against women,

Solemnly proclaims the following Declaration on the Elimination of Violence against Women and urges that every effort be made so that it becomes generally known and respected:

Article 1

For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Article 2

Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 3

Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in