

**United Nations
Crime Prevention And Criminal Justice Programme Network
(PNI)**

**Compilation
of reports on workshops and ancillary
meetings**

*Eleventh UN Congress on Crime Prevention and
Criminal Justice*

Bangkok, Thailand 18-25 April 2005

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INTRODUCTION

Workshops at the UN Crime Congresses

Practically oriented workshops have been on the agenda of the UN crime congresses for twenty years. For the first time, a full-fledged research workshop was held within the framework of the Milan Congress in 1985. This underlined the growing importance being given by the international community to the central role of research and the exchange of information and experience in the field of crime prevention and criminal justice.

Over the years, the input of *the Institutes comprising the UN Crime prevention and Criminal justice Programme Network (PNI)* has grown in significance in preparing the UN Quinquennial Crime Congresses. Members of the PNI have individually or together contributed to the organization of several workshops, as well as to the regional preparatory meetings. In all eighteen different workshops have been convened during the last five Congresses. The subjects of the workshops have, in line with substantive agenda of the congresses, focused on specific problems thus deepening the discussions allowing various experts not only to participate in the proceedings but also to making contacts with colleagues from all over the world. This has been regarded as one major advantage of the workshops. Also, those who were unable to participate in the workshops have been able to benefit from them, as the institutes have often published their proceedings. -Preparations for the XI Congress in 2005 followed the same pattern: the planning of the substantive workshops was done in full cooperation with, and coordination by the Commission on Crime Prevention and Criminal Justice, the UN Secretariat and Member states.

The Programme Network has also started, on a standing basis, to cooperate in the organization of practical workshops and events in support of the work of the Commission on Crime Prevention and Criminal Justice during its annual sessions. These activities are in fulfilment of the mandates given to the Institutes by the Commission to provide technical assistance to Member States on relevant issues of the Programme. The topics of these workshops are related to the thematic debate of the Commission. Accordingly, the areas previously covered have dealt with prison issues, criminal justice reform, trafficking in human beings and the promotion of the rule of law.

The Congress workshops:

7th Congress in 1985 in Milan

- Research workshop on “Perspectives in action-oriented research: Youth, crime and juvenile justice” (UNICRI and HEUNI).

8th Congress in 1990 in Havana

- Research workshop on “Alternatives to Imprisonment” (UNICRI and HEUNI)
- Demonstration workshop “Computerization of Criminal Justice Administration” (HEUNI).

9th Congress in 1995 in Cairo:

- Extradition and international cooperation: exchange of national experience and implementation of relevant principles in national legislation (CPCJB)
- Mass media and crime prevention (AIC, ASSTC, ICCLR&CJP, ICPC)
- Urban policy and crime prevention (ICPC, ASSTC)
- Prevention of violent crime (ICPC, AIC, ICCLR&CJP)
- Environmental protection at the national and international levels: potentials and limits of criminal justice (UNICRI, HEUNI, ILANUD, UNAFEI, AIC ICCLR&CJP)
- International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operation and the development, analysis and policy use of criminal justice information (CPCJB, HEUNI, UNICRI and UNAFEI).

10th Congress in 2000 in Vienna:

- Combating corruption (UNICRI)
- Women in the criminal justice system (HEUNI)

- Community involvement in crime prevention (ICPC)
- Crimes related to the computer network (UNAFEI).

11th Congress in 2005 in Bangkok:

- Enhancing International Law Enforcement Cooperation, including Extradition Measures (HEUNI)
- Enhancing Criminal Justice Reform, including Restorative Justice (ICCLR&CJP)
- Strategies and Best Practices for Crime Prevention, in particular in relation to Urban Crime and Youth at Risk (ICPC)
- Measures to Combat Terrorism, with reference to the Relevant International Conventions and Protocols (ISISC)
- Measures to Combat Economic Crime, including Money Laundering (UNAFEI)
- Measures to Combat Computer-related Crime (KIC).

I. ABOUT THE INSTITUTES

In recognition of the importance of regional and interregional cooperation, and in response to various legislative mandates, a network of institutes was established by the Secretariat of the United Nations, in cooperation with the Member states. It has been developed to assist the international community in strengthening international cooperation in the crucial area of crime prevention and criminal justice in the global, regional and subregional levels. The components of the network provide a variety of services, including exchange of information, research, training and specialized education. Since the creation of the the oldest institute in 1962 in Tokyo, Japan, this United Nations Crime Prevention and Criminal Justice Programme Network (PNI) has grown in number and presently consists of the United Nations Office on Drugs and Crime and fifteen interregional and regional institutes around the world, as well as specialized centres. A number of criteria have been developed and approved by the ECOSOC to create and affiliate new institutes to the network.

In their everyday activities, the individual institutes serve their respective geographical regions as well as the United Nations Secretariat by providing information, organizing training, carrying out research or in other ways building bridges between different countries and socio-economic systems.

Each institute has a specific character of its own: some are regional or subregional, some again are global, some concentrate on specific issues, while some render services covering the whole range of the criminal justice area. Some institutes mainly carry out research, while some other sister institutes concentrate on training or organizing expert conferences, and some have extensive technical assistance activities. The institutes facilitate the exchange of information about, for instance, the application of standards and norms, national legislation and programmes. They also undertake regional, subregional and cross-national research including surveys comparing data, reports on what has worked and what lessons have been learnt, as well as international surveys related to crime. Most institutes have a publication series and all have their own home page in the Internet.

II. THE PNI IN SHORT

UNODC - Vienna, Austria

United Nations Office on Drugs and Crime

The United Nations Office on Drugs and Crime (UNODC) is the United Nations Secretariat responsible for crime prevention, criminal justice and criminal law reform, as well as drug abuse control. Its programme of work, as approved by the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice, focuses on combating transnational organised crime, corruption, illicit trafficking in human beings and the prevention of terrorism.

The UNODC assists States in the elaboration, ratification and implementation of international legal instruments, such as United Nations Convention against Transnational Organized Crime (2002) and the Convention against Corruption (2003). It also fosters international recognition

of the principles, standards and norms in such areas as independence of the judiciary, protection of victims, juvenile justice, alternatives to imprisonment, treatment of prisoners, law enforcement officers, use of force, mutual legal assistance, extradition and other matters pertaining to international cooperation in criminal justice and crime prevention. UNODC promotes the fundamental principles of maintenance of the rule of law through national, regional and interregional activities. The Office's technical co-operation programme pays particular attention to developing countries, and countries in transition.

UNODC also promotes research and studies of new and emerging forms of crime in co-operation with the United Nations Interregional Crime and Justice Research Institute (UNICRI). UNODC also maintains a website, which includes the Internet-based United Nations Crime and Justice Information Network (UNCJIN), a substantial database with www links to other criminal justice and drug control related sites.

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UNICRI - Turin, Italy

United Nations Interregional Crime and Justice Research Institute

UNICRI - established as UNSDRI in 1968 by ECOSOC resolution 1086 B (XXXIX)- is a United Nations entity mandated to contribute, through research, training, field activities and the collection, exchange and dissemination of information, to the formulation and implementation of improved policies in the field of crime prevention and control, due regard being paid to their integration within broader policies for socio-economic change and development, and to the protection of human rights.

UNICRI's work programme reflects the priorities indicated by the United Nations Commission on Crime Prevention and Criminal Justice. The Institute assists intergovernmental organizations, governmental institutions and nongovernmental organizations in their efforts in these regards and carries out projects at international, regional and national levels.

Recent UNICRI activities focus on prevention and control of organized crime (particularly trafficking in persons), prevention of terrorism and institutional building through the reform of criminal justice, including juvenile justice.

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UNAFEI - Tokyo, Japan

United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders

UNAFEI focuses on technical cooperation including training and research to promote the sound development of criminal justice systems not only in Asia and the Pacific region but also in other parts of the world. The Institute addresses urgent, contemporary problems in the administration of criminal justice, paying the utmost attention to the trends and activities of the United Nations, and the needs of the countries concerned.

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ILANUD - San José, Costa Rica

United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders

ILANUD was established on June 11th, 1975, in compliance with Resolutions 731-F (XXVII) and 1584 (L) of the Economic and Social Council, ratified by the Congress of the Republic of Costa Rica by law No 6135 of December 7th, 1977. This agreement is supplemented by bilateral co-operation agreements with the countries of the region

As stated in its foundational charter, the main objective of the Institute is to collaborate with the governments in the balanced economic and social development of the Latin American and Caribbean countries through the formulation and incorporation into national development plans of adequate policies in the field of crime prevention and criminal justice. The services include research, training and technical assistance in designing and implementing programs and projects in the field of crime prevention and criminal justice.

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HEUNI - Helsinki, Finland

European Institute for Crime Prevention and Control, affiliated with the United Nations

HEUNI, the regional institute for Europe, was established through an Agreement between the United Nations and the Government of Finland, signed on 23 December 1981.

The primary objective of HEUNI is to promote the international exchange of information on crime prevention and control among European countries. Its main activities are the organization of meetings, the conduct of research and the provision of technical assistance to Governments on request. The topics recently covered by HEUNI include such as reporting on the United Nations Surveys on Crime Trends and Operations of Criminal Justice Systems, cross border crime, trafficking in persons, violence against women and prisons issues.

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UNAFRI - Kampala, Uganda

United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

UNAFRI is an inter-governmental organization for promoting the active cooperation and collaboration of governments, academic institutions as well as scientific, professional non-governmental organizations, and experts in crime prevention and criminal justice. It is mandated by member States in the African region to assist to mobilize human, material and administrative potential and deploying their efforts for harmonious growth, intended to enhance self-reliance and sustained development, and strengthening their capacity to prevent and control crime. It undertakes research for policy development, training and human resource development, programmes for gathering and dissemination of information and documentation and advisory services to governments in the field of crime prevention and criminal justice.

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NAUSS - Riyadh, Kingdom of Saudi Arabia
Naif Arab University for Security Sciences

NAUSS, an intergovernmental organization operating under the aegis of the Council of Arab Ministers of Interior, carries out various interdisciplinary and cross-sectoral activities to serve the needs of Arab States. The main institutions comprising NAUSS are College of Graduate Studies, Training College, College of Forensic Sciences, College of Languages, Studies and Research Centre and Computer and Information Centre. All Arab countries are members of NAUSS. NAUSS prepares an annual work programme. It comprises a digest list of all academic activities which NAUSS implements through the year. It pays special attention to the objectives associated with crime prevention programme and its dimensions. It also considers the future needs of the Arab security personnel.

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AIC - Canberra, Australia
Australian Institute of Criminology

The AIC, an Australian government agency, is the national centre for the analysis and dissemination of criminological data and information. It aims to be responsive to the needs of the government and the community with respect to policy issues in the fields of justice and the prevention and control of crime, and provides authoritative information on a national level in these fields. Policy relevant research is undertaken at the AIC within four main program areas:

- Crime monitoring, including violent, property and drug related crime. Major projects include drug use monitoring; national homicide, firearms and armed robbery monitoring; bushfire related arson; and analysis of national/international crime surveys;
- Crime reduction and review, focusing on innovative approaches to local crime prevention, the criminal justice response to drug related crime, evaluation and capacity building;
- Global, economic and electronic crime, analysing the causes, prevention and control of fraud, cybercrime, hi-tech crime and the identification of emerging criminal threats and response strategies; and
- Justice and crime analysis, providing information on juvenile crime, community corrections and prisoners and violence against women. Major projects include the national deaths in custody monitoring program and drug use careers of offenders.

The AIC disseminates its research through conferences, roundtables, its website and its various publications.

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ICCLR&CJP - Vancouver, Canada
International Centre for Criminal Law Reform and Criminal Justice Policy

The International Centre was established in Vancouver, British Columbia, Canada in 1991 as one of two interregional institutes in the United Nations Crime Prevention and Criminal Justice Programme. The *Centre's* mission is to promote the rule of law, human rights, democracy and good governance. It fulfills its purpose by contributing to local, national and international efforts to support law reform initiatives and to improve the administration of criminal justice. The International Centre conducts research and policy analysis, undertakes the development and delivery of technical assistance programs and provides public information, consultation and education relating to the international field of criminal law, criminal justice policy and crime prevention issues.

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ISISC - Siracusa, Italy
International Institute of Higher Studies in Criminal Sciences

ISISC is a non-governmental organization in consultative status with ECOSOC and the Council of Europe. A Public Foundation established in 1972 and recognized by Decree of the President of the Republic of Italy, ISISC is a scientific institution devoted to higher education, studies, research, training and technical assistance in matters pertaining to international and comparative criminal law, international humanitarian law and security issues.

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NIJ - Washington D.C., USA
National Institute of Justice

NIJ is the research, development, and evaluation agency of the U.S. Department of Justice. The Institute's mission includes developing knowledge that will reduce crime, enhance public safety and improve the administration of justice. NIJ sponsors basic/applied research, evaluations, and pilot program demonstrations. NIJ also develops new technologies and disseminates criminal justice information.

The International Center at the National Institute of Justice has a fourfold mission: to stimulate, facilitate, evaluate, and disseminate both national and international criminal justice research and information.

The International Center focuses on eight manifestations of transnational crime: terrorism, organized crime, human trafficking, corruption, intellectual property theft, policing & local impacts of transnational crime, international cooperation, and fostering transnational crime research.

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Raoul Wallenberg Institute of Human Rights and Humanitarian Law
Lund, Sweden

The Raoul Wallenberg Institute is an academic institution established in order to promote research, training and academic education in the field of international human rights law and related areas. In addition to the facilitation of two master's programmes at Lund University and

a publications programme, the Raoul Wallenberg Institute co-operates with public institutions as well as academic institutions and non-governmental organizations in several countries on different continents for the promotion of human rights and good governance, through capacity building programmes.

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ISPAC • Milan, Italy

International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme

The tasks of ISPAC are to help channel professional and scientific input and provide a capacity for the transfer of knowledge and the exchange of information in crime prevention and criminal justice to the United Nations, thus assisting them with access to the services and expertise of its constituent organizations, including technical assistance, training and research. This is mainly carried out through the convening of annual conferences devoted to topical subjects as agreed upon by the ISPAC Board in consultation with the UN Secretariat. ISPAC places special emphasis on enhancing the contributions of scientific institutions and non-governmental organizations from developing countries. ISPAC also serves as the body for the coordination of NGO activities and ancillary meetings at the United Nations Crime Congresses. On its Web site, ISPAC provides detailed information on the work of the United Nations and other international organizations in the field of criminal justice, links to other institutes and sources of information with a database of relevant organizations and their publications, a detailed calendar of international criminal justice activities. ISPAC also hosts a specialized forum for those working in the area of international criminal justice.

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ICPC - Montreal, Canada

International Centre for the Prevention of Crime

ICPC is an international forum for national governments, local authorities, public agencies, specialised institutions, and non-government organisations to exchange experience, consider emerging knowledge, and improve policies and programmes in crime prevention and community safety. It assists cities and countries to reduce delinquency, violent crime and insecurity. It helps put knowledge into action by:

- Making the knowledge base for strategic crime prevention and community safety better known and more accessible worldwide.
- Encouraging the use of good practices and tools to produce community safety.
- Fostering exchanges between countries and cities, criminal justice institutions and community-based organizations.
- Providing technical assistance and networking.

ICPC considers human security as an essential public good, and believes that integrated prevention policy and action is a key tool for safe communities. It promotes the use of research based knowledge to advance policy and action, and fosters international dialogue and exchange, respectful of differences between the diverse regions of the world, as a major tool for positive change.

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KIC – Seoul, Korea
Korean Institute of Criminology

The Korean Institute of Criminology (K.I.C) was established in 1989, as a governmental research agency for the Ministry of Justice. Since the year of 1999, KIC has been working for the Prime Minister Office in the field of crime & criminal justice. In response to rapidly changing criminal environments, KIC conducts comprehensive and interdisciplinary researches on the issues of crime trends, juvenile crimes, correction, criminal laws, criminal justice system, and drugs and organized crimes. With over 30 researchers in law, sociology, psychology and criminology, KIC publishes more than 50 research reports every year, through which it contributes to the establishment and evaluation of criminal justice policies for the Korean government. KIC also publishes the quarterly journal *Korean criminal Review* that is a major journal on criminal & criminal law in Korea.

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ISS – Pretoria, South Africa
Institute for Security Studies

The Institute for Security Studies (ISS) was originally established as the Institute for Defence Policy in 1991 and has offices in Pretoria and Cape Town and Malawi. The ISS is a regional research institute operating across sub-Saharan Africa, staffed by more than sixty full-time employees representing a broad political spectrum from half a dozen African countries.

In recent years the Institute has become more regionally focused, acting in support of the Southern African Development Community (SADC), Intergovernmental Authority on Development (IGAD), Economic Community of Central African States (ECCAS) and the African Union (AU), and co-operating with a number of governments, institutes and organisations in the region such as the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO). ISS research teams travel extensively within the continent, conducting seminars and hosting training sessions. As well as larger conferences, the Institute runs a series of free monthly seminars. These sessions provide the opportunity for informed discussion around a single topical subject.

Towards the end of 1996 the mission of the Institute expanded to reflect a concern with the enhancement of human security in Africa, achieved through applied research and the dissemination of information relating to individual, national, regional and international security. The Institute is committed to core values of democracy, good governance and the promotion of common security. By advocating an approach based on common security the Institute aims to encourage countries, particularly African countries, to shape their political and security policies in co-operation with one another.

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Report of Workshop 1

The Enhancement of International Law Enforcement Cooperation, including Extradition Measures

Organised by HEUNI

INTERNATIONAL LAW ENFORCEMENT COOPERATION: PAST EXPERIENCE, PRESENT PRACTICES, AND FUTURE DIRECTIONS

Eleven presenters from five continents presented their experiences, current practices, and recommendations for international law enforcement cooperation, including extradition, at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice in Bangkok, Thailand.¹ The presentations were supported by a background paper for the workshop and a number of interventions from the floor from participating Member States of the United Nations. This document organizes these multiple perspectives and experiences in order to summarize their content and point to useful directions for the future.

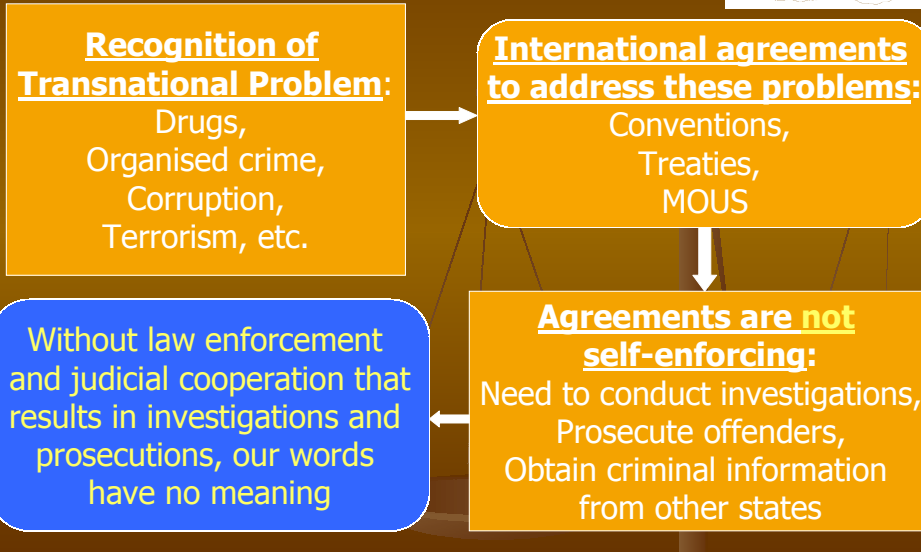
TOPICS AND THEIR IMPORTANCE

Many methods of international cooperation were discussed, including information exchange, memoranda of understanding, mutual legal assistance, and extradition, transfer of proceedings and disposition of the proceeds of crime. Each of these criminal justice procedures has grown in importance, corresponding to the development of new democracies, growth of international travel, communication, migration, and technology. Criminals have been shown to exploit these global changes to pursue illegal ends. The workshop's keynote speaker, Kunihiro Horiuchi, Director and Secretary-General of the Asia Crime Prevention Foundation, noted that criminals have historically ignored international borders both in committing crimes and in fleeing from authorities. Exploitation of new sources of human victims and illegal property often result in evidence, profits, witnesses, and victims located in different countries, portending a growing problem that will require greater international cooperation in order to respond effectively.

Figure 1 illustrates the connections among transnational crime, international agreements, and the need for cooperative efforts in their enforcement. Over the years, Member States of the United Nations have recognized the growth of transnational crime problems, especially involving drugs, organized crime, corruption, and terrorism. Mutual concern and discussion has resulted in a number of formal international agreements, including conventions, treaties, memoranda of understanding, mutual legal assistance and related efforts. It is clear, however, that these agreements are not self-enforcing. Without law enforcement and judicial cooperation that results in investigation, prosecutions, and crime prevention, international agreements lack meaning in practice. Therefore, it is the implementation of the agreements that is the real measure of success of international cooperation. The representative of the United States indicated that criminals operating transnationally can only be controlled when there are no safe havens. Bilateral and multilateral agreements must be ratified and translated into effective cooperation in order to control transnational crime.

Figure 1

Following through on commitment against crime & the pursuit of justice



SUCCESSSES IDENTIFIED

The participants identified many successes in the effort toward international law enforcement cooperation. Four major areas of success were highlighted:

- Formal versus informal agreements
- Multilateral versus bilateral agreements
- Ongoing face-to-face meetings, training and technical assistance
- Using economic and development associations as a platform for crime-related agreements

These successes are summarized in Figure 2.

Figure 2

Many successes identified

- Many countries have entered into bi-lateral and regional cooperation agreements—superior to informal agreements.
- Negotiating these agreements deepen each country's understanding of the other's legal practices.
- Economic associations can be used as an effective platform for crime-related agreements (ex: EU, ASEAN, SADC, MERCOSUL)
- Ongoing face-to-face meetings, training and technical assistance breeds trust and cooperation among individuals, agencies, and governments.




3

Successful prosecutions involving two or more States require information sharing, appropriate legal framework, and resources to act on these. Formal agreements were found to be superior to informal arrangements because they offer consistency over time, and make obligations and responsibilities clear to all parties. Many countries offered interventions pointing to their successful efforts to negotiate formal agreements within their various regions in the areas of mutual legal assistance and extradition. Negotiating these agreements can also deepen each country's understanding and appreciation of the other's legal practices.² Agreements must be kept updated to keep pace with changes in law and legal procedures in all parties to the agreement, a process facilitated by the understandings promoted during the negotiation process.³

Most extradition agreements to date have been bilateral nature. This can be a limitation in cases involving three or more States. Increasingly, there have been multilateral conventions, often under auspices of the United Nations.⁴ Multilateral conventions are superior in that they offer common definitions of offenses and procedures for States that often have different legal traditions and procedures.⁵ The recent development of a draft model law on extradition should speed the development of national legislation around the world.⁶ Interventions by China, Egypt, and Indonesia also saw a need to strengthen cooperation in the area of recovery of proceeds from crime, which would both be a cause and a result of increased international law enforcement cooperation.

Once agreements are in place, ongoing face-to-face meetings, training and technical assistance among States breeds trust and cooperation among individuals, agencies, and governments. Numerous examples offered by UNAFEI, Australia, the United States, and other participants demonstrated practical, ongoing efforts to enhance training and provide technical assistance. These examples include Australia's Joint People Smuggling Investigation Team with the Royal Thai Police, Interpol's DNA database which recorded its first "hits" linking a DNA profile to known suspects in other countries, and the International Law Enforcement Academies, sponsored by the U.S. State Department on three continents.⁷

Differences in legal systems, law enforcement, and judicial practice can be a barrier to law enforcement cooperation, but good results have been achieved using economic and development associations as a platform for crime-related agreements (ex: EU, ASEAN, SADC, MERCOSUL). MERCOSUL, an association of seven countries in South America since 1991, provides mutual assistance to promote political and economic cooperation. Workshop speaker Edmundo Oliveira (Brazil) made specific recommendations for how MERCOSUL's scope should be expanded to include cooperation on problems of organized crime and corruption shared by participating nations.⁸ Existing relationships are used to address crime issues that affect economic development. The Australian Institute of Criminology presentation noted that "effective law enforcement also requires the solution of long-term, often endemic, economic, social, and governance issues. Only by addressing such issues will consolidation of the initial law enforcement efforts be realized."⁹

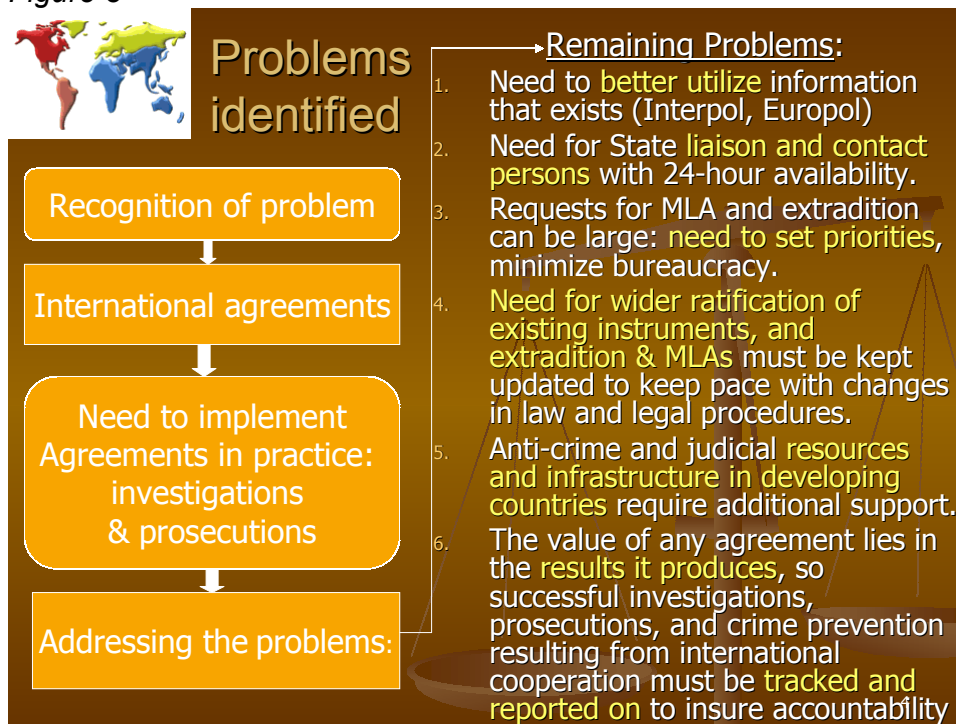
AREAS REQUIRING IMPROVEMENT

The workshop participants also reported on matters of international law enforcement cooperation that require improvement. Six major needed improvements included:

- Need to better utilize available information and databases.
- Methods to make the extradition process more efficient.
- Support to developing countries needed to improve their capacity for law enforcement cooperation.
- Tracking and reporting instances of international cooperation is essential to measure progress.
- Wider ratification of existing instruments is required to facilitate the pace of international law enforcement cooperation.

The areas that require attention are summarized in Figure 3.

Figure 3



In some cases multinational cooperation exists that has resulted in databases and analysis capacity (e.g., Interpol, Europol). For example, Interpol offers a global police communications system, several comprehensive databases, and operational support to all of its 182 members. As their workshop presentation indicated, “the Organization’s (Interpol’s) databases are today under-used by the international community.”¹⁰ There is a clear need to better utilize information that exists. State liaisons and contact persons in each country with 24-hour availability is one mechanism to maximize usage of existing resources by increasing the number of timely information exchanges.

Requests for MLA and extradition can be large. Delays can occur. For example, representatives from Algeria and Turkey noted that arrest warrants issued from their countries often not are acted upon by recipient countries in timely fashion.¹¹ Bureaucratic procedures should be minimized to the extent possible, and law enforcement and crime priorities need to be set. So that countries receiving large numbers of requests can respond in predictable ways. New software developed by UNODC for drafting extradition requests in uniform fashion should also help in standardizing requests, thereby making responses easier.¹²

Anti-crime and judicial resources and infrastructure in developing countries requires additional support in order to support requests for assistance. Developing nations are often called upon in the pursuit of crime suspects and criminal evidence. Additional infrastructure support, training, and technical assistance are required in order to make cooperation possible and timely.¹³ Several examples were reported at the workshop of concrete financial and training assistance to build counter-terrorism, forensic, and intelligence sharing capacity, especially in the Asia-Pacific region.¹⁴ The importance of these efforts cannot be understated, “A key challenge in the short to medium term is the capacity of law and order institutions to maintain their impartiality and effectiveness, particularly during periods of crisis and unrest. Over the longer term, strong police, legal and judicial systems in large part determine the capacity of countries to combat corruption, achieve growth, and attract foreign investment.”¹⁵

The ultimate value of any agreement lies in the results it produces. Successful investigations, prosecutions, and crime prevention that results from international cooperation should be tracked and reported on to insure accountability.

Joint investigation units may become more common in the future as it is likely that more crimes will be investigated simultaneously in multiple countries as they involve the illegal manufacture and transport of persons and goods by criminal networks.¹⁶ Joint investigations have occurred thus far on an ad hoc basis, but memoranda of understanding between law enforcement agencies can facilitate interagency communication and investigations on an ongoing basis. Several successful multinational investigations were reported among African nations, and also between Australia and other nations in that region. These investigations involved stolen motor vehicles, drugs, and stolen firearms.¹⁷

Wider ratification of existing instruments is needed, as are measures toward their implementation. There is also potential for more global application of existing regional measures (e.g., European arrest warrant), if differences in legal systems can be overcome and standardization achieved. It should be kept in mind, however, that too many global instruments might become burdensome or difficult to implement. Therefore, an approach to working agreements based on mutual interest by type of crime, or by region, appears to be the best approach.

SUMMARY

Workshop 1 at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, *The Enhancement of International Law Enforcement Cooperation including Extradition Measures*, pointed to the strengths and weaknesses of existing infrastructure, agreements, and activities among nations in the prevention of transnational crime and pursuit of justice on an international level. The negotiation of binding international Conventions in recent years, and many successful bilateral and multilateral agreements on extradition and related law enforcement matters, have shown us what is possible through patient and committed mutual support in confronting transnational crime.

Successes included the global trend toward formal versus informal cooperation agreements, and more multilateral versus bilateral agreements, which encourage wider participation in cooperation efforts (thereby shrinking the number of places for criminals and their assets to hide). Ongoing face-to-face meetings for training and technical assistance were shown to be a most valuable way to promote trust and post-training cooperation after the negotiation of agreements. The use of economic and development associations as a platform for crime-related agreements has been demonstrated to be an effective way to address shared crime-related issues in Europe, South America, and Asia.

Areas found to be in need of improvement included the need to better utilize available information and databases, development of procedures to make the extradition process more efficient, and greater support to developing countries to improve their capacity for law enforcement cooperation. Tracking and reporting instances of international cooperation is essential to measure progress. The documentation by the Australian Institute of Criminology and UNAFEI (United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders) provide examples of ways to track changes in law, training efforts, and impacts in practice.¹⁸ As a representative from Ukraine stated during the interactive discussion, the effective fight against transnational organized crime is only possible with international cooperation among law enforcement agencies.¹⁹ Similar comments were made by representatives from Thailand, Finland, France, Sweden, China, Philippines, and the United States. Wider ratification of existing instruments, such as the United Nations Convention Against Transnational Organized Crime and the Convention Against Corruption, is needed to facilitate the pace of international law enforcement training, technical assistance, and cooperation in investigations.

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Report of Workshop 2

Enhancing Criminal Justice Reform, including Restorative Justice

Organised by ICCLR and CJP

1. At its 8th and 9th meetings, on 22 April 2005, Committee I held a workshop on Enhancing Criminal Justice Reform, including Restorative Justice, organized in cooperation with by the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR). The Committee had before it the following documentation:

- (a) Background paper on Workshop 2: Enhancing Criminal Justice Reform, including Restorative Justice (A/CONF.203/10)
- (b) Discussion guide (A/CONF.203/PM.1)
- (c) Reports of the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr. 1 and A/CONF.203/RPM.4/1).

PROCEEDINGS

2. The workshop consisted of four panels, during which 15 panel presentations were made. During the 8th meeting of the Committee, a representative of the Secretariat introduced the workshop. The Associate Deputy Minister of Canada addressed the Workshop. Two panels consisting of three sub-themes were held. The first panel explored examples of integrated comprehensive, system-wide criminal justice reforms. The second panel discussed collaboration and cooperation focusing on regional and international initiatives.

3. During the 9th meeting, the workshop continued with the presentation of the two remaining panels. The third panel gave an overview of restorative justice worldwide and examples of three case studies of restorative justice programmes. The fourth panel dealt with youth justice and vulnerable groups. A number of panellists made concluding remarks.

4. During the 8th meeting of the Committee statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland, Finland, Algeria, Senegal, Pakistan, Morocco and Turkey. During the 9th meeting of the Committee statements were made by the representatives of Benin, Malawi, Oman, Egypt, France, Samoa and the United Arab Emirates and by the observers for the International Centre for Criminal Law Reform and Criminal Justice Policy, the International Bureau for Children's Rights, Defence for Children International and the World Society of Victimology.

GENERAL DISCUSSION

5. In his introductory statement, the representative of the Secretariat noted that the workshop was part of the important United Nations focus on achieving effectiveness and equity in the reform of the criminal justice system, through the use and application of standards and norms in crime prevention and criminal justice. In particular he explained that the main objectives of the workshop were to provide an information exchange on recent successful criminal justice reform initiatives; to encourage international research into evidence-based approaches for the further development of restorative justice practices and to identify opportunities for information-sharing and technical assistance requirements, including post conflict situations, in line with the goals set in the Vienna Declaration on Crime and Justice and its Plans of Action.

6. In his opening address the Associate Deputy Minister of Canada noted the importance accorded by his Government, as well as the International Centre for Criminal Justice Reform and Criminal Justice Policy, in addressing issues related to criminal justice reform at the

Commission on Crime Prevention and Criminal Justice. Canada had been instrumental in the adoption of the Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters (Council resolution 2002/13, annex). He exhorted the workshop to consider, in particular, the legal and financial framework necessary to support victims of crime, especially those from vulnerable communities.

7. In the *Criminal Justice Reform Overview*, the panellists identified the following as key areas of reform: access to justice, police, judicial and correctional reform, restorative justice and youth crime prevention. They noted that sustainable criminal justice reform fostering public involvement required civil society integration in a multi-sectoral approach in partnership with relevant stakeholders, including the private sector. Also important were clear objectives and realistic benchmarks, to be monitored and evaluated regularly.

8. Under *Comprehensive Reform*, two specific examples were presented. The *Security, Justice and Growth Programme in Nigeria*, was aimed at improving access to, and the quality of, safety, security and justice for poor people and their livelihoods. In that regard, it was noted that Africa's history over the last fifty years had been blighted by two areas of weakness: a lack of capacity to design and deliver policies, and a lack of accountability. While improvement of both was first and foremost the responsibility of African countries and peoples, support by rich nations was indispensable. The *Access to Justice Project of the Public Defenders' Office of Chile*, included restoration of basic rights of citizens, such as the right to be heard, the right to be informed of charges, the right to be represented by counsel, which had been abrogated during the dictatorship period. Under the new legislation, access to justice was promoted by the Public Defender's Office, which offered a decentralized service to all persons accused of crime, irrespective of their means.

9. The panel on *Collaboration and Cooperation*, focused first on the elaboration of a set of transitional criminal codes developed jointly by the Irish Centre for Human Rights, the Office of the High Commissioner for Human Rights and the United Nations Office on Drugs and Crime in collaboration with a number of individual experts. The codes are based on lessons learned in past peace-keeping operations and are tailored to meet the exigencies of a conflict or post-conflict situation, because past experiences had proved inadequate and lacked strategic vision and a comprehensive approach. They are a compendium of laws and procedures that seek to address each element of criminal justice – the courts, the police and prisons – in a cohesive and integrated manner. The compendium consists of four annotated draft models: the *Transitional Criminal Code* regulating penal matters, the *Code of Criminal Procedure* and the *Transitional Detention Act*, regulating procedural and substantive issues relating to pre-trial detention and imprisonment, and the *Transitional Law Enforcement Powers Act*. The codes are supplemented by *Guidelines for Application of Model Codes*. As a practical example of collaboration, the cooperation among the countries of the Pacific region to address the challenges posed by transnational organized crime, through harmonization of legislation and border control policies, information sharing and improved communication and coordination, was highlighted. Another example was the introduction of restorative justice mechanisms in the juvenile justice legislation in Latin America: region in which all but three Latin American countries had enacted comprehensive juvenile justice codes.

10. The panel on *Restorative Justice, Youth and Vulnerable Groups* focused on an overview of restorative justice around the world and on three examples of best practices. While there was no universal definition of restorative justice, three main restorative justice processes could be identified: *victim offender mediation*, *conferencing* and *circles*. In the *victim offender mediation* model, a trained facilitator typically brings together the victim and the offender to discuss the crime, the resulting harm suffered and the steps needed to right the wrong done to the victim. In the *conferencing* model, in addition to the victim, offender and facilitator, family members, friends and Government representatives may also participate. The *circles* model was the most inclusive, because in addition to the participation of parties under the *conferencing* model, interested members of the community may also participate. While there were variations of each of the above models, restorative justice processes appropriate to particular cultures and contexts were constantly emerging. Offenders may make amends in

several ways, by offering an apology, by paying monetary compensation or by replacing damaged property, or by performing free services to a charitable organization or governmental agency. In Canada, restorative justice was based on the need to have a clearly articulated strategy combining crime prevention, a tough response to serious crime and greater use of community sanctions for low risk offenders. In Thailand, restorative justice was recently introduced in order to address the problems of case backlogs, prison overcrowding, special needs of juveniles in conflict with the law, lack of concerns on the rights of victims and inadequate public participation in the criminal justice system. It included pre-trial diversion programs for drug addicts and treatment, reintegration and aftercare of such offenders in their communities. In New Zealand the restorative justice process focused on holding the offender accountable, promoting a sense of responsibility, taking into consideration the interests of the victim, including reparation. Assessment of the current programmes had shown an increased rate of satisfaction among victims but it remained to be seen whether such programmes contributed to reducing recidivism.

11. The fourth panel on *Youth Justice and Vulnerable Groups* discussed specific aspects of criminal justice reform relating to juvenile justice indicators; restorative justice and victim policies in Belgium; and penal reform in Uganda. The pilot test of juvenile justice indicators was developed by the United Nations Children's Fund with the aim of comparing progress of countries in the protection of the rights of children in conflict with the law and in the administration of juvenile justice. These indicators could be used for the countries reporting to the Committee on the Rights of the Child established under the Convention on the Rights of the Child, for monitoring and systems improvement, for advocacy and awareness-raising and for research and publications. The project in Belgium explored the complementarity of restorative justice applications and victim policies: considering that only some victims benefited from mediation, depending on the availability of the programme or the willingness of the magistrate, a general restorative vision on crime and criminal justice should be developed and key actors be sensitized and involved in order to optimally develop restorative justice applications. The presentation on Uganda focused on the need to carry out penal reform from a dynamic perspective, taking into account the interrelationships of activities and functions in the areas of legislation, law enforcement, judicial process, treatment of offenders and juvenile justice, in order to ensure greater coherence, consistency, accountability, equity and fairness within the framework of national development objectives. The acute problems of physical conditions of prisons in Africa were particularly highlighted, since these impacted the rights of prisoners negatively, contributing to prison overcrowding and transmittal of infectious diseases, including HIV/AIDS. HIV/AIDS policy guidelines and programmes aimed at reducing the vulnerability of individuals and communities to HIV/AIDS, with a special focus on prisoners, were particularly underscored.

12. In the general discussion that followed, several speakers noted the increased demands for access to justice for the accused and offenders, for victims and for communities. There was growing recognition of the importance of effective criminal justice for good governance, stability and prosperity of developed as well as developing countries and societies in conflict.

13. Participants also noted the importance of coordinating reforms regionally and internationally with appropriate technical and financial assistance and to include the community, civil society and the private sector in reforms. This included making use of limited resources but also providing adequate resources for least developed countries. It also included making use of organisations and institutions that may not be traditionally associated with the criminal justice system, especially with respect to restorative justice processes.

14. The importance of monitoring and long-term evaluation of criminal justice reform efforts was stressed by many participants, to help ensure respect for international standards as well as to provide data that would cost-effective and evidence-based reforms. The need for further empirical research in this area was also stressed in order to plan, integrate and bring efforts together to draw up a directory of proven best practices and concepts in criminal justice reform as well as the need to develop further tools, manuals, model laws and performance measures that could be transferred and adapted.

15. It was observed that in developing effective criminal justice enhancements, a number of important considerations should be borne in mind: the need to recognize diversity among and within member states; the need to protect vulnerable members of society; the need to use imprisonment only when necessary; and the need to be guided by international human rights and standards and norms in crime prevention and criminal justice.

16. Several speakers emphasized the need for further reforms in the area of children in conflict with the law, in particular the reduction of custodial sanctions and the abolition of the death penalty for juvenile offenders. Reference was also made to the Guidelines on justice for child victims and witnesses of crime developed to be considered by the Commission on Crime Prevention and Criminal Justice at its 14th Session.

17. Reference was also made to discussions relating to the reduction of the number of offences which carry capital punishment, in accordance with the Safeguards guaranteeing protection of the rights of those facing the death penalty (ECOSOC resolutions 1984/50 of 25 May 1984, and resolutions 1989/64 of 24 May 1989 and 1996/15 of 23 July 1996).

CONCLUSIONS AND RECOMMENDATIONS

18. The workshop noted:

(a) The need for continued commitment to the enhancement of criminal justice reform. This included effective and appropriate community, national, regional and international responses to increased demands for access to justice. Such measures should also take into account the diversity of conditions and circumstances of member states as well as relevant international standards.

(b) The need for comprehensive and integrated approaches to criminal justice reform. Wherever possible, criminal justice reforms should include all relevant parts of the domestic criminal justice system.

(c) The need for technical assistance, cooperation and collaboration when enhancing criminal justice reforms. International cooperation and the provision of financial and technical assistance, when necessary and possible, were essential to the success of criminal justice reform initiatives. In particular, there was a need for technical assistance to developing countries and countries with economies in transition in order to assist in institution-building, capacity-building, training of prosecutors, judges, law enforcement officials, including prison officials, and other relevant professional groups, taking into account best practices at the international level.

(d) The connection between enhancement of criminal justice and Millennium Development Goals. This called for greater engagement with civil society, particularly community groups, when designing and implementing criminal justice reforms and restorative justice measures.

19. Accordingly the Workshop recommended that Member States consider the following :

(a) Maximizing the effective use of limited resources through comprehensive criminal justice reforms, drawing when necessary upon technical assistance and international co-operation.

(b) Using alternatives to imprisonment for appropriate categories of offences and offenders.

(c) Monitoring and evaluating criminal justice reforms to ensure that they are effective and evidence-based and that they comply with relevant international standards. Clear goals and measures of success should be established.

(d) Using and applying, as appropriate, existing United Nations standards and norms in national programmes for crime prevention and criminal justice reform, providing for mechanisms to ensure accountability and respect for the rule of law, in order to create an environment that successfully responds to crime.

(e) Developing the use of restorative justice processes and principles in accordance with the Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters and drawing on international best practices.

(f) Strengthening, as necessary, the appropriate legal and financial framework to provide support to victims, especially women, children and migrants who are victims of trafficking in

persons, in accordance with the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

(g) Applying standards and norms in juvenile justice, and provide for the needs of child victims and witnesses of crime, taking into account their gender, social circumstances and developmental needs;

(h) Paying attention to the needs of vulnerable prison populations, such as minorities, indigenous groups, children and women, in order to provide a fair, safe, secure and humane treatment of offenders and assist them in their rehabilitation;

(i) Paying special attention to the pressing problem of prison overcrowding which creates a range of difficulties for society including communicable diseases such as HIV/AIDS by designing strategies to prevent the spread of HIV and other disease and to mitigate the adverse health effects and address the problem communicable diseases such as HIV/AIDS, and persons infected by HIV/AIDS and other infectious disease,

(j) The United Nations Office on Drugs and Crime provide technical assistance to enable requesting States to undertake programmes of criminal justice reform, including assistance to amend their criminal legislation and codes of criminal procedure;

(k) The United Nations Office on Drugs and Crime develop training manuals, model laws and other tools based on best practices in order to assist States in designing strategies for crime prevention and criminal justice reform, including juvenile justice, penal reform, victim support and alternatives to imprisonment, subject to the availability of resources;

(l) The Commission on Crime Prevention and Criminal Justice consider the recommendations contained in the report of the Intergovernmental Expert Group Meeting to Develop Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime,

(m) Held in Vienna on 15 and 16 March 2005 (E/CN.15/2005/14/Add.1), in accordance with Economic and Social Council resolution 2004/27 of 21 July 2004.

Report of Workshop 3

Strategies and Best Practices for Crime Prevention, in particular in relation to Urban Crime and Youth at Risk



Organised by ICPC

PROCEEDINGS

1. At its 10th and 11th meetings, on 23 April 2005, Committee I held a workshop on strategies and best practices for crime prevention, in particular in relation to urban crime and youth at risk. The workshop was organized in cooperation with the International Centre for the Prevention of Crime. The Committee had before it the following documents:

- (a) Background paper on Workshop 3: Strategies and Best Practices for Crime Prevention, in particular in relation to Urban Crime and Youth at Risk (A/CONF.203/11);
- (b) Discussion guide (A/CONF.203/PM.1 and Corr.1);
- (c) Reports of the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1).

2. At the 10th meeting, the Chairman made an introductory statement with particular reference to the progress made since the adoption by the Economic and Social Council of the Guidelines for cooperation and Technical Assistance in the Field of Urban Crime Prevention (Council resolution 1995/9, annex) and the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna in 2000. He noted that a high point was the adoption of the Guidelines on the Prevention of Crime (Council resolution 2002/13), which laid out the principles for effective strategies and practice. He also noted that although the overall level of knowledge and best practices had increased, effective implementation often remained problematic. He emphasized the need to demonstrate the effectiveness of crime prevention strategies, to convince relevant stakeholders at all levels to adopt a balanced approach to crime prevention, and to ensure that the principles of crime prevention were firmly embedded in legislation and management and organizational structures. In conclusion, he stated that best practices that were recognized as successful in preventing and reducing crime took into account the special needs of minority populations and vulnerable groups, as well as the larger social, political and economic factors.

3. The workshop consisted of 6 panels, during which 19 presentations were made. At the outset, the various topics of the workshop were introduced. The morning meeting of the workshop considered strategies and practices in relation to urban crime, while the afternoon meeting focused on strategies aimed at youth at risk of crime and victimization and those already in conflict with the law.

4. The Australian Minister for Justice and Customs addressed the Committee at its 10th meeting. He underscored the importance of global and local level partnerships in crime prevention, with a special focus on local implications of transnational organized crime. Australian Institute of Criminology Research found that just under half of all police detainees interviewed reported using drugs just prior to their arrest. The same research also found that drug use is concentrated in young people.

5. At the 10th meeting, statements were made by the representatives of El Salvador, Italy, Sweden, Oman, Finland, France, Argentina, Morocco, the United States of America and Samoa. At the 11th meeting, statements were made by the representatives of the United States, Indonesia and Egypt. Statements were made by the observers for Defence for Children International and the American Society of Criminology.

GENERAL DISCUSSION

6. The first introductory presentation referred to the urgency of the need to respond to issues of urban crime and youth at risk and noted that, in many countries, the intensification of urbanization, the lack of infrastructure and access to services or income, and increasing income disparities, had contributed to a breakdown of traditional family, social and cultural networks and support. Levels of crime, violence and insecurity in urban areas, especially in developing countries, had risen, often facilitated by illicit drugs and guns and the local manifestations of organized crime and trafficking in persons. Many urban areas contained high proportions of children and youth living in unstable and poor environments, which put them at high risk of crime and victimization. Many of those children were trafficked persons, or traffickers in small arms and drugs, while others became both perpetrators and victims of the ensuing violence. People living in urban areas, especially youth, were highly vulnerable and a ready source of recruitment for transnational organized crime. The links between local and transnational crime were evident.

7. The second introductory presentation stressed the challenges of urban crime prevention and its links to urban development and governance at the international, national and local levels, based on the experiences of the Safer Cities Programme, which implemented the coordinated strategic approach to crime prevention outlined in the Guidelines on the Prevention of Crime. Referring to the dramatic increase in marginalized neighbourhoods in large cities, which was associated with the rise of crime and insecurity, the need for concrete action by the relevant entities was stressed. In that respect, it was noted that the United Nations Human Settlements Programme (UN-Habitat) and the United Nations Office on Drugs and Crime had established close cooperation in formulating and implementing joint projects on crime prevention in urban areas.

8. The first panel presented three crime prevention initiatives, from Belgium, Chile and Peru, showing how Governments with very different political, economic and social histories and contexts had supported action to prevent crime. Panellists discussed the involvement of local governments and the integration of community participatory action through a variety of mechanisms. The panellists focused on the achievements and challenges of the various initiatives by reporting increased awareness and confidence of citizens in the police, improved social cohesion, more comprehensive crime prevention programmes and, in one case, a drastic reduction in the incidence of street crime. While there was no doubt about the success of selected components of the projects, the panellists indicated some challenges, including weak political support, difficulty in empowering citizens, lack of resources and the challenge of applying an international model to a local context.

9. The second panel presented demonstrations of long-term sustained and effective partnerships at the local level, supported by national Governments. In the case of the Safer Cities Programme in Dar es Salaam, the project had been successful despite the challenges and was ready to be replicated in other cities. The development of community-level policing in local communities in the Philippines, including a case study, focused on the decentralization of policing and building of trust. The balanced and multi-pronged series of strategies and interventions in Diadema, Brazil, had successfully reduced urban violence and the homicide rate by 65 per cent in five years.

10. The third panel focused on the challenges of developing focused strategies that were socially inclusive. The exceptional urban renewal strategies being rolled out in the eThekweni municipality in Durban, South Africa, combined very careful community consultation with redevelopment, thus fostering healthy environments, employment, tourism and a decrease in crime. The panel also showcased the experience of strengthening community capacity in the municipality of Antananarivo, Madagascar.

11. The fourth panel was devoted to youth at risk. It showcased integrated youth policies in England and Wales, which provided a framework for crime prevention for youth at risk and those in conflict with the law, from early childhood up to the age of 19 years, with specific targeted prevention projects providing support and tackling the risk factors for youth most at risk. An early intervention project in Queensland, Australia, was also presented to demonstrate how carefully implemented and evaluated interventions, based on good knowledge and effective models, could be used in the development of children and families to increase their protection and reduce the risks of future crime and victimization. The panel also presented the draft national policy on child justice administration of Nigeria, which demonstrated how prevention could be built into legislation in order to change attitudes and establish standards; it also showed how informal policing, human rights and inclusionary approaches could be encouraged in local communities.

12. The panel on projects targeting specific groups at risk illustrated the importance of the inclusion and participation of young people in the development of interventions. It reviewed the strategic approach being developed in the Czech Republic to respond to the trafficking in and sexual exploitation of youth, especially young women. The main aim of the initiative was to create coalitions against trafficking with the objective of protecting potential victims and youth at risk in general. The involvement of non-governmental organizations was necessary, since they were key partners in identifying victims who would not turn to state agencies for help. A youth gang prevention and reintegration project being developed in Rio de Janeiro, Brazil, was also presented to show some challenging evidence of the importance and value of interventions aimed at children in gangs involved in armed conflict. An international study on children and youth participating in organized armed violence illustrated the emerging phenomenon of conflicts between juvenile gangs involved in trafficking in drugs at the local and transnational level. In Cambodia and Viet Nam, the House for Youth project had been expanding its supportive and training resources to street children and, increasingly, those who had been trafficked.

13. The last panel presented the toolkit developed by UN-Habitat and the Council for Scientific and Industrial Research, South Africa, in order to disseminate best practices and transferable models for crime prevention initiatives. Examples of training in crime prevention and regional and city-to-city exchanges, based on the experience of the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, were also discussed, followed by examples of technical assistance involving projects for capacity-building, with particular reference to the South-South project of the United Nations Office on Drugs and Crime.

14. During the workshop, the International Centre for the Prevention of Crime launched its new "Compendium of Promising Strategies and Programmes" on urban crime prevention and youth at risk, which underlined the extent to which integrated crime prevention was becoming established and embedded across all the regions, thereby reaffirming the principle of sustainability of crime prevention, as expressed in the Guidelines for the Prevention of Crime (Economic and Social Council resolution 2002/13, annex).

15. Several speakers stressed that strategies to deal with violence between juvenile gangs should not be limited to law-enforcement measures, but should also include the promotion of a social environment to facilitate the prevention of juvenile violence. An example of international

cooperation was the Secure Central America Plan, which included a comprehensive strategy to prevent violent urban crime committed by youth gangs and to assist youth at risk.

16. Several speakers analysed the concept of youth at risk and in particular stressed that, while street children, juveniles in conflict with the law and members of gangs were often considered as a “lost cause” by public authorities, they were in fact at risk of being further marginalized and subject to sexual exploitation, human trafficking, substance abuse and HIV/AIDS. It was also emphasized that minor acts of violence or involvement in petty offences, “uncivil behaviour” such as bullying or vandalism, were often the growing ground for involvement in more serious offending or victimization.

17. The importance of monitoring and long-term evaluation of crime prevention programmes in order to ensure a proper assessment of the results, especially with regard to their cost-effectiveness and sustainability, was stressed by many participants. This included building longitudinal knowledge and evidence-based follow-up action. Successful methods of evaluation included self-evaluation, assessment of the level of satisfaction of beneficiaries and replication of victim surveys.

18. Many speakers referred to restorative justice processes as a necessary component of their crime prevention strategies. The importance of community-based crime prevention initiatives was also stressed. In one country, elderly or disabled persons had been given the possibility to report offences from their residence and an online reporting system for minor offences had been created. Others provided examples of crime prevention initiatives involving restructuring, refocusing and retraining of law enforcement personnel. In particular, proximity policing had been established in several countries to bring the police closer to citizens and to promote a cooperative approach in order to reduce crime and increase feelings of security.

CONCLUSIONS AND RECOMMENDATIONS

19. The workshop highlighted the strengths of crime prevention and that a major part of the international effort must lie with national and local authorities and communities in preventing the spread of everyday crime and violence. There was a major role for well-planned prevention at the local level. This presented a major challenge to which international, national, subregional and local governments must respond.

20. An increasing number of States were developing and applying viable, effective strategies to reduce crime and insecurity and promote community safety in urban areas and among youth at risk, in line with the United Nations crime prevention instruments, including the United Nations Millennium Declaration (General Assembly resolution 55/2) and the Millennium Development Goals contained therein, the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (Assembly resolution 55/59, annex) and the Guidelines on the Prevention of Crime (Economic and Social Council resolution 2002/13, annex).

21. The workshop recommended that Member States consider the following:

- (a) Adopting and implementing the Guidelines on the Prevention of Crime and international standards and norms concerning the rights of young people;
- (b) Establishing comprehensive strategies and policies to enable and support the development of policies related to urban crime prevention and youth at risk at the local government level;
- (c) Empowering local authorities to establish integrated, strategic approaches to crime prevention, paying particular attention to youth at risk. This would require local authorities to take the lead and to work in a multi-sectoral manner, including local services and local administration, as well as with local community groups, non-governmental organizations, the media, the private sector and civil society;

- (d) Formulating context-sensitive strategies focusing on the inclusion, rather than the exclusion, of youth at risk, including ethnic and cultural minorities and young men and women, and promoting and encouraging their active participation in decision-making in matters affecting them;
- (e) Developing gender sensitive strategies, including specific provision for and targeting of particular groups of youth at risk. This would include those in the poorest urban areas, street children, those in youth gangs, sexually exploited youth and those affected by substance abuse, war, natural disasters or HIV/AIDS;
- (f) Formulating strategies and implementing specific plans to promote community alternatives to custody and support for those released from custody, using restorative approaches that would focus on building individual and community capacities to resolve conflicts before they escalate;
- (g) Developing interventions targeted at the most at-risk groups and areas, using, as far as possible, good practices and evidence-based approaches that would be adapted or developed in relation to the local context, needs and realities. In doing so, national, subregional and local governments would help to strengthen the factors that protect the most vulnerable, including women and children, and limit the facilitating environment for transnational crime;
- (h) Implementing policies with a monitoring and evaluation component, in terms of process and outcomes, to facilitate the adaptation and broader application of cost-effective and sustainable best practices and evidence-based knowledge. This would require greater attention to the development of tools, such as indicators for evaluation, and to assisting diagnosis and strategic planning.

22. The workshop recommended that the international community, including donors, consider facilitating and supporting the development of capacity-building at the national and local government level, for example, through city-to-city exchanges, as well as technical assistance and training, paying special attention to transferable experience among developing countries, with the support of the United Nations Office on Drugs and Crime and UN-Habitat.

Report of Workshop 4

Measures to Combat Terrorism, with reference to the Relevant International Conventions and Protocols

Report prepared by the International Institute of Higher Studies in Criminal Sciences (ISISC)

I. BACKGROUND OF THE WORKSHOP

In its resolution 58/138, the General Assembly approved the provisional agenda for the Eleventh Congress on Crime Prevention and Criminal Justice, to be held in Bangkok, Thailand from 18 to 25 April 2005. The agenda contained five substantive items, and in addition, six technical workshops were held within the framework of the Congress. Workshop number four on *Measures to Combat Terrorism, with reference to the Relevant International Conventions and Protocols*, was jointly organized by the United Nations Office on Drugs and Crime (UNODC) and the Programme Network Institutes (PNI), in cooperation with the International Institute of Higher Studies in Criminal Sciences (ISISC).

ISISC assisted in the drafting of the Background Document (A/CONF.203/12) and in organizing a preparatory meeting in Siracusa on 4th December 2004, attended by 11 experts from 9 countries. The Background Paper was prepared in pursuance of the objectives set in the Discussion Guide, which was elaborated for the Eleventh UN Congress on Crime Prevention and Criminal Justice (A/CONF.203/PM.1), and the recommendations of the Four Regional Preparatory Meetings (A/CONF.203/RPM1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1, and A/CONF.203/RPM.4/1).

The Discussion Guide suggested that participants should discuss the following questions: What are the main bottlenecks in international cooperation against terrorism and how can further progress be made to facilitate international judicial cooperation? What divergencies exist between the 7 regional conventions against terrorism and the 12 universal conventions and protocols related to the prevention and suppression of international terrorism and how can these best be resolved? What kind of technical assistance should be provided, upon request, to criminal justice systems of Member States in order to support them in strengthening their capacity to respond more effectively to threats? What role should the United Nations Office on Drugs and Crime, as a major provider of technical assistance play in that?

The Preparatory Meetings have requested that the workshop should focus on the most appropriate ways to ensure the effective and expeditious exchange of criminal intelligence and other information at the national and international levels, in order to enhance cooperation in the investigation and prosecution of terrorist crimes. It was recommended that the workshop explores ways of strengthening the capacity of the judiciary, prosecution and the police to counter terrorist organizations and activities, as well as examining various types of technical assistance that could be provided by the UNODC. The meetings further recommended that the workshop pay particular attention to ways to safeguard the principle of due process of law and to ensure the protection of human rights, standards of international and humanitarian law and national sovereignty, while striking an appropriate balance with the need to prevent and prosecute terrorist crimes.

Taking into account those recommendations and objectives, the Background Document reviewed the role of international law and international cooperation in the fight against terrorism. Terrorism is indeed an assault on the principles of law, order and human rights, therefore international law is an important component in the struggle against terrorism. The

role of international law in the fight against terrorism needs to be viewed in the context of the two main objectives of international law: securing peace and protecting human rights. Respect for basic human rights by all members of the international community is relevant to the security of the entire world. As terrorism involved the use of violence in violation of the law, the response to terrorism should aim to ensure the rule of law. In the aftermath of the events of 11 September, many States have introduced new measures, methods and practices in countering terrorism which some feel are not in line with the international legal framework, affecting in particular international human rights law. Measures to counter terrorism have to include the introduction of new procedures for the detention of suspected terrorists and the prosecution of terrorism-related cases. Extradition of terrorism suspects are areas in which the rule of law must be respected, particularly, respecting the right to due process and prohibition against refoulement.

The Background Paper presented an assessment of technical assistance for capacity-building, with particular emphasis on measures to enhance international cooperation and the importance of the rule of law in fighting terrorism. The paper also highlighted that the absence of an effective network of national legislation and international cooperation mechanisms is considered a fundamental obstacle to international cooperation against terrorism. There are two aspects to make international cooperation in criminal matters work. The first issue is of a sufficient legislative network for international cooperation, which is supported through legislative advisory assistance and legislative tools, such as model treaties, manuals and model laws. The second issue is the lack of political will on the part of countries to cooperate together. This is mainly due to existing political and legal differences. Quoting the General Assembly resolution 59/195 of December 2004, it is important to emphasize the need to enhance effective international cooperation in combating terrorism while respecting international human rights and international humanitarian law. The Background Paper also includes recommendations and guidelines for technical assistance to combat terrorism, to be considered for discussion by the Eleventh Congress on Crime Prevention and Criminal Justice.

II. OVERVIEW OF THE WORKSHOP

The Workshop on *Measures to Combat Terrorism, with reference to the Relevant International Conventions and Protocols* was held at the venue of Committee II on 21 and 22 April 2005.

Following the recommendation adopted during the preparatory meeting in Siracusa in December 2004, the workshop consisted of two panels, during which nine panellists from eight different countries made their presentation for 20 minutes each. The Workshop was chaired by Dr. Iskandar Ghattas, Assistant Minister of Justice for International Cooperation, Egypt, who made an introductory statement to point out the relevance of the Workshop to the Congress' agenda item number four "*International cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of the UNODC*". Dr. Ghattas introduced the panellists, and was assisted by a Moderator Dr. Giovanni Pasqua, ISISC Scientific Director, who expressed his gratitude to the panellists for their participation and valuable contribution. He briefly underlined the cooperation provided by ISISC to the Terrorism Prevention Branch of United Nations Office on Drugs and Crime (UNODC), in the elaboration of several technical assistance tools to aid the states in fulfilling their counter-terrorism obligations, specifically in the aftermath of September 11th. Mr. Jean-Paul Laborde, Chief, Terrorism Prevention Branch of the UNODC, introduced the workshop, its topics and papers before the Committee.

The first session consisted of a panel during which presentations were made on the topic: *International Legal Regime against Terrorism: Strength and Weaknesses*, followed by case-based discussion. Statements were made by the representatives of Algeria, Brazil, Syria, Argentina, Spain and Nigeria. Statements were made by observers from the Council of

Europe, the International Society for Traumatic Stress Studies and the International Association of Penal Law. An individual expert, also addressed the Committee.

The second session consisted of a panel during which presentations were made on the topic: *Technical Assistance for Reinforcing the Anti-Terrorism Capacities*. Statements were made by delegates of Indonesia, Egypt, Argentina, Algeria, China, Syria, United States of America, Iran, France, Afghanistan and Austria. Statements were made by observers of the International Association of Penal Law, International Society of Social Defence and Human Criminal Policy. A statement was also made by an individual expert.

III. PROCEEDINGS

PANEL ONE

In his opening statement the Committee's Chairman, Dr. Iskandar Ghattas, said that the international legal regime was made up of a patchwork of sectoral conventions, four of them concluded directly under the auspices of the United Nations. Together, those sectoral conventions already covered most, if not all, of the manifestations of international terrorism. He also noted the importance of the Counter-Terrorism Committee established by Security Council resolution 1373 (2001), as one of the principal components of the international legal regime against terrorism. The Committee had been established under Chapter VII of the United Nations Charter, which meant that compliance with resolution 1373 was mandatory for all Member States.

The Chief of the UNODC Terrorism Prevention Branch, Mr. Jean Paul Laborde, made an introductory statement, highlighting the importance of the international legal framework that has been established to fight against international terrorism through enhanced international cooperation, for which technical assistance was fundamental in reinforcing the anti-terrorist capacity.

The first panellist, Mr. Pornchai Danvivathan, Director of Legal Affairs Division, Ministry of Foreign Affairs, Thailand, focused on the bilateral and multilateral international cooperation issues in South-East Asia. In describing activities in South-East Asia, he noted that the Association of South-East Asian Nations (ASEAN) has several declarations on terrorism. Regarding bilateral measure, he said Thailand has concluded extradition treaties with 14 countries, five with ASEAN members, four with other Asian States and five with Europe and the United States. He stressed on the importance to adopt a common understanding at the inter- and intraregional levels so that internationally recognized principles could be transposed into national legislation. The wider involvement of civil society and education institutions should also be encouraged. Terrorism should become an exception to political offence. In other words, it was important to observe the principle of "extradite or prosecute". No haven must be left for the perpetrators of terrorism to hide.

Mr. Joel Sollier, Expert of the Counter-Terrorism Committee of the Security Council, focused on the importance of strengthening criminal justice systems and the role and the work of the Counter-Terrorism Committee. Mr. Sollier noted that the terrorist acts of 11 September had profoundly changed the context of international arrangements and had caused changes in the role that could be played by international organizations. The rising status of the Security Council, which almost became an international legislator, was a major event. Fundamental decisions such as resolution 1368, adopted on 12 September 2001, qualified acts of terrorism as an attempt to undermine international peace and security. He added that resolution 1373 (2001) was a historic resolution that obliged States to apply a list of principles in their fight against terrorism. There was also a follow-up mechanism for the implementation of the resolution: the Counter-Terrorism Committee and the Executive Directorate. In talking about the strengths of the system, Mr. Sollier said that, today, the existing anti-terrorist conventions were virtually universal. International terrorism laws no longer confined themselves to

principles but imposed measures for specific issues. As for the weaknesses, he mentioned one weakness, which was the inability to find a definition of terrorism, something that constrained the system. As all resolutions were of a political nature, there were technical imperfections. He also noted that sometimes actions were undertaken that undermined human rights, which was not inherent to international anti-terrorism law. Anti-terrorism action was sometimes used as an excuse for repressing the rights of citizens.

The third panellist, Mr. Alejandro Slokar, Undersecretary for Criminal Policy, Ministry of Justice and Human Rights, Argentina, dealt with the Organization of American States (OAS) Conventions against terrorism and their relationship with universal legal instruments. He said terrorism was a very complex phenomenon. Those who carried out terrorist acts belonged to a wide variety of organizations, including military or security forces carrying out State terrorism. Terrorism was no longer limited by borders. Given its complexity, regulatory and legal tools of States must be seen as only partial answers to the problem. National legal and trial systems had been designed for actions only within State borders. Ignoring human rights or suspending the rule of law was not the answer. He pointed out that democracy and human rights must be the foundation of the response of States to terrorism, and greater discussion of the various responses was needed. Mr. Slokar also talked about how the Inter-American Convention against terrorism had become an important part of the cooperative framework within the Organization of American States. The events of 11 September had prompted the need for nations to work together. The Inter American Convention called on States to ensure full respect for the rule of law, fundamental freedoms and human rights. States parties had committed themselves to combating terrorist financing.

The fourth panellist, Mr. Gioacchino Polimeni, Director, United Nations Interregional Crime and Justice Research Institute (UNICRI), Italy, focused on the strengths and weaknesses of international cooperation provisions contained in the universal instruments as they related to terrorism as well as regional instruments. He mentioned that for a legal regime of international anti-terrorism instruments to be effective, it should be universally applicable. More than one delegation had recognized that the fight against terrorism was a long-term one. The legal regime should be conceived as a toolkit, and every effort should be made for universal ratification of the 12 conventions. Mr. Polimeni mentioned that the Council resolutions were very comprehensive, as were the conventions themselves. For instance, the International Convention for the Suppression of Terrorist Bombings had very broad criminalization provisions. Such provisions were supplemented by the new Convention on Nuclear Terrorism. Provisions obliged parties to consider as offences participation in terrorist activities at a lower level, such as involvement in financing of terrorist activities. Criminalization of offences was an essential legal basis for international cooperation, he pointed out. The strengths of the legal regime were manifested in the absolute obligation of States to provide each other with the greatest possible measure of assistance, he said. However, that obligation was not accompanied by a detailed regime in the international instruments.

Summarizing the panel, Dr. Ghattas, the Committee Chairman, agreed with the need for full respect for the rule of law and the defence of human rights in the fight against terrorism. Democratic countries must not ignore or violate the standards and values of society in the name of combating terrorism. That point had been reflected by all four panellists. The sources of terrorism also needed to be identified since, at times, certain frustrations led to terrorism, he said.

PANEL TWO

The first panellist, Mr. Vusumzi Pikoli, Director of Public Prosecutors, National Prosecuting Authority, South Africa, spoke on the experience of South Africa with bilateral and multilateral technical assistance to the criminal justice sector. He mentioned that South Africa has enacted a comprehensive set of legislations to combat organized crime and terrorism. He also mentioned the technical assistance trainings that National Prosecution Authority (NPA)

received from the United States and United Kingdom in the areas of combating money laundering and corruption. To succeed in the fight against terrorism, it is important to receive international cooperation in this regard, he said. Mr. Pikoli noted that witness protection is a critical element in the fight against organized crime, especially crimes of a transnational nature. South Africa has developed witness protection legislation and established a Witness Protect Unit located in the National Prosecution Authority. He talked about the bilateral and multilateral agreements made between South Africa and other African countries. He also added that in the fight against terrorism, a balanced approach is required; one that takes into account legitimate national security concerns and respect for the rule of law.

Dr. Iskandar Ghattas participated as a panellist in the second panel. His presentation focused on the partnership between global and international organizations. He said that international cooperation must be tightened up to be efficient to fight terrorism while respecting human rights and the rule of law. He made a brief but informative presentation about the developments taking place in the area of ratifications for the UN conventions and protocols against terrorism, specifically, from Cairo to Port Louis (September 2003-October 2004). The presentation indicated the increase in the ratification rates for all the twelve conventions. However, he stressed that the real work is after ratification, which is the implementation of these conventions and respecting the commitments which the countries have made. He also mentioned that he is looking to the Terrorism Prevention Branch in Vienna to provide the necessary technical assistance in this area.

The third panellist, Her Excellency Mrs. Snjezana Bagic, State Secretary, Ministry of Justice, Croatia, focused on UNODC technical cooperation with the Government of Croatia, particularly with regard to the Regional Expert Workshop and the Zagreb Declaration. She discussed issues related to the Croatian criminal legislation, which provides the necessary legal framework for the fight against transnational organized crime and terrorism. She briefed the Committee about the new Acts related to international legal assistance in criminal matters, liability of legal entities for criminal offences, international restrictive measures and witness protection. Mrs. Bagic pointed out that the Republic of Croatia and the UNODC has jointly organized the Regional Workshop on International Co-operation on Encounter Terrorism, Corruption and Fight against Organized Crime, held in Zagreb, in early 2005. The hosting of this conference is a proof of the continuation of the successful and active co-operation between the Republic of Croatia and the United Nations.

Mr. Stefano Dambruoso, Legal Expert, Permanent Mission of Italy to the United Nations, Vienna, spoke about the technical assistance for reinforcing anti-terrorist measures and the Italian experience as a best practice model for other countries. He underlined the difficulties arising from the malfunctions of judicial cooperation during investigations in transnational organized crime cases. He also mentioned the difficulties faced by the national legislators dealing with the same cases related to terrorist acts, due to the fact that there is not a common definition of international terrorism. Mr. Dambruoso stressed on the urgent need for the creation of new bodies for transnational investigations, vested with the power of collecting evidence and conducting prosecution without the hindrance of national borders. He briefly stated some of the bodies set by the EU in its cooperation against organized crime and terrorism such as Europol and Eurojust, whose aim is to facilitate the investigative efforts and sharing evidence between the countries involved. However, a stronger cooperation is still needed, he concluded.

The fifth panellist, Mr. Obaid Noori, Director of the UN Department, Ministry of Foreign Affairs, Afghanistan, focused on Afghanistan's experience regarding multilateral technical assistance from the United Nations including its relationship with the Terrorism Prevention Branch. He spoke about the status of Afghanistan after the fall of the Taliban regime, Afghanistan's struggle against terrorism and drug trafficking. He mentioned the role played by UNODC in assisting the Government of Afghanistan in drafting new legislations to counter-terrorism and

combat organized crime. He also mentioned the capacity-building trainings aiming at strengthening the criminal justice system in Afghanistan. He talked about the importance of the international cooperation in re-building the country to assist her in the struggle against organized crime and terrorism. Afghanistan is seeking more technical assistance in law enforcement and capacity building projects as well as financial assistance, he said. Mr. Noori stated the country's willingness to enter into bilateral agreements with neighbouring countries in the fight against terrorism, organized crime and drug trafficking.

IV. CONCLUSIONS AND RECOMMENDATIONS

Based on the statements made during the panel discussions, the following conclusions and recommendations were made. At the end of the second day of the Workshop, the Moderator Dr. Giovanni Pasqua read the following conclusions.

- (a) Establishing a fully functional international legal regime against terrorism remains an unfulfilled basic preliminary requirement for combating and preventing international terrorism. The absence of a seamless network of corresponding national legislation is a fundamental obstacle to international cooperation against terrorism;
- (b) Effective international cooperation in combating terrorism cannot be achieved without strengthening national mechanisms and arrangements for international cooperation in criminal matters in its various forms in individual Member States;
- (c) Specialized training of criminal justice officers in the practical application of national legislation emanating from the universal legal instruments against terrorism is an essential requirement for advancing the implementation of national counter-terrorism measures in compliance with the provisions of those instruments;
- (d) Criminal justice systems at the national level should, when combating terrorism, act in full compliance with the rule of law, due process, and in accordance with relevant international law, in particular international human rights, refugee and humanitarian, giving due regard to the rights of victims of terrorism.

Based on the above conclusions, the following recommendations were made:

- (a) Those Member States which have not yet ratified all the universal legal instruments against terrorism should be encouraged to do so, including by seeking the required support from relevant technical assistance providers. Moreover, all Member States should intensify their efforts to complete the incorporation of the provisions of those instruments into their legislation. All Member States should also consider signing and ratifying expeditiously the newly adopted International Convention for the Suppression of Acts of Nuclear Terrorism and initiate steps for incorporating its provisions into national legislation. Given the links between terrorism and transnational organized crime, corruption and illicit drug trafficking, due consideration should also be given to expediting action towards the ratification and implementation of the relevant United Nations instruments;
- (b) All Member States should take urgent steps, as a matter of priority, to streamline and strengthen procedures for international judicial cooperation in preventing and countering terrorism, thus denying safe havens to terrorists by either extraditing or bringing them to justice. In addition, regional cooperation should be enhanced as a tool for strengthening international cooperation for combating terrorism. National mechanisms for more effective participation in international cooperation in counter-terrorism might include the establishment of a national central authority on mutual legal assistance and extradition;
- (c) Member States should urgently make arrangements for training. Technical assistance is needed to accompany such efforts in many countries. Curricula and training manuals should be prepared for that purpose at the international level. UNODC should intensify training activities in support of States requiring assistance in the training of their criminal justice officers;
- (d) It is essential that technical assistance measures in support of efforts to counter terrorism take account of these normative aspects as integral elements. In particular, as the lead United Nations entity in crime prevention and criminal justice issues, UNODC should

support these efforts and continue to cooperate with the Counter-Terrorism Executive Directorate and other United Nations entities;

(e) A comprehensive global strategy of fighting terrorism that incorporates the necessity of strengthening concerted actions at national, regional and international levels, and at the same time addressing root causes, fundamental human rights and rule of law needs to be developed to make efforts effective and balanced.

Report of Workshop 5

Measures to Combat Economic Crime, including Money Laundering

Organised by UNAFEI

INTRODUCTION

Workshop 5 of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice was held the afternoon of 20 April and the morning of 21 April 2005. The Workshop focused on the topic of "Measures to Combat Economic Crime, Including Money-Laundering", as mandated by the General Assembly resolution 58/138 of February 2003.

The Workshop was jointly organized by the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) and the Swedish National Economic Crimes Bureau. In order to make organizational and substantive preparations for the workshop, the organizers hosted four preparatory meetings in October 2003 (Tokyo), May 2004 (Stockholm), September 2004 (Tokyo) and April 2005 (Bangkok) just prior to the opening of the Congress.

The Workshop, held within the framework of Committee II of the Congress, was chaired by **Mr. Michel Bouchard**, Associate Deputy Minister, Department of Justice, Canada, and assisted by a Moderator **Mr. Hans G. Nilsson**, Head of Division, Judicial Cooperation, Council of the European Union, who facilitated the discussion throughout the Workshop. In addition to the Rapporteur of Committee II, **Mr. Esmaeil Baghaei** of the Islamic Republic of Iran, the Workshop had as its Scientific Rapporteur, **Dr. Toni Makkai**, Director of the Australian Institute of Criminology.

The work of the Workshop was divided into two parts: one dealing with economic crime and the other dealing with money-laundering, and each part consisted of a keynote speech, a presentation panel with three panelists, a case discussion panel with four panelists, and interaction with the floor. The selection of the topics of the presentations and the elaboration of the hypothetical case, which was contained in document A/CONF.203/13, was made in accordance with the issues and elements contained in the Discussion guide of the Congress (A/CONF.203/PM.1 and Corr.1) and the reports of the regional preparatory meetings for the Eleventh Congress (A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1, and A/CONF.203/RPM.4/1).

PROCEEDINGS OF THE WORKSHOP

1. Opening

The Workshop was opened by the Chairman on the afternoon of 20 April 2005. This was followed by a welcoming statement from **Mr. Kunihiro Sakai**, Director of UNAFEI, who emphasized that the Workshop would provide an opportunity to enhance knowledge of economic crime and its countermeasures, as well as explore effective ways to combat the threats posed by economic crime.

2. Economic Crime

Keynote Speech

In her keynote speech, **Ms. Gudrun Antemar**, the Director-General of the Swedish National Economic Crimes Bureau, noted the growing threat of economic crime, which has been increased, sophisticated and globalized and emphasized the importance of developing a comprehensive multidisciplinary strategy and of strengthening international cooperation. After

enumerating important elements in the fight against economic crime, such as preventive measures, cooperation between public and private sector, national legislation, control of proceeds of crime and effective procedural rules for investigation and trial, she emphasized the importance of the United Nations Conventions and the role of the United Nations as an interlocutor in the fight against economic crime.

(a) Technical assistance

At the outset of the panel discussions, the Moderator stressed the importance of technical assistance in order to cope with economic crime, and invited the Workshop to pay particular attention to Part IV of the background paper (A/CONF.203/13) for the Workshop, which dealt with this issue.

(b) Panel 1

The first panellist, **Dr. Abboud Al-Sarraj**, Professor, Faculty of Law, Damascus University, Syria, spoke on “The concept of economic crime as perceived across the world – Typology and new trends (fraud, business related crimes and fiscal offences); and the sanctions thereto”. He identified two principal trends in the criminalization of economic crime: a broad approach which considers any action or omission harmful to public economic policy to be economic crime; a narrow approach, according to which, state intervention is only necessary for crime that undermine the basic principle of economic order. He recommended that the states should take measures against economic crime in three principle directions: prevention such as cooperate governance and public awareness; criminal sanction including the confiscation of assets; and non-criminal sanction such as the indemnification of damage and revocation of business license.

Mr. Charles Goredema, Senior Research Fellow, Institute for Security Studies, South Africa, touched upon “the impact of economic crime on the society and how to measure the impact through *inter alia* relevant indicators”. He noted that economic crime affected not only individual victims, but could also carry broad economic consequences. This was particularly so for “market-based offences”, which were committed systematically and involved a supporting infrastructure, as opposed to predatory offences committed sporadically when opportunities arose. He pointed out that market-based offences could compete with legitimate economic activity, penetrating and undermining it. He highlighted the need to assess properly the threat posed by economic and proposed a method by which to develop a set of indicative factors that could facilitate a better understanding of the scope of criminal business, as well as facilitate the assessment of the threat that this business poses to economies from time to time.

The third panellist, **Mr. Don Piragoff**, Senior General Counsel, Criminal Law Policy Section, Department of Justice, Canada, dealt with the issues of “criminal misuse and falsification of identity – Identity theft as a precursor to crime”. Suggesting that “identity theft” could be defined as the collection, possession, transfer or use of personal identification information for the purpose of committing crime either for profit and that “personal identification information” could be defined as the information that either alone, or in conjunction with other information, identifies a specific person or provides access to assets held by that person or to benefits or services to which the person is entitled, he noted that personal identification information could be obtained in a variety of ways with or without advanced technologies. Mr. Piragoff also noted that key legal limitations in addressing identity theft were that personal identification information was generally not regarded as property and that personal identification information that was copied did not result in the owner of the personal identification being deprived of it. He suggested that countries should legislate specifically against it; taking care not to legislate in overly broad terms so as not to capture otherwise legitimate activity. He also noted that pursuant to Economic and Social Council resolution 2004/26, a group of experts had been established to consider fraud and criminal misuse of identity. The first meeting of the group, supported by Canada, was held in Vienna on 17 and 18 March 2005.

(c) Panel 2

Panel 2 focused on the issues contained in the first half of the hypothetical case. With the facilitation of the Sub-Moderator, **Ms. Mary Lee Warren**, Deputy Assistant Attorney General, US Department of Justice, USA, four panellists, **Mr. Felix McKenna**, Chief Bureau Officer, Criminal Assets Bureau, Ireland, **Justice Anthony Smellie**, Chief Justice, the Supreme

Court, Cayman Islands, **Ms. Nina Radulovic**, Counsellor, Commission for the Prevention of Corruption, Slovenia and **Mr. Tony Kwok Man-wai**, Former Deputy Commissioner, Independent Commission against Corruption, Hong Kong, China, engaged in a lively discussion on various issues related to the prevention, investigation, prosecution and punishment of economic crime. More specifically, the discussion focused on: new economic crimes and new tools, including use of information technology by offenders and investigators; preventive measures, such as strategy and an action plan to combat economic crime; international cooperation and offshore financial centres; investigative techniques and methods; and freezing and confiscation of proceeds of crime. It was underscored that effective action against economic crime required the focus on preventive measures to be extended to the private sector. Examples in that regard included the development of an organizational integrity plan, proper screening of prospective employees, the use of audits and protection of whistleblowers. The role of education in preventing economic crime was also emphasized. The panel considered the abuse of offshore financial centres as destinations for funds generated by economic crime and agreed that whether onshore or offshore, all financial centres shared an obligation to comply with international anti-money-laundering standards in order to prevent their being used for such a purpose. In this connection, the harmonization of national laws and procedures was stressed to enable a prosecuting state to secure the evidences prosecute the offenders and recover the proceeds. The panel also noted that a thorough investigation of a complex case, such as the one set out in the case study, should consider all possible offences arising from the facts, including any corruption that might have furthered the crime. Emphasis was placed on the need for greater use of proactive investigation techniques such as telephone and e-mail interception and undercover operations. The panel identified the use of a comprehensive asset confiscation regime; combining criminal conviction based and non-conviction based confiscation, as well as powers under taxation laws as effective tools to pursue the proceeds of economic crime accumulated by criminals.

(d) Interaction with the floor

After Panels 1 and 2, the Moderator invited the floor to make comments and ask questions. Interventions were made by the representatives of **Chile, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Brazil, the Philippines and Argentina**. It was pointed out that in order to cope with the broad range of economic crime, one should take an overall approach aimed at a synergy between the various components, rather than taking fragmented action against this phenomenon. It was also emphasized that the protection of consumers, or victims, should not be forgotten in dealing with economic crime. Many speakers stressed the need for more research on the modus operandi and impact of economic crime. Most of the interventions from the floor were closely linked to the presentations and discussions by the panellists, prompting answers from them.

(e) Summing up by the Scientific Rapporteur

At the end of the first day of the Workshop, the Scientific Rapporteur, Dr. **Dr. Toni Makkai**, identified the following as priorities emanating from the discussion.

- Build a long-term evidence base, particularly on cost effectiveness, to ensure that interventions succeed.
- Enhance co-operative mechanisms for long-term intelligence sharing across countries.
- Invest in preventive measures especially with the private sector to implement effective control systems.
- Develop appropriate legislation to provide the criminal justice system with the tools to respond to economic crime.
- Respond quickly to emerging economic crimes such as identity theft.
- Support capacity building through technical assistance.

3. Money-Laundering

(a) Keynote Speech

In his keynote speech, **Mr. Peeraphan Prembooti**, the Secretary-General of the Anti- Money Laundering Office of Thailand, emphasized the importance of international cooperation, as

well as the significant role financial intelligence units could play in combating money-laundering. He stated that no matter what money-laundering trends would be, it was important for law enforcement regimes worldwide to beef up their capability “one step ahead” of the criminals. Money laundering is the “crime of the century” and it is not the duty of one nation but rather of all nations to reduce the threat for the benefit of world security.

After the keynote speech, the Moderator once again made short remarks emphasizing the importance of technical assistance in the fight against money laundering.

(b) Panel 3

The first panellist for Panel 3, **Mr. Timothy Lemay**, Chief, Rule of Law Section, Human Security Branch, Division for Operations, United Nations Office on Drugs and Crime (UNODC), made a brief but informative introduction on “international standards (legal framework) and norms to combat money laundering, including the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, UN Convention against Transnational Organized Crime, UN Convention against Corruption, as well as the revised recommendations of the Financial Action Task Force (FATF). He highlighted the key provisions that originated in the 1988 Convention that had been carried forward in other instruments.

His Excellency Sultan Bin Nasser Al Suwaidi, Governor, the Central Bank of the United Arab Emirates, spoke on “Typology and new trends of money-laundering including the specific features of money-laundering in informal or cash based economies”, and introduced, *inter alia*, the regulatory regime recently instituted with respect to Hawara operators in the jurisdiction. It was recognized that Hawala played a crucial role in several countries by facilitating the transfer of funds by and to individuals who had no access to formal banking systems for a variety of reasons, including illiteracy and remote location. However, he acknowledged the need for control and regulation of Hawala, given the potential for its abuse by money-launderers and terrorist financiers. The system adopted in the State was a simple regulatory regime aimed at providing adequate protection against abuse without alienating or overburdening Hawala operators, which required Hawara brokers to obtain certificate from the Central Bank and to report suspicious transaction to the Bank.

The third panellist, **Dr. Pedro David**, Judge, National Court of Criminal Cassation, Argentina, made a presentation on “investigation and international cooperation, including mutual legal assistance and law enforcement cooperation; and cooperation between FIUs and the Egmont Group”. He provided the Workshop with the latest developments made within the framework of Mercosur in the area of international cooperation with regard to the investigation of money-laundering, as well as GAFISUD, the South American Group of Financial Action against Money Laundering and the Financing of Terrorism. He concluded his presentation by stating that Mercosur countries are now pressing for a more effective and prompt response to the challenges posed by the increasing threat of economic criminality.

(c) Panel 4

Panel 4 focused on the issues contained in the second half of the hypothetical case. The Panel was facilitated by a Sub-Moderator **Mr. Peter Csonka**, Senior Counsel, Legal Department, IMF, and consisted of four panellists: **Ms. Ishara Bodasing**, Senior Anti-corruption Specialist, Department of Public Service and Administration, South Africa; **Mr. Henri Pons**, Vice Président chargé de l’instruction, Tribunal de Grande Instance de Paris, France; **Dr. Robert Wallner**, Chief Prosecutor, Princely Prosecution Service, Lichtenstein; and **Ms. Linda Samuel**, Deputy Chief, Asset Forfeiture and Money Laundering Section, US Department of Justice, USA. The Panel engaged in a lively discussion on various issues related to the prevention, investigation, prosecution and punishment of economic crime. More specifically, the discussion focused on: suspicious transaction reporting; role of financial sectors and professionals in prevention of money-laundering; criminalization of money-laundering; investigation of money-laundering; and asset forfeiture and victim restitution. The panel discussed the challenges facing States in implementing a comprehensive money-laundering regime, with emphasis on the benefits of having an integrated and harmonized legislative approach within a region and stressing the importance of international cooperation.

As for suspicious transaction reporting, it was pointed out that the suspicion can be defined as subjective or objective (reasonable grounds) and arise at various stages during or after opening an account; the more detailed the customer profile, the more likely that the anti-money-laundering system will identify suspicious transactions when they occur. In terms of internal control systems, a number of speakers pointed to the importance of properly vetting the staff of financial institutions to reduce the risk of their becoming involved in money-laundering. Concerning investigation, a practical example was given of the importance of obtaining and examining a broad range of bank records. It was emphasized that original banking documents should be examined, since a photocopy of a purportedly signed document might not disclose, for example, that a photocopy of a person's signature, instead of his/her original signature, was affixed thereto. As for asset confiscation, it was noted that some countries shifted the burden of proof as to the origin of alleged criminal assets, whereas in other countries this is not considered consistent with their fundamental legal principles. Some panellists invited the attention of the workshop to the usefulness of civil forfeiture, or non-convict based forfeiture, in confiscating the proceeds of crime.

(d) Interaction with the floor

After Panels 3 and 4, the Moderator invited the floor to make comments and ask questions. Interventions were made by the representatives of **Australia, the Libyan Arab Jamahiriya, Italy, Benin, Brazil, the Syrian Arab Republic, Morocco, Egypt and Spain**. Some delegates raised the issue related to the criminalization of the laundering of the proceeds of crime that the offender him/herself committed (self laundering), as well as the reversal of the burden of proof in asset confiscation, which are considered incompatible with the fundamental principle of law in some countries. In the area of international cooperation, some delegates pointed out that the application of principles of speciality and dual criminality posed difficulties. Most of the interventions from the floor were closely linked to the presentations and discussions by the panellists, prompting answers from them.

(e) Summing up by the Scientific Rapporteur

At the end of the second day of the Workshop, the Scientific Rapporteur identified the following as priorities emanating from the discussion.

- Improve the evidence base to ensure that interventions and technical assistance are more likely to succeed.
- Utilize the latest analytical tools to assist intelligence lead policing and build specialist units.
- Invest in preventive measures especially with the private sector, including development of regulatory regimes and sharing of data.
- Develop appropriate legislation to provide the criminal justice system with the tools to respond to money-laundering, including asset forfeiture.
- Quick action through effective monitoring of remittances and cross border movement of cash.
- Support capacity building through technical assistance.

General Comments on the modalities of the workshop

On the whole, one could say that the management of Workshop 5 was satisfactory, allowing both professional presentations and active interaction with the floor. Most of the interventions from the floor were closely linked to the discussion of the Workshop, and basically there was no reading out of prepared statements, which did not fit in with the Workshop discussion.

This lively interaction could be attributed to: the fact that the Congress had a separate agenda item on economic and financial crime, where more official statements could be made; and the encouragement by the Moderator to make short interventions which are closely linked to the presentations and discussions by the panellists, informing the participants that their prepared papers would be incorporated in a comprehensive report to be prepared by UNAFEI.

Use of the hypothetical case, which was made available in six official languages, proved to be very useful in assuring a practical and down to earth discussion.

However, it should be noted that the Workshop proceeded with enormous pressure of time. Had there been more time allocated, the Workshop would have been more interesting and fruitful, providing in-depth analyses of the issues related to economic crime, including money-laundering; which is too broad a subject to cover in six hours.

Report of Workshop 6

MEASURES TO COMBAT COMPUTER-RELATED CRIME

Organised by KIC

Summary

The Workshop on computer-related crime focuses on recent trends in cybercrime and deals with the digital divide between developing and developed countries. Experts from 13 countries present case studies and practical issues in combating cybercrime.

The Workshop also discuss measures such as the creation of effective legal framework, international cooperation, technical assistance and law enforcement capacity building, as well as the promotion of public-private partnerships.

1. PREPARATORY MEETINGS FOR THE WORKSHOP

In collaboration with the United Nations Office on Drugs and Crime (UNODC), the Korean Institute of Criminology (KIC) organized two Preparatory Meetings, held in July 19 – 20, 2004, and in January 13 -14, 2005, respectively, and Workshop 6 'Measures to Combat Computer-related Crime' for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice during April 18 – 25, 2005.

The work of the Preparatory Meeting was a part of a two-stage preparatory process. The groundwork for the final report was laid at the July meeting, while adjustments and final inclusions, such as the special emphasis on technical assistance to developing countries, were made at the January meeting. During the First Preparatory Meeting resolved to draft a background paper for the Workshop listing principal issues, containing substantive operational guidance for the outcome of the Workshop in the form of draft conclusions and recommendations governed by the main theme of the Eleventh Congress, "Synergies and responses: Strategic alliances in crime prevention and criminal justice."

As set previously at the July meeting, representatives of the private sector were invited to participate in the Second Preparatory Meeting held in January 2005. The Second Meeting discussed the final details of the Workshop format, from the selection of topics and panellists to the guidelines for their respective presentations. The Second Meeting placed emphasis on technical assistance and private-public cooperation in combating computer-related crimes, committing one whole Workshop session on the topic of resources and international cooperation for combating cybercrime.

2. THE FIRST SESSION OF THE WORKSHOP : CYBERCRIME - THEORY AND PRACTICE

Following the agenda set for Workshop 6 'Measures to Combat Computer-related Crime,' Mr. Iskandar Ghattas (Egypt), as Congress-elected Chairman of Committee II, convened the Workshop on April 22, 2005 in Bangkok. After opening the first session of the Workshop, a representative of the Congress Secretariat made an introductory statement, which was then followed by a welcoming address by the observer of the Korean Institute of Criminology. The Permanent Secretary of the Ministry of Information and Communication Technology of Thailand delivered the keynote address for the workshop. Panellists proffered their presentations on the topic "Cybercrime: Theory and Practice." During the discussion, statements were made by three individual experts and by the representatives of Canada,

Ukraine, Austria, the Libyan Arab Jamahiriya, France, Spain, the United Kingdom, Argentina, Morocco and Chile.

3. THE SECOND SESSION OF THE WORKSHOP : RESOURCES AND INTERNATIONAL COOPERATION FOR COMBATING CYBERCRIME

The second meeting reconvened on April 23, with presentations made on the topic "Resources and international cooperation for combating cybercrime." Statements were made by the representatives of Italy, Egypt, Canada, the Libyan Arab Jamahiriya, Algeria, the United States of America, the United Kingdom and Argentina. The observer for End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes also made a statement.

Overall, the Workshop highlighted recent trends in computer-related crime and discussed the digital divide between developing and developed countries. Considering the speed at which computer-related crime was evolving, participants stressed on the need for law enforcement and the private sector to be ahead of the perpetrators. As case studies were presented, speakers underlined the importance of measures, such as the creation of comprehensive and effective legal frameworks, international cooperation, technical assistance and law enforcement capacity-building, as well as the promotion of public-private partnerships.

The impact of computer-related crimes was discussed as well, in particular the impact of fraud and sexual exploitation on individual victims. It was argued that protection and assistance needed to be bolstered, including in the course of investigation and as well as in the process of criminalization since there still remained questions on what specific activities should be criminalized.

The Workshop pointed out also that the impact of computer-related crime was not exclusive to individual victims. Companies, organizations, governments, and society in general were all subjects to the threat of computer-related crimes, in particular digital technology that could be misused for terrorist purposes.

In regards to the technological level and capacities of countries to effectively respond to cases involving cybercrime and to improve the quality of inter-State cooperation as well, it was noted that, within national jurisdictions, four key requirements should be in place: experts dedicated to cybercrime; experts available on a 24-hour basis; continuous training, including training of specialists from other countries; and up-to-date equipment.

Another priority that was highlighted was the provision of technical assistance to developing countries. In particular, assistance in developing expertise in gathering and using evidence of computer-related crime, training of specialized police officers and prosecutors, as well as legislators and policymakers became increasingly important. Likewise, partnership and relationship with the private sector needed further development, not only to counter computer-related crime, but also to expedite the response once it occurred.

In order to coordinate and facilitate the aforementioned forms of cooperation, speakers underscored the importance of effective international law enforcement cooperation. Besides from current international cooperative initiatives among law enforcement agencies, it was indicated that the development and harmonization of national legislation was a prerequisite for effectively countering computer-related crime. On considering the necessity, feasibility, and applicability of a new international instrument, most speakers argued that it might be premature to begin negotiations on such a convention. Considering the Council of Europe Convention on Cybercrime had entered into force only recently and more time would be needed to assess its benefits, for the time being efforts should be focused more on practical measures to enhance international cooperation.

The recommendations provided in the background paper on Workshop 6 (A/CONF.203/14) were viewed as a useful basis for discussion. There were no objections raised on any of the recommendations and many participants supported them in principle.

4. CONCLUSIONS AND RECOMMENDATIONS

The Workshop made the following conclusions and recommendations:

- (a) Technical assistance and training should be provided by the UNODC to States in order to address the lack of capacity and expertise to deal with the problems of computer-related crime. Consideration should be given to updating the United Nations Manual on the Prevention and Control of Computer-Related Crime and the development of related training tools. Such tools should be made available internationally in order to share knowledge and information concerning ways and means of recognizing, protecting, preventing and handling new types of cybercrime;
- (b) International cooperation should be developed in the areas of information exchange, research and analysis concerning computer-related crime. The United Nations should play a leading role in ensuring a global approach to combating computer-related crime to safeguard the functioning of cyberspace, so that it is not abused or exploited by criminals or terrorists. In this regard, consideration should be given to the establishment of a virtual forum or online research network to encourage communication among experts across the globe on the issue of computer-related crime;
- (c) International law enforcement cooperation should be further enhanced, including by upgrading the capacity and skills of countries not currently linked to existing law enforcement networks that focus on cybercrime;
- (d) States that have not done so should be encouraged to update and harmonize their criminal laws in order to counter computer-related crime more effectively, giving due attention to aspects related to the defining of offences, investigative powers and the collection of evidence. The sharing of experience among countries is critical to this endeavour. States should take into consideration the provisions of the Council of Europe convention on Cybercrime;
- (e) Governments, the private sector and non-governmental organizations should work together to counter computer-related crime, including by raising public awareness, engaging in preventive activities and enhancing the capacity and skills of criminal justice professionals and policymakers. Such cooperative efforts should include a strong focus on preventive aspects;
- (f) The results of the workshop should be made available to the second phase of the World Summit on the Information Society, to be held in Tunis from 16 to 18 November 2005.

REPORT of ANCILLARY MEETINGS

Urban Security Across the World: Lessons Learned *Session 13*

Time and date of the meeting: 9 am to 1 pm, 20 April 2005

Sponsoring organization: International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme (ISPAC)

Chair of the meeting: Michel Marcus, European Forum for Urban Safety (FESU)

Abstract as submitted by the chair prior to the congress:

Overview of the Session: Issues related to – among others – social and security policies, urban governance, and the privatization of security will be addressed by international experts from a world and European perspective. The meeting will end with a presentation of two cases of “best practices” at a local level: Italy and Spain.

Name and title of presenters:

Jesus Damàsio, Complexo Juridico Damàsio de Jesus, Brazil

Laura Petrella, UN-Habitat, Safer Cities Programme

Laurent Mucchielli, the Centre for Sociological Research on Law and Penal Institutions (cesdip), France

Michel Marcus, Director, European Forum for Urban Safety, France

Fabrizio Cristalli, General Director for Security, Local Police and Urban Security, Lombardy Region, Italy

Luis Arroyo Zapatero, Director, Institute of European and International Penal Law, University of Castilla-La Mancha, Spain

Sonia Stefanizzi, Professor of Sociology, University of Milan-Bicocca, Italy

Ernesto U. Savona, Professor of Criminology, Catholic University of Milan, Italy

SUMMARY OF PRESENTATIONS

Jesus Damàsio presented the results of a study he undertook in Sao Paulo, Brazil, a city with a high incidence of crime (such as murder, burglary, robbery, etc.), and, in particular, the fourth most violent city of the country, with an average of 58 homicides per 100 million inhabitants.

He presented a picture of the main crime typologies in the city, which are:

- *assault to extort money*, whose high incidence led to a relevant decrease in the quality of life. This phenomenon, for example, has caused people to go out less frequently, to armour their cars (Brazil is the country with the highest rate of armoured vehicles in the world) or to buy modest cars, instead of luxury ones, in order to reduce their risk to be victimised;
- *kidnapping for ransom*, which occurs daily in the city;
- *robbery, burglary and car theft*, which are the most feared crimes;
- *drug trafficking*, which in turn has caused many cases of multiple homicide motivated by revenge;
- *homicide*.

The Speaker then stated that Sao Paulo's inhabitants need to change their behaviour in order to support the prevention of these criminal phenomena, but that it is also necessary for the authorities to be more proactive in trying to better prevent crime and improve the general

quality of life. Unfortunately, in several criminal cases, the different levels of government are simply engaged in infighting: the federal government blames the incidents on the state government, which in turn claims that it is a union problem. Mr Damàzio urged Sao Paulo's administrations to work together in order to solve all urban crimes.

Laura Petrella outlined the main aspects of urban security:

- *Urbanization trends*: The Speaker underlined that cities are experiencing the largest demographic increase and that this is being accompanied by increased poverty, unsustainable urbanization patterns, and that most of the urban population is excluded from services and opportunities – an exclusion that weakens democratic processes and economic development while also representing a violation of human rights;
- *Local government trends*: These are marked by a tendency to “decentralize” power to the local level because local authorities are seen as policy “enablers” and as being on the frontline of services delivery. Ms Petrella stressed the need for partnerships between local authorities and for a focus on participatory urban governance. Also, it should be noted that citizens are increasingly addressing their demands for safety to local authorities;
- *Crime and violence*: Here the Speaker spoke of the very high incidence of corruption worldwide. Other criminal activities referred to were: sex offences, car theft, assault, robbery, and burglary;
- *Challenges and responses*: The traditional response to crime has been to focus on the criminal justice system and to target the effect of crime instead of its cause: responses have tended to be reactive as opposed to preventative and short-sighted (hence not sustainable), despite the fact that the criminal justice system itself has acknowledged the inadequacy of such an approach;
- *Local crime prevention*: Key elements of preventive measures are: municipal / local leadership, action-oriented partnership, targeting local actions and problems, reducing and preventing delinquency, increasing the feeling of security among the population, improving the quality of urban space, and developing citizens' participation. Tools to support local crime prevention include: strengthening institutional mechanisms, carrying out diagnoses, monitoring, strategy-making, partnership-building, and, crucially, the will to implement appropriate measures;
- *Lessons learned*: International assistance needs to be coordinated better and the tools need to be adapted and appropriated by implementers. A significant problem lies in the evaluation of measures, both because the process is complex and because the long-term benefits may not fulfil the public's expectations. Partnerships require dedication, time, and flexibility.
- *A way forward* is possible through the design of a “national enabling framework” on crime prevention; the consolidation of toolkits and operative guidelines; an increase in the documentation of international good practices; peer learning and capacity building; linking advocacy work with a clear agenda for development; and linking transnational crime prevention agendas with local crime prevention strategies.

Laurent Mucchielli mentioned that in recent years violence has become an increasingly central theme in France. Young people seem to be particularly vulnerable to becoming implicated in criminal activities such as theft (mobile phones, cars, MP3 players etc...). One police report stated that a group of youths burned about 20 cars and stoned public transport vehicles in the course of one night. Although problems of racism, violence, and crime have always existed, Mr. Mucchielli declared that in the last 10 years the problem has been exacerbated by the worsening of the economic situation. In many cities in France, youth violence has occurred mainly in poor immigrant neighbourhoods with high unemployment

rates. He urged authorities to prioritize the reformation of urban security policies and to look at alternative ways of dealing with this social problem.

Michel Marcus started by giving an overview of crime statistics in European Union (eu) countries. He then talked about “visible” and “invisible” violence, touching on violence against women, street violence, violence in the workplace, and youth violence. He stated that other crimes – such as trafficking in human beings, drug trafficking, illegal immigration, terrorism, and corruption – are much debated in the eu. In suggesting the main tendencies of safety policies, he mentioned:

- modernizing the justice system;
- protecting goods and public spaces;
- reducing factors that lead to committing criminal acts;
- protecting potential victims, and ensuring reparation of damages;
- equally important is the development of policies aimed specifically at disadvantaged urban neighbourhoods.

He then explained the framework for crime prevention policies in the European Union referring to:

- the emergence of a European crime policy funded by the European Commission;
- the perspective of creating a European Observatory, collecting data on crime and crime prevention policies throughout Europe;
- the development of partnership structures at the national and local levels such as the Community Safety Partnership (uk), the Safety protocol (Italy), etc.

The Speaker then mentioned an example of a national strategy, i.e. the Swedish strategy, which consists in a National Crime Prevention Council (since 1994) including a special division in charge of supporting local prevention actions; a national action plan identifying as a “common responsibility program”, among other things, the development of effective actions of prevention and the promotion of citizens’ participation; and specific action plans concerning the sexual exploitation of children, violence at school, trafficking of human beings. Attention was then devoted by Mr. Marcus to the development of local partnerships between police, local authority, community, health services, prosecution and probation services to improve security, such as, for example, those experimented in Edinburgh (the Edinburgh Community Safety Partnership) and Hackney (the Hackney Safer Community Partnership).

Fabrizio Cristalli spoke about the “Lombardy Region’s Security model”, based on research and actions carried out in the region of Lombardy in northern Italy over the last years. The key points of this model have been summed up by Mr. Cristalli as follows:

- *local police reform*: in 2003 the law for the reorganisation and reform of local police and urban security has been enacted. Local police depend from local municipalities and perform administrative, environmental, traffic and territorial security tasks. Its members have a deep knowledge of the area where they work, so that they, more than any other police unit, have a primary role in controlling the territory. The 2003 reform has also allowed a better interagency cooperation;
- *development of urban security actions through governance of the territory and negotiation with local institutions and actors*: since the entry into force of the 2003 law the transformation of local police into territorial police units particularly close to citizens has been evident. Also the introduction of a toll-free number to contact local police went in this direction. To fully implement the law, the Region has coordinated the various institutions (such as Civil Protection and Local Police), in order to carry out integrated security actions. Furthermore, the 2003 law disciplines the so called “local pact for urban security”, which consists in the joint planning and

- implementation of interventions for improving urban security conditions in a given territory by the relevant territorial entities, associations and actors;
- *knowledge of local phenomena and risk analysis to orient policy options*: the knowledge of the territory and of its dynamics is the basis for effective regional policies in the area of urban security. In order to get this knowledge, the Region has set up a laboratory for risk analysis, that aims at georeferencing deviance and understanding its causes;
 - *professional training for operators*: the Region undertook actions to adequately train local police officers by carefully defining the psycho-physical indicators for entering local police forces and organising training modules;
 - *associationism and financing of micro-projects on urban security, to enhance the quality of public services*: since 2000, the Region has delivered to municipalities around 43 million euros for carrying out projects aimed at improving urban security. Thanks to these funds, municipalities' associationism expanded (from 184 municipalities in 2000 to 772 in 2004);
 - *interagency cooperation to concretely respond to specific territorial problems*: this takes many forms. First, a Regional Committee for Urban Security has been established to develop urban security policies. It is headed by the President of the Region with the participation of the highest local offices. Also, for example, a programme called "smart" has been launched to prevent and fight environmental and urban crimes; it involves the joint action of local police and law enforcement agencies.

Luis Arroyo Zapatero spoke of the evolution of criminality in Spain during the last 25 years, which coincides with the restoration of Democracy as well as with great economic development and social progress. This process has been deeply influenced by a notable increase in criminality which proves that crime is not a phenomenon fundamentally linked to poverty. During these years, terrorist acts perpetrated by eta - responsible for a thousand murders and incalculable injuries and material damage - have been a regular feature of crime. Furthermore, due to Spain's geostrategic position, its conversion into a crux of drug trafficking towards Europe, together with the subsequent establishment of organized crime, has contaminated the economy of some urban regions owing to practices of money laundering.

The development of a modern Public Safety policy that includes safety action and social policy, as well as the coordination of the spheres of prevention, social action and political management in the cities, has always been hampered by the constant presence of eta's actions and the concentration of all governmental efforts on them. In addition, since the 11 March 2004 attacks in Madrid, new phenomena of organized crime have appeared in Spain, linked to the presence of radical Islamist terrorism, which have made the situation even worse. Nevertheless, the new Government has begun to formulate a new horizontal urban safety policy and has also taken steps to deal with specific issues, especially in order to fight gender violence.

Prof. Luis Arroyo Zapatero, referred to the city of Barcelona as a significant and advanced example of an urban safety policy.

COMMENTS FROM THE FLOOR

The following comments were made by members of the audience:

The session was mainly focused on European cities, where urban crime takes on forms that are quite different from those in other parts of the world. Thus, the analysis drawn on the relationship between insecurity and criminal patterns did not reflect the full diversity of national situations. It was suggested that it would be useful to develop guidelines for all nations and regions, guidelines that address issues of human insecurity and human rights;

Political sanctions against nations were discussed as a means to encourage the reduction of urban criminality in areas such as street violence, property theft/ damage, and murder; The audience also stressed that the main causes of criminal behaviour in urban areas lie in poverty; consequently, this problem should be tackled by local government authorities and their partners.

CONCLUDING REMARKS

Sonia Stefanizzi acknowledged that it was difficult to sum up such heterogeneous cases as were presented, and made the following considerations.

Firstly, the concept of security upon which national and local security policies are based is multi-dimensional and includes elements of repression and control of deviant behaviour, actions aimed at crime prevention and at improving conditions that lead to criminal behaviour, and “re-socialization” policies on an urban and local level.

Secondly, policies which favour preventive and/or repressive penal action not only have no effect whatsoever on the causes that generate feelings of insecurity among citizens, but can have two equally undesirable results: a purely symbolic legitimisation of the penal system and the privatisation of security, which in turn can lead to limited access to public spaces and their subsequent militarization, greater social inequality and exclusion of weaker groups and a general diminution of civil rights and freedoms.

In order to respond to citizens’ need for security, Ms Stefanizzi stressed that Government action should focus on political, social and cultural strategies aimed at empowering weaker social groups rather than on policies based on penal action.

Ernesto U. Savona underlined the importance of sharing experiences across countries; in particular, efforts should be made to increase cooperation between countries/ local authorities. Such cooperation would help in combating traditional and new crimes (specific reference was made to “cybercrime” and transnational crime), and in developing new tools and strategies.

Crime Prevention and Criminal Justice in the Context of Natural Disasters: Lessons Learned

Session 16

Time and date of the meeting: 2 pm to 6pm, 20 April 2005

Sponsoring organization: Asia Crime Prevention Foundation (ACPF) and the International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme (ISPAC)

Chairs of the meeting: Minoru Shikita, Asia Crime Prevention Foundation (ACPF); Ernesto U. Savona, Catholic University of Milan

Abstract as submitted by the chair prior to the congress:

Overview of the Session: The meeting will focus on the “lessons learned” subsequent to natural disasters in various parts of the world, with particular emphasis on the diversion of funds and its prevention. The discussions will also include a description of the interventions made as well as an evaluation of the transparency, the effectiveness and the efficiency achieved.

Name and title of presenters - Session 1:

Chair of the session: Minoru Shikita: Chairman, Asia Crime Prevention Foundation, Tokyo, Japan

Gabriele de Ceglie: Ambassador, Permanent Mission of Italy to the International Organizations, Vienna; Representative of the Ministry of Foreign Affairs, Italy

Harkristuti Harkrisnowo: Professor of Criminal Law and Criminology, University of Indonesia

P.K. Mehta: Inspector General-cum-Chief Security Commissioner, Railway protection Special Force, Ministry of Railway, Government of India

Motoo Noguchi: Professor, unafei, Japan

Name and title of presenters - Session 2:

Chair of the session: Ernesto U. Savona, Professor of Criminology, Catholic University of Milan, Italy

Anthony Harriott: Professor of Government, University of the West Indies, Mona Campus, Kingston, Jamaica

Mohammad Farivar, MD: Harvard Medical School and President of the Earthquake Relief for Orphans, Boston (Bam, Iran)

Slawomir Redo: unodc

Name and title of presenters - Session 3:

Chair of the session: Ernesto U. Savona, Professor of Criminology, Catholic University of Milan, Italy

Paolo Caputo: Project Manager Aftermath the Tsunami, Italian National Service of Civil Protection, Italy

SUMMARY OF PRESENTATIONS

Gabriele de Ceglie remarked that natural disasters have always presented a unique opportunity for criminal organisations to achieve high profits through illegal activities (such as illegal trafficking in weapons and human beings, money laundering and corruption) taking advantage of tragic events. These problems gained worldwide visibility during the December 2004 tsunami disaster. On that occasion, several Italian individuals and institutions, such as the Civil Protection Department of Italy, the Italian Red Cross, and various Italian NGOs, took part in rescue efforts and organised a vast fund-raising campaign. Moreover, Italian bodies are currently running several short and long-term projects to help rebuild affected communities. The funds raised amounted to as much as 45 million euros. All of these aid projects have contributed to strengthening relations between Italy and a number of Asian countries.

Mr. De Ceglie stated that there is a need to stimulate a culture of prevention against disasters, a culture based on rapidity of monitoring, civil protection and proper evacuation techniques; also, it is important to avoid the risk that humanitarian aid given by rich countries to poor ones is used as an instrument of geopolitical influence.

Harkristuti Harkrisnowo spoke of the disastrous effect that the tsunami has had on Aceh, the entire Indonesian coast and the islands. In particular, the population affected by the disaster has been estimated at around 2.8 million out of Aceh's 4.4 million population. She placed particular emphasis on the impact this has on the legal system of the country. Due to the fact that a large part of the legal infrastructure was destroyed, there has been, on one hand, large-scale loss/damage of official documents (such as identity cards, land titles, contracts and legal proceedings), with consequent loss of evidence of status/legal transactions/proceedings. Also, many defendants, as well as criminal justice operators, are missing or dead. On the other hand, the existing law enforcement agencies and judicial bodies experienced many difficulties following the tsunami, largely due to an enormous case load. A report drafted by the relevant Indonesian authorities recorded criminal incidents such as: thefts by young people, child trafficking, illegal adoption of Indonesian children by foreigners, one case of rape, corruption linked to donated material and discrimination in its distribution. In order to respond to this situation, the Government has to date declared an emergency status for Aceh, coordinated donors and, above all, set up a working group to compile accurate information about damages

and recommend specific measures with the assistance of experts, as well as involving local people.

P.K. Mehta reported that in India the impact of the tsunami recorded incidences of thefts, burglaries, child abuse, and mismanagement in relief distribution. Moreover, corruption was found to be widespread among people with access to relief materials and involved in reconstruction activities. However, throughout the emergency police officers were mostly concerned with managing relief operations and with helping victims. Thus, the impact of the crimes carried out during those days may not become visible for some time, once life has gone back to “normal”.

Motoo Noguchi reported on findings that were presented at an acpf meeting dedicated to the role of the criminal justice system in situations of severe socio-economic damage due to natural disasters. He reported on six issues in particular:

1. *the extent of real criminality*: the majority of reported crimes were related to money and property. As far as official crime reports made to the police are concerned, there was no evidence that organized crimes, including child trafficking, took place in any of the tsunami-affected countries. Some countries stated that most of the reported crimes were committed by opportunity seekers who were not professional criminals and who, in many cases, came from inside the afflicted area. The difficulty of defining post-disaster crimes was mentioned in the meeting, i.e. whether this definition should be limited to crimes that occurred in a relatively short period of time after the disaster, or whether it should include all crimes that have been deemed relevant to the disaster within the course of several months or an even longer period. It was agreed that law enforcement agencies need to remain vigilant as regards the possible recurrence of organized crimes for at least half a year or ideally one year after the disaster;
2. *how to prevent further criminality*: as for the period immediately after the disaster, immediate dispatch of a sufficient police force is of the utmost significance. It is also important to dispatch women police officers, who are in a better position to take care of women, children and elderly people in danger. Proper education to soothe children's traumas and prevent them from delinquency is also important and criminal justice has a role to play in this regard;
3. *identification of dead people*: identification of dead bodies needs individual investigation of the identification itself and the cause of death. Collaboration with foreign embassies proved to be essential. Mobilization of forensic experts to enable speedy identification of dead bodies by dental or dna information is also critical;
4. *legal implications of the tsunami disaster*: many countries reported cases where official documents that certify the ownership and other property rights, including land titles, were lost or severely damaged. Authorities should make it a rule to keep the backup of these records;
5. *rehabilitation and issues of social concern*: the issue of orphans was raised here again. Criminal justice agencies should make every effort so that orphans will not be subjected to any form of exploitation;
6. *other issues*: the technical issue of inter-agency communication right after the disaster was also discussed, including the strengths and weaknesses of communication through the Internet.

Anthony Harriott spoke of how several kinds of natural disasters common in Jamaica and the Caribbean region (hurricanes, volcanic explosions, earthquakes, etc.) are linked to the perpetration of criminal incidents in the region. However, it should not be underestimated that the highest risk of violent crime in the area comes from poverty, a low quality of life and widespread unemployment (over 50% of the urban population is poor). The region's capacity in terms of social and economic development is average, but that of the police and military

services is even less. Moreover, Caribbean people have a negative attitude toward security services and a lack of confidence in the police.

The Speaker stated that there is a need to develop a natural disaster early-warning system that is operational both at the local and national level. Caribbean countries' capacity to undertake aid relief also needs strengthening and should be supported by modern technologies and innovation.

Mohammad Farivar introduced the Earthquake Relief Fund for Orphans (erfo), which was established in 1990 as a registered non-profit 501 (C) 3 Non-Governmental Organization (ngo) in Boston, Massachusetts with the primary purpose of helping children orphaned by a major earthquake in the Northern Provinces of Guilan and Zanjan in Iran. The earthquake left more than 35,000 dead and approximately 500 children orphaned. erfo has continued to identify and help orphans of subsequent earthquakes in Iran including the provinces of Ardebil, Qaen, Birjand, Qazvin, and finally the Bam region. He explained that its objective is to donate financial aid and material to victims in remote areas (particularly orphaned children), as well as to collaborate with other agencies to distribute donated materials such as tents, clothes, blankets, etc. Shortly after a major earthquake, an erfo representative travels to the damaged area to identify orphans up to the age of 17 years. erfo then locates and appoints a legal guardian to care for each child, preferably chosen among the closest relatives. The guardian signs a contract with the erfo, guaranteeing that in return for receiving a monthly stipend to support the child, he/she guarantees to care for the child in a peaceful home environment, provide the child with adequate nutrition, health care and education when it reaches school age. Furthermore, the guardian guarantees that the child will not be abused mentally or physically and that it will not be put to work either at home or outside until it reaches the legal age of 18. The Funds are deposited in the child's name, in the form of a long-term certificate of deposit (cd) in the local Bank.

Mr. Farivar then described in detail the specific difficulties faced by children who are orphaned by natural disasters, with particular reference to the 2003 earthquake in Bam, where erfo has come across a great deal of difficulty in protecting children in the immediate post-tragedy time from crime and abduction by individuals seeking to take advantage of the situation. Mr. Farivar proposed that after large-scale natural disasters, governments should adopt a policy to immediately initiate military control of and impose a curfew on the affected area, station a military personnel at every street corner to prevent people entering and/or exiting, to halt looting and to physically take control and care of every child until further planning by specialized units are initiated. This will prevent children being taken prematurely and without prior course of action by the concerned family members.

Slawomir Redo spoke of the United Nations' need to collaborate with other un agencies, NGOs, local governments, academic institutions, and other partners in bringing relief to areas hit by natural disasters worldwide. He acknowledged that all governments are in need of technical assistance and recognised the difficulty of dealing with routine criminal activities while also dealing with emergency relief efforts. He suggested that some minimum standards for criminal prevention in the context of natural disasters should be drafted. Mr. Redo also mentioned that the United Nations will hold a global conference on disaster relief in June and that this conference will discuss responses to earthquakes and tsunamis, among other issues.

Paolo Caputo introduced the Italian National Civil Protection Service. He focused on the need to design strategies for assessment mechanisms, to draw up clear financial plans and to strengthen operational procedures. Mr. Caputo outlined key issues for ensuring operational success:

- The establishment of clear rules and regulations for all activities;
- Transparency in awarding reconstruction contracts;
- The need for relief agencies to establish a clear presence on the ground;
- The need for ongoing internal and external monitoring procedures;

- Administrative control.

Lastly, he spoke about building relations with individual donors and media networks.

Ernesto U. Savona stressed the importance of keeping in mind criminal justice issues even in the midst of natural disaster relief operations, which is why an action plan or strategy for natural disasters should be adopted by all governments. In the aftermath of disaster, special attention should be paid to preventing the following crimes: trafficking in human beings, taking advantage of orphaned children, tampering with dead bodies, and corruption.

He then put forward some recommendations:

- *recommendation No. 1: considering that several cases of humanitarian disasters show a recurrent pattern, where criminals exploit the legislative gaps and items that provide opportunities for crime, action might be taken to crime proof legislation (i.e. to render it less vulnerable to its exploitation by criminals) in case of humanitarian disasters, especially in the sectors of reconstruction and public procurement;*
- *recommendation No. 2: considering that humanitarian disasters often cause the displacement of a mass of people from the areas struck by the catastrophes to other countries, and that organized criminals exploit this demand for migration, hence profiting enormously from trafficking and smuggling activities, action might be taken to prevent and combat trafficking in persons (especially women and children) and smuggling of migrants;*
- *recommendation No. 3: considering that the higher the level of corruption in a State, the higher the probability that relief funds for reconstruction after natural disasters are diverted from beneficiaries to criminal cartels/groups acting in collusion with the politicians, action might be taken to prevent and combat corruption in “weak States”;*
- *recommendation No. 4: considering that in the so-called failed States, the challenge after natural disasters may be even greater than in other “stronger” States, because in these areas the criminal justice system has lost its institutional capacity to effectively fight crime, action might be taken to establish closer public partnerships (international police and judicial cooperation) and to strengthen NGOs’ capacity to support institutional capacity to effectively fight crime;*
- *recommendation No. 5: an early-warning system for crime prevention should be created.*

Slawomir Redo recommended that a study on Victimology in the context of natural disasters be carried out. It would be useful to develop and expand discussion among NGOs and even the UN Commission on how to prevent crime and corruption, which are the biggest problems in cases of natural disaster. Furthermore, technical support and training are much needed in several regions of the world.