



European Union

**United Nations Office on Drugs and Crime  
20<sup>th</sup> Session of the Commission on Crime Prevention and Criminal Justice, 11-15 April 2011  
Statement by Hungary on behalf of the European Union  
11-15 April 2011**

**Agenda item 5.) Integration and coordination of efforts by the UNODC and by Member States in the field of crime prevention and criminal justice:**

- a) Ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;**
- b) Ratification and implementation of the United Nations Convention against Corruption;**

Thank you, Mr. Chairperson,

Excellencies, Ladies and Gentlemen,

1. I have the honour to speak on behalf of the European Union (EU). The Candidate Countries Croatia, the Former Yugoslav Republic of Macedonia<sup>1</sup>, Iceland, Montenegro and Turkey, the Countries of the Stabilisation and Association Process and the potential candidates Albania, Bosnia and Herzegovina, Serbia, as well as Andorra, Armenia, Georgia, Liechtenstein, Norway, Republic of Moldova, San Marino and Ukraine associate themselves with this statement.

2. Transnational organized crime and corruption are threats to peace and security worldwide which hamper sustainable development of societies in many different ways. Organized crime has an impact on the economies, hindering legitimate economic activities and undermining democratic governance, the rule of law and security, moreover, in some cases, it has forged links with international terrorism. Activities of criminal groups now also include cybercrime, trafficking in cultural property, piracy, trafficking in natural resources, trafficking in counterfeit medicines and other products, trafficking in dangerous waste. Trafficking in persons is one of the most heinous manifestations of organized crime. The EU is also concerned about crimes committed in the smuggling of migrants.

3. The EU reiterates its commitment to the United Nations Convention against Transnational Organised Crime (UNTOC) and its Protocols as the principal international instruments for combating organized crime in all its forms and manifestations and call on member States to further promote their universal adherence and comprehensive implementation. We are of the view that the Convention, as a global instrument with wide adherence, offers the broadest scope of cooperation to address both existing and emerging forms of transnational organized crime.

4. Effective judicial and law enforcement cooperation among the countries is also a precondition for properly combating transnational organized crime. The UNTOC offers an incomparable basis for international cooperation for extradition, mutual legal assistance and international confiscation and represents in this regard a yet to be exploited potential. Technical assistance is

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<sup>1</sup> Croatia and The Former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process

fundamental in ensuring the effective implementation of the provisions of the Convention and the Protocols thereto, and stressing the need to work collectively on capacity building initiatives aimed at facilitating the full implementation of the Convention. The EU strongly supports the work of the relevant UN bodies at the global level in these fields and advocates the endeavours of UNODC as custodian of the UNTOC and its Protocols in the promotion of their universal ratification.

5 We encourage UNODC to continue developing technical assistance tools, such as handbooks, digests of relevant case-law, and legal commentaries, with regard to the instruments as a whole and/or to special issues such as mutual legal assistance and confiscation, with an high added value in improving the capacity of States to implement and utilize the Convention and its Protocols, as well to increase the effectiveness of UNODC's technical assistance activities to combat transnational organized crime.

6. As 2010 marked the tenth anniversary of the signing of the Convention, the fifth session of the Conference held particular symbolic significance. Building on the high-level meeting of the General Assembly on transnational organized crime, held in June 2010, the Conference opened with a high-level segment, in which representatives called for full adherence to and implementation of the Convention and its Protocols and enhanced cooperation in combating transnational organized crime. The EU stresses that, 11 years after the adoption of the Convention, the development of a mechanism to review its implementation is essential. The most important precondition however, is the political will of Member States and authorities involved. The EU attaches great importance to the establishment of a strong and effective review mechanism which would enable the Parties to obtain reliable and consistent information concerning their implementation of the Convention with the view to identifying gaps, highlighting successful experiences and good practices as well as technical assistance needs. This mechanism should avoid any duplication of efforts and should also take into account practices and experiences of existing mechanisms in other international and regional fora and, as appropriate, should take into account the views of victims of transnational organized crime, such as human trafficking, as well as the views of representatives of civil society. Given that the UNTOC and its three Protocols are a coherent whole, the implementation review of these four complementary instruments should be conducted through one single mechanism.

7. The EU expresses appreciation for the launch of a voluntary pilot project which facilitated the discussion on an appropriate review mechanism for the implementation of UNTOC. We thank the Secretariat of the UNODC for preparing the first session of the Open-ended Intergovernmental Working Group on the Review of Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, to be held from 17 to 19 May 2011. We hope that the experience in the Pilot Review Programme would provide valuable contribution to the discussions within the working group. Furthermore the EU would like to express its appreciation for the work of the COP Working Groups, in particular of the Working Group on Trafficking in Persons, and the Working Group on Technical Assistance which proved fruitful collaboration of the States Parties and civil society and resulted in the adoption of the informed recommendations and conclusions.

8. The EU is fully committed to make international cooperation more effective. One of the primary objectives of the EU, reaffirmed by the Treaty of Lisbon, is the creation of an area of freedom, security and justice, where the fundamental rights of every individual are respected. Within the context of the Stockholm programme for the period 2010-2014, which provides a new European framework for Justice and Home Affairs, the EU is improving its legislative framework

and intensifying cooperation on police, customs and judicial matters, with a view to combat the most serious forms of transnational crime. The European Arrest Warrant is one of the most important tools of judicial cooperation in criminal matters within the EU. Progress over recent years is reflected in the establishment of joint investigation teams, the extension of the principle of mutual recognition to include orders calling for the freezing of property and evidence or the confiscation of crime-related proceeds, instrumentalities and property, and for mutual legal assistance in criminal matters. Efforts are currently carried out in order to improve the legal framework in the field of obtaining evidence. All these advancements are based on mutual trust and enhanced interaction between competent authorities of the EU Member States. We are also actively working on the practical implementation of UNTOC Articles 12-14. The common denominator of all activities of organized criminality is the pursuit of profit. It is therefore essential to strengthen the capacity of financial investigation. Seizure and confiscation of the illicit proceeds from criminal activities should become a top priority in the international efforts against transnational organized crime.

9. The Third Session of the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC) in November 2009 adopted its review mechanism. This adoption has been a significant breakthrough in our common fight against corruption as it is the first time that a peer review mechanism has been established within the framework of the United Nations. Three elements of this mechanism are continued to be essential for the European Union: the participation of the civil society, country visits and the availability of country review reports. In the EU, we are committed to welcoming country visits when EU States Parties are reviewed, and in their connection we shall encourage and facilitate the full engagement with all relevant stakeholders, including the private sector and civil society. We are also committed to publication of the full country review reports of all EU States Parties. We encourage other States Parties to do the same. The EU supports a smooth and efficient review mechanism procedure in which open lines of communication between reviewers and States Parties under review are indispensable. We also would like to see that the self-assessment check lists are adequately completed and returned to the Secretariat according to the time frame established and that the responses of the checklist are prepared through broad and transparent consultations at the national level with all stakeholders, including the private sector and the civil society. We also support that all States Parties actively work towards funding the future requirements of the review mechanism through the regular budget.

10. With regard to the issue of the participation of observers the EU welcomed the legal opinion from the Office of Legal Affairs which stressed the need to ensure that there would be no departure from the rules of procedure of the Conference and the agreement reached in Doha on the terms of reference of the Mechanism. Recalling that participation of intergovernmental and non-governmental organizations is fully consistent with the Rules of Procedure of the UNCAC COSP the EU is of the view that participation of the mentioned organizations should be ensured in the work of the IRG.

11. The EU notes with appreciation the conclusions and recommendations approved by the COSP Working Groups, in particular the Open-ended Intergovernmental Working Group on the Prevention of Corruption at its first meeting, held in Vienna from 13 to 15 December 2010. It is of utmost importance that the Secretariat continues to carry out its information-gathering activities relating to chapter II of the Convention, concentrating on good practices and initiatives relating to the implementation of that chapter as established by States parties.

12. The EU welcomes the fact that the International Anti-Corruption Academy (IACA) in Laxenburg, Austria, has become an international organization since 8 March 2011. IACA functions as an international, inter-disciplinary and inter-cultural centre of excellence that aims to professionalise anti-corruption work, to improve the effectiveness of organisations and individuals engaged in preventing and combating corruption and to develop standards and best practices to anti-corruption research and education. It shall also make a significant contribution to the effective implementation of the UNCAC. We are looking forward to the IACA to successfully contribute in this field.

Thank you, Mr. Chairperson