

Thirteenth United Nations Congress on Crime Prevention and Criminal Justice

Plenary debate on successes and challenges in implementing policies and strategies to promote the rule of law along with sustainable development

14 April 2015, Doha, Qatar

Statements by Member States and other high-level participants

KRISTIAN ODEGAARD (Norway) said there was ample evidence that no country could handle the problem of transnational organized crime alone. Unfortunately, the world was still facing impediments to enhanced coordination and cooperation on crime prevention and criminal justice. Some of those impediments were a lack of respect for human rights and international norms and standards, the practice of capital punishment, gender-based discrimination, as well as discrimination against minorities and vulnerable groups. "We need to address these challenges in a credible and transparent manner," he said. Recalling the words of the United Nations Charter, he went on to say that the overwhelming majority of victims of human rights abuses shared two common features: deprivation and discrimination. Norway strongly opposed the death penalty and had limitations in its national law as to how far the country could cooperate in the area of justice with countries practicing capital punishment. "This irreversible form of punishment is both cruel and inhuman and violates the right to life," he said. There was no convincing evidence supporting the claim that executions deterred or prevented crime. On the contrary, research had overwhelmingly demonstrated that there was no scientific ground for claiming that the death penalty had a greater deterrent effect than long prison sentences.

ALEXANDER SAVENKOV, Deputy Minister of the Interior of the Russian Federation, said relevant international instruments were critical tools in the fight against crime. By combining efforts, progress would be made in tackling the various forms of crime around the world. His country had made significant progress in using those tools to combat crime. Among growing concerns was terrorism, including the illicit trade in oil, which was being used to finance terrorist groups. That threat was growing and a collective, coordinated response to it was needed. In that regard, combatting extremism was among the key tasks ahead, as was strengthening law enforcement elements. A national strategy was now addressing those issues, using, among other things, education as a tool. As the Internet was being used to spread radicalism and to conduct illegal activities worldwide, it was important to develop within the United Nations a "toolbox" of legal instruments with the aim of creating a safe and secure cyberspace. Transnational organized crime was also difficult to tackle, in part because of variations in national laws. As such, improved information exchanges were needed and significant changes and improvements were required to bolster the current extradition system and to make it more effective and efficient. Also, in Saint Petersburg, from 2 to 6 November, the Russian Federation would host the sixth session of States Parties to the Convention on Corruption.

ANTÓNIO DA COSTA MOURA, Secretary of State for Justice of Portugal, associating himself with the European Union, pointed to a recent resurgence of prejudicial practices

which violated fundamental rights and freedoms and the dignity of human beings, affecting the welfare and safety of citizens and threatening the integrity of States. It was not possible to fight phenomena of such magnitude with policies and actions confined to the borders of a State or territory; cooperation between States was needed. Over the last four years, Portugal had adopted several measures to prevent or repress crime, he said, highlighting examples such as the criminalization of "illicit enrichment", or corruption, and a new legal framework for the prevention of money-laundering and the financing of terrorism. In light of recent events and the emergence of the new reality of foreign terrorist fighters, Portugal had also prepared new measures to prevent and fight terrorism, in compliance with Security Council resolutions 2174 (2014) and 2199 (2015). The Portuguese Parliament was also currently discussing legislative proposals that would criminalize incitement to terrorism and travel to other countries for the commission of terrorist acts, while maintaining respect for human rights and individual freedoms; it would be approved soon.

KHALED SHAMAA ([Egypt](#)) said the Congress addressed a number of salient issues, including terrorist financing and corruption. "We cannot combat organized crime unless we coordinate our efforts," he said, suggesting the adoption of a set of organized actions. Human trafficking, smuggling migrants and emerging threats, including piracy and cybercrime, were among Egypt's concerns. Crime prevention in trafficking in cultural property was essential and he anticipated further discussions on future efforts. However, terrorism was a graver, more immediate threat and it was important to consolidate international and regional cooperation and unifying efforts to develop a comprehensive approach. Efforts must address all aspects of terrorism, including financing and harbouring terrorist elements. Active partners in the fight should include religious and education institutions and the media. Egypt had, for its part, adopted a new Constitution in 2014 that established, among other things, respect for human rights. Legislative and administrative measures had also been adopted to implement various crime-related international conventions. He looked forward to more technical assistance to help developing countries combat transnational crime. An international plan of action should be put in place to eliminate crime from its roots and to ensure the safety and security of all people.

KONRAD MAX SCHARINGER ([Germany](#)) said that, to overcome challenges posed by international crime, it was imperative that experts in the field shared their experiences and that standards based on scientific findings were established. The administration of criminal justice and the rule of law depended on each other and were the basis for respect of fundamental rights. As such, abolishing the death penalty was crucially important, as was protecting and promoting the human rights of lesbian, gay, bisexual, transsexual, transgender and intersexual people. On recent terrorist attacks, he said combatting terrorism at the international level meant ensuring close cooperation among law enforcement agencies, administrative authorities and intelligence services. Organized crime was a major issue for Germany and dealing with the scourge meant going beyond national levels with a coordinated international approach that targeted money-laundering and criminal financing, he said, welcoming the relevant international instruments on those issues. Now it was time to develop shared global strategies for combatting new forms of crime, including cybercrime. The Council of Europe's Cybercrime Convention and its Additional Protocol represented a broad consensus in international collaboration, as it was open to non-member

States. The Doha Declaration pointed to various opportunities available for cooperation on a range of issues and was a suitable basis for an overall international strategy.

MARION PARADAS ([France](#)) said the implementation of relevant international conventions was the basis for the cooperation needed to successfully combat many types of crime threatening communities around the world. As such, she called for the creation of an evaluation mechanism to examine implementation of the Convention on Transnational Organized Crime. An independent, impartial and credible justice system that guaranteed the respect of human rights was needed to ensure the effectiveness of the fight against organized crime, she said, adding that France firmly opposed the death penalty and strongly supported ending impunity. With that in mind, France was supporting projects of the United Nations International Drug Control Programme (UNDCP) to strengthen judicial cooperation in West Africa and the Sahel region. Special attention should be paid to women and children, who made up a disproportionate number of crime victims. New forms of crime, including counterfeit medicines and cybercrime, also merited close attention, she said, welcoming regional efforts to combat the latter.

YVETTE VAN EECHOUD ([Netherlands](#)), aligning herself with the European Union, said her country provided financial support to a number of United Nations Office on Drugs and Crime (UNODC) programmes, in such diverse fields as combating piracy, the container control programmes to combat trafficking in wildlife and care projects for injecting-drug users living with HIV/AIDS. As part of the Netherlands' development cooperation, the country was also supporting capacity-building with regard to the criminal justice system in several countries. Dutch police and border guards were providing training to their counterparts in many countries. "Weak and fragile States pose a special challenge to the world," she said. In those States, conflicts, rebellions and criminal activities often formed a deadly mix and could become a breeding ground for radicalism and terrorism. Those situations required a holistic and comprehensive approach as called for in the Doha Declaration. Such an approach was one of the cornerstones of the Netherlands' international engagement. In that vein, the country had contributed almost 500 troops to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), while at the same time its development cooperation engaged with the judiciary and civil society to rebuild the trust between the justice system and Malian citizens. "Creating conditions to address root causes of crime, conflict and instability is an important reason why the Netherlands has supported and will continue to support United Nations peacekeeping missions," she said, adding that her country was also an active partner in the Global Counter-Terrorism Forum, in particular on the issue of foreign terrorist fighters.

BERNARDO STADELMANN ([Switzerland](#)) expressed satisfaction that the Doha Declaration adopted earlier in the week established a connection between international legal assistance and the recovery of assets, which would help countries to set up specific projects to speed up joint asset-recovery procedures. Turning to juvenile justice, he said efforts must be effective on several fronts simultaneously: prevention, protection, sanction and reintegration of young offenders, to support their personal development and help them to become the adults of tomorrow. Switzerland supported efforts made through the United Nations system in that regard, as well as efforts to eliminate all forms of violence against children - be they

young offenders, child victims or child witnesses. There remained shortcomings in the way in which juvenile justice was applied in practice; States must work together to close those gaps. He went on to address the issues of human trafficking and migrant smuggling, which required mechanisms of multidisciplinary and interinstitutional cooperation. Switzerland commended the success achieved by the meeting of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, concluded recently in Cape Town, South Africa.

RACHMAT BUDIMAN ([Indonesia](#)), aligning with the "Group of 77" developing countries and China and the Asian Group, noted his country's longstanding experience in facing and addressing serious crimes - often perpetuated by transnational organized groups - in particular trafficking in persons, smuggling of migrants, corruption, drug trafficking, environmental crime, maritime crime and various economic crimes. In that regard, Indonesia had made strengthening law enforcement and judicial and criminal justice part of its medium-term development plan. While Indonesia upheld all human rights and fundamental freedoms, it nonetheless believed that good intentions among States must be based on the principles of non-interference, full respect for territorial integrity and the sovereignty of States. Indonesia stressed the importance of implementing a victims-oriented approach to prevent, detect, prosecute and punish the smuggling of migrants, in line with the provisions of the related protocols of the United Nations Convention on Transnational Organized Crime. Indonesia deployed every possible effort to bring perpetrators of such crimes to justice. Taking into account the transnational nature of the crime, the success of joint endeavours depended on the active participation of origin, transit and destination countries based on the principles of burden-sharing and shared responsibilities. He went on to address efforts to combat other crimes, including the trafficking in cultural property and illegal fishing.

JUDY LIND ([Australia](#)) welcomed the fact that, at the opening of the Congress, United Nations Secretary-General Ban Ki-moon had addressed the critical issue of violence committed against women and children by their own families. While crime often operated without borders, the fight against crime and illicit trade had remained, in many ways, constrained by international and jurisdictional borders - a fact that was not lost on sophisticated criminals. That meant that strong and trusted partnerships were now more fundamental than ever before. Australia had put in place a comprehensive "whole-of-Government" framework to combat the smuggling of migrants. Furthermore, as a party to the Migrant Smuggling Protocol, the country had put in place a robust domestic criminal justice framework to prosecute people that committed smuggling offenses. Australia also co-chaired the regional Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. There was no more pressing matter, however, than reducing the threat from terrorism. "Terrorists are younger, more violent, more innovative and highly interconnected," she said, adding that they were "masters of social media" for recruitment purposes. Australia had in place a comprehensive legal framework to counter terrorism, reduce the flow of foreign fighters and limit the capacity of "insidious" extremist narratives. It had dedicated more than \$630 million over the next four years to develop counter-terrorism programmes.

The fight against corruption also required a global effort based on effective international cooperation, she said. Australia, in its capacity as President of the Group of 20, or G20, in 2014, had placed significant priority on continued efforts by the Group's member countries to combat corruption. At the Group's Summit in Brisbane, leaders had adopted the G20 High Level Principles on Beneficial Ownership Transparency, which committed countries to ensuring that legal entities were transparent and not misused for illicit activities such as terrorism or money-laundering. Leaders had also endorsed a new 2015-2016 G20 anti-corruption action plan that contained a detailed set of action-oriented deliverables to ensure that the Group remained a key body to drive a culture of global intolerance to corruption.

SIMON MADJUMO MARUTA ([Namibia](#)), associating himself with the Group of 77 and China and the African Group, listed a number of international instruments which his country had ratified to combat transnational organized crime, and described the national drug control master plan, which also dealt with corruption, money-laundering and human trafficking. He described the national action plan on gender-based violence, and noted that the Southern African Development Community (SADC) Protocol on Gender and Development required member States to adopt legislative provisions to prevent human trafficking and institute mechanisms to those ends by 2015. He called on Member States who had not yet done so to ratify or accede to the Convention on the Rights of the Child without delay. Turning to the illegal drug trade, he said that Namibia's law enforcement agencies had been combating the cross-border activities of various drug syndicates. Another positive development was that Namibia's fight against financial crimes had produced results, and the country had been removed from the international targeted review process of nations with shortcomings in their respective anti-money laundering and terrorism financing regulatory environments.

FELIX MARTINEZ ([Venezuela](#)) said crime prevention and criminal justice systems were directly related to sustainable development, quality of life, democracy and respect for all human rights. With that in mind, Venezuela had established a democratic constitutional process with checks and balances. As the Doha Declaration placed great importance on preventive measures, his Government understood the importance of offering targeted programmes for the most vulnerable groups. National measures, including alternative conflict-resolution mechanisms, legal aid and the creation of new models for the Public Defenders' Office and police force, were based on respect for human rights. More broadly, international cooperation was essential to address priorities in preventing and fighting crime. In the regional context, transnational organized crime posed a grave threat to human rights, as it used finance and technology systems to fuel its activities. A safer world could only be created through a culture of peace and respect for human rights.

ISSA ABDULLAH ([Libya](#)) said global measures had been taken to combat transnational organized crime and to prevent and tackle new forms of crime, with the Congress being the largest and most diverse gathering of decision-makers in the field. In that regard, Libya had placed great importance on enhancing the rule of law nationally and internationally in support of sustainable development. He also stressed the importance of bolstering national, regional and global cooperation to combat terrorism.

MAGDY MARTÍNEZ-SOLIMÁN, Assistant Secretary-General, Assistant Administrator and Director of the Bureau for Policy and Programme Support of the United Nations Development Programme (UNDP), highlighted the importance of the "Delivering as One" United Nations concept, and the joint support requested by partner countries in the fields of rule of law and development. In 2011, the World Bank had estimated the economic costs of lost production due to high levels of violence and crime to be between 2 and 3 per cent of a country's gross domestic product. "What we lose in lawlessness we can't spend on development," he said. There was now a better understanding of the interdependent relationship between crime prevention and poverty reduction. Poverty declined when countries managed to reduce crime, violence and related insecurity, and there was progress in weaning farmers from drug crop production to the production of legal crops or other non-agricultural activities. "Successful crime prevention frees resources for development budgets," he said. UNDP was engaged in programmes to support effective criminal justice and to strengthen the rule of law in over 100 countries, including 40 affected by crisis. Turning to the post-2015 development agenda and the sustainable development goals, he said that the goal of promoting peaceful and inclusive societies included several targets directly related to the rule of law and justice, such as access to justice, violence reduction, ending human trafficking and reducing illicit financial and arms flows.

JOSÉ BONIFÁCIO BORGES DE ANDRADA, Pro-tempore Presidency of the Specialized Meeting of Prosecutors of the Southern Common Market (MERCOSUR), delivered a statement on behalf of Rodrigo Janot Monteiro, the group's President, providing an overview of regional activities. With an aim to promote coordination and cooperation in the region, the group had consulted and taken action on crime-related issues, including criminal organizations, drug trafficking and terrorism, and worked towards ensuring respect for the rule of law. With cybercrime being among its main concerns at a time when information structures and communications systems were opening up, the group hoped to set up national specialized units and training for competent authorities. For now, a working group would consider various approaches. The group had already taken action on human trafficking and had participated in the first Ibero-American prosecutors' summit, which had resulted in a declaration on the issue. Efforts to combat all forms of corruption was also very topical among the group's meetings, he said, highlighting the Brazilian national congress' adoption of new anti-corruption legislation, which was in line with one of the principles of the United Nations Convention against Corruption. Anti-corruption would also be the focus of a meeting of MERCOSUR's attorney-generals in June. Looking ahead, the group would discuss the creation of a network of public ministers. He underlined the importance of the mechanism to train joint investigation teams, as well as the need to develop transborder cooperation efforts to help execute arrest warrants for fugitives.

ALEXEY LYZHENKOV, Director of the Transnational Threats Department of the Organization for Security and Cooperation in Europe (OSCE), said measures were being used to fight terrorism, trafficking and cybercrime. Providing an overview of those initiatives, he said declarations, strategic frameworks and guidelines had been issued with a number of goals in mind, such as preventing the financing of terrorism, addressing the phenomenon of foreign terrorist fighters, police development and reform, border security and counter-narcotics programmes. In Tajikistan, the OSCE Border Management Staff College

had trained more than 2,000 officers from participating States and its Patrol Programming and Leadership Programme had instructed 450 Afghan and Tajik police and border officers. All efforts were driven by the conviction that regional organizations were instrumental as "force multipliers" and as a delivery mechanism for assistance aimed at countering transnational threats. Sharing lessons learned, promoting skills and competencies, and bolstering capacity-building were powerful tools to "keep a step ahead" of criminals. OSCE was open to cooperate with interested partners to strengthen the consolidated response to challenges that crime posed to security and sustainable development.

MARTIN KREUTNER, Dean and Executive Secretary of the International Anti-Corruption Academy (IACA), said his institution had been created in 2011 to address deficiencies in anti-corruption and compliance regimes and to provide help to stakeholders seeking to strengthen them. It had already empowered hundreds of professionals and alumni from some 125 countries. Advancing the goals of the United Nations Convention against Corruption and other international and regional instruments remained the cornerstone of the Academy's work. Among other things, the Academy offered thematic capacity-building programmes and tailor-made trainings in response to the unique challenges that stakeholders faced in preventing and fighting corruption. It was also preparing to launch a master's programme on private sector anti-corruption, compliance and collective action. "All the universal goals run the risk of being severely undermined by corruption," he said, adding: "Corruption is the antithesis vis-à-vis human rights, the venom vis-à-vis the rule of law, the poison for prosperity and development and the reverse of equity and equality."

AFAF MAHFOUZ SCHIEREN and MICHAEL PLATZER, delivering a joint statement by the Alliance of Non-Governmental Organizations on Crime Prevention and Criminal Justice, summarized the civil society declaration that had been agreed when non-governmental organizations had met the previous day. In that regard, Ms. Schieren said the Declaration emanating from the Congress should place crime prevention efforts more centrally within the post-2015 development agenda. The Alliance would have liked to see a greater recognition of other United Nations organizations and of the role of non-governmental organizations and academia. There was no reference to the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. They called on Member States to abolish the death penalty completely, but at a minimum to introduce a moratorium on execution in accordance with General Assembly resolutions, and it asked that States ensure a proportionality of sentencing policies, particularly in relation to drug crimes. The Alliance deplored the criminalization of certain groups, such as the lesbian, gay, bisexual and transgender community and certain status offenses particularly affecting women and the poor, and encouraged Member States to provide adequate legal protection for whistle blowers, human rights defenders and journalists. It further stressed the importance of accessible and competent legal aid services.

Right of Reply

Exercising the right of reply, the representative of Azerbaijan responded to the statement by Armenia's delegate the previous day, saying that his counterpart's comments were political and irrelevant in the context of the Congress. Armenia's delegate had expressed

dissatisfaction with the Declaration, but there had been ample occasions to participate in discussions leading up to its adoption. On territorial integrity, he said Azerbaijan had a right to claim independence and that it was Armenia that had unleashed a war, including in the Nagorny Karabakh area. In 1993, the Security Council had adopted four resolutions condemning the use of force against Azerbaijan and had demanded the full withdrawal of the occupied territory of Nagorny Karabakh, which was part of Azerbaijan, he said, pointing out that the General Assembly had adopted similar resolutions.

Responding, the representative of Armenia said his counterpart's statement failed to correspond to reality. Whatever had happened 20 years ago was an expression of independence by the people of Nagorny Karabakh. On the Council resolutions, none of those texts had identified Armenia as a party to the conflict, he said, noting that a ceasefire agreement had been signed in 1994.

Taking the floor for a second time, the representative of Azerbaijan suggested that his counterpart read the Council resolution more carefully and that Armenia should withdraw forces from the area under discussion.

Debate on Agenda Item 3

This afternoon, the Congress held a discussion on item 3 of its agenda: "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".

Representatives of the United Nations Office on Drugs and Crime (UNODC) introduced the agenda item and various reports associated with it.

Speaking first, DEMOS CHRYSIKOS introduced the report entitled "Follow-up to the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World" (document [A/CONF.222/3](#)), which included information on national legislative action and policy derivatives to implement the principles in the Salvador Declaration and the recommendations of the twelfth Crime Congress.

ENRICO BISOGNO introduced the report entitled "Report of the Secretary-General on the state of crime and criminal justice worldwide" (document [A/CONF.222/4](#)). Presenting some of the main trends described in that report, he said that property crime and violent crime were declining, while drug-related crime was increasing. Homicide was higher in the Americas and Africa than in Europe and Asia.

Criminal activities were the main drivers of homicidal violence in countries with high homicide rates, while the rate of homicide perpetrated by family members and partners was similar across countries, he said. Homicide rates had increased by 10 per cent in poorer countries over the last decade. Bribery was also much more prevalent in countries with lower income levels. Trafficking in persons continued to affect all countries, while victims were trafficked from poorer countries to richer countries.

Turning to the efficiency of justice systems, he said that the ratio of convictions to homicides varied widely across regions. That ratio was higher in Europe than in Asia, the Americas and the rest of the world. Countries with weaker rule of law tended to have lower levels of development.

JASON REICHELDT presented the report of the UNODC Executive Director on the contribution of the thirteenth United Nations Congress on Crime Prevention and Criminal Justice to the discussions on the post-2015 development agenda (document [A/CONF.222/5](#)), prepared pursuant to Economic and Social Council resolution 2014/22. The report reflected responses received from stakeholders consulted, including Member States, United Nations departments and offices, regional commissions and others.

In those responses, he said, stakeholders had provided a range of suggestions as to how the thirteenth Congress could contribute to the post-2015 development agenda, and identified several criminal obstacles to development, including organized and transnational crime, terrorism and the marginalization of particular groups.

ANNA GIUDICE SAGET presented a working paper prepared by the UNODC Secretariat entitled "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" (document [A/CONF.222/6](#)). The paper presented the links between peace and security, the rule of law and development by looking at how those links were reflected in United Nations crime-related instruments. It briefly presented relevant initiatives at the policy-level and examined comprehensive and integrated approaches to crime prevention and criminal justice reform as part of a broader agenda to create an environment conducive to development.

Taking the floor next, DMITRY TITOV, Assistant Secretary-General for the Rule of Law and Security Institutions of the United Nations Department of Peacekeeping Operations, said that globally, only 50 per cent of all adults expressed confidence in their justice systems. The criminal justice system must be a measure of last resort, while, in healthy communities, internal norms of behaviour - or "values" - should be the first line of defence against crime and corruption. "However, we all know that this ideal is far from reality in many of our world's least developed countries", many of which had suffered from decades of conflict and major episodes of violence, he stressed.

Failures in the justice system contributed to a cycle of violence, both political and criminal, that inhibited growth and development, he continued. For its part, the Department currently supported the deployment of more than 12,500 United Nations police officers and 700 justice and corrections specialists in 17 peacekeeping operations and special political missions, representing the single largest deployable rule of law capacity in the world.

The Congress was then briefed by the moderator of Workshop I, which had focused on meeting the unique needs of women and children in conflict with the law.

During the ensuing discussion, a number of delegates stressed that conflicts, crime and related crises were impeding global development. Consensus emerged on the need to include the rule of law - in particular, crime prevention and the strengthening of criminal justice systems - into the post-2015 development agenda.

Speaking on behalf of the Human Security Network, the representative of Austria said that poverty, illiteracy and lack of opportunity led to increases in violent crime. The promotion of the rule of law was a fundamental step in addressing crime and moving towards peace, security and sustainable development, she said.

Other speakers described particular national laws and policies or spoke about their countries' legislative reform processes. In that vein, the representative of Thailand said his country was working to bring its national policies on par with international norms and standards, and called for a rights-based approach to criminal justice.

Algeria's delegate described his country's "deep-rooted judicial reform" process, which had been undertaken around three pillars: the improvement of human resources in the administration of justice; the development of new legal norms to address emerging forms of crime; and the modernization and strengthening of judicial instruments.

Adding his voice to the discussion of legal and judicial reform, the representative of Viet Nam said that his country's new policies reduced the number of crimes carrying the death penalty, increased non-custodial penalties and expanded alternative measures for juvenile offenders.

The representative of China stressed the seriousness of corruption as a crime which harmed society. He described his country's zero-tolerance policy in that respect, as well as a special campaign to hunt down fugitives who had committed crimes of corruption related to public duties.

Also speaking were the representatives of Canada, Slovenia, Mexico, Pakistan and Norway.