

**XI. UN Congress on Crime
Prevention and Criminal Justice**

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High-level Segment

Statement by
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(check against delivery)

Thank you, Mr. President,

First of all let me congratulate you on your election as President of this Congress and extend the congratulations also to the other members of the Bureau. Also, I would like to thank the government of Thailand for the hospitality and for its efforts with the organisation of this event. Austria fully supports the statement by the distinguished representative of the Grand-Duchy of Luxembourg on behalf of the EU and associated countries.

Austria appreciates the institution of the UN Crime Congresses as a major high-level forum to steer the development of the Rule of Law, to promote global security and good governance and to contribute to people in all regions of the world enjoying their lives in freedom from want or fear. This congress takes place at a moment, when we witness the construction of a system of global legal instruments against the most dangerous and impacting forms of crime swiftly evolving.

Mr. President,

At this point let me echo the voices of previous speakers in recognising the grave threat that transnational organised crime poses to the security and integrity of our societies – a threat which impairs sustainable development and poverty reduction, distorts social systems and undermines legitimate economic activity. Austria highly appreciates the work which is being carried out by the UN in general and the UN Office on Drugs and Crime in particular. With its comprehensive mandate comprising drug trafficking, corruption and money laundering the UN Office on Drugs and Crime is not only well equipped to address the multifaceted occurrence of transnational organised crime, but also its various linkages to terrorism.

The UN Convention against Transnational Organised Crime and its Protocols have enabled us to foster international cooperation in tackling organised crime. I am pleased to inform you that Austria ratified the Convention last year and is striving to

complete the ratification procedure for the Protocols as soon as possible. While preparing the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Austria has started a prevention initiative at her embassies and consulates abroad. This campaign tries to raise awareness among applicants for visa and residence permits, who might be at risk of becoming victims of trafficking in human beings.

Mr. President,

The signing conference for the UN Convention against Corruption in December 2003 marked the successful completion of fruitful negotiations which started two years earlier from a draft text tabled jointly by my country and the Netherlands. To Austria as one of the co-chairs of the "Friends of the UN Convention against Corruption" it is very heartening to note the high number of signatories and the rising number of ratifications of the Convention. I can assure you of the continued support for the work of this informal group to promote the ratification and implementation of the Convention. In the same vein, Austria commends the UN Office on Drugs and Crime for its asset recovery initiative, launched on 9 December 2004, the first International Day against Corruption. This initiative and the number of countries that have already signed are a clear signal for the ongoing commitment to the Convention. It is important that we maintain this momentum in repressing corrupt practices and promoting the rule of law and good governance.

Mr. President,

When the last UN Crime Congress was held in Vienna, it was difficult to imagine that a terrorist attack, as it happened on 9/11 was possible. In the meantime the fight against terrorism has become one of the central issues specifically in crime prevention and criminal justice. Availing themselves of the guidance provided by UNSC Resolutions and the work accomplished by the CTC, many countries and regions have upgraded and further developed their counter-terrorism tools. The momentum was important and sustainable enough to have produced a spirit of

compromise that lead to the recent breakthrough in the negotiations of the UN convention for the suppression of nuclear terrorism, to become the 13th UN legal instrument against terrorism.

A tighter network of legal instruments furthers an important objective in counter-terrorism: to keep the Rule of Law as the guiding principle when it comes to investigate and prosecute terrorist offences. While the phenomenon of terrorism requires without any doubt a vigorous response, counter-terrorism action cannot provide an excuse to disrespect human rights. Austria wants to repeat its firm position that human rights must not be compromised in any way in the pursuit of all criminals, including terrorists.

Following the report of the High level panel on Threats, Challenges and Change, the UN Secretary – General's report *In larger freedom: towards development, security and human rights for all* recognises terrorism as one of the worst threats to human security and calls on the member states *inter alla* to develop state capacity to prevent terrorism, to deter states from supporting terrorists and to deny terrorists the means to carry out their attacks.

Mr. President,

These calls are pertinent, and if heeded, they make a difference to the chances of the global community to prevent and forestall terrorist attacks. They are linked to the legal instruments against terrorism, some of which are still) awaiting signatures and ratifications. But they are also linked to the concerted activities of UN counter-terrorist institutions: the CTC as global co-ordinator and facilitator and the UNODC as a main provider of technical assistance. Having provided counselling services on more than 80 countries, the UNODC's terrorism prevention branch has developed a unique expertise on how to make the UN legal instruments work and how to offer tailored solutions for individual countries how to implement them in an effective way, compatible with the basic principles of their legal systems. Last years resolution of the UN Commission on Crime Prevention and criminal Justice adding capacity building to the tasks of the TPB got its confirmation through the priorities of the UN Secretary General.

The links between illicit drugs, organised crime and terrorism as recognised in UN-SC resolution 1373 have been confirmed by evidence and have been supported by most delegations throughout this congress. The Congress also confirmed the need for a comprehensive response. The UNODC with its mandate to fight each single one of those threats is in the unique position to provide such a comprehensive response. In Austria's view this includes applying expertise acquired in the fight against illicit drugs and organised crime as well as proven practical measures also to combating terrorism. The establishment of the TPB within the UNODC allows for this integrated approach and the necessary synergies. In its work, the Rule of Law is the most important tool to prevent and suppress terrorism in a sustainable way. Therefore, it is of vital importance that the UNODC continues to receive voluntary contributions for its Global Programme against Terrorism to continue an active role in fighting the scourge of the beginning 21st century.

Mr. President,

Another area, on which we should focus on a priority basis, is the development of UN standards and norms in crime prevention and criminal justice. Over the past 50 years a remarkable compendium of legal texts has been adopted. Now it is crucial to exchange information on the use and application of those standards and to make further progress in their implementation. Austria continues to be supportive of this exercise and considers the balance between the fighting crime and keeping up the Rule of Law – based on common standards and norms - an essential part of the work programme of the UNODC. For the credibility of the criminal justice system it is of key importance never to lose sight of its roots which lie embedded in Human Rights and the Rule of Law.

Mr. President,

The host region of this Congress is not only known for its natural beauty, but also for its latest achievements in computer and telecommunication technology, technologies bringing along great benefits but also entailing risks.

The fight against cybercrime is another important challenge in crime prevention at the start of the new millennium. The reasons for the misuse of computer technology are various and range from simple mischief and malice to the regular motives of crime which is now committed by using a computer system. Identity thefts allow offenders to impersonate somebody, whose data were stolen. With on-line transactions increasing in numbers and speed, enormous frauds can be committed in very little time. Terrorist activities equally benefit from wrongful impersonations. A particularly hideous and unsavoury type of crime utilising internet technology is child pornography, serious concerns also remain over the marketing of restricted substances over the internet via so-called internet pharmacies.

In 2001, the Council of Europe has negotiated the first regional comprehensive legal instrument on high-technology and computer-related crime, which was signed by more than 30 countries and is designed as an open convention, enabling global accession. The successful work by the Council of Europe has shown, that the matter is neither too complex nor too disputed to reach consensus on a legal instrument in a larger group of countries. Therefore Austria believes that being proactive in keeping pace with the cyber-criminals will pay off in the long run. A moment will come, when there will be an advantage of a global regulation on computer-related crime. We should work together not to miss out on this opportunity and make clear that the Rule of Law works everywhere – even in Cyberspace.

Thank you, Mr. President