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Follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

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Report of the Secretary-General**

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** The present report was submitted after the expiration of the deadline owing to the late submission of replies by some Member States.



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I. Introduction

1. In its resolution 59/151 of 20 December 2004, entitled “Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice”, the General Assembly reiterated its invitation to Governments and relevant intergovernmental and non-governmental organizations to inform the Eleventh Congress about their activities aimed at putting into practice the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 56/261, annex), with a view to providing guidance in the formulation of legislation, policies and programmes in the field of crime prevention and criminal justice at the national and international levels.

2. Considering that the limited number of replies received by Member States at the time of the preparation of the documentation for the Congress did not allow the drafting of a substantive report, it was decided to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session.

3. At the time of preparation of the present report the Governments of the following States had provided relevant information: Canada, Costa Rica, Czech Republic, Egypt, El Salvador, Germany, Guatemala, Hungary, Indonesia, Japan, Latvia, Liechtenstein, Lithuania, Mauritius, Mexico, Morocco, Panama, Peru, Slovakia, Spain, Turkey and Ukraine. Contributions were also received from the following intergovernmental organizations: the Asian Development Bank, the Association of Southeast Asian Nations (ASEAN), the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Economic Cooperation Organization, the Organization for Economic Cooperation and Development, the Organization for Security and Cooperation in Europe and the Customs Cooperation Council (also known as the World Customs Organization). The following non-governmental organizations also submitted inputs: the African Unification Front, the American Bar Association and Pax Romana.

II. Measures adopted by States

A. Action against transnational organized crime

4. Several States reported on the status of ratification of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I), some¹ indicating that they had ratified the Convention, others² that they were in the process of doing so.

5. A number of States mentioned that as a measure to promote action against transnational organized crime they had adopted new legislation or revised existing legislation in line with the provisions of the Organized Crime Convention and the Protocols thereto.

6. Canada indicated that a package of amendments enacted by the Parliament in 2001 addressed those obligations not already dealt with in Canadian law and contained additional measures to deal with the exceptional problems faced by justice system participants, including judges, lawyers, law enforcement personnel,

witnesses, victims and members of juries, in cases related to organized crime. The Proceeds of Crime (Money Laundering) and Terrorist Financing Act had been enacted in 2000 and amended to include the financing of terrorism in 2001.

7. In Germany, the requirements of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II) had been addressed in the most recent criminal law reform. Indonesia reported that it had developed and was continuing to develop new legislation on a number of relevant issues, including money-laundering, the abuse and illicit traffic of narcotic, psychotropic, precursor and other addictive substances, terrorism, information technology crime, trafficking in persons and the eradication of corruption. Japan had enacted the Law for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters and the Law concerning Interception of Communications for the Purpose of Criminal Investigation. In Liechtenstein, criminal law had been tightened with respect to offences against sexual autonomy and other sexual offences (LGBI. 2001 No. 16) and the Code of Criminal Procedure had been revised to improve the protection of victims in criminal proceedings and, especially, to take the interests of young victims and victims of sexual offences better into account (Victims' Protection Act, 2004). The adoption of a victims' assistance act was currently under consideration.

8. Mexico reported on the bill, currently under consideration, to reform the Federal Law on Organized Crime in order to facilitate the implementation of the Organized Crime Convention and the Protocols thereto, as well as on the decision to include the prevention of crime in the National Development Plan 2001-2006. Morocco indicated that it had passed new legislation on the entry and stay of foreigners in the country, as well as on the smuggling of migrants (Law No. 02-03), terrorism and its financing (Law No. 03-03), computer crime (Law No. 07-03) and strengthening of the legal protection of children (Law No. 24-03). Slovakia reported that through the revision of the Penal Code and Code of Criminal Procedure it had introduced into the national legislation the changes required by the ratification of the Organized Crime Convention, in particular as related to the criminalization of participation in activities of an organized crime group, corruption, the impeding of justice, money-laundering and the liability of legal entities.

9. Recent relevant legislation enacted in Spain included Law 8/2002 and Law 38/2002 of October 2002 and Law 15/2003 of November 2003. In Turkey, the new Penal Code, which would enter into force in April 2005, would establish as a criminal offence the setting up or directing of an organization in order to commit acts prescribed as crimes by the law, provided that the nature of the organization in terms of the number of its members and its instrumentalities was appropriate for the commission of such crimes. The new Penal Code would also stipulate that commission of the following offences by a criminal organization would be grounds for aggravated circumstances: smuggling of migrants; trafficking in human organs and tissues; energy theft; possession or transfer of dangerous materials without permission; and drugs offences. The law had established as a separate criminal offence setting up, directing or becoming a member of an armed organization in order to commit crimes against the security of the State and the constitutional order.

10. The establishment of specialized bodies and offices to deal with transnational organized crime was reported by various States, such as the creation of financial

intelligence units in Canada and Indonesia; ad hoc departments within the police force in the Czech Republic, Indonesia, Japan, Slovakia and Spain; and special courts and special prosecutor's offices in Slovakia and Spain.

11. Additional initiatives taken by States to build or to strengthen national capacity to respond to the threat of transnational organized crime had been the provision of specialized training programmes for judges and prosecutors,³ police and intelligence officers,⁴ and the adoption of ad hoc programmes and action plans.⁵

12. Several States⁶ stressed the relevance of international cooperation, particularly among law enforcement officials, especially with regard to the exchange of information, the sharing of experience and training, and reported on bilateral, regional and international initiatives taken to foster international cooperation and coordination of activities in the fight against transnational organized crime. Reference was also made by some States⁷ to efforts undertaken in the framework of the negotiation of the Organized Crime Convention and the Protocols thereto and to promote their ratification, as well as in the context of the Conference of the Parties to the Convention.

B. Action against corruption

13. In their replies, the Governments of a number of States⁸ emphasized their political commitment to fighting corruption and reported on the adoption of comprehensive national programmes, strategies and action plans in that regard, providing details of the timeframe, priorities and review mechanisms of such plans.

14. Indonesia and Mexico emphasized the importance of collecting information on the incidence of domestic forms of corruption, so that plans and measures could constitute an adequate response. The Czech Republic, Germany and Slovakia referred to annual reports prepared by competent authorities on the situation with regard to corruption, including investigations and prosecutions, and stated that they constituted valuable sources of statistical information.

15. Several States⁹ reported on the establishment of anti-corruption commissions entrusted with the coordination of national initiatives. Indonesia indicated that fruitful cooperation had been established between its national commission and similar commissions in the region. In some cases, as in Latvia, the national commission or bureau also had competence for the investigation of cases of corruption.

16. Various States¹⁰ reported that departments or units specialized in the detection and investigation of corruption had been created within the national police force. A number of States¹¹ also reported on the existence of independent internal control bodies charged with receiving reports and investigating cases of corruption within the police force, the office of the attorney-general, the anti-corruption commission or ministries.

17. A number of replies¹² referred to law enforcement activities and emphasized the importance of training police officers and experts in the detection and investigation of corruption. In some countries, special courts have been established which specialize in the prosecution of such offences.

18. Most of the States that provided information referred to new legislation or amendments to existing legislation enacted since the adoption of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 55/59, annex). These included general laws on the prevention of and fight against corruption, as well as specific legislation on the financing of political parties, on the right of the public to have access to information, on special investigative techniques used in the detection of corruption, and on preventing the transfer and concealment of the proceeds of corruption. The penal code and code of penal procedure had been amended in a number of reporting States to include new offences, establish the criminal liability of legal persons or increase the level of penalties for corruption.

19. A number of States¹³ also reported that codes of ethics for public servants had been adopted or were being elaborated and that guidelines on the prevention of corruption in the public service in general or on specific topics such as the acceptance of rewards and gifts by public servants had been disseminated, emphasizing the need for public officials to be trained in this respect.

20. The importance of undertaking awareness-raising initiatives, of fostering a public debate on corruption and of enlisting all sectors of the civil society, including non-governmental organizations, the private sector and academics, in a coalition against corruption was emphasized in a number of replies.¹⁴

21. Many States indicated that they had actively participated in the negotiation of the United Nations Convention against Corruption (General Assembly resolution 58/4, annex), had signed the Convention and were in the process of amending national legislation with a view to ratifying it. Many also referred to international instruments¹⁵ to which they were, or intended to become, parties and provided details of domestic measures adopted to comply with those international standards.

22. A number of States referred to international mutual monitoring mechanisms¹⁶ and reported on their participation in evaluation processes carried out under those mechanisms. Others provided information on their involvement in the work of regional cooperation forums.¹⁷

C. Action against trafficking in persons

23. A number of States¹⁸ reported that they had ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, while others¹⁹ indicated that they were in the process of ratifying it.

24. A number of States²⁰ indicated that they had adopted, in compliance with the new requirements under the Trafficking in Persons Protocol, new legislation to prevent and combat trafficking in human beings more effectively and to provide more severe penalties for this criminal offence.

25. The development of specific national strategies, action plans or programmes was reported by a number of States²¹ as a measure taken to deal with this criminal phenomenon and address its root causes. Other States reported on the existence of special units or entities specifically tasked with the fight against trafficking in

human beings, for example the Human Trafficking Unit of the Organized Crime Department of the Czech Republic Police; the National Working Group on Trafficking in Women, established in Germany by the Federal Government, as well as special police service units; the special unit on trafficking in persons set up within the Organized Crime Department of the National Bureau of Investigation, in Hungary; the national task force for combating trafficking in persons, in Indonesia; the Inter-ministerial Committee on the Trafficking of Human Beings, in Mexico; the national committee established in Panama to prevent and eradicate crimes of sexual exploitation; the Permanent Multisectoral Working Group against Trafficking in Human Beings and the Investigative Section against Trafficking within the National Police, in Peru; the Department on Trafficking in Persons, Sexual Exploitation and Support to Victims of the Office for Combating Organized Crime of the Police Department, in Slovakia; and the National Task Force on Combating Trafficking in Human Beings, in Turkey.

26. A number of States²² indicated that they had implemented measures for the protection, support and recovery of victims of trafficking, often in cooperation with non-governmental and other organizations. Specific anti-trafficking training for relevant enforcement personnel, both at the central and local levels, was also indicated as a key action against trafficking in persons by the Czech Republic, Germany and Turkey, as was the development and launching of awareness and information campaigns by Canada, the Czech Republic, Hungary and Indonesia.

27. Several States mentioned initiatives undertaken at the international level to promote the exchange of information, establish liaising arrangements among police agencies and organize joint police operations and training of police officers. They also referred to their cooperation with international and intergovernmental organizations, such as the United Nations and its relevant agencies, the European Union, the Council of Europe, the Organization for Security and Cooperation in Europe, the European Police Office (Europol), the International Organization for Migration, the North Atlantic Treaty Organization (NATO) and the Task Force on Trafficking in Human Beings of the Stability Pact for South-Eastern Europe, and with non-governmental organizations active in the fight against trafficking in human beings.

D. Action against the smuggling of migrants

28. In their replies, Mexico, Panama, Slovakia, Turkey and Ukraine indicated that they had ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex III). The Czech Republic, Germany, Indonesia, Japan and Liechtenstein reported that they were in the process of ratifying it.

29. Several States reported that, in view of the high priority placed on the fight against the smuggling of migrants and in order to comply with the requirements of the Protocol, they had adopted or were in the process of adopting new legislation covering, inter alia, the effective prevention and punishment of this phenomenon, support for the victims of smuggling, witness protection, the stay and residence of foreigners in the country and the issuance of working permits and visas.²³

El Salvador, Spain and Turkey specified that the smuggling of migrants was criminalized by their respective criminal codes.

30. Various States reported on the establishment of bodies and entities entrusted with the coordination of national activities and information-gathering, such as the Joint Analysis and Strategy Centre on Illegal Immigration, in Germany; the National Task Force for Combating People Smuggling, in Indonesia and the National Unit for Combating Illegal Immigration of the Border Police and Alien Registration Police, in Slovakia. Canada indicated that it had an immigration intelligence network that included 45 migration integrity officer (MIO) positions located in key locations overseas to work with other government departments, international partners, local immigration and law enforcement agencies and airlines to combat irregular migration flows. MIOs had also assisted in maintaining a steady flow of key intelligence information which allowed them to continually enhance the integrity of the immigration programme of Canada.

31. Additional measures reported by States to combat smuggling of migrants included the development of border management information systems; prevention and education campaigns; the development of projects to protect the victims of smuggling; promoting the dissemination of information about smuggling cases by the public media; and the establishment of databases relating to smugglers and smuggling groups and their methods of operation.

32. Regarding international cooperation in combating the smuggling of migrants, reference was made to regional arrangements such as a trilateral Czech-German-Polish working group, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime and the Intergovernmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants. Mention was also made of initiatives undertaken within the framework of relevant international and intergovernmental organizations, such as the United Nations, the International Organization for Migration, Asia-Pacific Economic Cooperation and the Association of Southeast Asian Nations.

E. Action against the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition

33. In their replies, States²⁴ provided detailed information on their national legislative and regulatory framework governing the possession and manufacture of firearms, and requirements regarding record-keeping, the marking and deactivation of firearms, the authorization of the import, export and transit of firearms, their parts and components and ammunition, the prevention of their loss, theft or diversion and the control of brokers.²⁵ Information on relevant confiscation powers and data on confiscation was also provided in replies received from Guatemala, Panama and Slovakia.

34. Some States²⁶ indicated that non-compliance with the control requirements had been established as a criminal offence and informed the Secretariat of the relevant provisions of their criminal code or other legislation (for example, acts on firearms, foreign trade in military material, trade licensing or military weapons control). A number of replies referred to steps being taken towards the implementation of the Protocol against the Illicit Manufacturing of and Trafficking

in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/255, annex) and pointed out that national legislative provisions and other measures were at least partly meeting the requirements of the Firearms Protocol. It was mentioned that for member States of the European Union, certain changes required in domestic legislation to implement fully the Firearms Protocol could only be introduced after the adoption of corresponding amendments to Council of the European Communities directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons, the revision of which had been planned by the European Commission to take place in 2005.

35. Regarding international cooperation in combating illicit manufacture of and trafficking in firearms, reference was made to a regional agreement between Cambodia, Indonesia, Malaysia and Thailand on cooperation for the prevention of transnational crimes, including the smuggling of arms and explosives. Initiatives undertaken in the framework of ASEAN were also mentioned.

36. Other regional instruments concluded in this area included the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials,²⁷ adopted in 1997 under the auspices of the Organization of American States, and the Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its Aspects, adopted on 25 June 2003 by the Andean Council of Foreign Ministers.

37. Other replies provided information on the provisions of the Council of the European Communities directive of 18 June 1991 on control of the acquisition and possession of weapons and of Council of the European Communities directive 93/15/EEC of 5 April 1993 on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses, which are legally binding for European Union member States and regulate the record-keeping, marking and discarding of firearms, the movement of firearms and ammunition, and safety and preventive measures.

38. In their replies, a number of States emphasized that control of firearms, small arms and light weapons must take into account both crime prevention and security issues, and reported on their participation in the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, established pursuant to General Assembly resolution 58/241 of 23 December 2003.

F. Action against money-laundering

39. Some States indicated in their replies that they had adopted comprehensive measures to deal with money-laundering through a coordinated effort involving relevant ministries and agencies, as well as the financial sector.²⁸ A number of replies²⁹ contained information on the regulatory regime in place to prevent money-laundering, including obligations of due diligence for financial institutions. Most replies³⁰ included information on domestic legislation recently adopted or in place for some time for the criminalization of money-laundering. Information was also provided on the scope of the predicate offences for money-laundering, extended to include terrorism, corruption and serious crime in general. In some instances, the

knowledge requirement had been eased and the burden of proof reversed with regard to the lawfulness of the origin of suspicious assets.

40. On the issue of powers available to detect money-laundering, the Czech Republic indicated that tax authorities were required to share information which emerged in the context of tax proceedings with police departments specializing in countering money-laundering. Germany, Indonesia and Slovakia reported on special investigative techniques and powers available.

41. Many replies³¹ provided information on the establishment of financial intelligence units, on the powers and functioning of such units, and on their cooperation with entities from which they received reports of suspicious transactions and with police authorities to which they referred suspected money-laundering cases. Information was provided on cooperation among financial intelligence units at the regional level³² and at the international level.³³ Reports were also provided on the establishment within the police force of departments specializing in the detection and investigation of economic crime and money-laundering and on the powers available to such departments.

42. A number of States reported on investigative and judicial powers concerning the seizure, confiscation and disposal of the proceeds of crime. The Czech Republic indicated that a bill to amend the Code of Criminal Procedure would make more effective confiscation of the proceeds of crime possible by providing for value-based confiscation and addressing the administration of seized assets. In Germany, draft legislation intended to further strengthen the law on the confiscation of profits was being prepared. Liechtenstein reported on its comprehensive framework for the freezing and confiscation of assets, including *in rem* forfeiture in the absence of a criminal conviction, as well as their sharing with foreign countries. Slovakia reported on its confiscation regime and on provisions concerning liability and sanctions with respect to legal entities.

43. Several States³⁴ stressed the importance of training for the effective detection and investigation of money-laundering and reported on training programmes available to those in charge of preventive measures, as well as to law enforcement and prosecution authorities.

44. Several replies³⁵ indicated that research on trends in money-laundering was undertaken at the national level as well as in international forums³⁶ where work on typologies of money-laundering was being carried out.

45. A number of States³⁷ reported on their framework for mutual legal assistance on requests relating to money-laundering and underlined the need to facilitate the provision of assistance and expedite the implementation of requests, including in the absence of mutual legal assistance treaties. Liechtenstein reported that the confiscation of assets from crimes committed abroad was allowed under its legislation, as well as the conclusion of sharing agreements with other States.

46. A number of States referred to international conventions and guidelines in the area of money-laundering³⁸ that they were implementing at the domestic level, as well as to monitoring mechanisms established to evaluate States' compliance with international standards³⁹ through which they had been assessed or in which they were taking part as evaluators. Several countries emphasized their support of the

Global Programme against Money-Laundering of the United Nations Office on Drugs and Crime (UNODC).

G. Action against terrorism

47. Several States indicated that, following the endorsement of the Vienna Declaration and in the aftermath of the events of September 2001, they had adopted new legislation to address terrorism and security issues. Some States had undertaken a revision of their legislation in order to meet the requirements of the international instruments against terrorism. A number of States⁴⁰ reported that new legislative measures have been adopted or were in the process of being adopted.

48. In their replies, various States⁴¹ reported that their new measures to prevent and fight terrorism more effectively included the adoption of national programmes or plans of action, as well as strengthening the coordination of activities among relevant security departments and/or the establishment of new structures.

49. In Egypt, the National Committee for International Cooperation to Combat Terrorism, established by Prime Ministerial decree 847/1998 and composed of representatives of the Ministries of Justice, Foreign Affairs, and the Interior, the Public Prosecutor's Department and the intelligence services, was mandated to take the necessary steps to ensure that terrorists were brought to justice, to put in place international cooperation mechanisms, to prepare extradition papers concerning Egyptians residing abroad who were involved in terrorist acts and to strengthen international cooperation to combat terrorism. Germany indicated that, after September 2001, it had introduced new measures to combat terrorism and improve security, including the expansion of tasks of the security authorities; the establishment of a Joint Counter-Terrorism Centre in Berlin; adopting measures to increase security standards in relevant areas of industry; the inclusion of the private banking and insurance sectors in uncovering suspicious financial transactions through implementation of the standards of the Financial Action Task Force on Money Laundering (FATF) and intensification of consultation and the exchange of information with at-risk infrastructure areas (for example, energy providers and the telecommunications industry).

50. Hungary reported that it had established new structures, such as the Special Anti-Terrorist Division (2001), the Anti-terrorism and Cross-border Crime Division (2002) and the Unit for Combating Terrorism and Extremism within the National Bureau of Investigation (2004). As of November 2003, the Anti-Terrorist Coordination Committee, in which all the relevant security agencies participated, met weekly to exchange terrorism-related intelligence and discuss common strategy issues. Indonesia had established a Coordinating Desk for Counter-Terrorism in 2002, while in Slovakia the fight against terrorism was the mandate of the Anti-Terrorism Section of the Organized Crime Office of the Presidium of the Police Department. Mexico indicated that its national offices active in the fight against terrorism were the Intelligence Coordination Office in the Secretariat of Public Security, the General Directorate of Terrorism, the General Operative Directorate of Airports, Ports and Border Areas, and the Special Anti-terrorism Unit of the Attorney General's Office. In Peru, a special multisectoral commission in charge of incorporating in domestic law the provisions of international legal instruments had

been set up in December 2004, while Ukraine had established an Anti-terrorism Centre.

51. In their replies several States⁴² reported that they were parties to all 12 universal legal instruments against terrorism or, in the case of the Czech Republic,⁴³ Egypt and Indonesia,⁴⁴ to some of them. Mauritius reported that the Convention for the Suppression of the Financing of Terrorism Act had been passed in August 2003 to upgrade its domestic legislation to enforce the International Convention for the Suppression of the Financing of Terrorism (General Assembly resolution 54/109, annex).

52. A number of States⁴⁵ indicated that they had submitted reports on measures taken in pursuance of Security Council resolutions 1267 (1999) of 15 October 1999 and 1373 (2001) of 28 September 2001. Support for the work of the United Nations in the prevention and suppression of terrorism was expressed by various States, while several others mentioned cooperation undertaken at the bilateral, regional and international levels to fight terrorism.

H. Action on crime prevention

53. A number of States⁴⁶ indicated that they had developed action plans and programmes on crime prevention, most of which advocated a community-based approach.

54. In several States, measures to ensure and coordinate an effective crime prevention strategy have included the establishment of specific bodies, such as the National Crime Prevention Centre in Canada, the National Crime Prevention Council in the Czech Republic, the Forum for Crime Prevention in Germany, the National Crime Prevention Centre and the Regional Crime Prevention Academy in Hungary, the General Office for the Prevention of Crime and Services for the Community in Mexico and the Council for Crime Prevention in Slovakia. Most of these bodies operate as a coordination mechanism among relevant crime prevention stakeholders, including representatives of the civil society and communities. In Guatemala, the Attorney-General's Office cooperates, at the local level, with other offices of the justice system and civil society organizations to develop strategies to prevent crime and violence.

55. Gathering data on violent acts and crime, as a basis for the development of crime prevention plans and programme that were truly effective, was indicated as a crime prevention measure by Costa Rica and Mauritius, as was the organization of a mass crime prevention awareness campaign by Mauritius and Mexico. Indonesia and Mauritius indicated that cooperation and interaction between the police and the public had been promoted as a way to support effective community-based crime prevention and had included setting up police hotlines, promoting cooperation with the civil society, non-governmental organizations and the mass media to create police programmes such as interactive dialogue, talk shows and public campaigns (in Indonesia) and the launching of Police Public Partnership Policing (in Mauritius). The development of practices that seek to prevent crime victims from being victimized and the promotion of inter-religious cooperation and respect (in Indonesia), as well as programmes for the social rehabilitation of convicts and

persons released from prisons and special programmes for children and youth (in Lithuania and Mexico) were also indicated as measures to prevent crime.

I. Action on witnesses and victims of crime

56. In their replies, a number of States reported on initiatives taken to develop an informed strategy on witness protection and support to victims. In Indonesia, legal and law enforcement agencies had conducted with Australian counterparts a comparative study on various aspects of the criminal justice system, including the protection of witnesses and victims. In Slovakia, the Ministry of Justice had established an inter-ministerial working group on the status of victims in criminal proceedings. In Canada, a National Strategy for Victims of Crime had been adopted in 2000 and a federal Policy Centre for Victim Issues established to carry out research into the needs of victims and administer the Victims Fund. In 2003, the Canadian Statement of Basic Principles of Justice for Victims of Crime had been adopted, based on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex), and a compendium of best practices had been disseminated to appropriate authorities.

57. A number of States⁴⁷ indicated that they had amended their domestic legislation to enhance the protection of victims and witnesses in criminal proceedings or were in the process of doing so.

58. Some replies⁴⁸ emphasized that special attention was being paid to especially vulnerable groups such as children and victims of sexual offences. In Liechtenstein, for instance, the procedural age of protection for young victims had been fixed at 16, instead of 14 as initially contemplated, and the repressive regime relating to sexual offences against minors had been strengthened. In Slovakia, a brochure entitled "Justice for juvenile victims and witnesses of crimes" had been disseminated to judges and other criminal justice officers. Canada emphasized its support for the work undertaken within the United Nations to develop guidelines on justice for child victims and witnesses of crime, Economic and Social Council resolution 2004/27 of 21 July 2004, annex. Mexico delineated its prevention programmes aimed at combating organized criminal activities which victimize children, including sexual exploitation and illicit trafficking of minors. Spain reported on its penal code provisions on child pornography, as well as on prostitution and illegal trafficking of human beings, where victimization of minors was an aggravating factor.

59. One aspect of the protection of victims was ensuring that they had an effective voice in the criminal proceedings. Germany reported that victims of serious criminal offences were able to obtain the status of private accessory prosecutors, which entailed a number of procedural rights. In Slovakia, new procedural provisions authorized victims to delegate their representation at criminal proceedings to organizations entitled to represent them. Various replies⁴⁹ provided information on victims' entitlement to counselling, interpretation and advocacy services free of charge.

60. Another aspect of the protection of victims and witnesses was that of protecting them from further harm during criminal proceedings. Liechtenstein provided detailed information on key provisions of its new Victims' Protection Act,

on sensitive questioning of witnesses, including questioning using a video camera, once-only testimony and questioning by an expert. Similar measures aimed at protecting particularly vulnerable victims from contact with the offender, as well as secrecy and confidentiality requirements were reported by Japan, Germany, Slovakia and Turkey. Indonesia reported on legislative provisions on the granting of police and court protection to victims.

61. Germany and Slovakia emphasized the importance for victims to be properly informed of their rights and of procedural steps such as the detention or release of the offender. In both countries, competent ministries had published and disseminated guides or information pamphlets to that end.

62. Providing victims with adequate compensation was also described as an important aspect of victim protection. In Germany, victims were able to assert a civil law claim for compensation in a proceeding linked to the criminal proceeding. Indonesia reported on legal provisions providing for compensation, restitution and rehabilitation for victims of serious human rights violations. Slovakia referred to the Council of the European Union directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, which was being transposed into Slovak law in 2005.

J. Action on prison overcrowding and alternatives to incarceration

63. The countries which provided information on action taken to curb growth in the prison population and consequent prison overcrowding indicated that measures to achieve that goal had included the following: (a) various kinds of alternatives to incarceration (Canada,⁵⁰ the Czech Republic, Indonesia,⁵¹ Mexico,⁵² Slovakia⁵³ and Turkey⁵⁴); (b) housing in open prison institutions, temporary shelter and other correctional institutions (Germany, Indonesia, Mauritius and Mexico); (c) the adoption of strict and specific criteria for ordering remand detention, particularly for juveniles (Germany); (d) the adoption of policies to regulate preventive imprisonment and reduce trial waiting time (Guatemala); (e) reform and improvement of the corrections administration (Japan);⁵⁵ (f) building new infrastructure (Costa Rica and Indonesia); (g) rehabilitation programmes for inmates (Indonesia and Japan); and (h) the enactment of new laws on early release (Turkey).

K. Action against high-technology and computer-related crime

64. In their replies, States stressed the challenges posed by the rapid evolution of computer-related crime in a context of ever-changing technologies. Several States⁵⁶ indicated that they were preparing or were in the process of adopting new legislation in this area, introducing new offences into the criminal code or adopting laws on information technology and electronic transactions and communications.

65. Canada and Germany reported that legislative work on these new forms of crime had begun in the 1980s. Germany indicated that its law distinguished between two categories of criminal offences: offences against the confidentiality, integrity and availability of computer data and systems; and crimes committed via the use of computer and telecommunications systems (for example, forgery of data serving as

evidence, computer fraud, propaganda by unconstitutional organizations, dissemination of pornographic writings).

66. A number of States⁵⁷ reported that their legislative framework had been amended to modernize existing offences and establish new ones, and to increase sanctions for certain offences. Some States also referred to the issue of ensuring that evidence generated in such cases was admissible in judicial proceedings and indicated that legislative provisions had been adopted to that effect. The replies from Costa Rica and Spain raised the issue of the legal protection of citizens in the electronic treatment of personal data.

67. Provisions on investigative powers and tools were referred to by Canada and Germany. Germany indicated that criminal procedure law provided for telecommunications surveillance and connection data retrieval, powers to tap and record communications via data networks in real time, and disclosure obligations for telecommunications service providers. Some States⁵⁸ reported on the recent establishment within the criminal police services of units or teams specializing in the detection, prevention and investigation of cybercrime.

68. A number of replies⁵⁹ emphasized the importance of conducting training programmes to enhance the computer forensic ability of investigators. Slovakia reported on the development and dissemination within the police force of a handbook on best practices for detecting and documenting computer-related criminal activities, and on specific training organized for prosecutors. Hungary reported on national implementation of the uniform curriculum of the European Union training programme on combating high-technology crime. In Indonesia, specialist courses had been carried out in cooperation with the International Association of Computer Investigative Specialists and in Indonesia and Turkey, investigators were cooperating at the international level with their counterparts to exchange information, carry out joint training and conduct joint investigations. Canada emphasized the importance of common approaches to the problems posed by such crime, balancing the need for effective powers to prevent, investigate and prosecute transnational offences and the need to protect human rights and national sovereignty.

69. A number of States indicated that they were active in various forums dealing with computer crime. Several States referred to the Council of Europe Convention on Cybercrime, to which they had become parties and which they were implementing in domestic law, as well as to the Council of the European Union framework decision 2005/222/JHA of 24 February 2005 on attacks against information systems.

L. Action on juvenile justice

70. In their replies, several States⁶⁰ provided detailed information on prevention programmes and activities in the field of juvenile delinquency. Germany indicated that prevention was undertaken at three levels: primary prevention approaches were geared towards all children and juveniles and sought to strengthen their character and promote general social integration; secondary prevention approaches targeted children and juveniles who displayed initial signs of criminal behaviour and included programmes to prevent aggression, violence and extremism and to promote

learning programmes during free time and vocational integration; in tertiary prevention approaches, young offenders were targeted through programmes and measures aimed at resocialization to avoid recidivism, awakening understanding of the wrongfulness of the act and promoting acceptance of society's standards and values. Costa Rica, Indonesia, Japan and Mexico reported on the involvement of the civil society in juvenile crime prevention activities. In Costa Rica a national network of youth for the prevention of violence was participating in the legislative commission on children and teenagers in Parliament, and in Japan a nation-wide "Movement for a brighter society" promoted juvenile crime prevention activities at the community level.

71. A number of States⁶¹ reported on their domestic legislative framework relating to juvenile justice. In some countries, legislation had recently been adopted or amended in this area. In others, new legislation was in the course of adoption. A common feature of such legislation was an emphasis on the education, rehabilitation and reintegration into society of young offenders and on the avoidance, to the extent possible, of incarceration for juvenile offenders through appropriate alternative sentences, restorative justice initiatives, victim-offender mediation efforts, monetary compensation to the victim or placement in homes for young people.

72. Replies from a number of States⁶² stressed the need for protection of juvenile offenders through confidentiality of criminal proceedings, as well as the need to inform and train law enforcement and other officials dealing with young offenders. Some of these replies provided information on specialized institutions established to deal with youth and, in particular, juvenile justice issues.

M. Action on the special needs of women in the criminal justice system

73. Mauritius, Slovakia and Spain stated in their replies that the equal status of women in all spheres of society and life, including the criminal justice system, was enshrined in the Constitution and was a guiding principle of all legal policies and rules of procedure. In Germany, special attention was being paid to gender mainstreaming in the preparation of legal provisions.

74. Canada emphasized that violence against women was a pressing human rights issue rooted in the social, economic and political inequality of women. It stated that the protection of women against violence was a priority for the justice sector and described criminal justice initiatives undertaken to address it, including the enactment of criminal law reforms relating to domestic violence, criminal harassment, female genital mutilation and sexual assault; the adoption of criminal law policies including pro-charging and pro-prosecution policies for spousal abuse cases; the development of awareness-raising materials and professional training activities; research, including victimization surveys on violence against women; and supporting the prevention of violence. Guatemala, Japan and Spain also reported on legislative provisions and other measures adopted to address sexual violence against women, and gender and domestic violence.

75. Several replies provided information on measures adopted to ensure the fair treatment of women in the criminal justice system. Indonesia and Germany referred

to provisions ensuring that physical examination of women suspects, witnesses or convicts was conducted by a person of the same sex or by a physician.

76. A number of replies⁶³ described legislative provisions or policies addressing the special needs of women in prison, including for separate detention centres, special treatment of pregnant women and women with small children and adapted medical and psychological care.

N. Action on standards and norms

77. In their replies Canada, Germany, Indonesia, Mexico, Slovakia and Spain stressed the awareness and active consideration of the United Nations standards and norms in crime prevention and criminal justice reflected in some of their national legislative measures.

78. The Czech Republic reported that a code of conduct for public servants had been approved by the Government in March 2001 and that the Ministry of the Interior was currently working on a code of conduct for the police. Japan, in reporting on actions taken in connection with standards and norms, mentioned the recent reform of the justice system, as well as of the correctional administration. Germany indicated that some of the standards and norms had been translated into German and published in several publications. The Slovak translation of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* would be published during 2005.

79. Various States mentioned that they had supported the promotion and dissemination of the standards and norms in crime prevention and criminal justice at the international level.

O. Action on restorative justice

80. A number of States⁶⁴ replied that their national legislation provided for recourse to restorative justice within the criminal justice system.

81. Canada indicated that specific restorative justice initiatives included the use of mediation between offenders and victims, pre-trial conferences to assess and identify appropriate cases and criminal processes which provided for restorative outcomes or sentences. Restorative justice measures had played a particularly useful role in Canadian aboriginal communities. In Germany, the recourse to restorative justice had been developed, initially in the area of juvenile criminal law, in the 1980s. Since then, its application had been significantly expanded, also in regard to adults. It had been statutorily embodied in juvenile criminal law, criminal law and procedural law in the 1990s.⁶⁵ These rules and their practical application took account of the guidelines of international law to the fullest extent.

82. Guatemala stated that the General Prosecutor's Office had established an office to promote recourse to restorative justice in cases allowed by the law and that the National Plan for Criminal Policy included provisions to foster the use of restorative justice. Indonesia indicated that it had included restorative justice provisions in the revision of the Criminal Code and the Code of Criminal Procedure recognizing and encouraging a reconciliation process in dealing with certain issues.

Indonesia recognized the use of amicable means in civil proceedings and was currently working to apply it in criminal proceedings.⁶⁶

83. Japan mentioned that reparation to the victim and settlements were often made in connection with criminal cases and that such elements were taken into consideration in the prosecutorial decision and sentence. Slovakia informed the Secretariat that through the adoption of Act No. 550/2003 Coll. (January 2004), the Code of Criminal Procedure now foresaw the possibility of recourse to the instruments of conditional discontinuation of prosecution and conciliation. Ukraine indicated that its Criminal Code and Code of Criminal Procedure included provisions relating to restorative justice and recognized the possibility of release from criminal responsibility in cases when the imprisonment did not exceed five years and the offender had actively contributed to the disclosure of the crime and had provided full damage compensation.

III. Measures adopted by intergovernmental and non-governmental organizations

A. Intergovernmental organizations

84. The Asian Development Bank (ADB) indicated that good governance was one of the three pillars of the Bank's strategy to reduce poverty. In the context of its mandate to promote good governance, the Bank had recognized the risk of money-laundering and the financing of terrorism. Therefore, internal procedures had been set in place to block terrorist financing.⁶⁷ In the same manner, the Bank engaged in activities to assist its developing member countries to combat money-laundering within the broader context of its existing policies and strategies to facilitate poverty reduction, prevent corruption, promote good governance and strengthen national financial systems. In that context, the Bank had undertaken a series of activities related to crime prevention and justice, such as those dealing with public financial management, legal systems reform, enhancing capacity to implement laws and supporting private sector development, public accountability through strong anti-corruption measures, improvement in accounting and auditing standards, and improving disclosure and transparency.

85. The ASEAN Ministerial Meeting on Transnational Crime meets once in two years to review the work undertaken by the various ASEAN bodies on transnational crime and to set the pace and direction for regional collaboration on combating such crime. It is assisted by the Senior Officials Meeting on Transnational Crime. In 1999, the ASEAN Plan of Action to Combat Transnational Crime was adopted and in May 2002 a work programme was adopted to implement the Plan. Under the work programme, several ASEAN projects on activities relating to combating and preventing transnational crime had been successfully conducted by member countries. The ASEAN Secretariat indicated that it supported the work of the Counter-Terrorism Committee of the United Nations Security Council through enhancing ASEAN efforts to strengthen global counter-terrorism capacity. ASEAN had also established a Meeting of Senior Officials on Drug Matters to implement and review its activities on combating drugs.

86. The secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora stressed the involvement of transnational organized crime in some aspects of the illicit trafficking of wild fauna and flora and emphasized that its activities to provide technical advice and assistance to States in the field of law enforcement were therefore a contribution to capacity-building in the international fight against organized crime.

87. The Secretariat of the Economic Cooperation Organization (ECO) reported on activities undertaken under the ECO Plan of Action on Drug Control adopted in 1996 by its Council of Ministers. An ECO-UNODC project had been carried out to establish, as required under the Plan of Action, a drug control coordination unit to provide member States⁶⁸ with drug control technical and coordination services. ECO also provided information on plans for future cooperation with UNODC and with other international partners.

88. The Organization for Economic Cooperation and Development (OECD) stressed that it played three critical roles in the international effort to implement the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century and the plans of action for its implementation. First, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions monitoring mechanism, designed to ensure full implementation of that Convention as well as the effective application of national anti-bribery legislation, helped ensure that signatories to the Convention pursued policies that supported, not undermined, efforts to achieve the goals of the Vienna Declaration. Second, sharing the lessons of well-tested institutional and policy approaches towards economic and financial crime prevention and administration of justice with partner countries in the world was an OECD *leitmotif*: the Organization was committed to helping countries implement comprehensive internationally-recognized corruption and related economic crime controls. Third, given the transborder aspect of economic crime, OECD was continuously developing strategic alliances with international organizations that had crime prevention instruments and programmes, including the Council of Europe, the United Nations, the International Monetary Fund, the World Bank, the Asian Development Bank, the European Union and the Organization of American States. Those actions were complemented by efforts of the Financial Action Task Force on Money Laundering, whose secretariat was hosted by OECD.

89. The Organization for Security and Cooperation in Europe reported that it had established, within the Office of the Secretary-General, a Strategic Police Matters Unit. The Unit had undertaken efforts to combat transnational crime, especially trafficking in human beings and sexual exploitation of children. In that connection the Unit had, inter alia, provided for investigating and commanding officers several training sessions relating to human trafficking, sex crimes investigation and paedophilia networks. The Unit also collaborated with the Organization's Action against Terrorism Unit and had actively worked to develop basic police capacity, in particular promoting the implementation of community policing.

90. The World Customs Organization (WCO) recalled that it had been and continued to be active on numerous fronts relevant to the purposes of the Vienna Declaration. In particular, the following initiatives were highlighted: (i) the Organization had reviewed its anti-money-laundering programmes in the light of Security Council resolutions 1373 (2001) of 28 September 2001, 1456 (2003) of

20 January 2003 and 1566 (2004) of 8 October 2004 and had updated the relevant WCO recommendation; (ii) the WCO Council had adopted the International Convention on Mutual Administrative Assistance in Customs Matters (the Johannesburg Convention); (iii) the establishment of the Customs Enforcement Network, a multilateral database which also functioned as an alert system and communication tool; (iv) the WCO worked in partnership with other international organizations in providing border control training and materials aimed at interdicting illegal shipment of nuclear, chemical and biological material; and (v) in June 2002, the WCO Council had adopted a resolution on security and facilitation of the international trade supply chain, and many tools necessary for practical implementation had also been adopted.

B. Non-governmental organizations

91. The reply of the African Unification Front emphasized the need for the United Nations to support the legality of parliamentary governance in Africa, as well as to address the root causes of criminality by securing political, social and economic fairness.

92. The American Bar Association, a voluntary professional association, provided a report on the support it provides to the development of the rule of law in the world, by carrying out sustained programmes of assistance to institutions and organizations in developing countries and economies in transition. It indicated that it maintains a network of offices and ongoing rule of law programmes in 45 countries around the world and provided detailed information on the tools and resources developed to support the rule of law programmes. The international criminal justice reform programmes of the Association cover, inter alia, the following areas: crime prevention capacity-building, action against trafficking in persons, corruption, money-laundering and the financing of terrorism.

93. Pax Romana, an international movement of Catholic students, reported on its activities to combat poverty and injustice, identified as the root causes of crime. Pax Romana in particular undertook projects at the local level for the prevention of urban crime and promoted the use and application of the United Nations standards and norms in crime prevention and criminal justice in favour of the abolition of the death penalty and for the independence of the judiciary.

Notes

¹ Canada, Egypt, Mexico, Morocco, Panama, Slovakia, Spain, Turkey and Ukraine.

² Czech Republic, Germany, Indonesia, Japan and Liechtenstein.

³ El Salvador, Germany, Indonesia and Slovakia.

⁴ Germany, Indonesia and Spain.

⁵ Indonesia, Japan and Slovakia.

⁶ Czech Republic, Egypt, Germany, Indonesia, Japan, Liechtenstein, Mexico, Morocco and Spain.

⁷ Canada, Egypt, Indonesia, Japan and Mexico.

- ⁸ Czech Republic, Egypt, Hungary, Indonesia, Latvia, Lithuania, Mexico, Slovakia, Turkey and Ukraine.
- ⁹ Czech Republic, Indonesia, Latvia, Mauritius, Mexico and Ukraine.
- ¹⁰ Czech Republic, Egypt, Hungary, Indonesia, Lithuania, Slovakia and Spain.
- ¹¹ Czech Republic, Egypt, Germany, Guatemala, Hungary, Indonesia and Slovakia.
- ¹² Canada, Czech Republic, El Salvador, Indonesia and Slovakia.
- ¹³ Canada, Czech Republic, Egypt, Germany, Hungary and Spain.
- ¹⁴ Costa Rica, Czech Republic, Germany, Indonesia and Spain.
- ¹⁵ These included the Criminal Law Convention on Corruption and the Civil Law Convention on Corruption (Council of Europe, *European Treaty Series*, No. 174 and No. 173, respectively); the Convention on the protection of the European Communities' financial interests and Protocols thereto (*Official Journal of the European Communities*, C 316, 27 November 1995), C 313, 23 October 1996, C 151, 20 May 1997, and C 221, 19 July 1997; the Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union (*Official Journal of the European Communities*, C 195, 25 June 1997); the Inter-American Convention against Corruption (E/1996/99); the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and the draft Arab convention against corruption, prepared by the League of Arab States.
- ¹⁶ OECD Working Group on Bribery in International Business Transactions and Group of States against Corruption (GRECO) of the Council of Europe.
- ¹⁷ Association of Southeast Asian Nations, Asia-Pacific Economic Cooperation and Stability Pact for South-Eastern Europe.
- ¹⁸ Canada, Egypt, Mexico, Panama, Slovakia, Turkey and Ukraine.
- ¹⁹ Czech Republic, Germany, Indonesia, Japan and Liechtenstein.
- ²⁰ Canada, Czech Republic, Germany, Indonesia, Morocco, Panama, Peru, Slovakia, Spain and Turkey.
- ²¹ Canada, Czech Republic, Hungary, Indonesia, Japan and Lithuania.
- ²² Czech Republic, Germany, Hungary, Indonesia, Lithuania, Slovakia and Turkey.
- ²³ Canada, Czech Republic, Indonesia, Morocco, Slovakia and Turkey.
- ²⁴ Including the Czech Republic, Germany, Guatemala, Indonesia, Panama and Spain.
- ²⁵ On the issue of brokering the import, export and transit of firearms, reference was made to the Council of the European Union common position 2003/468/CFSP of 23 June 2003 on the control of arms brokering (*Official Journal of the European Union*, L 156, 25 June 2003).
- ²⁶ Canada, Czech Republic, El Salvador, Germany, Indonesia, Mauritius, Slovakia and Spain.
- ²⁷ United Nations, *Treaty Series*, vol. 2029, No. 35005.
- ²⁸ Egypt and Indonesia, in particular, provided information on mechanisms to ensure coordination of anti-money-laundering initiatives.
- ²⁹ Canada, Indonesia, Liechtenstein and Lithuania.
- ³⁰ Canada, Czech Republic, Egypt, El Salvador, Germany, Guatemala, Hungary, Indonesia, Mauritius, Mexico, Liechtenstein, Lithuania, Panama, Slovakia and Turkey. Ukraine indicated that it had submitted a draft law to amend national legislation on the prevention of money-laundering and financing of terrorism.

- ³¹ Canada, Czech Republic, Germany, Hungary, Indonesia, Liechtenstein, Lithuania, Mauritius, Peru, Slovakia, Turkey and Ukraine.
- ³² For instance through the international information system of financial intelligence units established by the Council of the European Union in its decision of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the member States in respect of exchanging information (*Official Journal of the European Communities*, L 271, 24 October 2000).
- ³³ Through the Egmont Group of Financial Intelligence Units.
- ³⁴ Czech Republic, Germany, Indonesia and Slovakia.
- ³⁵ Czech Republic, Egypt, Germany, Indonesia and Mexico.
- ³⁶ Financial Action Task Force on Money Laundering, Asia/Pacific Group on Money Laundering and Group of Experts to Control Money Laundering of the Inter-American Drug Abuse Control Commission of the Organization of American States.
- ³⁷ Czech Republic, Germany, Indonesia and Liechtenstein.
- ³⁸ For example, the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (United Nations, *Treaty Series*, vol. 1862, No. 31704) and its proposed draft convention on laundering, the financing of terrorism, search, seizure and confiscation of the proceeds from crime; the European guidelines on combating money-laundering; and the Forty Recommendations of the Financial Action Task Force on Money Laundering and its eight Special Recommendations on Terrorist Financing.
- ³⁹ For example, the Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures of the Council of Europe (Moneyval) and the OECD Working Group for Combating the Legalizing of Income from Criminal Activities.
- ⁴⁰ Canada, Czech Republic, El Salvador, Indonesia, Liechtenstein, Lithuania, Mauritius, Morocco, Peru and Turkey. Lithuania indicated that in 2004 it had enacted the Law on Economic and Other International Sanctions which enabled the country to discharge its international commitments for freezing of funds.
- ⁴¹ Czech Republic, Japan, Lithuania, Slovakia and Ukraine.
- ⁴² Canada, Germany, Japan, Liechtenstein, Peru and Ukraine.
- ⁴³ The Czech Republic indicated that it was party to 11 of the 12 universal instruments against terrorism (the only one it had not yet ratified was the International Convention for the Suppression of the Financing of Terrorism) and to the European Convention on the Suppression of Terrorism (United Nations, *Treaty Series*, vol. 1137, No. 17828).
- ⁴⁴ Indonesia indicated that it was party to the Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963) (United Nations, *Treaty Series*, vol. 704, No. 10106); the Convention for the Suppression of Unlawful Seizure of Aircraft (1970) (United Nations, *Treaty Series*, vol. 860, No. 12325); the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971) (United Nations, *Treaty Series*, vol. 974, No. 14118); and the Convention on the Physical Protection of Nuclear Material (1979) (United Nations, *Treaty Series*, vol. 1456, No. 24631). Indonesia was also signatory to the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988) (United Nations, *Treaty Series*, vol. 1589, No. 14118) and the International Convention for the Suppression of the Financing of Terrorism (1999).
- ⁴⁵ Canada, Germany, Indonesia, Liechtenstein, Lithuania and Turkey.
- ⁴⁶ Canada, Costa Rica, Czech Republic, Germany, Guatemala, Hungary, Indonesia, Japan, Lithuania, Mauritius, Mexico and Slovakia.

- ⁴⁷ El Salvador, Germany, Indonesia, Liechtenstein, Slovakia and Turkey.
- ⁴⁸ Canada, Guatemala, Japan, Liechtenstein, Mexico, Slovakia, Spain and Turkey.
- ⁴⁹ Germany, Indonesia, Liechtenstein and Slovakia.
- ⁵⁰ In Canada, non-custodial measures included monetary fines, restitution orders and conditional sentences, under which offenders served their sentences in the community under appropriate controls and restrictions.
- ⁵¹ The possibility of replacing a jail sentence with community work was under consideration in the framework of the drafting of the new Penal Code.
- ⁵² Alternatives to incarceration were currently under discussion.
- ⁵³ Increased possibilities for alternatives to imprisonment, together with shortening the length of custody, was currently being considered in the framework of revision of the Code of Criminal Procedure.
- ⁵⁴ The new Penal Code envisaged alternatives to incarceration such as release on bail, release on probation, putting under judicial control, mediation between parties in conflict, payment of civil reparations or compensation, denying the right to go to certain places, compulsory education or treatment, public service, suspension of punishment, controlled freedom, house imprisonment and imprisonment at weekends or at night.
- ⁵⁵ Japan had submitted a bill to the Diet for amendment of the Prison Law.
- ⁵⁶ Costa Rica, Czech Republic, El Salvador, Indonesia, Japan and Slovakia.
- ⁵⁷ Canada, Germany, Indonesia, Lithuania, Mauritius, Mexico, Morocco, Peru, Slovakia and Turkey.
- ⁵⁸ Czech Republic, Germany, Hungary, Indonesia, Lithuania, Mauritius, Mexico, Slovakia and Turkey.
- ⁵⁹ Germany, Indonesia, Slovakia and Turkey.
- ⁶⁰ Costa Rica, Germany, Indonesia, Japan and Mexico.
- ⁶¹ Canada, Costa Rica, Germany, Indonesia, Japan, Mauritius, Slovakia, Spain and Turkey.
- ⁶² Canada, Indonesia, Mauritius, Slovakia, Spain and Turkey.
- ⁶³ Costa Rica, Germany, Guatemala, Indonesia, Japan and Turkey.
- ⁶⁴ Canada, Germany, Guatemala, Indonesia, Japan and Slovakia.
- ⁶⁵ Germany also indicated that, in connection with the planned reform of its criminal law penalties, new provisions would be enacted that granted priority to victims with claims for damage compensation for the execution of fines. A corresponding federal Government legislative draft was currently under consultation in the Parliament.
- ⁶⁶ Indonesia enacted Government regulation No. 27/1983 and Law No. 26/2000 on a Human Rights Court, which provided for compensation to victims. Indonesia also indicated that its Code for Criminal Procedure provided a number of articles concerning repayment, compensation and rehabilitation for the innocent suspect (article 97); compensation and repayment (article 95); and repayment in the pre-trial process (articles 77-83).
- ⁶⁷ This included, inter alia, the approval in June 2003 of a paper entitled "Adoption of best international practice in treasury operations for the Asian Development Bank including broad internal controls and fiduciary functions in safeguarding ADB funds" (IN 118-03) and the establishment in October 2004 of an internal anti-money-laundering compliance and due diligence working group.
- ⁶⁸ Afghanistan, Azerbaijan, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkey, Turkmenistan and Uzbekistan.