

11th Congress on Crime Prevention and Criminal Justice
Germany's Oral Contribution to the High-Level Segment

Mr. President, I would first like to ~~express my recognition and~~ congratulate you on your election. ~~And I would also like to take this opportunity to thank you and all those who support you in your challenging duties for the successful realization of this event.~~

+ thanks → Thai hosts

Ladies and Gentlemen,

~~In 1950 the UN General Assembly decided to organize a conference on crime prevention and criminal justice every five years. In 1955, that is, exactly fifty years ago, the first of these UN Congresses took place. The criminal law congresses have always primarily served the discussion of issues beyond day to day political business. Already at the last two congresses in Vienna and Cairo the focus of attention was on the challenges presented by transnational organized crime, corruption, money laundering, and trafficking in persons.~~

~~The 11th Congress as well will address issues that are currently at the center of public interest worldwide. From the German perspective this choice of issues is not only well-balanced, but also extremely topical. Transnational organized crime, corruption, money laundering, and trafficking in persons also present core challenges for Germany that can only be successfully addressed through close international cooperation.~~

Ladies and gentlemen, please allow me to briefly address some of these central issues.

1. Organized Crime

~~In Germany, because of our location in the center of Europe and the high mobility in Europe, we are affected by transnational organized crime in a particular way. In 2002, according to the Organized Crime Situation Report by the Federal Criminal Police Office, it caused damages of more than 3 billion Euro. In about 80% of cases suspects of different nationalities worked together and over 80% of the offenses had transnational connections. Thus, an effective fight against this type of crime is only possible through a coordinated international approach. Against this background Germany has taken numerous measures at both the national and international levels.~~

The UN Convention against Transnational Organized Crime with the goal of increased international cooperation presents a significant contribution in this regard. The Federal Govern-

ment is currently working intensively on the implementation of the Convention. Upon ^{of the Convention} ratification, the basis will have been created for effective worldwide cooperation for combating organized crime, especially in the manifestations particularly addressed in the supplementary protocols. Increased value will be achieved upon the removal of differing definitions of individual offenses from the national legal systems and the criminalization of certain serious acts.

↑ ^{contained therein} Although these international law rules ^{the value of the Convention} (are already in practice in German law today), ^{in our opinion, their value} at the same time, primarily lies in the political signal that the community of states takes the phenomenon of organized crime very seriously and that it decisively acts against it ~~through the creation of corresponding instruments.~~

2. Corruption

^Q ~~An additional central task of international cooperation in crime prevention is the fight against corruption. Up until a few years ago the fight against corruption still involved a purely national issue. However, the merging of world markets has led the international dimension of this issue to enter the consciousness of the community of states. Since then ^{instruments drafted} numerous ~~by international organizations~~ have drafted legal instruments for combating international corruption. Of note here are the Council of Europe Criminal Law Convention on Corruption, the Inter-American Convention against Corruption, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and the four EU legal instruments that address the fight against corruption of public officials and corruption in the private sector.~~

Among the ^{Convention} ~~Treaty~~ However, the United Nations ^{Convention} ~~Treaty~~ against Corruption, which was prepared in a remarkably short amount of time, is of significant importance. It created the foundation for the necessary worldwide uniform standard in combating corruption. In this regard I would especially like to emphasize that a focal point of the UN ^{Convention} ~~Treaty~~ is, correctly, prevention. Even when the significance of criminal law in combating this form of crime cannot be underestimated, preventive measures have particular importance in regard to corruption.

Germany signed the UN ^{Convention} ~~Treaty~~ on 9 December 2003 ~~the first day that it was presented for signing in the framework of the states' conference in Mérida~~ ^{Meanwhile, we} Germany added the guidelines for the preventive fight against corruption to the new version of the guidelines on prevention of corruption in the federal administration. ~~We are~~ ^{we are} currently preparing the implementation of the Council of Europe Criminal Law Convention on Corruption. In this context ^{we} Germany will also take account of the guidelines of the UN Convention concerning criminal law. Ratifica-

tion of the United Nations Convention should take place after conclusion of the ratification of the Council of Europe Convention and the supplementary protocols thereto.

3. Money Laundering

An effective fight particularly against organized crime further requires that it be made as difficult as possible for offenders to funnel the income from their crimes into legal economic circulation. In order to achieve this goal, there must be ~~standards that are as uniform as possible~~ ^{for} on combating and preventing money laundering and, ~~above all,~~ ^{in this field} corresponding international cooperation. ^{the need for uniform and it has}

The international legal community has recognized ~~this problem and~~ made significant progress in this area in the past few years. I would especially like to mention the United Nations conventions against transnational organized crime and against corruption, which each contain binding guidelines. Both conventions thus present central components for the worldwide fight against money laundering. In addition, other international ~~committees~~ ^{forums} have also provided significant contributions in this area in the past few years. I would like to particularly mention here the FATF ~~the Financial Action Task Force on Money Laundering~~ which has taken on the extremely difficult task of how effective money laundering prevention can and should look *in detail*. ~~Thus, the two United Nations conventions also correctly mention - at least indirectly - this work as a guideline for concrete legislation in the individual signatory~~ ~~states.~~

As has been stated by many of the previous speakers and, in particular, by the Luxembourg EU Presidency,

This and other work at the international level are the fundamental reason that it does not seem advisable to initiate *another* "comprehensive money laundering convention" at the level of the United Nations ~~as has been discussed on the occasion of this event. We must take care that we do not hinder rather than promote our joint efforts through too many instruments that, by force, are contradictory in the details~~. Instead ^{we} must further strengthen the already established and successful work and its implementation. ^[+ OK]
_{quotation}

4. Sexual Abuse of Children ()

The sexual abuse of children also is a common concern and takes forms that require transnational cooperation among states for effectively combating them. I am thinking here primarily about child sex tourism as well as trafficking in children. For cases of child sex tourism ^{Germany included} there are statutory ^{rules in her Penal Code} conditions in Germany that enable the domestic criminal prosecution of Germans who sexually abuse children in a foreign country, even when the German offender has the basis of his existence in a foreign country. To combat international trafficking in children Germany has actively participated in the work on formulating the facultative protocol to

~~UN Convention for the Suppression of the Financing of Terrorism. The special recommendations of the Financial Action Task Force against Money Laundering (FATF) for combating the financing of terrorism provide important practical assistance in this regard.~~

In addition, it is of exceptional importance that the negotiations regarding the Russian recommendation for a UN convention on the suppression of nuclear terrorism as well as the Indian recommendation for a comprehensive convention on combating terrorism be concluded.

Moreover, it is of decisive importance that we offer our support to those states that have technical difficulties in the implementation of the international duties. The CTC on the one hand and the UNODC/TPB on the other have taken on these tasks — in particular, coordination between offers of support for and requests from third countries and the implementation of projects for advising on the ratification and implementation of the UN Convention.

In addition, the FATF and the G8 states are active in supporting other countries, the latter through the Counter Terrorism Action Group (CTAG). Germany strongly supports these efforts — in the context of the EU as well.

7. On the “Bangkok Declaration”

~~The Bangkok Declaration, which we will adopt today, contains recommendations that were discussed during the various events of the Congress and provides the Crime Prevention Commission with important impetus for its further work.~~

Even though based upon the background portrayed above the focal points of the recommendations are the areas of combating serious crime such as terrorism, organized crime, and corruption, I welcome that measures in the area of conventional offenses and day to day crimes do not go unmentioned. These forms of crime in particular affect many citizens in our countries and are the foundation of the widespread fear of crime among the population. The strengthening of restorative justice discussed in the Declaration is not only a possible answer to the question of how a reduction of crime in this area can be achieved. This is because direct confrontation of the offender with the consequences of the offense and with the worries and hardships of victims could positively influence his understanding and behavior in a particular way. However, it also serves to increase the consideration of the interests of victims in connection with a criminal proceeding and the enduring restoration of legal peace between both sides.

I cannot and I will not yet comment on the numerous details of the Bangkok Declaration that will not be adopted before tomorrow, but please allow me to make some general remarks on how we can in our future work take maximum profit from the Declaration adopted at the end of our Congress:

6 If we want them to ^{achieve} ~~reach~~ the highest possible value, it is essential that they are as stringent, concise and streamlined as possible, and - as is the case with Conventions - more important than the drafting of new texts is the implementation and evaluation of existing texts.

~~In addition, I welcome that the areas of youth crime and better protection of children are also explicitly addressed in the Declaration. The Declaration correctly mentions that young persons who are at significant risk of becoming crime victims or offenders require individual treatment and, to be precise, this in regard to the special circumstances of their age, their as yet incomplete development, as well as in regard to the gender of the person at issue. Likewise, it is correct that the improvement of social conditions has exceptional importance here. However, the conditions for young persons growing up, their chances for the future, and the support of positive development does not deserve our special attention only in regard to the avoidance of future delinquency!~~

In conclusion please allow me to state the following:

After ten successful congresses, the 11th Congress has ^{again} also provided - this can already be stated today - a strong impulse for inter-state cooperation in the suppression of organized crime, terrorism, corruption, and general crime prevention. Thus, the attention of the activities in the UN criminal law program should continue to focus on transnational cooperation in these areas of crime.

The Bangkok Declaration, prepared by this Congress, ^{will} ~~addresses~~ the various options available to us for cooperation in regard to technical, administrative, and legislative aspects. ~~In~~ ~~this form it presents an appropriate basis for a comprehensive international strategy in these~~ ~~areas~~. Thus, the Congress ^{will} has shown that we are not capitulating to the challenges of our time.

Ladies and gentlemen, I thank you for your attention.