

G8 Justice and Interior Ministers Meeting Munich, 23 - 25 May 2007

Concluding Declaration

During our meeting in Munich on 23 – 25 May 2007 at the invitation of Federal Minister of Justice Brigitte Zypries and Federal Minister of the Interior Dr. Wolfgang Schäuble, we, the Justice and Interior Ministers and Prosecutors General of the G8 nations, as well as European Commission Vice President Frattini, discussed important shared concerns in the field of justice and interior affairs. We focused on current issues of counter terrorism and integration policy, as well as issues related to transnational organized crime, including effective mechanisms for enforcing intellectual property rights.

We also discussed a number of other issues, in particular combating drug cultivation and drug trafficking in Afghanistan and combating the sexual abuse of children. In this regard, we have issued two separate declarations, entitled "Afghanistan Counter Narcotics" and "Reinforcing the International Fight against Child Pornography", to which reference is hereby made.

Interpol Secretary-General Ronald Noble took part as a guest at our meeting and used this opportunity to report on Interpol's current projects.

Conclusions

Counter-terrorism

Despite concerted efforts to prevent terrorist attacks and dismantle individual terrorist networks around the world, international terrorism continues to present a global threat. In recent years, the attacks in New York, Washington, Madrid, Moscow, Beslan, London and many other places have revealed a new dimension of terror and demonstrated that open, liberal societies are particularly threatened. We must continue to

devote all our energies to our joint counter-terrorism efforts, increasing them wherever necessary. Continuing the already comprehensive and rapid sharing of information among security and law enforcement authorities will play a prominent role; in view of the global nature of terrorist networks, such information-sharing is crucial for effectively protecting our citizens against attacks.

Because terrorists increasingly take advantage of modern communications and information technology, we will further strengthen our cooperation specifically in this field. Building on current efforts in this area, we have agreed

- to deepen our knowledge and experience concerning terrorist use of the Internet,
- to further intensify the voluntary sharing of information in this field and to better exploit the possibilities for international cooperation in order to address terrorist use and misuse of the Internet,
- to explore whether and how other institutions could support the efforts of security and law enforcement authorities in combating terrorist use of the Internet,
- to explore further cooperation in the matter of terrorist use of other communications and information technologies and broadcast systems,
- to continue to expand and strengthen the G8 24/7 Network of High Tech Crime Points of Contact and to continue to promote its use in our countries,
- to work towards criminalizing, within national legal frameworks, specific forms of misusing the Internet for terrorist purposes.

Successful security policy must take action as early as possible, i.e. before terrorist organizations are formed and concrete attack plans are drawn up. We have therefore agreed to expand our knowledge and experience of those processes by which some residents of our countries become radical and violent, culminating in what is known as “home-grown terrorism”. We agree that lasting success in countering processes of radicalization cannot be achieved by the security authorities alone, but requires recourse to a broad spectrum of measures, including those related to integration policy and engaging civil society through outreach to youth and other vulnerable groups. We have also addressed the issue of dialogue with relevant communities in our countries and agreed to mandate national experts to share experiences in this field.

Domestic legal frameworks which enable the removal of foreign nationals who pose a national security threat, including terrorist suspects, may in specific cases provide a useful tool for States to protect national security and comply with state obligations to cooperate in the fight against terrorism, while fully complying with all applicable international human rights obligations. We discussed the difficulties faced by States in seeking to devise and implement an effective and safe removals policy taking into account the need to protect national security and the human rights of those who pose a threat. We promote further sharing of experiences and analysis of possible solutions between our countries on the basis of the work recently performed by G8 experts in this field.

Furthermore, we must pay special attention to the security of critical energy infrastructures which constitute the lifeline of our market economy and society and therefore require special protection against possible terrorist threat. The people in our countries expect the supply of energy to function reliably and not be impacted by terrorist attack. We have therefore agreed to continue and intensify expert assessment of vulnerabilities and potential threats to energy infrastructure and sharing of best practices for security. At the same time, we reaffirm our commitment to strengthen the protection of all critical infrastructures. We therefore ask the Roma-Lyon Group to intensify the exchange of best practices between our countries and to initiate comparable analyses with regard to further critical infrastructures.

To deal even more effectively with terrorist threats in and from the air, we have further intensified our cooperation in the area of aviation security. For example, to follow up on the successful conclusion of the Secure and Facilitated International Travel Initiative (SAFTI) action plan, we have discussed further measures to improve aviation security and developed recommendations and best practices which will be provided to the International Civil Aviation Organization (ICAO) as a basis for its further efforts.

With regard to the Interpol Lost and Stolen Travel Documents Database we have agreed to provide 24/7 points of contact with officials who can access domestic passport data and help resolve positive “hits” that occur from real time connection to the Interpol data base. This will make this tool even more effective in stopping terrorists and criminals from exploiting lost and stolen documents.

Enforcing intellectual property rights

Product piracy and counterfeiting damage the innovative capacity of national economies. They deceive customers acting in good faith and can even endanger health and life. Complex global criminal networks are becoming increasingly involved with IP crime. For these reasons, the fight against product piracy and counterfeiting is a crucial element of criminal law, regulatory and economic policy as well as consumer protection.

We agree that civil law can play a key role in these efforts. Where consistent with national legal systems, States should consider establishing legal regimes where right holders are able to pursue the civil enforcement of their rights through expedited proceedings. Such proceedings may be designed to ensure that right holders can obtain court decisions solely on the basis of substantiated submissions and without hearing the opposing party, or at a hearing with an abbreviated notice period. As a rule, such court decisions should be enforceable on the day of their issuance. At the same time, opposing parties must be protected against the misuse of such expedited proceedings.

Criminal enforcement also plays an important role in the protection of intellectual property rights, particularly in the most egregious instances of infringement. Criminal penalties commensurate with the offence committed and with the degree of culpability must be both imposable and imposed. Law enforcement authorities should be sufficiently trained in issues of intellectual property protection. Further, given the global nature of intellectual property crimes, we agree that there must be effective methods for law enforcement agencies to share information and to develop cooperative investigations across borders in order to combat piracy and counterfeiting offences. In this respect our experts have produced “Principles and Recommendations for Cooperative Investigation and Prosecution of Serious and Organized Intellectual Property Rights Crimes” and have identified national points of contact in our countries to facilitate international cooperation in these cases. We endorse this work and agree to continue and increase the targeting of international intellectual property crime.

Given the important roles of civil and criminal enforcement, we support the development of a plan to support developing and newly industrialised

countries that are interested in using civil and criminal law to promote the effective enforcement of intellectual property rights.

Combating sexual abuse of children

We discussed together our efforts to combat the sexual abuse of children committed by persons travelling from their country, (“home country”) to another country (“destination country”) , to engage in sexual activity with children. Unfortunately, many of the destination countries lack adequate legislation or resources to vigorously address this problem within their own borders. Therefore, action by the home countries, including the G8 States, is essential to effectively protecting children around the world.

As child exploitation and child sex tourism have been increasing globally, many G8 States have enacted new laws against the sexual abuse of children. As of today, all G8 States have extraterritorial jurisdiction over child sexual exploitation committed by their own nationals in other countries. Most G8 States can now prosecute their nationals for child sex tourism, even where the conduct is not a crime in the destination country.

We discussed the urgent need to promote the use of this authority to prosecute child sex tourism. We agree that, regardless of the abuser’s nationality, that person must be held accountable, whether in the home or destination country. We are releasing today a paper produced by our experts that discusses experiences and lessons learned in addressing these odious crimes, as well as tactics and strategies designed to ensure that investigations and prosecutions in these cases are successful. The strategies range from establishing firm relationships with the authorities in the destination countries to the best methods of collecting evidence for use in court in the home countries. Preventive measures, such as cooperation with the tourism industry to make sure that travellers to common destination countries are aware of the reach of the criminal justice systems in their home countries, and having home country governments proactively promote public awareness and understanding of the illegal nature of engaging in any sexual activity with children whether at home or abroad, are also emphasized. We hope that all states that may be countries of origin for travelling sex offenders will undertake similar measures, since only with widespread and concerted action will the fight against child sexual abuse at the international level be effective.

The demand of sex tourists drives others to supply child victims. Home countries have a critical role to play in preventing such sexual abuse by stemming demand and ensuring that effective and responsive measures are in place to fully investigate and prosecute the commission of these crimes. When we succeed in stopping people who travel for the purpose of having sex with children, we ensure that fewer children will be forced into prostitution or other forms of commercial sexual exploitation.

We therefore support the efforts recently made within the Council of Europe to draft a comprehensive convention on the protection of children against sexual exploitation and sexual abuse and we encourage the States who participated in the negotiations to contribute to the finalization and the adoption of the convention.

In our separate declaration entitled “Reinforcing the International Fight against Child Pornography”, we have committed ourselves to improving our ability to prevent, investigate and prosecute such serious crimes. We request that the Roma-Lyon Group facilitate further dialogue among their experts on how to uncover and prevent the spread of child pornography, including through cooperation with Internet Service Providers

Furthermore, we have noted the concern that children are being abducted for the purpose of sexual exploitation. We request the Roma-Lyon Group to also gather expert knowledge regarding the discovery and prevention of such crimes and to consider whether there are appropriate preventive measures to be taken forward.

Asset Recovery

We welcomed the report of the Roma-Lyon Group on implementation of our 2004 initiative on Recovering Proceeds of Corruption. As we have repeatedly reaffirmed, international cooperation is a key element of our efforts to combat corruption, and our States are committed to support of the United Nations Convention against Corruption and to translating its words into effective action. The assistance we have provided through regional asset recovery workshops is but one example, and our member States will continue to offer assistance, individually or together, to states seeking restraint or confiscation of assets illicitly taken from their countries by corrupt officials. Today we also release several papers our experts have prepared at our direction, including papers outlining

principles and procedural mechanisms to facilitate the disposition and transfer of confiscated proceeds of grand corruption and exploring means to overcome certain obstacles to asset recovery. These papers and the Roma-Lyon Group report identify important steps that we have taken, and experience we can offer, to facilitate the recovery of corruption proceeds.

Countries with experience in combating corruption and incorporating good governance mechanisms into their legal systems aid international security by providing technical assistance to countries in need of such experience. The UN Convention against Corruption provides mechanisms that should be incorporated in technical assistance efforts in combating corruption, and we support the work being done by its Conference of States Parties and UNODC in facilitating the delivery of such assistance. Organizations operating at a regional level on implementation of UNCAC and other governance issues, such as UNDP-POGAR and OECD can also play a useful role. We call upon states to consider contributing to intergovernmental initiatives of this nature. In order to maximize the effectiveness of State contributions, we urge both donors and the UNODC to take the necessary steps to ensure complementarity with technical assistance under the UN Conventions on Transnational Organized Crime and its Protocols.

Integration of immigrants

In view of globalization and demographic developments in certain parts of the world, the phenomenon of major, sustained migration is likely to continue to grow in significance. Where integration is unsuccessful, migration becomes a problem for the cohesiveness and internal security of the host societies.

Successful integration depends on the will of migrants to participate. They must make an effort to integrate, to learn the language of their host country, preferably prior to their departure, and to complete their education. At the same time, governments, communities, the civil society as well as individual citizens of the host country all have a role to play to facilitate integration. Successful integration requires a will on the side of the host state to welcome legal immigrants, to protect them from discrimination and facilitate their inclusion in the economic and social fabric of the host society.

We agree that managing migration processes can succeed only through common efforts and cooperation with countries of origin and transit. Coordinating development and migration policy more closely, for example by utilizing the potential advantages offered by circular migration, will help reduce irregular migration and limit brain drain while contributing to development in immigrants' countries of origin.

We are convinced that G8 is a useful forum to exchange information on integration developments, to continue discussion on integration issues of mutual interest, to explore possibilities and strategies of joint efforts against illegal immigration in cooperation with third countries, and to discuss different policies and experiences of our countries concerning temporary migration. We have therefore agreed to ask our experts to continue to address these issues.
