

**12th UN Congress on Crime Prevention and Criminal Justice
13th Plenary Meeting (AM)
High-Level Segment**

**Treatment of Prisoners, Child Protection, Violence against Women,
Migrants Highlighted as Crime Congress Adopts Salvador
Declaration**

Consensus Document Also Reflects Concern Over Impact of Organized Crime,
Sophistication of Criminal Networks

SALVADOR, 19 April (UN Information Service) – Agreeing unanimously on the centrality of human rights to an effective, fair and humane criminal justice system, the Twelfth United Nations Congress on Crime Prevention and Criminal Justice concluded in Salvador, Brazil, today with the adoption of a political declaration calling for greater scrutiny of the rules governing the treatment of prisoners, stronger national child-protection laws and more State action to prevent violence against women and migrant workers, among other issues.

Adopting the Salvador Declaration by consensus this afternoon, delegates participating in the week-long Congress also expressed great concern about the negative impact of organized crime on human rights, the rule of law, security and development. Also of “great concern” were the growing sophistication, diversity and transnational aspects of organized crime, as were its links to other criminal and terrorist activities.

By other terms of the Declaration, the Congress urged States to develop effective legislation to prevent, prosecute and punish criminals involved in the trafficking of cultural property. It also pointed to crimes with a “significant impact on the environment”, encouraging States to strengthen national crime-prevention and criminal-justice legislation, as well as related policies and practices.

Introducing the draft Declaration for adoption, Congress Rapporteur General Julio Zelner (Brazil) praised Member States for their “immense disposition for dialogue” during negotiations on complex and sensitive issues such as the treatment of prisoners, which had attracted diverging views, noting that some nations had favoured the creation of a new international treaty on prisoner treatment, while others had argued for the updating of existing rules.

On that score, the Congress agreed to invite the Commission on Crime Prevention and Criminal Justice -- the United Nations body reporting on those matters to the Economic and Social Council -- to consider convening an open-ended intergovernmental expert group to exchange information on revising the United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted by the first Crime Congress in 1955, with a view to recommending possible next steps to the Commission. The experts would reflect on recent advances in correctional science and best practices, according to the text.

Mr. Zelner said similarly discordant views had been expressed during discussions on ways to tackle cybercrime, with some delegations saying that existing legal frameworks were sufficient to guide global action against cyberspace criminals and others advocating the creation of a new instrument. The Congress decided to invite the Crime Commission to convene an expert group to study best practices in the field, with a view to examining options to both strengthen existing legal responses and propose new ones.

The Declaration had the Congress stressing the serious need to provide the United Nations Office on Drugs and Crime (UNODC) with enough resources to fulfil its mandate, as the lead agency in providing States with technical assistance to ratify and implement international instruments on the prevention and suppression of terrorism, among other things. The Crime Commission was invited to

consider strengthening UNODC's capacity to collect, analyse and disseminate accurate, reliable and comparable data on world crime.

John Sandage, Executive Secretary of the Congress, reinforced that point by noting in concluding remarks that UNODC was 80 per cent dependent on voluntary contributions, a funding model that was not sustainable. Drug trafficking alone generated \$300 billion annually, while the budget for the entire United Nations system was just 1 per cent of that amount, he said.

The UNODC budget, in turn, was a mere 1 per cent of the Organization's budget, he said, welcoming a pledge by Brazil to donate a percentage of assets recovered from organized criminal activity to support criminal-justice reform through UNODC, and expressing hope that other delegations would take up the host nation's challenge, in line with the Palermo and Merida Conventions.

In other business, the Congress adopted the reports of its Credentials Committee, as well as those of its two subsidiary committees. It then adopted the report of the plenary, including the Salvador Declaration on "Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and their Development in a Changing World".

Also today, the Congress concluded its high-level segment, hearing Cuba's representative emphasize the importance of respecting national sovereignty in tackling world crime.

Other speakers delivering statements during the three-day segment were the Minister for Home Affairs of Zambia; the First Deputy Minister for Justice of the Russian Federation; and the Attorneys-General of Zimbabwe and Samoa.

The Congress also heard from the representatives of Australia, Pakistan and Sudan.

Also speaking were officials representing the Council of Europe and the League of Arab States.

The Thirteenth Congress on Crime Prevention and Criminal Justice will convene in Doha, Qatar, in 2015.

Background

The Twelfth Congress on Crime Prevention and Criminal Justice met this morning to conclude its high-level segment. It was also expected later to adopt its draft declaration and the reports of its two subsidiary committees.

Statements

ALEXANDER FEDOROV, First Deputy Minister for Justice of the Russian Federation, stressed the importance of developing concrete regional and global cooperative mechanisms -- encompassing databases and other tools -- to dismantle transnational organized crime networks, which had a destabilizing effect on States. Such a mechanism must have a legal basis, while outlining a clear methodology for decisive action.

In a world where criminal networks were becoming masters of new technologies, States must act to protect the owners and users of information technology networks from cyber attacks on their rights and freedoms, he said. Despite several regional initiatives, the world had not yet created an international legal space where law enforcement authorities could interact, he noted, emphasizing that the international community had now reached a point where it needed a universal agreement in that regard, especially to counter criminal activities using information and communications technology.

He said it was a pity that it had not been possible for the Congress to begin negotiations in that area, which would have allowed Member States to create a plan to overcome their disagreements, while creating a single apparatus that would respect the sovereignty of States. The recent attack on the Moscow metro confirmed the urgent need for such a unified regime, he said, adding that global anti-terrorist solidarity must be more operational in character.

As the world undertook more complex and purposeful measures to counter terrorism and fight criminality, it must consider the battle for people's minds, particularly those of the younger generation, he said. The Russian Federation was an enthusiastic supporter of protection for children and youth from falling victim to crime through the use of political, social, economic, educational and law enforcement measures.

He said the “recriminalization” of cities was increasingly becoming a liability for many countries, and Russia was actively engaged in fostering harmony and creating a more healthy social awareness among city dwellers. While the country had seen a drop in crime, the fact remained that it suffered an average of 3 million criminal acts. Socio-economic policies were especially aimed at mitigating the effects of the global financial crisis, but there must be more international political will to ensure that countries could act together in taking appropriate action globally, he said.

LAMECK MANGANI, Minister for Home Affairs of Zambia, said his country had not been spared new forms of crime, due in large part to its geographic location as a landlocked country surrounded by eight other nations. Zambia’s long border had made combating crime a challenge for law enforcement agencies. Poverty was a major cause of crime, and one of the best strategies to prevent it was empowering people socially and economically, particularly by creating jobs for youth.

Emphasizing that the Government recognized the need to involve civil society and communities as partners in crime prevention and rehabilitation programmes, he said it had set standards and initiated action for social and situational crime prevention. It had put in place care-based action through the Young Women’s Christian Association (YWCA) and paralegal programmes under various auspices, including those of the Catholic Commission for Justice and Peace and the Legal Resources Foundation. In line with United Nations and African Union protocols on combating, preventing and suppressing terrorism, Zambia had enacted legislation that prohibited terrorism, he added.

There was a need for concerted international support to create subregional and regional networks, as well as joint investigative operations to promote cooperation on criminal matters, he said. The fight against cybercrime required the sharing of information on existing best practices and strong information technology controls and information networks. Zambia lacked comprehensive legislation and the necessary expertise, but it had introduced a national policy framework to fight cybercrime.

To combat online pornography and child prostitution, Zambia had adopted national action plans, in line with the Convention on the Rights of the Child, in addition to juvenile offender rehabilitation programmes, he said. The 2001 Prohibition and Prevention of Money-Laundering Act had led to the creation of the Anti-Money Laundering Authority and the Anti-Money Laundering Investigation Unit. The country needed international support for training and capacity-building in crime prevention, he said, adding that developing States needed help to create and strengthen their capacity to investigate crimes and collate data on crime trends.

JOHANNES TOMANA, Attorney General of Zimbabwe, associating himself with the “Group of 77” developing countries and China and the African Group, said his country would appreciate any technical assistance from the United Nations Office on Drugs and Crime (UNODC) to build, reform and strengthen its legal frameworks and bolster its capacity to prevent and suppress crime, particularly sophisticated forms of transnational crime. Zimbabwe had 46 prisons with a total holding capacity of 17,000 inmates, of whom 28 per cent were unconvicted prisoners.

He said the country upheld the right of prisoners to health, and had a fully-fledged health-delivery system. Every prison had a clinic or hospital manned by qualified medical personnel, and prisoners were offered education and skills training as part of their rehabilitation. But, while the prison service was striving hard to uphold the United Nations Standard Minimum Rules for the Treatment of Offenders, their effective implementation depended on the availability of adequate resources. Fines and community service were among the non-custodial alternatives to prison, helping the country to keep the inmate population below the prison holding capacity, he said, adding that efforts were also being made to reduce time spent in pretrial detention.

Technical assistance to facilitate the ratification and implementation of international instruments was of key importance for developing countries, he emphasized, calling on international partners to provide help for Zimbabwe’s fight against terrorism. Parliament had passed an act dealing with international terrorism, as well as laws on international cooperation in criminal matters, which provided for mutual assistance in obtaining evidence and documents, locating and identifying witnesses or suspects, executing requests for search and seizure, and making arrangements for witnesses to give evidence, the forfeiture of property, and the recovery and freezing of assets. Zimbabwe was currently considering legislation on trafficking in persons, he said, adding that, as a transit hub for drug traffickers, the country was already a signatory to various relevant United Nations instruments, and planned to establish a national drug commission.

MING LEUNG WAI, Attorney General of Samoa, said his country was committed to upholding the rule of law, as confirmed by decades of political stability. However, Samoa was not immune from

crime and was making every effort to fight it. In November 2008, the Cabinet had approved the Law and Justice Sector Plan to improve standards and service in the legal and justice sectors. Samoa had recently created a Law Reform Commission to update and bring laws on crime, criminal justice and the protection of children and women into line with international standards and the Convention on the Elimination of All Forms of Discrimination against Women.

To ensure that the island nation did not become a safe haven for criminals, he said, Samoa was taking the lead in the South Pacific by enacting legislation to implement the Statute of the International Criminal Court. Efforts to update national laws on combating terrorism, money-laundering and the proceeds of crime were currently under way, a task that would be completed by year's end, he said. Samoa had also established a Transitional Crime Unit and had recently joined Interpol. In 2009, Samoa had been at the forefront in creating the Pacific Prosecutors' Association, a forum for regular discussion on how to overcome challenges.

He said the Cabinet had recently approved the creation of separate prisons and had begun reforming the management of the penal system. However, that would take years to implement, he said, calling for assistance from Australia and other international partners. He urged Member States, as well as UNODC, to provide Pacific island nations with adequate technical assistance and resources -- rather than endless missions and visits by consultants -- to fight organized crime, otherwise organized criminals would exploit their weakness.

RAFAEL PINO BÉCQUER (Cuba), associating himself with the "Group of 77" developing countries and the Group of Latin American and Caribbean States, said all countries, irrespective of economic clout, or territorial or population size, were vulnerable to crime, the various forms of which were not bound by physical borders: financial fraud, which jeopardized the international financial system; human trafficking; smuggling of migrants; money-laundering; and cybercrime.

It was up to the Congress to establish guidelines for the next five years to combat transnational organized crime, he said. However, it must also recognize that preventing and combating crime was the exclusive responsibility of States, in full exercise of their sovereignty and in line with national law. Cuba rejected attempts to overestimate transnational organized crime as a pretext to overstep national sovereignty. Neither was it up to the Security Council to address such issues, he said, urging full respect for the prerogatives of the Economic and Social Council.

Cuba was working systematically to prevent crime, not only through its own laws, but also through criminal justice policies involving all sectors of society in preventative work, he said. So far, the country had scored some important successes, but it was aware that more must be done. Transnational organized crime, particularly terrorism, was a major concern, having claimed numerous victims and caused significant financial losses. Cuba rejected all forms of terrorism, including State terrorism, and did not allow the use of its territory to perpetrate, plan or finance acts of terrorism against any other State. It "completely rejected" use of the struggle against terrorism to justify interference in the internal affairs of States or to diminish national sovereignty.

Pointing out that his country was party to 13 international instruments relating to criminal justice, he noted that Cuba's cooperation on that front had not been matched by the United States Government, which had allowed terrorists to act with impunity against Cuba for five decades. One of them was Luis Posada Carilles, he said, adding that five young patriots were presently under unjust detention in the United States for fighting anti-Cuban terrorists. Calling for their immediate release, he said that, in the meantime, his country was prepared to work in cooperation with all States, as well as UNODC, to achieve international criminal justice goals, despite the economic blockade on Cuba.

CHARLOTTE JACKSON, Attorney General's Department of Australia, said the Government had recently launched a new cyber-security strategy aimed at ensuring better protection for individuals, business and the Government against cybercrime by providing all Australians with the necessary information, confidence and practical tools to ensure online security. It involved the creation of a new national computer emergency response team, CERT Australia, and a new Cyber Security Operations Centre, within the Department of Defence.

The rapid growth of cybercrime was bringing a new sense of urgency to international cooperation, she said, adding that Australia was working with other Governments to share expertise, protect critical infrastructure and eliminate safe havens for cyber-criminals. The Government was considering legislative reforms on mutual legal assistance in criminal matters. Several changes would strengthen the ability of law enforcement agencies to help other countries investigate and prosecute serious crimes involving computer networks.

She said a package of recent reforms would enable the Government to prevent, investigate and prosecute offences involving sexual exploitation of children, adding that it included measures to strengthen Australia's laws on the online sexual exploitation of children. The police had forged strong relationships with international law enforcement partners to combat transnational exploitation, including through the Virtual Global Taskforce.

Australia had taken a tough but humane approach to the smuggling of people and border security, building closer intelligence links with regional partners and jointly initiating law enforcement training and operational activities, she said. Launched in 2009, the Commonwealth Organized Crime Strategic Framework would help identify the most significant organized crime threats. The Commonwealth Organized Crime Response Plan would align Government efforts to target the most critical threats, she added.

ASIF HUSSAIN MEMON (Pakistan), associating himself with the Group of 77 and the Asian Group, said that, in order to create joint strategies to tackle crime in all its evolving manifestations, there was a need to understand issues in their entirety so as to address their root causes. Technical assistance was also essential for effective responses to problems raised by crime. Pakistan had adopted various measures to fight organized crime over many areas. In addition to ratifying the Convention on Transnational Organized Crime, it had established measures to tackle trafficking in persons, money-laundering and cybercrime.

He said the Federal Investigation Agency, which oversaw immigration control, had taken action against the smuggling of migrants, trafficking in persons, identity fraud, fiscal and business-related offences and banking crime. The Agency had also been able to investigate a number of high-profile cybercrime cases. A financial monitoring unit tracked suspicious transactions and was mandated to cooperate with other countries in fighting money-laundering. Highlighting the illicit trafficking of cultural property, he said the international community must also make joint efforts to fight that crime by punishing offenders and establishing a mechanism to recover and return priceless historical artefacts to their legitimate owners.

PHILIPPE BOILLAT, Director General for Human Rights and Legal Affairs, Council of Europe, said that empowering and protecting children against all forms of violence and exploitation, including on the Internet, was a priority for the Council, which was preparing a new convention on preventing and combating violence against women and domestic violence that should be completed this year. Since 1973 the Council had developed several instruments and tools based on the United Nations Standard Minimum Rules for the Treatment of Prisoners. The 2005 Convention on the Prevention of Terrorism had closed a gap left by other related international treaties, he said.

He said the 2005 Convention on Action against Trafficking in Human Beings built on the Protocol to the Palermo Convention in reinforcing the protection of victims and human rights. The 2005 European Convention reflected best practices worldwide in combating money-laundering and the financing of terrorism over the past 20 years. The Council's MONEYVAL evaluation committee had gained much experience in monitoring compliance with Council of Europe and international money-laundering standards, he said, adding that it cooperated closely with the Financial Action Task Force and other bodies. The Council had developed more than 25 relevant binding treaties and protocols.

The Budapest Convention already served as a global standard for developing domestic legislation and was used by more than 100 countries worldwide, he said, noting, however, that although many standards had been established in Europe, other regions and around the world, they were not fully applied. Priority must be given to full implementation of existing treaties, he said, emphasizing that standards must be backed up by monitoring or assessment mechanisms, as well as technical assistance to help countries build the necessary capacity to apply them. New standards should only be developed if they closed obvious gaps, provided clear value, built on existing ones and did not undermine or disrupt progress under way, he said.

MOHAMED REDOUANE BEN KHADRA, Legal Adviser to the Secretary-General, League of Arab States, called for solidarity among nations and regions in combating crime, which could not be done by single countries or small groups of countries acting on their own. It was important to achieve international cooperation under the aegis of the United Nations and its agencies, particularly UNODC, whose cooperation with regional institutions was to be commended.

The Arab League was poised to adopt an initiative on combating trafficking in persons, to be adopted later in the month, he said. It had already signed a Memorandum of Understanding with UNODC on combating drugs, and was engaged in action to tackle terrorism, drug trafficking,

organized crime, transnational crimes such as money-laundering, corruption and trafficking in persons, as well as the smuggling of migrants and intellectual property.

Through a council of Arab Justice and Interior Ministers, the Arab League had initiated programmes and proposals to implement various conventions touching on those subjects, he continued. In the context of the fight against terrorism, however, the international community must uphold people's right to self-determination, he emphasized. A new model Arab law on prisons conditions, juvenile offenders and the protection of minors would soon be ready.

SITONA ABDELLA OSMAN (Sudan) said that in 2006 her country had launched, with help from the World Bank and the United Nations Development Programme (UNDP), programmes to build an independent judiciary, improve its justice system and continue implementing the Comprehensive Peace Agreement.

The country had entered an important phase in judicial and legal reform, she said, adding that it had signed and ratified the Palermo Convention and its related Protocol, and was working to sign other conventions during upcoming treaty events. Sudan was working to adopt measures and laws to fight money-laundering, terrorism and the financing of terrorism. It was committed to enhancing international and regional cooperation in extradition matters and mutual legal assistance.

Sudan's new criminal law added provisions on war crimes and genocide, she said. As a country emerging from civil war, the country acknowledged the importance of civil reform and building the capacity of prosecution authorities. She acknowledged and appreciated UNODC's contributions in that field. Sudan attached great importance to the outcome of the Congress and commitments on follow-up, she said.

Adoption of Draft Declaration and Draft Report

JULIO ZELNER (Brazil), Rapporteur General, introduced the Salvador Declaration and the report of the Congress, praising Member States for their "immense disposition for dialogue" during negotiations, which covered several sensitive issues.

He said the Declaration attempted to capture, as concisely as possible, the views of all participants without prejudice, which was sometimes difficult to achieve given the widely divergent views on certain issues. For example, discussions on the treatment of prisoners, which had eventually led to consensus wording of paragraph 49, had involved certain delegations favouring the creation of an entirely new convention, which others had not thought necessary, believing that the existing rules only needed updating.

Likewise, he continued, some delegations believed that existing international legal frameworks on cybercrime were sufficient, while others felt that a "non-regional" instrument was needed. Much effort had gone into bringing their views closer, he said, adding that achieving consensus on violence against migrant workers and their families had required similar effort.

As for paragraph 25, concerning a fund for development activities to be funded through a percentage of recovered assets, he said its inclusion in the draft Declaration was due in large part to efforts by the Brazilian delegation, which felt the issue needed to be highlighted anew. The draft Declaration also introduced the concept of environmental crime, he said, while upholding the human rights of both victim and offender was a recurring theme. The draft Declaration also contained a serious appeal to fill the resource gap facing UNODC, whether through its regular budget or by extrabudgetary funding.

The Congress then adopted the draft Declaration.

Following adoption of the Salvador Declaration, several delegates took the floor.

The representative of China said that, although the Declaration had its shortcomings, it was nonetheless something that everyone could be pleased about.

The representative of Argentina said the Rapporteur General's explanation was an authentic interpretation of the scope of several of the Declaration's paragraphs in terms of progress on cybercrime and the Standard Minimum Rules on the Treatment of Prisoners.

He said paragraph 36 did not adequately reflect concerns about smuggling and trafficking in persons, and emphasized the importance of acknowledging shared responsibility, including among countries of origin. He called on signatories to the Palermo Convention's Protocol to Prevent,

Suppress and Punish Trafficking in Persons, Especially Women and Children, to consider whether they could move towards criminalizing smuggling and trafficking, in line with article 9, paragraph 5 of the Protocol.

The representative of Algeria, speaking on behalf of the Group of 77 and China, hailed the Declaration's lauded adoption as a guide for Member States over the next five years, pledging that the Group of 77 would work to deepen international regional operations, which were essential given the transnational nature of crime. It would also ensure the use of technical measures to bolster national capacity to combat crime.

The representative of Brazil concurred with Argentina's delegate regarding paragraph 36, pointing out that it lacked a mechanism for international cooperation. The international community must fill that gap, he said, noting that the world still lacked a universal legal regime to deal with cybercrime. Brazil would also have preferred the Congress to make greater advances in terms of prisoners' rights, he added.

The representative of the Russian Federation said that, although he was not in full agreement with all aspects of the Declaration, he understood the diverse views presented and that it was a compromise document.

The representative of Spain, speaking on behalf of the European Union, said the Declaration contained many compromises, but the bloc was prepared to follow along the lines of what had been agreed and adopted.

The Congress then adopted its draft report (documents A/CONF.213/L.2 and Add. 1–3), as orally revised.

Closing Statement

JOHN SANDAGE, Executive Secretary of the Congress, thanked the more than 100 countries that had worked hard to draft the Declaration, particularly for the compromises reached yesterday on outstanding and important issues. The Declaration provided guidance on how to move forward, including at next month's Crime Commission, the New York high-level meeting in June and the Conference of Parties to the United Nations Convention on Transnational Organized Crime in October.

Thanking all delegations for their vote of confidence in the UNODC, as contained in the Declaration, he noted that drug trafficking alone generated \$300 billion annually, while the budget for the entire United Nations system was just 1 per cent of that amount. With a budget that was 1 per cent of the Organization's, UNODC was 80 per cent dependent on voluntary contributions to meet requests for assistance, he said, adding that the Office had repeatedly stated that the current funding model was not sustainable.

He welcomed Brazil's pledge to donate a percentage of assets recovered from organized criminal activity to support criminal justice reform through UNODC, and expressed hope that other delegations would take up the host nation's challenge, in line with the Palermo and Merida Conventions.

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For further information:

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