

Mr. President,

It has been remarked in all official documents relating to this event, that the Tenth Congress on the Prevention of Crime and Treatment of Offenders, offers an urgently needed opportunity for nations to reach agreement on a long term plan of action to meet the challenges posed by transnational crime.

The Convention against transnational organized crime is one of the boldest attempts in this direction. It is a bold attempt because rather than limiting itself to the strict parameters of a particular crime, it spreads its reach to cover all serious crimes committed by organized crime and consequential ancillary matters to prevent members of such groups from benefiting from the material benefits of their criminal misdeeds. It is farreaching in scope and objectives, to be considered as a challenge rather than a problem even if most of the signatory states will have to take legislative action to align their domestic positions with the one prevailing after the eventual coming into force of this new Convention. In this context it is not amiss to point out that some countries will, because of their limited human and financial resources, need technical assistance to help them incorporate these far reaching changes within their own legal system

One of the significant achievements of the draft Convention is that it is multifaceted in its approach, direction and operation; it makes it mandatory for states to establish criminal conspiracy to commit serious crime as an autonomous offence and in principle seeks to raise to an international standard the definition of the offence of money laundering as an offence with an open ended list of predicate offences wherever committed provided they are punishable by the law of the State where the money laundering offence was committed. The criminalisation of corruption, possibly irrespective of whether committed by organized crime or not, is a first on the global level, although the draft convention builds upon the extremely useful and successful work of the Council of Europe in this area.

But perhaps a far-reaching and appropriate article in the new Convention is the new importance being given in the Draft Convention to **the rights of victims, acknowledging** their rights to procedural standing in criminal proceedings related to the crimes covered by the Convention, an aspect often neglected in international instruments of a penal character.

Malta awaits with anticipation the final draft of this convention since it intends to embark on the road of incorporating its main provisions within its legal system. Indeed those relating to money-laundering and drug-trafficking are already embodied in our legislation. Government has however approved the following important amendments to the Criminal Code which will also enable my country to sign the Convention at the earliest opportunity namely:

- (a) the criminalisation of conspiracy to commit any crime;
- (b) the extension of the crime of corruption to cover both foreign public officials and private employees;
- (c) the granting of the right of victims to be present during the entire criminal proceedings irrespective of whether they are witnesses or not; . In jury trials, the victim will be given the right through his legal counsel to make submissions on the punishment to be awarded following a guilty verdict.

Emphasis has been laid throughout the preparatory meetings for this Tenth Congress on Money Laundering. Malta enacted its first legislation on money laundering in 1994. Since then Malta has ratified both the Vienna U.N Convention Against Illicit Trafficking and the Council of Europe 1990 Convention on Money Laundering. It has participated actively in Committee PC-R-EV of the Council of Europe which evaluates on Financial Action Task Force criteria the antimoney laundering regimes of member countries; and in response to the first evaluation of Malta, which was substantially positive, Government has also greatly extended the list of predicate offences in its legislation to cover all serious crime and is taking steps to set up a Financial

Intelligence Unit among other changes which are being given priority consideration.

Organized criminal groups are always ready to exploit the weak and the vulnerable. They have always been dangerous on the domestic front but they have become of international concern since their activities have become increasingly transnational in character. They transcend national borders which explains why the United Nations strives to harmonize the efforts of the international community to prevent such criminal organizations from finding comfort in loopholes and diversities inherent in different legal systems. Only international harmonization will preclude these groups from seeking haven in such legal niceties. One particular criminal activity in which Malta has a particular interest in combating is the modern scourge of trafficking in persons for the purpose of unlawful entry into the territory of other States.

Positioned in the geometrical center of the Mediterranean Sea and at the periphery of Europe, Malta has experienced in the recent past the same problem being faced by neighbouring countries; the traffic in persons seeking to unlawfully penetrate the borders of Malta in search of a better living or to cross over to neighbouring countries on the European mainland. Even though it is intended to increase bilateral co-operation with neighbouring countries particularly Italy in a proper supervision and patrol of the surrounding seas, Malta welcomes any attempt at addressing in the Convention the need of increased international co-operation in fighting this modern problem; such co-operation is even better appreciated by small states like ours, considering the limited resources available to shore up our capabilities to effectively monitor the situation; clandestine immigration in small countries constitutes an unbearable burden on small economies. We do not intend to tolerate the criminal exploitation of the legitimate aspirations of people to better their quality of life and intend to vigorously combat this illicit traffic in persons and have no intention of transferring the problem to the shores of others. Malta intends to insert in the new Criminal Code amendments a provision to create a specific criminal offence of migrant

smuggling rather than leaving the matter to be treated as a mere breach of the immigration laws.

The envisaged protocol against trafficking in persons especially in women and children is a step in the right direction. Malta will agree to co-operate in seeking out traffickers and victims as well as in identifying trafficking methods, including recruitment, routes, and links between individuals and trafficking groups.

In this respect there is no doubt that international cooperation can only take place through the prompt and proper exchange of intelligence and information. In the European sphere the first contacts have been made between Malta and the newly founded Europol; bilateral agreements with neighbouring countries have been signed relating to organized crime, drug trafficking and illegal immigration.

As an applicant country to join the European Union, Malta has committed itself to adopt the *acquis* on matters relating to justice and home affairs including the creation of an area of security freedom and justice. This means ensuring security of borders while respecting the rights and freedoms of others including refugees. It is for this reason that a law on asylum has for the first time been presented to the Maltese Parliament and will be on the statute book by the end of June.

The Draft Declaration on Crime and Justice refers to the commitment of Member States to accord priority to containing the growth and overcrowding of pre-trial and detention prison populations. Malta has acceded to all Conventions European or otherwise guaranteeing observance of Minimum standards in the treatment of prisoners. It has embarked on an ambitious project at the Correctional Facility in Malta, building a new complex not so much to house more prisoners but to classify better the average prison population of 270 in order to be in a better position to tailor programmes which address the particular needs of specific classes of inmates; besides the number of probation officers has doubled to cater for an

increased use by the judiciary of probation services thus promoting safe and effective alternatives to incarceration.

The draft Declaration stresses the importance of taking steps to prevent and combat crime associated with racism, racial discrimination, xenophobia and related forms of intolerance. I would like to inform the assembly that following the criminal prohibition of spreading and fomenting racial hatred through the media it is intended to introduce in our Criminal Code the specific general crime of racial hatred or behaviour manifested by whatever means.

Ladies and gentlemen,

I seem to detect a new and vigorous surge of enthusiasm among states willing to co-operate among themselves on a bilateral as well as on a multilateral level to seek to effectively and with renewed determination to combat crime in all its forms and organized transnational crime in particular. It is of the utmost importance for the security and welfare of all our peoples that this momentum is encouraged and accelerated and not allowed to die down.

The survival of civil society itself is at stake.

No less.

Thank you.