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Report

On the activities at the UN seat in Vienna

This is a short overview of the UN activities at its seat in Vienna, which I had been entrusted to follow and to represent IAJ. It covers the events from the last Central Councils meeting in Israel onwards until today.

I had regular contact with the associations of NGOs which are in co-operation with the Commission on Crime Prevention and Criminal justice, the Commission on Narcotic Drugs and the governing body of the UN Convention against Corruption and attended their meetings on 9.11.2022, 11.1., 1.3., 22.3. 10,5, 17.5. and 22.6.2023, most of them remotely. These meetings brief NGOs on recent events and development and give advice for modalities to participate in future conferences.

Due to other commitments, I could not attend the reconvened 31st meeting of the Commission on Crime Prevention and Criminal Justice in December but I was informed that nothing relevant for IAJ was at stage.

In March I attended the 66th meeting of the Commission on Narcotic Drugs: Main substantial topic in the debate, which was also quite controversial, was the promoting of alternatives to criminalisation as a development-oriented drug control strategy.

In May 2023 I watched the meeting of ECOSOC online. ECOSOC adopted the draft resolutions of CDN and CCPCJ which had been forwarded by the two commissions after their respective meetings in 2022. Elections regarding vacant positions from 2024 onwards in the CND and CCPCJ respectively took place. At the latter Russian Federation applied for the seat of Eastern European countries, but it failed in getting the necessary support.

Also in May 2023 I participated in the 32nd meeting of the Commission on Crime Prevention and Criminal Justice.

A resolution was drafted to encourage the member states to foster activities to safeguard the access to justice in criminal matters for all.

Topic was also the 15th Crime Congress, which will take place in 2026. In a first resolution the general theme was fixed with “Accelerating crime prevention, criminal justice and the rule of law: protecting people and planet and achieving the 2030 Agenda for Sustainable Development in the digital age”. Workshops shall be organised to deal with (a) Building resilient societies, with a focus on protecting women, children and youth: fostering engagement, education and the culture of lawfulness; (b) Ensuring equal access to justice for all: towards safe and secure

societies while respecting the rule of law; (c) Getting ahead: strengthening data collection and analysis to better protect people and planet in times of new, emerging and evolving forms of crime; (d) Turning the digital age into an opportunity: promoting the responsible use of technologies in crime prevention and criminal justice.

On 24.5.2023 I took part in a side event on Enhancing Justice through the United Nations Reform. The participants, mainly high-ranking diplomats, agreed that an institutional reform of the UN is necessary. Due to the blocking in the Security Council by the Russian Federation a shift to an enlarged competence to the General Assembly was proposed. When the debate turned to international courts I asked for the floor and reminded the participants on the necessity to a merit-based non-political appointment of the judges and an effective system of enforcement of the decisions.

On 26.5.2023 IAJ co-sponsored together with the Academy of Criminal Justice Sciences and the Diplomatic Academy Vienna a side event on Criminal Justice amid Artificial Intelligence, where I had the honor to be one of the speakers on the panel. There was a remarkable number of participants and great interest.

UN member states agreed to elaborate a Cyber-crime convention and formed a drafting group, the Ad Hoc Committee on Cyber Crime (AHC). Obviously, this is seen as a matter of high priority, because different from other standard setting projects the sessions, which partly take place in Vienna, partly take place in New York follow in short interval, there are intense but constructive debates and from time to time also Civil Society is informed about the issues of the debate. Meanwhile the 6th session took place, each one scheduled for a whole week, I observed parts of some meetings remotely. Main dispute of the first two meetings was which crimes should fall under the convention meanwhile the cornerstones seem to have been fixed. I will observe the progress further on and report on aspects, which may be relevant for the judiciary.

On 26.6.2023 I participated in the launch of the annual World Drug Report. Two aspects amazed me: there was a significant decline of drug related charges, police reports and indictments in some countries in the last period, experts see it as a result of Covid-restrictions, and the unequal availability of drugs for medical use also declined due to interruption of supply chains and the inequality of their distribution increased.

On 10.7.2023 on request of IAJ-President I participated in a side event of the Human Rights Council organized by the International Bar Association and others on the “Contribution of legal professions to the work of the Human Rights Council and its universal Periodic Review.” To be better prepared for this event I asked the secretariat to distribute a short questionnaire to ask our members about their experiences and their involvement in the review process. I thank all members who answered these questions. Only very few reported that they were aware and involved (Mexico for instance). I delivered a short statement, renewed the availability for further co-operation, which already our President had announced to the IBA Human Rights section, and announced that IAJ will raise the awareness for the Periodic Review of its members.

On 29.8.2023 I followed the multistakeholder meeting, which was organized as a side-meeting of the 6th session of the AHC. It provided some insight in the progress of the drafting.

The focus is on advocating for a functional criminal justice instrument that effectively mitigates criminal activities and facilitating the implementation of measures against cybercrime. Moreover, the importance was stressed not to overlook human rights within the framework of the convention and the significance of data protection, was underlined, the existing measures are seen as not comprehensive enough.

Yesterday and today I participated in a very interesting “Constructive Dialog on International Cooperation.” Although main focus was on police and investigation authorities it was possible also to address the role of judiciary, of judicial control, rule of law and protection of human rights. Several NGOs, used this opportunity of the presence of the ambassadors and other representatives of member states to claim for a participation of NGOs, in the meetings of the working parties, which had been established on basis of Article 27 of the UN Convention Against transnational Organised Crime. It was reported that in the first meetings after the Convention entered into force such participation was possible it was stopped, when the review process of the convention was started. The representative of the USA and others expressed their willingness to debate of an amendment of the rules of procedure, but this would need a 2/3 majority of the state parties.

It was an honour and pleasure to represent IAJ at the UNOV events and I am available to serve in this function further on.

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Gerhard Reissner