



STATEMENT OF THE G77 AND CHINA AT THE TWENTIETH SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE, 11-15 APRIL 2011 DELIVERED BY H.E. ALI ASHGAR SOLTANIEH, PERMANENT REPRESENTATIVE OF THE IR OF IRAN

Vienna, 11 April 2011

Mr. Chairman,

1. On behalf of the Group of G77 and China it gives me great pleasure to congratulate you as chair of the 20th session of the Commission on Crime Prevention and Criminal Justice as well as the other members of the bureau. The Group is confident of your ability to successfully conduct the activities of this Commission and I wish to assure you of its full support. The Group also expresses its appreciation for the efforts made by the Secretariat in preparing the current session.
2. The Group of 77 and China welcomes the Commission's adoption of the issue "protecting children in a digital age", as the prominent theme of the session. The Group looks forward to an in-depth dialogue on the topic and hopes that it will enhance cooperation with a view to preventing, prosecuting and punishing the misuse of technology in the abuse and exploitation of children.
3. The Group holds the view that the Commission has an important role to play in formulating crime prevention and criminal justice responses to particular challenges posed by a diverted use of new technologies inter-alia in child sexual abuse and exploitation.
4. The Group notes the mixed trends in crime and criminal justice, including emerging types of crime such as cyber-offences targeting children. Whether conventional or emerging, it is vital that the commission remain abreast of crime trends to better understand and develop effective prevention policies, cooperation, exchange of best practices, and responses to them based on the collection, analysis and dissemination of accurate information. The Group believes that the expertise within the open-ended Working Group on cybercrime established according to recommendation adopted by the 19th session of the Commission on Crime Prevention and Criminal Justice and by ECOSOC resolution 2010/18, could be relevant to explore this matter further.
5. The Group considers that Technical Assistance can play an important role in achieving sustainable and long-lasting results in the prevention, prosecution and punishment of crime, in particular by building, modernizing and strengthening the criminal justice systems and promoting the rule of law. In this regard, the Group recognizes the essential responsibility of the UNODC in delivering technical assistance to the requesting Member State in different areas of its mandate.
6. In the framework of the strategic and comprehensive approach to technical Assistance adopted by the United Nations Office on Drugs and Crime, the Group emphasizes that specific T.A. programs matching with targeted needs and priorities should thus be designed for all the components of criminal justice systems in an integrated way and with a long-term perspective.
7. Transnational organized crime remains one of today's most dangerous scourges that threatens the fabric of our societies and impedes the socio-economic progress of our people. The Group of G77 and China reiterates that transnational organized crime requires coordinated responses, as well as a greater understanding of its root causes.

8. In this context, the Group reaffirms the importance of the Palermo Convention and the Protocols thereto as the main tools available to the international community to fight transnational organized crime. The Group acknowledges the efforts made by States Parties in implementing the Convention and its additional Protocols, and encourages all States to continue and strengthen such efforts.

9. The Group takes note of resolution 5/5 taken by the Conference of the Parties to the UNTOC entitled: "Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto". The Group of G77 and China reiterates that any envisaged mechanism or mechanisms should be transparent, efficient, non-intrusive, inclusive, impartial and should not produce any form of ranking, aiming particularly to assist States parties in the effective implementation of the Convention and the Protocols thereto.

10. The Group believes that Maritime Piracy has also become a manifestation of organized crime that jeopardizes the safety of the international maritime navigation, where the phenomenon occurs, including in particular the safety and well being of seafarers and traditional fishing boats. The Group would like to reiterate the importance of countering this serious crime, particularly off the coast of Somalia, through coordinated international efforts with long lasting solutions in full conformity with international law, in particular the law of the sea and also taken into consideration its root causes. The Group of G77 and China further emphasizes the central role of UNODC, within its mandate, to enhance the capabilities of the most affected countries in the region in coordination with relevant international maritime organizations. In order to effectively counter this form of organized crime, the G77 urges Member States and other donors to contribute to these efforts.

11. The Group of G77 and China wishes to highlight its particular concern over the trafficking of cultural property and urges Member States to criminalize such acts, and promote mechanisms to strengthen cooperation and mutual assistance to fight all crimes that infringe on the cultural heritage of peoples and to facilitate the return of such heritage to the countries of origin. In this regard, The Group would like to remind ECOSOC Resolution 2010/19 on "Crime prevention and criminal justice responses to protect cultural property specially with regard to its trafficking" and resolution 5/7 "combating transnational organized crime against cultural property" adopted by the 5th session of the Conference of the parties of UNTOC and strongly urges UNODC to take necessary steps for implementation of those resolutions, inter alia, with regard to data collection, analysis and dissemination, and development of specific guidelines for crime prevention with respect to trafficking in cultural property. The Group looks forward to convening the open-ended intergovernmental working group mentioned in paragraph 2 of resolution 2010/9.

12. With respect to the United Nations Convention Against Corruption, the Group welcomes the progress made by the Implementation Review Group, especially its work on technical assistance and also welcomes the recommendations made by the open-ended intergovernmental working groups on preventive measures and asset recovery, both held in Vienna in December 2010, and looks forward for their implementation.

13. The Group underscores the important role played by the quinquennial Crime Congresses in galvanizing high-level political will and the commitment of Member States. Accordingly, they continue to remain one of the pillars of the leadership role of the United Nations in criminal matters at the international level.

14. The Group is of the view that these Congresses are ready for a process of renewal involving their organization, outcome and follow-up, so their potential could be optimized. Therefore, Member States are invited to explore ways and means of improving the efficiency of the process involved in those congresses as well as of ensuring operational follow-up to its recommendations in particular those requiring immediate action, taking into account inter alia the Methodological approach followed by the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice at its meeting held in Bangkok from 15 to 18 August 2006. The Group also underlines that conclusions and commitments made at the Congress including in its declaration deserve to be treated with the necessary action and appropriate follow-up.

15. The Group considers the treatment of prisoners as an important issue faced by criminal justice system worldwide which has impact on human rights and the individuals' dignity. The Group while recognizing the importance of United Nations standards and norms on the treatment of prisoners as a source of guidance in the development of national codes on penitentiary administration in accordance with national laws and regulations, stresses the need for reinforcing alternatives to imprisonment and supports adequate rehabilitation and reintegration programs.

16. The Group believes that it would be useful for the Commission to develop a work plan to review and, if necessary, update and supplement the United Nations Standards and norms in the field of crime prevention and criminal justice.

17. With a view to improving the governing role and functioning of the Commission and the effective and adequate implementation of its decisions, the Group recommends inter alia that a short and concise report on the implementation of resolutions by the Secretariat should be submitted to the regular sessions of the Commission for its consideration as appropriate through the FinGov working group.

18. The Group acknowledges the ongoing efforts made by the United Nations Office on Drugs and Crime to develop an integrated program approach comprising thematic and regional programs, and attaches high importance to ownership of Member States to those programs.

19. The Group of 77 and China would like to recall the important decision taken by this Commission in its 18th session establishing the standing open-ended intergovernmental Working Group on improving the governance and financial situation of the UNODC and stresses the positive role played by the Working Group under the leadership of the Co-Chairs H.E. Ms. Norma Goicochea Estenoz (Cuba) and Mr. Ignacio Baylina Ruíz (Spain) for the last two years.

20. The Group, persistently concerned about the financial situation of UNODC and the gaps in its governance, looks forward to a decision by this Commission for the extension of the mandate of the Working Group to address the following two inter-related issues of increasing concern:

- a- the need to enhance and make more efficient governance of UNODC and its activities, with particular attention to the principle of ownership by Member States;
- b- The lack of sufficient and adequate funding and heavy reliance on extra budgetary resources to finance activities of UNODC, taking into account the high priority given to the mandate of the Office by UN General Assembly.

Mr. Chairman,

21. The Group emphasizes the importance of updated information and relevant data on trends and patterns provided by Member States as a basis for comprehensive, objective and transparent assessment, in order to assist in the implementation of the Convention and its Protocols. In this regard, the Group calls upon all Member States to avoid unilateral actions that might impede any common understanding of these trends and weaken Member States' ownership in the multilateral framework.

22. In this context, the Group requests UNODC to further strengthen the collection, analysis and reporting of accurate, reliable and comparable data on world crime trends and patterns, and also to continue to provide technical assistance, upon request, to Member States in order to enhance such capacity, with a view to enhance knowledge on world crime trends and patterns.

23. The Group also requests the Office to conduct studies within its mandate, on priority issues identified by Member States. The Group would expect as well that the launching of such studies is preceded by consultations with Member States.

24. In this regard, the Group welcomes the approach by UNODC's Executive Director, Mr. Yuri Fedotov, in particular as regard working closely with our two governing bodies (the CND and the CCPCJ), the Treaty-based Organizations and the regional Groups, and kindly expresses its support to carry out that objective.

25. Finally the Group of 77 and China stresses that to successfully combat all forms of transnational organized crime, an effective international cooperation is necessary based on full respect for international law, the principles of the UN Charter and the sovereignty of Member States.

Thank you, Mr Chairman.

### **Agenda item 3: Strategic management, budgetary and administrative questions: (a) Work of the WG on improving the governance and financial situation of UNODC**

Mr. Chairman,

#### **Introduction**

1. I have the honour to address you on behalf of the Group of 77 and China under this agenda item, the importance of which is duly reflected by resumed 19th CCPCJ decision to move it to a more prominent position on our agenda. Regarding the policy directives and governing role to UNODC's criminal justice programme by this Commission, the standing open-ended intergovernmental Working Group on Improving the Governance and Financial Situation of UNODC (FinGov) plays an indispensably complementing role to the governing bodies since its establishment two years ago. For this, the Group deeply appreciates the leadership of the Co-Chairs H.E. Ms. Norma Goicochea Estenoz of Cuba and Mr. Ignacio Baylina Ruíz of Spain.

#### **FINGOV's Contribution**

2. The FinGov's positive role as a formal body in the past two years is recognized widely in that it constitutes an appropriate forum for a fruitful dialogue on UNODC's programme development and implementation in a consultation and reviewing process, strengthening the trust and deepening the understanding between Member States and the Secretariat and between Member States themselves.

#### **Mandate Renewal**

3. While finding it desirable to solidify the FinGov's status as a permanent body at appropriate time, the Group would like to join the consensus to renew its mandate for a new two year period, as now envisaged in a Co-Chairs' draft ECOSOC decision. The Group also believes that, this limited renewal presents a good opportunity two years later to take stock of the achievements made and plan out future directions and priorities of its work and working method.

#### **Governance**

4. The Group emphasizes the importance of continued consultation with member states, including through FinGov, when UNODC, within its mandate, develops and implements the thematic and regional programmes in an integrated programme approach, for the delivery to Member States of technical assistance, aiming at more efficient governance of UNODC and its activities, adhering to the principle of ownership by Member States.

#### **Finance**

5. Facing an increasingly complex mandates, UNODC needs the unabated support from Member States as well as the donor community. To achieve the goal of a predictable and adequate funding, while encouraging further voluntary contributions to UNODC's mandated job, the Group is not tired of reiterating that UNODC's core activities should be funded from regular budget, complemented by more soft earmarked voluntary contributions, rather than an unstable heavy reliance on extra-budgetary resources.

### **Good Intention**

6. Madame Chairperson, the Group, as always, remains convinced that a healthy and open-minded examination of UNODC's finance and governance situation, including thru FinGov, is conducive to confidence-building among Member States and will contribute to a sustainable funding for UNODC's much needed programmes, rather than to complicate or encumber the programme development and implementation process.

### **Further Expectation**

7. The Group is in gratitude for the solid recommendations proposed by Sweden in a draft resolution, and regrets the FinGov informal sessions did not reach a consensus based on that. However, the Group looks forward to a constructive approach from all delegations in the forthcoming negotiations of the above two related drafts in the Committee of the Whole, without introducing any drastic or substantial amendments to such a delicate and hard-won balance as in that two drafts.

### **Conclusion**

8. Finally, Madame Chairperson, the Group wishes FinGov sets its eyes on new horizon, advising further substantive and concrete recommendations to governing bodies, to effectively improve the governance and financial situation of UNODC.

Thank you, Mr. Chairman.