



Economic and Social Council

Distr.: General
20 February 2007

Original: English

Commission on Crime Prevention and Criminal Justice

Sixteenth session

Vienna, 23-27 April 2007

Items 4 and 5 of the provisional agenda*

The 11th Asia Crime Prevention Foundation World Conference

Statement submitted by the Asia Crime Prevention Foundation**

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31 of 25 July 1996.

* E/CN.15/2007/1.

** The present document is reproduced in the form in which it was received.



Jakarta Declaration

adopted by
the 11th Asia Crime Prevention Foundation World Conference
on Crime Prevention and Criminal Justice
held in Jakarta, Indonesia, 20 to 22 November 2006

**THE 11th ASIA CRIME PREVENTION FOUNDATION WORLD
CONFERENCE**

Having assembled at the Eleventh Asia Crime Prevention Foundation World Conference on Crime Prevention and Criminal Justice to further advance cooperation against transnational organized crime, corruption, the prevention of terrorism, and the treatment of offenders;

Grateful to the Government of Indonesia for its contribution to the ACPF World Conference on Crime Prevention and Criminal Justice;

Re-iterating our commitment to the Millennium Development Goals, particularly as they relate to the issue of crime and justice;

Welcoming the Bangkok Declaration adopted by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice;¹

Expressing our serious concern in view of the growing dimensions of organized crime, both at the national and transnational levels, including illicit drug trafficking, migrant smuggling, trafficking in persons, arms trafficking, cyber crime, corruption, and terrorism;

Acknowledging the negative impact of corruption in undermining the economic, cultural, social, political and civil development;

Expressing our concern about the growth of terrorist activities and the threats it poses to peace and security in the world;

Welcoming the adoption by the United Nations General Assembly of the United Nations Global Counter-Terrorism Strategy and Plan of Action;²

Recalling the report on the ACPF International Seminar on Crime Prevention "Building International Cooperation against Terrorism",³ organized in Jakarta by the Indonesia Crime Prevention Foundation;

Acknowledging the complex links between the control and prevention of terrorism and the protection of human rights;

Concerned about the inter-linkages between terrorism, organized crime, money laundering and corruption;

Recalling that enhancing dialogue among civilizations, promoting tolerance, preventing the indiscriminate targeting of different religions and cultures and addressing development issues and unresolved conflicts will contribute to the

¹ A/CONF.203/18, chap. I, resolution 1; endorsed by the General Assembly in its resolution 60/177.

² General Assembly resolution 60/288.

³ E/CN.15/2006/NGO/2.

further enhancement of international cooperation as a key element to combat terrorism in all its forms;

Concerned that by 2007 more than half of the entire world population is expected to be living in urban areas, and about four percent of them living in some twenty mega-cities with more than ten million people, leading to specific forms of urban crime;

Recalling that criminal justice actions and reforms must continue to meet the United Nations standards and norms in crime prevention and criminal justice, so as to uphold the rights of victims and offenders;

Noting prison overcrowding, limitations of the institutional treatment and care, and insufficient mechanisms for the rehabilitation of offenders, prevailing in many countries of the region;

Noting further the restricted use of non-custodial measures;

Recalling the work of the previous ACPF World Conferences, as reflected in its outcome documents, focusing particularly on the impact that globalization may have in terms of, inter alia, the quality of criminal justice administration, and the growth of transnational organized crime,⁴ the commitment to contribute to the overall United Nations programme in the pursuit of human development, security and poverty eradication,⁵ and stressing the impact of criminal justice in the alleviation of extreme poverty;⁶

Welcoming the creation of the International Association of Anti-Corruption Authorities (IAACA), and the holding of its first annual conference and general meeting in Beijing, China;

Appreciating the close cooperation between ACPF and the Institutes of the United Nations Crime Prevention and Criminal Justice Programme Network, in particular the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI);

Reiterating that the ultimate goal of the ACPF is “Prosperity Without Crime”;

Now, therefore, concludes the following:

I. Comprehensive Countermeasures in Combating Transnational Organized Crime

We:

Welcome the progress made by the countries party to the Convention against Transnational Organized Crime and its three supplementary protocols in implementing the provisions of these instruments;⁷

Call upon all countries to take all necessary steps to become without delay a party to the Convention against Transnational Organized Crime and its protocols;

⁴ E/CN.15/2001/NGO/3.

⁵ E/CN.15/2003/CRP.4.

⁶ A/CONF.203/17/NGO/3.

⁷ Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its third session, document number XXX (forthcoming).

Take note of the criteria set by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in determining the needs and priorities for technical assistance, including criminalization of offences, international cooperation, including confiscation, extradition and mutual legal assistance, with particular attention to the awareness and training of criminal justice practitioners, victims assistance and witness protection, and assistance in the form of subregional and regional workshops;

Pledge our support to the Conference of the Parties, and in particular the countries of the Asian region, and express our readiness to promote the Convention and its protocols;

Call upon the countries of the region to give priority to criminalizing the offences established under the United Nations crime conventions, with penalties adequate to the seriousness of the crime;

Further call upon the countries of the region to actively engage on mutual legal assistance, extradition and other criminal justice cooperation, and to update, modernize and simplify related bilateral or (sub-)regional agreements, or, in the absence of such agreements, to use the United Nations crime conventions as the legal basis for their cooperation;

Recommend to expand and further disseminate training tools designed to facilitate the application of the provisions of the Convention for criminal justice practitioners, such as the 'mutual legal assistance request writer tool' developed by the United Nations Office on Drugs and Crime, and develop similar tools for other areas such as extradition, money laundering, forfeiture and recovery of assets;

Stress the importance of countries of the region to address all forms of trafficking in persons, whatever the type of exploitation, and to consider measures to reduce the demand for trafficked victims, and underline the relevance of providing full assistance to victims of trafficking and their families, and special measures for the protection of victim-witnesses;

Call upon the Commission on Crime Prevention and Criminal Justice to include the issue of urban crime prevention with a special focus on youth into its agenda and to review the manifestations and scope of urban crime and possible counter-measures; and to consider this topic for discussion at the 12th United Nations Congress on Crime Prevention and Criminal Justice;

Note that cybercrime has emerged as a major concern not only for the region, but at a global scale⁸ and recommend that countries

- review the adequacy of existing legislation and regulations to address the particular nature of cybercrime, and facilitate investigation, prosecution and international cooperation;

- enhance cooperation to prevent, investigate and prosecute high-technology and computer-related crime, including by developing partnerships with the private sector;

⁸ See A/CONF.203/18 Bangkok Declaration, paragraph 15; and Note by the Secretary General on the Second World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice, E/CN.15/2006/17.

- carry out such measures on the basis of strict guidelines and with rigorous oversight to ensure adherence to rule of law principles, particularly those related to privacy;

- coordinate efforts at the international and regional levels to counter cybercrime related to terrorism on the Internet;

Reiterate our readiness and continued commitment to assist governments and other relevant entities in their efforts to fully implement the provisions of the United Nations crime conventions, including reviewing penal law and criminal procedure.

2. International Cooperation in the Fight against Terrorism

We:

Reaffirm that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group;

Recall Security Council Resolution 1373 (2001), calling upon States to cooperate bilaterally and multilaterally, particularly paragraph 2(f), in affording each other the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;

Call upon governments of the region to fully support and implement the United Nations Global Counter-Terrorism Strategy and Plan of Action, and encourage the United Nations, international, regional and subregional organizations, as well as NGOs and civil society to actively engage in this undertaking;

Call upon countries, in line with the above mentioned Global Strategy, to take urgent action to prevent and combat terrorism, in particular

- To take all necessary action to become parties without delay to the existing international instruments against terrorism,

- To continue efforts to conclude a comprehensive convention on international terrorism;

- To render international cooperation and other measures to prevent and combat terrorism in compliance with international law, in particular human rights law, refugee law and humanitarian law;

- To put in place systems of assistance that address the needs of victims of terrorism and their families;

- To find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person involved in terrorist acts;

- To conclude and implement mutual legal assistance and extradition agreements, and exchange timely and accurate information;

- To enhance cooperation to combat money laundering and the financing of terrorism;

Encourage relevant regional and subregional organizations to create or strengthen counter-terrorism mechanisms and centres;

Recall that timely and full realization of the Millennium Development Goals, the eradication of poverty, the promotion of sustained economic growth, good governance and the provision of rule of law, sustainable development and global prosperity for all are important measures to be taken into account in any terrorism prevention strategy;

Underline the importance of open dialogue and interaction between countries, cultures and faiths, to address the roots of terrorism.

3. Prevention of Corruption Towards the Trust in the Rule of Law and the Sound Development of Society

We:

Acknowledge the detrimental impact of corruption on both rule of law and sustainable development of society;

Welcome the entry into force of the United Nations Convention Against Corruption and strongly encourage countries to take all necessary steps to become a party to the Convention as a matter of priority;

Urge all countries of the region to actively participate in the upcoming first session of the Conference of the Parties to the United Nations Convention against Corruption;

Pledge our support for the Conference of the Parties as well as any forthcoming review mechanism on the implementation of the instrument;

Welcome the Declaration of the First Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities;

Highlight the need for international cooperation in preventing and combating corrupt practices and the transfer of assets of illicit origin, including money laundering, as well as for asset recovery consistent with the principles of the United Nations Convention against Corruption,⁹ and encourage countries to conclude and implement mutual legal assistance and extradition agreement;

Call upon all countries in the region to actively engage in implementing concrete anti-corruption measures and public sector management practices, based on the rule of law, transparency and accountability, leading to a culture of integrity, and respect for the rights of all citizens;

Recognize the lack of scientific methods of measuring corruption and the urgent need for accurate and objective data on its occurrence and impact, as well as methodologically sound analysis at the national and international levels, and thus recommend to develop the necessary measurement tools;

Urge anti-corruption authorities to devote attention to the collection and analysis of relevant data, statistics and other information;

Highlight the necessity to further enhance public awareness on the issue of corruption, and underline the important role of non-governmental organizations and media in this field;

⁹ ECOSOC resolution 2006/24.

Recommend the creation of independent ‘watchdog bodies’ to ensure the accountability and transparency of public and private institutions and invite all countries to ensure and promote the integrity and independence of anti-corruption bodies fully immune from political influence;

Solicit the engagement of countries to promote a culture of integrity and accountability in both public and private sectors, and to foster high standards of moral and legal integrity among prosecution services and the judiciary;

Re-confirm ACPF’s offer of assistance to countries in the region to provide legal expertise and facilitate the implementation of the crime conventions, including legislative frameworks and institutional conditions, to countries in the region so requiring, and pledge to cooperate with governments, non-governmental organizations, civil society and the private sector alike in a comprehensive approach in the prevention of corruption.

4. Endeavours and Best Practices for the Treatment of Offenders, including Restorative Justice

We:

Re-confirm our commitment to maintaining fair and efficient criminal justice institutions and policies;

Reaffirm the critical importance of implementing, monitoring and evaluating existing United Nations instruments on the treatment of offenders, juvenile justice, and non-custodial measures, including the Basic Principles on Restorative Justice;¹⁰

Recognize the efforts made in the region related to the issue of restorative justice, and call for collection and dissemination of promising practices and promoting the experiences of Asian countries in introducing and applying restorative justice principles;

Call upon Governments to create the necessary legislative and administrative framework for the application of non-custodial measures, including restorative justice, to provide training and information on such measures to all relevant criminal justice practitioners, including law enforcement, prosecutors, judges and prison administrators, lawyers, as well as local community leaders, social workers, members of NGOs and civil society and other relevant actors involved;

Call for a strong coalition and continuous partnership between the concerned government institutions, NGOs and local institutions in assisting and mediating between victims, community and offenders, and suggest to create guidelines, including those on victim participation and general parameters for restorative justice, taking into account the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;¹¹

Express concern about prison overcrowding, still prevailing in many countries, with serious implications for prison administration and prison health, for inmates, their families, and indirectly for the public at large;

¹⁰ ECOSOC resolution 2002/14.

¹¹ General Assembly resolution 40/34, annex.

Recommend that the Commission on Crime Prevention and Criminal Justice, as a matter of priority, review the adequacy of existing United Nations criminal justice standards and norms, particularly on prison management, prisoners, prison staff, and more largely, detention facilities, as well as non-custodial measures, addressing the situation of adults, children and juveniles;

Note with great concern that aggravated conditions associated with deteriorating detention centres have serious implications, including for prison health, where the spread of HIV/AIDS and other communicable diseases has become a major concern; thus indirectly contributing to the refueling of HIV/AIDS and other epidemics in the population at large; and call upon the respective state agencies and administrations to develop guidelines and practical measures on prevention and treatment of HIV/AIDS and other communicable diseases in prisons and closed institutions;

Urge countries to step up efforts that help to minimize the institutionalization of juveniles and children in conflict with the law, taking into account existing United Nations criminal justice standards and norms;

Take note with appreciation of the decision of the Commission on Crime Prevention and Criminal Justice to establish an information gathering mechanism for United Nations standards and norms, starting with crime prevention, and recommend that such a mechanism over time also include the treatment of offenders, non-custodial measures and restorative justice;

Welcome the recommendation of the Intergovernmental Group of Experts on Lessons Learnt from United Nations Congresses on Crime Prevention and Criminal Justice to adopt a standing item on United Nations congresses on crime prevention and criminal justice and note with appreciation its recommendation regarding the role of relevant organizations such as non-governmental organizations to follow up on the outcomes of the congresses; and call for United Nations standards and norms on crime prevention and criminal justice to be properly reflected in future congresses' agendas.