



STATEMENT OF THE G77 AND CHINA AT THE EIGHTEENTH SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE, 16-24 APRIL 2009 DELIVERED BY H.E. EUGENIO MARIA CURIA, PERMANENT REPRESENTATIVE OF ARGENTINA

Mr. Chairperson,

I have the honor to speak on behalf of the Group of 77 and China. I would firstly like to express our congratulations to you and to the other members of the Bureau for your election. As in previous sessions of the Commission, this Group will contribute through its participation and constructive proposals towards a successful development of this meeting. Let me also extend our appreciation to the Secretariat for their preparation of this session, particularly valuable in the context of their effort in assisting the recently concluded 52nd session of the Commission of Narcotic Drugs.

The following is a general statement on the position of the Group regarding the different substantive issues that will be addressed in this meeting of the Commission, without prejudice to other interventions of the Group or of its Members individually on specific items of the agenda.

Mr. Chairperson,

The Group of G77 and China appreciates that the two thematic debates being held in the context of the present session of the CCPCJ address matters that are both specific and related to concrete and current problems faced by the international community - and, in particular, by developing countries - within the mandate of the Commission. We look forward to maintain this approach in the selection of future topics for the thematic debates of the CCPCJ.

The Group takes note with interest of the thematic discussion on economic fraud and identity-related crime, and expects that the debate on this issue will take into account the particular challenges that the use of new technologies inherent to this kind of crime poses to our Members. This, together with the specificity of these kind of crimes, make particularly important the role of cooperation at all levels, awareness-raising and technical assistance for their prevention.

The Group is also highly satisfied that all aspects of prison overcrowding, including legal assistance, is the subject of the thematic debate. In fact, the rapid growth of the prison population constitutes one of the most challenging problems faced by the criminal justice systems worldwide, in particular its adverse impact on human rights and the dignity of individuals, in particular women inmates, in detention facilities. The Group looks forward to a fruitful discussion on solutions to this problem through, inter-alia, alternatives to imprisonment and restorative justice, including training and reeducation of inmates, as important elements to facilitate their social reintegration.

The Group of 77 and China welcomes the new ratifications of the United Nations Convention against Transnational Organized Crime and its three Protocols, as well as of the United Nations Convention against Corruption, and stresses the importance of reinforcing the links with the work of the CCPCJ of the activities of those Conventions.

Mr. Chairperson,

The Group of 77 and China takes note of the recent publication of the Global Report on Trafficking in Persons. The Group stresses the importance of multilateral tools, in order objective and transparent vision on

the international situation of the trafficking in persons and the efforts of Member States in addressing this crime. In this respect, the G77 and China reaffirms the need to ensure that all practices and initiatives should be compatible with and contribute to a strong and effective multilateral system, while avoiding unilateral practices. Thus, the Group reiterates that only through legitimate multilateral bodies and structures a comprehensive, objective and transparent approach is attainable, in order to analyze and assess the world situation with regard to this, as well as to other crimes. Furthermore, the Group stresses the importance that all initiatives and practices should be undertaken within implementation of the existing relevant international instruments such as UNTOC and its protocols.

The G77 and China reiterates its concern about lack of serious attention being paid to the issue of Trafficking in Human Organs. The Group calls on Member States to take a firm position and adopt appropriate measures in the 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 of 77 and China reiterates its strong condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, and highlights the critical role of dialogue and international cooperation in an effective combat against it. The Group underscores once more the central role of the United Nations in the fight against terrorism and also strongly believes that measures taken to combat terrorism should also address the root causes of violence and 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.

In this context, the Group appreciates the work of UNODC in the provision of legal expertise and technical assistance, upon request, to Member States, with a view to assist them in the ratification and implementation of the relevant United Nations conventions and protocols. To this regard, the Group stresses the importance that UNODC and the international community strengthen regional cooperation in the field of crime prevention and counterterrorism. The Group also takes note with interest of the initiative to convene a special treaty event for the ratification of such conventions and protocols.

The Group of 77 and China looks forward to the 12th United Nations Congress on Crime Prevention and Criminal Justice, to be held in 2010, and would appreciate to receive detailed information on the status of preparations of the Congress. The Group reiterates its appreciation to the Government of Brazil for its effort in hosting the Congress, and considers of particular value the preparatory regional meetings for the purposes of the efficiency of the deliberations at that event, as well as the substantive preparation for the political outcome of the Congress.

Mr. Chairperson,

The G77 and China strongly regrets that UNODC has not convened the experts group meeting on Protection against trafficking in Cultural Property as requested by paragraph 3 of Resolution ECOSOC 2004/34 and reiterated in paragraph 3 of Resolution ECOSOC 2008/23, and reminds about the request in paragraph 10 of the latter resolution to report on this matter at the 19th session of the Commission. Taking into account the continued importance that States attach to protection and the preservation of cultural property from theft and trafficking, the G77 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 all crimes that infringe on the cultural heritage of peoples and facilitate the recovery and return of property forming part of such heritage.

Finally, but not less importantly, the G77 and China highlights once more the importance of an adequate financial and administrative support for the purposes of a full, efficient and effective implementation of the activities of the Office. The Group reiterates, to this regard, 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 would furthermore 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.

In this context, the Group takes note with satisfaction of the adoption by the 52nd CND of a specific resolution to address in a constructive and effective manner the issue of the governance and finance of UNODC, and looks forward to the approval of the resolution also by this Commission.

Thank you, Mr. Chairperson.

**G77 and China Statement delivered by the H.E. Ambassador Eugenio María Curia, PR of Argentina on item 6 Standard and Norms of the 18th session of the Crime Commission on Crime Prevention and Criminal Justice (CCPCJ), Vienna, 16th - 24th April 2009**

Mr. Chairman,

The Group of 77 and China attaches great importance to the United Nations Standards and Norms in Crime Prevention and Criminal Justice, including their review and update, as applicable, in order to respond adequately and effectively to changing nature of crime. The Group also recalls that the purposes of these Standards and Norms are the full respect for human rights and dignity, the reduction of crime, the implementation of the rule of law and the administration of justice.

The Group of 77 and China would like to recall that the Vienna and Bangkok Declarations recognized, inter alia, the need to develop action-oriented policy recommendations based on the special needs of women as prisoners and offenders as well as to review the adequacy of standards and norms in relation to prison management and prisoners.

The Group of 77 and China is concerned over the dramatic increase in female prisoner population worldwide over the last 10 years and the increased use of imprisonment to punish offences that could otherwise be punished by non-custodial sentences, or other similar alternatives. As such, the Group is of the view that a new set of international rules on women prisoners to supplement the 1955 United Nations Standard Minimum Rules for the Treatment of Prisoners deserves due consideration.

As regards the Standards and Norms on violence against women, 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 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 with appreciation of the convening of the Intergovernmental Expert Group to review and update the said Model Strategies and Practical Measures in Bangkok from 23 to 25 March 2009, in accordance with the Commission's decision 17/1 of 2008. The Group looks forward to the updated version of the Model Strategies and Practical Measures and further action to be taken at the 19th session of the Commission in 2010.

Recognizing the importance of maintaining momentum on this issue, the Group of 77 and China welcomes the initiative of Bolivia, Finland, Namibia, the Philippines and Thailand to co-organize a side event with a panel discussion on "Crime Prevention and Criminal Justice Responses to Violence against Women and Girls" during this session of the Commission. Thank you, Mr. Chairman.

**G77 and China Statement delivered by the H.E. Ambassador Eugenio María Curia, PR of Argentina on item 7 of the 18th session of the Crime Commission on Crime Prevention and Criminal Justice (CCPCJ), Vienna, 16th - 24th April 2009**

Mr. Chairman,

The Group of 77 and China has traditionally addressed the administrative and financial issues in UNODC as a whole. That is why the Group wishes to reiterate the following considerations made at the 52nd session of the CND, which deems also fully applicable to this Commission.

The Group reiterates that the continued over-reliance on extra-budgetary resources and in particular earmarked funding has led to highly fragmented, unpredictable and constrained funding patterns. In addition, it limits the UNODC ability to make strategic decisions and leads to donor priorities rather than multilateral mandates determining the actions of UNODC, which undermines country ownership. Therefore, the Group of 77 and China reiterates the importance of providing UNODC with sufficient, predictable and sustainable funding and determining technical assistance programs in accordance with national and regional priorities.

The Group would like to stress the fact that the assignment of mandates to UNODC, which are subject to the availability of extra-budgetary resources, has deterred UNODC to adequately implement the mandates given by the CCPCJ.

In this sense, the Group would like to reiterate its objection to the inclusion of phrases like "subject to extra-budgetary resources" and "within existing resources" in resolutions and decisions of the Commission. The use of these phrases impedes the budget proposals of the Secretary-General from reflecting the resource levels commensurate with UNODC's mandates and hinders their full, efficient and effective implementation. This practice violates, among others, General Assembly resolutions 41/213, 42/211 and 45/248 B; which clearly state that the "Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters". The CCPCJ should refrain from the inclusion of such phrases in its decisions and resolutions.

Although available information shows an increase in total funding, let us not be misled, this growth is only in Specific Purpose Funds, which are tightly earmarked to specific projects and leave little operating flexibility to respond to complex programmatic and management challenges.

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 the core activities.

The Group also reiterates that the CCPCJ must reassert its role as the governing body of UNODC in drug related issues, including budgetary matters relating to the UNCDP Fund.

The Group reiterates that the reality of UNODC as an integrated office with a unified medium term strategy is neither reflected in its budget and funding structure nor in its governance arrangements. In other words, its current fragmented budget and funding structure is costly and burdensome to administer.

The Group requests the Executive Director to pay due regard to the equitable geographical distribution in the recruitment of UNODC staff, particularly from developing countries in accordance with the provisions of the UN Charter.

The Group is confident that the standing working group on finance and governance we are about to establish at this session will substantially contribute to the solution of these matters. In this regard the Group conveys its readiness to actively contribute to the work of the aforementioned Working Group.

Finally, but not less importantly, the Group reiterates the importance of having available the reports requested in resolutions of the Commission.

Thank you, Mr. Chairman.