



STATEMENT OF THE G-77 AND CHINA AT THE SEVENTEENTH SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE, 14-18 APRIL 2008 DELIVERED BY H.E. DATO' MOHD ARSHAD M. HUSSAIN, PR of MALAYSIA

I have the honour to speak on behalf of the Group of 77 and China. I am pleased to convey to you our pleasure in seeing you presiding over the 17th Session of the Commission on Crime Prevention and Criminal Justice. The Group is confident of your ability to successfully conduct the activities of this Commission and I wish to assure you of the Group's support in the task ahead. Let me also extend the Group's appreciation to the Secretariat for putting together the documents for this session.

The Group of 77 and China attaches great importance to the topic selected for the Thematic Debate for this session of the Commission, that is, "Aspects of violence against women that pertain directly to the Commission on Crime Prevention and Criminal Justice."

The G-77 and China wishes to stress that violence against women not only constitutes a violation of the rights and fundamental freedoms of women, but is a major obstacle to the achievement of equality and development.

The Group of 77 and China strongly condemns all forms of violence against women, violence against women migrant workers as well as prostitution and pornography, crimes that often results in physical, sexual or mental harm to women. Such violence also entails serious socio-economic consequences, particularly the prospects for the empowerment of women.

Mr. Chairman,

The Group will make a separate statement on the thematic debate at a later stage.

Regarding the Report of the Secretary-General contained in document E/CN.15/2008/4, the G-77 and China welcomes the new ratifications of the United Nations Convention against Transnational Organized Crime and its three Protocols.

The Group also takes note of the reports related to UN.GIFT, contained in documents E/CN.15/2008/10 and E/CN.15/2008/CRP.2. The Group would like to remind UNODC that Operative Paragraph 10 of decision 16/2 requested the Office to provide Member States, the Commission on Crime Prevention and Criminal Justice, and the Conference of the Parties to the United Nations Convention against Transnational Organized Crime with all information on the proceedings of the Vienna Forum, as well as on progress and future planning of UN.GIFT. The G-77 and China regrets that the information resulting from the Vienna Forum is not presented as an official document of the Commission and that it is not available in all languages.

The Group is pleased to note that an expert group meeting on international trafficking of forest products, including timber, wildlife and other forest biological resources, was held in Jakarta, Indonesia from 26-28 March 2008 as mandated by the Commission's resolution 16/1. The Group also takes note of the report of the said meeting as contained in the document E/CN.15/2008/20. The Group looks forward to further discussion on this matter during this session.

The three issues of main concern for the Group, falling under the implementation of the United Nations Convention against Corruption (UNCAC), relate to technical assistance, asset recovery, and review of the implementation of the convention - all of which will be touched upon separately in the succeeding

paragraphs.

The Group of 77 and China believes that Technical Assistance is a cross cutting issue throughout the United Nations Convention against Corruption (UNCAC), and its provision is an essential part of its effective and efficient implementation. The Group emphasizes that in order to promote UNCAC implementation, adequate assistance should be provided, in particular, for the benefit of developing countries. Moreover, assuring sufficient and stable funding to the Conference of State Parties and the United Nations Office on Drugs and Crime is essential to promote programmes and projects.

The Group reaffirms that technical assistance should be delivered, upon request, on the basis of recipient priorities, mutual benefit, respect for diversity and national sovereignty. Furthermore, the Group reiterates that no conditions should be attached to the provisions of technical assistance, and no links be established with development assistance. The provisions of the Convention should be the framework for bilateral and multilateral donors for providing technical assistance.

The Group of 77 and China emphasizes that one of the high priorities in the fight against corruption is to ensure the return to the country of origin of illegitimately diverted funds, as well as the elimination of safe havens for the illegally acquired assets in the world and the perpetrators, with a view to preserving the potential for development of the country of origin.

The Group believes that the effective implementation of the Asset Recovery provisions depends, to a considerable extent, on the will of the requested State to cooperate. The lack of which often leads to prolonged period of delay and huge financial costs in repatriation. The Group wishes to recall Article 51 that clearly states that the return of assets is a fundamental principle of the Convention and States Parties shall afford one another the widest measure of cooperation and assistance. The Group, therefore, urges all States, in the spirit of the Convention to facilitate the quick return of assets and to assist the requesting states to build required capacity in tracing, confiscation and recovery of assets, to minimize the costs for the requesting State.

The repatriation of stolen public assets is an international obligation in accordance with UNCAC, derived from the fact that the asset has a legitimate owner, the Government of the country of origin. A network of corrupt officials in the country of origin and complicit network of financial experts in the country of destination are intertwined and have large profits in the business. Therefore, the Group believes that international cooperation between law enforcement authorities is of absolute essence.

The Group of 77 and China firmly believes that any review mechanism have to be a subsidiary mechanism of the COSP. The Group reiterates that any mechanism or body should be transparent, efficient, non-intrusive, inclusive and impartial, it should not produce any form of ranking. In addition, it should also have the following terms of reference:

- i) Its sole objective should be to assist the COSP in helping the States Parties to effectively implement the Convention.
- ii) The composition of any mechanism or body should be based on equitable geographical distribution.
- iii) Its reports should not be disclosed to Non-State Parties, until considered by the COSP.
- iv) The review mechanism or body should base its reports on the information provided only by the States Parties.
- v) It should be funded from the Regular Budget to ensure its efficient functioning.

The Group expresses its appreciation to the Government of Indonesia for hosting the second session of the Conference of the States Parties (COSP) to the Convention against Corruption, which was held in Bali from 28 January to 1 February 2008.

The Group welcomes the adoption of resolution 2/1 on review of implementation which further enhanced the Characteristics and principles which form the basis for any review mechanism. The Group is looking

forward to the working group consultations.

The Group of 77 and China welcomes also the adoption of resolution 2/4 on "Strengthening coordination and enhancing technical assistance for the implementation of the United Nations Convention against Corruption".

The Group regrets that its resolution on the establishment of a Consultative Group of Experts on Asset Recovery could not be appropriately discussed during the 2nd COSP.

The Group of 77 and China strongly condemns terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes.

The Group emphasizes that, among other factors, enhancing dialogue among civilizations, promoting tolerance and preventing the indiscriminate targeting of different religions and cultures, addressing unresolved conflicts and ending foreign occupation, will contribute to enhancing international cooperation, which in turn is among the most effective tools to combat terrorism.

The Group underscores the central role of the United Nations in the fight against terrorism and also strongly believes that any measures taken to combat terrorism shall comply with all obligations of states under international law and should adopt such measures in conformity with the Charter of the United Nations and international law, in particular international human rights, refugee and humanitarian law.

The Group appreciates the activities of the Terrorism Prevention Branch in providing legal expertise and technical assistance, upon request, to Member States with a view to assist them to accede to the relevant United Nations conventions and protocols against terrorism. The Group also takes note of the information provided by the Secretariat on the activities of TPB as contained in the document E/CN.15/2008/5.

Mr. Chairman,

With regard to the United Nations Congresses on Crime Prevention and Criminal Justice, the Group of 77 and China reaffirms the General Assembly resolution 62/173, in which it reiterated the importance of the implementation of the Bangkok Declaration.

Concurrently, the Group of 77 and China wishes to express its appreciation to the Government of Brazil for its decision to host the 12th United Nations Congress on Crime Prevention and Criminal Justice to be held in 2010. The Group would like to reassure the Government of Brazil of its full support towards realizing the success of such undertaking.

The Group of 77 and China wishes to emphasize the importance of convening the regional preparatory meetings as a way of reflecting regional concerns in the preparatory process for the 12th Congress.

Mr. Chairman,

The UN Standards and Norms in Crime Prevention and Criminal Justice are currently of special importance mainly because of the growth of organized crime activities. The G-77 and China recalls that the purposes of these Standards and Norms are the full respect for human dignity and integrity; the reduction of crime and the most efficient, transparent and just implementation of Law and justice administration.

The Group would like to recall that the Vienna Declaration on Crime and Justice and the Bangkok Declaration recognized that comprehensive crime prevention must address the root causes of crime. The Group is convinced that it is imperative that any effective crime prevention strategy should adequately address the root causes of crime including inter-alia, unemployment, marginalization of vulnerable people and lack of education. In this context, we call upon UNODC and the international community to assist

developing countries in the implementation of their strategies to address the root causes of crime.

The G-77 and China regrets that UNODC has not convened the experts group meeting on Protection against trafficking in Cultural Property as requested by paragraph 3 of the Resolution ECOSOC 2004/34. In this context and taking into account the importance that States attach to protection and the preservation of cultural property from theft and trafficking, the G-77 and China urges Member States and relevant institutions to promote mechanisms, and as appropriate to reinforce existing ones, in order to strengthen cooperation and mutual assistance to fight without truce all crimes that infringe on the cultural heritage of peoples and facilitate the recovery and return of property forming part of such heritage.

The G-77 and China expresses its concern about lack of serious attention being paid to the issue of Trafficking in Human Organs. It calls on Member States to take a firm position, as a means to fight against organized crime involved in this illicit trade, and to prevent the exploitation of poverty and needs of human beings, especially in developing countries.

The Group supports the idea of holding an open-ended experts group meeting to further discuss the extent of the problem of trafficking on human organs and possible remedies.

The Group believes that the issues of cultural property and trafficking in human organs merits a more in-depth discussion and therefore the Group proposes that they become themes for future thematic debates of the Commission.

The G-77 and China takes note of the initiatives and different expert group meetings undertaken by UNODC. As regards the experts selection process, the Group requests UNODC to make the expert selection process more transparent by ensuring that official invitations are extended to Member States through the Regional Groups in a timely manner. This practice will ensure UNODC to count on a more diversified pool of candidates and will provide more chances to fully observe the principle of widest possible geographical representation. The list of Expert Groups organized by UNODC should be included in its Annual Report.

Moreover, the Group remains convinced that holding these expert groups meeting in English only will continue depriving many Member States from expressing their views and from contributing to UNODC efforts in the concerned domains as well as depriving UNODC from benefiting from those States contributions and experiences.

The Group of 77 and China reiterates that the Commission on Crime Prevention and Criminal Justice must reinforce its role as governing body of UNODC in crime prevention and criminal justice related matters, including those dealing with its financing mandates. In this regard, the G-77 requests UNODC to refrain from incorporating in the reports and documents prepared by the Office, concepts and terminologies not endorsed by the UNGA.

The G-77 and China would like to remind all Member States that the main task of UNODC is to contribute to the attainment of security and justice for all, by helping Member States make the world safer. The Group stresses that the reluctance of CCPCJ to assign related costs to the regular budget and to issue the requisite statements of programmed budget implications to be submitted to the Fifth Committee, has led to an extremely high dependency of UNODC on voluntary contributions, especially earmarked contributions. This fact limits UNODC ability to make the appropriate strategic decisions, thus having the works of the Office actually led by donor priorities rather than multilateral mandates. Therefore, the Group of 77 and China reiterates the importance of providing UNODC with sufficient and predictable funding and determining technical assistance programs in accordance with national and regional priorities.

The Group reiterates that the core activities of UNODC should be funded from the regular budget. While not discouraging provision of voluntary funding to the UNODC, there should not be heavy reliance on the extra-budgetary resources to finance core activities.

The Group of 77 and China would like to reiterate its objection to the inclusion of phrases like "subject to extra-budgetary resources" and "within existing resources" in resolutions. This practice violates, among others, General Assembly resolutions 41/213, 42/211 and 45/248 B. The CCPCJ must refrain from the inclusion of such phrases in its decisions and resolutions, because this practice impedes the biennium budget proposals of the Secretary-General to reflect the resource levels commensurate with UNODC's mandates and hinders their full, efficient and effective implementation.

Thank you Mr. Chairman.

G-77 and China statement on item 3: Thematic Debate, delivered by H.E. Ambassador Shahbaz, Permanent Representative of Pakistan on 15 April 2008

Mr. Chairman,

The Group of 77 and China strongly condemns all forms of violence against women, violence against women migrant workers as well as prostitution and pornography, and calls upon the international community to prevent, criminalize and punish perpetrators of such crimes according to the international and national legal frameworks, and to provide women victims of violence with access to justice, and effective remedies for the harm suffered.

The Group of 77 and China takes note of the Secretary-General's report on crime prevention and criminal justice responses to violence against women and girls, contained in document E/CN.15/2008/2. The Group wishes to stress that violence against women not only constitutes a violation of the rights and fundamental freedoms of women, but is also a major obstacle to the achievement of equality and development.

The Group of 77 and China is concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, in particular with women migrant workers, 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.

Violence against women is a multifaceted problem and therefore must be tackled accordingly. As such, the Group of 77 and China believes that gender perspective should be integrated as a cross-cutting issue into all social and economic policies and criminal justice systems with a view to enhancing the empowerment of women in a broader context.

The Group of 77 and China urges the international community to enhance their financial support for the UNODC in order to enable the Office to continue to provide effective technical assistance, within its mandate, to Member States, upon request, in the area of criminal justice responses to violence against women, including women migrant workers. The Group also encourages the UNODC as well as the institutes of the United Nations Crime Prevention and Criminal Justice Programme network to integrate the elimination of violence against women into their training and technical assistance programme.

The Group of 77 and China reaffirms the General Assembly resolution 52/86 of 12 December 1997, in which it adopted the "Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice." The Group is of the view that such strategies need to be evaluated and updated in order to respond to the current developments more adequately.

The Group of 77 and China welcomes the initiative of Thailand, in cooperation with the UNODC, to organize the side event featuring a panel discussion entitled "Responding to the Needs of Women in Prison" during this session of the Commission.

Thank you, Mr. Chairman.