



Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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**Status of information provided by States parties on
the implementation of the United Nations
Convention against Transnational Organized Crime
and the Protocols thereto and related technical
assistance**

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Background paper prepared by the Secretariat

I. Introduction

1. The United Nations Convention against Transnational Organized Crime is one of the most widely ratified treaties and is approaching universal adherence. It offers States parties a framework for international cooperation in combating transnational organized crime and requires action by States parties to harmonize their legislation with Convention requirements. Article 34, paragraph 1, of the Convention requires each State party to take the necessary measures, including legislative and administrative measures, in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under the Convention.

2. In accordance with Article 32, paragraph 1, of the Convention establishes the Conference of the Parties to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention. Article 32, paragraph 5, requires each State party to provide the Conference with information on its programmes, plans and practices, as well as legislative and administrative measures to implement the Convention, as required by the Conference.

3. The present paper has been prepared with a view to contributing to the deliberations of the Working Group on item 6 of the provisional agenda, entitled “Status of information provided by States parties on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and related technical assistance”. The paper summarizes the reporting requirements contained in the Convention and the recent mandates given by the Conference of the

* CTOC/COP/WG.2/2017/1-CTOC/COP/WG.3/2017/1.



Parties in that regard. It describes existing tools for the gathering and dissemination of information and discusses how that information can be utilized in providing technical assistance. Finally, the paper offers recommendations on ways to improve the gathering, dissemination and analysis of information and its further use in providing technical assistance.

II. Reporting requirements contained in the Organized Crime Convention

4. As mentioned above, article 32, paragraph 1, of the Convention, establishes the Conference of the Parties to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention. Article 32, paragraph 3, requires the Conference to agree upon mechanisms for achieving those objectives, including reviewing periodically the implementation of the Convention and making recommendations to improve the Convention and its implementation. To that end, article 32, paragraph 4, requires the Conference to acquire the necessary knowledge of the measures taken by States parties in implementing the Convention and of the difficulties encountered by them in doing so through information provided by them and through such supplemental review mechanisms as may be established by the Conference. As mentioned above, article 32, paragraph 5, requires each State party to provide the Conference with information on its programmes, plans and practices, as well as legislative and administrative measures to implement the Convention, as required by the Conference.

5. It should be noted that Article 32 does not specify the frequency of the reporting and the articles to be reported on. However, an interpretative note of the Convention for article 32, paragraph 5, indicates that the Conference should take into account the need for some regularity in the provision of the information required. The same note indicates that the term “administrative measures” as used in article 32 is to be understood in a broad sense and to include information about the extent to which legislation, policies and other relevant measures have been implemented.¹ From the first session of the Conference, in 2004, until the fourth session, in 2008, States parties were requested to fulfil the reporting requirements regularly. Further information on past information-gathering efforts under article 32, paragraph 5, of the Organized Crime Convention is provided in a conference room paper on the topic (CTOC/COP/WG.2/2014/CRP.1) and in a background paper on the status of responses by States parties and signatories on the implementation of the Organized Crime Convention and the Protocols thereto (CTOC/COP/WG.2/2016/2).

6. In its resolution 6/1, entitled “Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, the Conference requested the United Nations Office on Drugs and Crime (UNODC) to promote and disseminate technical assistance tools and to continue facilitating the exchange of experiences and good practices among practitioners, including through the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC)² and an online digest newsletter. In its resolution 7/1, entitled “Strengthening the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, the Conference decided that the working groups were to continue to analyse the implementation of the Convention and the Protocols thereto, making the best use of the information gathered through the comprehensive self-assessment software (“omnibus survey software”) and other tools that had been developed and compiled by the Secretariat, in full respect of the principle of multilingualism.

¹ See the official records (*travaux préparatoires*) of the negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (A/55/383/Add.1, p. 277).

² Available at www.sherloc.unodc.org.

7. Furthermore, in its resolution 8/4, on the implementation of the provisions on technical assistance of the Convention, the Conference endorsed the recommendations adopted by the Working Group at its ninth meeting, held from 17 to 19 October 2016. The Working Group had recommended, inter alia, that each States party designate a focal point for the purpose of communicating with the Secretariat to facilitate implementation of paragraphs 4 and 5 of article 32 of the Convention and of the Protocols to the Convention, providing UNODC with the contact details of that focal point. The Working Group had also recommended that States consider making legislation public and accessible, preferably through the Internet, and that States that had repositories of legislation and case law provide links to those repositories to the Secretariat for inclusion in SHERLOC.

8. In response to the above resolutions, the Secretariat has developed tools for information-gathering, which are discussed in the following sections. The Secretariat utilizes the information provided in the delivery of legislative assistance, the development of technical assistance tools and, more recently, the preparation of educational material.

III. Knowledge management portal known as Sharing Electronic Resources and Laws on Crime

9. UNODC has developed SHERLOC to facilitate information-gathering and dissemination. The portal has six components: a case law database, a database of legislation, a bibliographic database, a directory of competent national authorities, a legislative guide for the implementation of the Convention and the Protocols thereto and a new database of strategies and treaties.

10. SHERLOC includes information on the articles of the Convention and the Protocols thereto, as well as 14 crime types, and can be searched using cross-cutting categories, which include international cooperation and crime prevention.

11. The SHERLOC case law database shows users how Member States are handling organized crime cases in their courts. It is searchable by country, Convention article, crime type and cross-cutting category, including international cooperation. The SHERLOC database of legislation is a repository of national criminal provisions. It too is searchable by country, Convention article, crime type and cross-cutting category, including international cooperation.

12. The SHERLOC directory of competent national authorities is divided into two parts. Part I contains information on central authorities designated under various treaty provisions to handle mutual legal assistance. Part II contains information on other competent authorities and executing authorities designated to receive, respond to and process requests pertaining to extradition, the transfer of sentenced persons, the prevention of transnational organized crime, the smuggling of migrants, trafficking in firearms and trafficking in cultural property.

13. The SHERLOC bibliographic database is an annotated bibliography providing summaries of relevant publications on various forms of organized crime. The legislative guide for the implementation of the United Nations Convention against Transnational Organized Crime is an electronic publication whose purpose is to assist States seeking to ratify or implement the Convention. The last component, the new SHERLOC database of strategies and treaties, shows the ratification status of the Convention and the Protocols thereto and contains different types of policy documents on their implementation. The new database is still under development.

14. SHERLOC contains more than 2,500 cases and more than 6,300 legislative provisions from more than 190 countries. With the exception of the directory of competent national authorities, all components of SHERLOC are accessible to the public.

15. The information in SHERLOC is obtained in a number of ways. First and foremost, the SHERLOC team receives legislation and case law directly from the Permanent Missions of Member States. Information is also received from various government ministries and criminal justice practitioners within Governments. Secondly, volunteers including law students and legal practitioners conduct research and send legislation and case law to the SHERLOC team within UNODC. Finally, the Office conducts research in the context of technical assistance activities. Information received from volunteers or gathered through the Office's own research is subsequently verified with the relevant permanent missions before it is uploaded to SHERLOC.

16. Moreover, to ensure the quality and accuracy of the information, the Office regularly corresponds with permanent missions and issues notes verbales inviting States to verify, validate or update the information found on SHERLOC. Since the eighth session of the Conference of the Parties, two such notes verbales have been issued.³

17. In addition to sending such notes verbales, the Secretariat operates SHERLOC resource centres as information kiosks on the margins of intergovernmental meetings. The most recent such meetings were the following:

(a) Sixtieth session of the Commission on Narcotic Drugs (Vienna, 13 to 17 March 2017);

(b) Expert Group to Conduct a Comprehensive Study on Cybercrime (Vienna, 10 to 13 April 2017);

(c) Meeting for the purpose of defining the specific procedures and rules for the functioning of the review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto (Vienna, 24 to 26 April 2017);

(d) Fifth meeting of the Working Group on Firearms (Vienna, 8 to 10 May 2017);

(e) Twenty-sixth session of the Commission on Crime Prevention and Criminal Justice (Vienna, 22 to 26 May 2016).

IV. Relevant legislation, case law and designation of focal points for information-gathering received from States

18. Since the eighth session of the Conference, the Secretariat has received information for SHERLOC from the following 79 States (as at July 2017): Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Côte d'Ivoire, Croatia, Czechia, Denmark, Dominican Republic, Fiji, Finland, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Indonesia, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Malta, Mauritius, Mexico, Mongolia, Montenegro, Myanmar, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Serbia, Singapore, Slovakia, South Africa, Spain, Sudan, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Turkmenistan, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and State of Palestine. The information provided ranges from legislation to case law.

19. Given the growing volume of legislation and case law, it would be desirable to have the quality and accuracy of the information assured by a group of experts. The Conference, in its resolutions 7/1 and 8/4, called upon each State party to designate a focal point for the purpose of communicating with the Secretariat in compliance with

³ CU 2016/497/DTA/OCB/CSS and CU 2017/179/DTA/OCB/CSS.

article 32 of the Convention and to provide the Secretariat with the contact details of that focal point. As at July 2017, the Secretariat had received nominations from the following 10 States: Andorra, Armenia, Côte d'Ivoire, Estonia, Finland, Malta, Mexico, Portugal, Republic of Korea and United States.

V. Improvements to and survey results on the knowledge management portal

20. Global access and multilingualism are important goals for SHERLOC and, for that reason, the portal has been made available in the six official languages of the United Nations. Further efforts are needed to make legislation, case law, bibliographic data and strategies available in all six official languages, as the user data show that most users are still in English-speaking countries, including the United States, India and the United Kingdom. SHERLOC has been adapted for use on desktop and mobile devices.

21. During the first half of 2017, SHERLOC had approximately 205,000 visitors. More than 15,000 of them completed an online survey. Of that number, 2,481 indicated their area of work. Thirteen per cent of respondents worked in the governmental sector, 19.5 per cent in academia, 21.5 per cent in law enforcement agencies, prosecution services or the judiciary and 6.3 per cent had a legal background. Students represented 15.7 per cent.

22. The respondents indicated that they used SHERLOC mostly to consult legal provisions, obtain information on competent national authorities, support the domestic policymaking process, analyse case law and obtain information on countries' compliance with the Organized Crime Convention and the Protocols thereto.

23. With respect to recent improvements made to SHERLOC, the Office has migrated to SHERLOC the directory of competent national authorities under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the Organized Crime Convention.

24. The information on competent national authorities is continuously updated. Access is reserved for designated competent national authorities and is password-protected. The 2017 issue of the directory will be published at the end of the year.

25. The directory includes channels for and information on informal cooperation in criminal matters and information on legislation, templates and guidelines, legal bases for extradition and mutual legal assistance and applicable bilateral or multilateral agreements or arrangements.

26. In order to assist Member States seeking to ratify, accede to or implement the Organized Crime Convention, the legislative guide for the implementation of the Convention was updated, has been published electronically in SHERLOC and is being translated from English into the other official languages of the United Nations.

27. The Office has expanded the bibliographic database to cover all crime types included in SHERLOC. The information is presented visually with the help of a map function and an interactive timeline view.

VI. Future plans for the knowledge management portal

28. The aim of SHERLOC is to be a one-stop shop for legal and practical resources to better prevent and combat crime and to implement the international drug control treaties. As an additional service to users, information on legislation implementing the international drug control treaties will be migrated to a separate database utilizing the SHERLOC infrastructure.

29. UNODC will commence the development of a simplified web-based tool for gathering comprehensive information on the implementation of the Organized Crime Convention and the Protocols thereto. The tool will be added to SHERLOC as another component. Focal points can be given accounts with password protection or, if required, a paper-based questionnaire in case of difficulties with Internet connectivity. In that way, States parties can easily and quickly input, update or verify national information on legislation and jurisprudence, appoint focal points for ease of communication with the Secretariat and provide analysis on key legal issues in their legislation and case law.

30. Should States find it useful, a function to request technical assistance could be added to the portal. The information available in SHERLOC could be used as a first step to carry out desk reviews or to assess legislative assistance needs in States requesting such assistance.

VII. Needs assessment tools

31. The Organized Crime Convention requires States parties to harmonize their legislation with the Convention requirements. Article 34, paragraph 1, of the Convention requires each State party to take the necessary measures, including legislative and administrative measures, in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention.

32. *Implementation of the United Nations Convention against Transnational Organized Crime: Needs Assessment Tools* is to provide guidance to States parties in assessing the measures they could take to realize the full potential of the Organized Crime Convention. The publication is available in all official languages of the United Nations.

33. The needs assessment tools contained in the publication are to be used in the delivery of technical assistance, in particular in assessing the needs of States for technical assistance, with a focus on implementing legislation. At the domestic level, the tools can also enable experts, in particular policymakers and legislators, to assess the implementation of the Convention, which could include self-assessment. The tools consist of indicators and questions designed to identify gaps in existing legislation and its implementation, facilitate the formulation and development of technical assistance projects that adequately respond to the gaps and needs identified, and facilitate the development of performance indicators for evaluating progress in implementation.

VIII. Use of the gathered information for technical assistance

34. Under the Education for Justice initiative and within the framework of the Global Programme for the Implementation of the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, the Office is currently developing educational material and activities designed for the primary, secondary and tertiary levels of education in the areas related to UNODC mandates, including organized crime, trafficking in persons, smuggling of migrants and trafficking in firearms and cybercrime. The materials and activities are for use by educators and are aimed at helping students better understand and address organized and serious crime in its many forms and manifestations.

35. For the tertiary level of education, the Office will develop concise, multidisciplinary and interactive syllabuses on organized crime training and a model course in stand-alone modular format. The material is to include a list of bibliographic resources that can also be made available in SHERLOC, as well as a website dedicated

to Education for Justice. The primary target groups will be undergraduate students and students at higher vocational training institutes for practitioners in disciplines that include, but are not necessarily limited to, law, criminology, political science, psychology, sociology, anthropology, international relations and economics.

36. The teaching methodology will include interactive materials such as role play, case studies, quizzes and test questions, ideas for assignments, sample exercises, scenario-based games, and a list of relevant films and documentaries. The materials will include a discussion guide with a focus on key issues in the implementation of the Organized Crime Convention. The materials will draw upon legislation and jurisprudence on organized crime, as available in SHERLOC.

IX. Conclusions and possible recommendations

37. The Working Group may wish to recommend that the Conference remind States parties of their reporting requirements under article 32 of the Convention and request information on the implementation of the Organized Crime Convention and the Protocols thereto, to be made available in SHERLOC.

38. The Working Group may wish to recommend that the Conference reaffirm its request for each State party to designate a focal point for the purpose of communicating with the Secretariat in compliance with article 32 of the Convention and to provide the Secretariat with the contact details of the focal point.

39. The Working Group may wish to recommend that the Conference request States to provide financial support for the further development of SHERLOC, with a particular focus on making information available in all official languages of the United Nations.

40. The Working Group may wish to recommend that the Conference request the Office to develop analytical issue papers on selected key issues pertaining to the implementation of the Organized Crime Convention, based on the information gathered so far, and to request States parties to provide extrabudgetary resources for that purpose.

41. The Working Group may wish to recommend that the Conference encourage States to strengthen their efforts to support primary and secondary schools as well as tertiary training institutes to address topics relating to organized crime in an age-appropriate manner, and, to that effect, utilize the training materials that are being developed under the Education for Justice initiative.

42. The Working Group may wish to recommend that the Conference request the Office to support States parties in the implementation of article 29 of the Organized Crime Convention, on training and technical assistance, through the development and dissemination of educational material and the delivery of training, including to educators, and to request States parties to provide extrabudgetary resources for that purpose.

43. Systematic information-gathering, analysis and dissemination enable the Conference to fulfil its mandate to improve the capacity of States parties to combat transnational organized crime and to promote the implementation of the Convention. Furthermore, they enable States parties to exchange information on successful practices for combating transnational organized crime. Systematic information-gathering with adequate resources would also enable the Office to analyse the information with a particular focus on successful practices and the difficulties encountered by States in the implementation of the Convention. Finally, the information thus gathered and analysed can be utilized in the delivery of technical assistance, in particular the development and dissemination of educational materials, in the delivery of training and in the provision of legislative assistance.