



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

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## Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its fifth session, held in Vienna from 18 to 22 October 2010

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## I. Resolutions and decisions adopted by the Conference

### A. Resolutions

1. At its fifth session, held in Vienna from 18 to 22 October 2010, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted the following resolutions:

#### Resolution 5/1

### **Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto**

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

*Recalling* that 2010 marks the tenth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>1</sup>

*Mindful* of the importance of ensuring universal adherence to and full implementation of the Convention and the Protocols thereto,

*Reaffirming* the importance of the Convention and the Protocols thereto as the main tools available to the international community to fight transnational organized crime,

*Acknowledging* the efforts made by States parties in implementing the Convention and the Protocols thereto, and recognizing that more efforts are necessary to make full and effective use of those instruments,

*Noting* the relevance, as further common efforts by the international community to tackle transnational organized crime, of the high-level meeting of the General Assembly on transnational organized crime and the special treaty event held in New York on 17 June 2010 pursuant to General Assembly resolution 64/179 of 18 December 2009, and also the high-level segment of the fifth session of the Conference, held in Vienna on 18 October 2010, which were aimed at fostering universal adherence to the Convention and the Protocols thereto and at strengthening international cooperation,

*Recalling* that transnational organized crime, in its multidimensional aspects, was a focus of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010, and of the nineteenth session of the Commission on Crime Prevention and Criminal Justice, held in Vienna from 17 to 21 May 2010, on which occasions Member States called for efforts to prevent crime and promote criminal justice to be stepped up,

*Noting with concern* the emergence, in the past decade, of new forms and dimensions of transnational organized crime, as already noted by the Conference in

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<sup>1</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

its decision 4/2, in which it was emphasized that the Convention, as a global instrument with wide adherence, offered the broadest scope of cooperation to address existing and emerging forms of transnational organized crime,

*Greatly concerned* by the negative impact of organized crime on human rights, the rule of law, security and development, as well as by the sophistication, diversity and transnational aspects of organized crime and its links with other criminal and, in some cases, terrorist activities,

*Recognizing* that the Convention offers a unique basis for international cooperation in various areas of the fight against transnational organized crime and has in this regard a yet-to-be-exploited potential,

*Recognizing also* that technical assistance is fundamental to ensuring the effective implementation of the provisions of the Convention and the Protocols thereto,

*Recognizing* the need for accurate information on global crime trends and patterns, including on new and emerging forms of organized crime, and the need to improve the quality, scope and completeness of data relating to organized crime,

*Noting* with interest the launch of the pilot review programme, which involves a group of volunteer States parties from different regional groups, and the report on the progress of that exercise,

1. *Reaffirms* its decision, in its resolution 5/5 of 22 October 2010, to establish an open-ended intergovernmental working group:

(a) To consider and explore options with regard to, and propose the establishment of, a mechanism or mechanisms to assist the Conference in reviewing implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;<sup>2</sup>

(b) To prepare the terms of reference for such a review mechanism or mechanisms, guidelines for governmental experts and a blueprint for country review reports for consideration and possible adoption at the sixth session of the Conference;

2. *Encourages* the United Nations Office on Drugs and Crime, in consultation with Member States, to continue its work to address the threats posed by transnational organized crime, particularly with respect to the various forms of crime within the scope of the Convention that are of common concern to the States parties;

3. *Requests* the United Nations Office on Drugs and Crime, in consultation with Member States and in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, to strengthen the collection, analysis and reporting of accurate, reliable and comparable data on organized crime trends and patterns, in accordance with article 28 of the Convention;

4. *Also requests* the United Nations Office on Drugs and Crime to continue providing technical assistance in order to support and complement national and

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<sup>2</sup> Ibid.

regional programmes and activities based on the needs of Member States in combating transnational organized crime;

5. *Requests* the Open-ended Working Group of Government Experts on Technical Assistance, in connection with the implementation of the Convention, to develop a strategy, as appropriate, directed at strengthening and promoting, in an effective manner, technical assistance initiatives, and requests the United Nations Office on Drugs and Crime to continue developing technical assistance tools with a high degree of added value, such as handbooks, digests of relevant case law and legal commentaries, with regard to the instruments as a whole and to particular issues such as mutual legal assistance and confiscation, as may from time to time be requested or identified as useful by the Conference or one of its working groups, with a view to improving the capacity of States to implement and utilize the Convention and the Protocols thereto and to increasing the effectiveness of the Office's technical assistance activities to combat transnational organized crime;

6. *Acknowledges* the ongoing efforts made to develop an integrated programme approach comprising thematic and regional programmes for the fulfilment of the normative and technical assistance mandates of the United Nations Office on Drugs and Crime, and encourages States parties to draw on technical assistance activities included in the Office's regional programmes to increase regional cooperation in combating transnational organized crime;

7. *Urges* States parties to make adequate voluntary contributions to the account established in accordance with article 30, paragraph 2 (c), of the Convention for the provision of technical assistance, and invites Member States and other donors to provide extrabudgetary resources for this resolution in accordance with the rules and procedures of the United Nations;

8. *Draws* the attention of States parties to article 31 of the Convention and encourages them to develop appropriate policies and measures aimed at the prevention of transnational organized crime;

9. *Decides* to continue to exchange information on experience and practices on the application of the Convention to new forms and dimensions of transnational organized crime within the scope of the Convention that are of common concern to States parties and, to that end, requests the open-ended working group of Government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation to also exchange information on experiences and practices on the application of the Convention to new forms and dimensions of transnational organized crime;

10. *Welcomes* the holding, during the fifth session of the Conference, of a meeting of the open-ended working group of Government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation and requests the Secretariat to organize similar meetings as a regular feature of the sessions of the Conference and to pursue its efforts to facilitate interregional cooperation and networking among parties to the Convention;

11. *Urges* States parties to promote, within the United Nations system, a strategic, proactive and holistic response to transnational organized crime, and requests the Secretariat to apprise the Conference, at its sixth session, of measures taken to mainstream responses to transnational organized crime into the work of the

United Nations system, in particular in the context of human rights, the rule of law, security and development.

## Resolution 5/2

### **Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime**

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

*Recalling* the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,<sup>3</sup> pursuant to which the Conference was established to improve the capacity of States parties to promote and review implementation of the Convention, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,<sup>4</sup>

*Recalling also* its decision 4/4 of 17 October 2008 and General Assembly resolutions 61/144 of 19 December 2006, 61/180 of 20 December 2006, 63/194 of 18 December 2008 and 64/178 of 18 December 2009, having considered the reports of the Secretariat concerning the fight against trafficking in persons and the report submitted by the Chair of the Working Group on Trafficking in Persons on the activities of the Working Group,<sup>5</sup> and taking into account the adoption by the General Assembly, in its resolution 64/293 of 30 July 2010, of the United Nations Global Plan of Action to Combat Trafficking in Persons,

*Welcoming* the results of the consultations of Government experts held during the meetings of the Working Group on Trafficking in Persons and the fifth session of the Conference,

*Recalling* the Trafficking in Persons Protocol and other relevant regional and international instruments,

*Acknowledging* that the Trafficking in Persons Protocol is the principal legally binding global instrument to combat trafficking in persons,

*Aware* of the fact that socio-economic factors such as poverty, underdevelopment and lack of equal opportunity provide fertile ground for trafficking in persons, and reiterating that comprehensive crime prevention policies, together with social, economic, health, education, justice and human rights policies, must address the root causes of the crime of trafficking in persons,

*Reaffirming* that one of the main purposes of the Conference is to improve the capacity of States parties to combat trafficking in persons and that the Conference should spearhead international efforts in that regard,

<sup>3</sup> Ibid., vol. 2225, No. 39574.

<sup>4</sup> Ibid., vol. 2237, No. 39574.

<sup>5</sup> CTOC/COP/2010/5, CTOC/COP/2010/6 and CTOC/COP/2010/11.

*Welcoming* the efforts made by the United Nations Office on Drugs and Crime in 2009 and 2010 to build State capacity through several training workshops on investigating and prosecuting trafficking in persons, protecting victims and increasing awareness of trafficking in persons, especially among vulnerable populations, including women and children,

*Concerned* at the increasing number of reported incidents of trafficking in persons for the purpose of organ removal, as noted in the report of the Secretary-General on preventing, combating and punishing trafficking in human organs,<sup>6</sup> which concluded that there was a lack of reliable data in that regard,

*Taking note* of the joint study of the Council of Europe and the United Nations entitled *Trafficking in Organs, Tissues and Cells and Trafficking in Human Beings for the Purpose of the Removal of Organs*,<sup>7</sup> the most recent study on the subject, issued pursuant to the General Assembly resolution 63/14 of 3 November 2008, on cooperation between the United Nations and the Council of Europe,

*Affirming* the importance of United Nations bodies continuing to implement the Supplier Code of Conduct of the Procurement Division of the Secretariat, in particular article 5, pursuant to which it is expected that all suppliers prohibit forced labour,

1. *Urges* Member States that have not yet done so to consider, as a matter of priority, ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;<sup>8</sup>

2. *Recognizes* that trafficking in persons and smuggling of migrants are distinct crimes that in some cases may share some features and that in most cases require separate legal, operational and policy responses;

3. *Welcomes* General Assembly resolution 64/293 of 30 July 2010, including the United Nations Global Plan of Action to Combat Trafficking in Persons, annexed to that resolution, in particular its six objectives, expresses its view that the Global Plan of Action will promote increased ratification and implementation of the Trafficking in Persons Protocol, and looks forward to effective operation of the United Nations Voluntary Trust Fund for Victims of Trafficking, Especially Women and Children;

4. *Takes note of* the Global Initiative to Fight Human Trafficking and recommends that the Secretariat consult with Member States before commencing any such initiative in order to achieve greater engagement;

5. *Welcomes* the work of the Working Group on Trafficking in Persons, including the Group's recommendations, resulting from its meetings held on 14 and 15 April 2009, 27 and 29 January 2010 and 19 October 2010;<sup>9</sup>

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<sup>6</sup> E/CN.15/2006/10.

<sup>7</sup> Council of Europe and the United Nations, *Trafficking in Organs, Tissues and Cells and Trafficking in Human Beings for the Purpose of the Removal of Organs* (Strasbourg, Council of Europe, 2009).

<sup>8</sup> United Nations, *Treaty Series*, vol. 2237, No. 39574.

<sup>9</sup> CTOC/COP/2010/6.



6. *Calls upon* States to cooperate effectively in addressing the root causes of trafficking in persons, in a cooperative and comprehensive manner and with a balanced perspective, incorporating both the supply and demand sides, as a step towards improving the implementation of the Trafficking in Persons Protocol;

7. *Reaffirms* the following commitments made under the Trafficking in Persons Protocol:

(a) Each State party shall ensure that its domestic legal or administrative systems contain measures that provide to victims of trafficking in persons, in appropriate cases, assistance to enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of defence;

(b) Each State party shall ensure that domestic legal systems contain measures that offer victims of trafficking in persons the possibility of obtaining compensation for damages suffered;

(c) Each State party shall to the extent necessary initiate, develop or improve specific training programmes for its law enforcement personnel, including prosecutors, investigating magistrates and customs personnel, and other personnel charged with the prevention, detection and control of offences of trafficking in persons;

(d) Each State party shall consider monitoring its policies and actual measures to combat trafficking in persons and make assessments of their effectiveness and efficiency;

(e) Each State party shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that lead to trafficking;

8. *Encourages* States to consider:

(a) Integrating a victim-centred approach into their national responses to combating trafficking in persons, with full respect for the human rights of victims of such trafficking;

(b) Establishing or strengthening inter-agency cooperation and coordination among competent authorities, law enforcement agencies and other agencies to combat trafficking in persons, including by increasing, where necessary, efforts to cooperate, investigate and prosecute cases of trafficking in persons as defined in article 3 of the Trafficking in Persons Protocol, including enhancing, in particular, measures in areas such as mutual legal assistance, sharing of information, law enforcement cooperation and joint investigations, in accordance with the provisions of the United Nations Convention against Transnational Organized Crime;

(c) Raising public awareness of the harmful consequences of using goods and services derived from victims of forced labour and other types of exploitation;

(d) Making better use of tools and materials produced by the United Nations Office on Drugs and Crime and other relevant international and regional organizations working in the field of combating trafficking in persons;

(e) Ensuring, in line with their domestic legislation, that trafficked persons are not punished or prosecuted for acts that they have committed as a direct result of being trafficked and that domestic laws, guidelines and policies clearly espouse this principle;

9. *Encourages* States parties to consider Commission on Crime Prevention and Criminal Justice resolution 19/4 of 21 May 2010 in which the Commission exhorts Governments to do the following:

(a) Improve preventive measures and discourage the demand that fosters exploitation in all its forms and leads to trafficking in persons, with a view to its elimination, and accordingly to raise awareness of the negative impact of clients, consumers or users of trafficking in persons, inasmuch as it is they who are responsible for generating such demand;

(b) Consider, within the framework of their respective national laws, among other measures, the application of criminal penalties or other penalties to consumers or users who intentionally and knowingly use the services of victims of trafficking in persons for any kind of exploitation;

10. *Requests* the Secretariat to continue its work on the analysis of key concepts of the Trafficking in Persons Protocol;

11. *Also requests* the Secretariat, within existing resources, to submit to it, at its sixth session, a report compiling examples of best practices for addressing the demand for labour, services or goods that foster the exploitation of others, as defined in the Trafficking in Persons Protocol, and invites Member States to provide such examples, if available, to the Secretariat before the sixth session in order to facilitate that process;

12. *Looks forward* to the meeting of an expert group on trafficking in persons for the purpose of organ removal and other forms of trafficking in human organs, to be convened by the United Nations Office on Drugs and Crime prior to the sixth session of the Conference, and, in this regard, requests that the expert group address the issue of such crime, with a view to identifying trends, new patterns and conditions that contribute to its occurrence;

13. *Invites* States parties, States represented by observers at sessions of the Conference and relevant international organizations to provide the Secretariat with up-to-date information and available statistical data related to the offence of trafficking in persons for the purpose of organ removal, in order to better support evidence-based approaches to the prevention, detection and prosecution of such crime, as well as the provision of specialized, coordinated assistance and compensation for victims of the trafficking described in paragraph 12 above;

14. *Decides* that the Working Group on Trafficking in Persons should continue to perform those functions set forth in Conference decision 4/4 of 17 October 2008;

15. *Also decides* that the Working Group should hold at least one intersessional meeting prior to the sixth session of the Conference and present its recommendations to the Conference on whether the Working Group should be extended and, if so, proposed areas for future work;

16. *Requests* the Secretariat to submit to the Conference at its sixth session a report on the activities of the United Nations Office on Drugs and Crime, including with respect to its coordinating role in and the activities of the Inter-Agency Coordination Group against Trafficking in Persons and the Global Initiative to Fight Human Trafficking, and on coordination carried out with the secretariats of relevant regional and international organizations to promote and support implementation of the Trafficking in Persons Protocol;

17. *Also requests* the Secretariat to continue to assist the Working Group on Trafficking in Persons in the performance of its functions;

18. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations.

### **Resolution 5/3**

## **Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime**

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

*Recalling* the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,<sup>10</sup> reminding States parties of all their obligations under the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,<sup>11</sup> and recalling its decision 4/5 of 17 October 2008,

1. *Urges* Member States that have not yet done so to consider ratifying or acceding to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;<sup>12</sup>

2. *Recalls* that, in accordance with article 2 of the Smuggling of Migrants Protocol, and in the context of a human rights perspective, the rights of smuggled migrants should be protected when implementing the Protocol;

3. *Decides* to strengthen international, regional and bilateral cooperation, including through technical assistance programmes, to promote full and effective implementation of the Smuggling of Migrants Protocol;

4. *Urges* States parties, in accordance with the Smuggling of Migrants Protocol, to promote or strengthen, as appropriate, programmes and cooperation at the national, regional and international levels in support of regular migration and of deterring irregular migration so as to prevent and combat the smuggling of migrants;

<sup>10</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>11</sup> *Ibid.*, vol. 2241, No. 39574.

<sup>12</sup> *Ibid.*

5. *Urges* States parties to develop or strengthen, as appropriate, laws to maximize opportunities for international cooperation, including in extradition and mutual legal assistance, and to prosecute migrant smugglers;

6. *Bears in mind* that smuggling of migrants and trafficking in persons are distinct crimes that may in some cases share some features but that in most cases require separate legal, operational and policy responses;

7. *Underlines* the need to provide migrants with humane treatment and full protection, in accordance with the Smuggling of Migrants Protocol, mindful in that regard that States parties are obliged, in accordance with article 16 of the Protocol, to take all appropriate measures to protect the rights of persons who have been the object of smuggling in accordance with the Protocol, in particular the right to life and the right not to be subjected to torture or other cruel, inhumane or degrading treatment or punishment;

8. *Recalls* the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,<sup>13</sup> adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, and invites Member States to take immediate steps to incorporate into international crime prevention strategies measures to prevent, prosecute and punish crimes involving violence against smuggled migrants, including when such violence is associated with organized crime;

9. *Welcomes* the outcome of the consultations of Government experts held during the fifth session of the Conference and decides to establish an open-ended intergovernmental interim working group, in accordance with article 32, paragraph 3, of the United Nations Convention against Transnational Organized Crime,<sup>14</sup> and rule 2, paragraph 2, of the rules of procedure of the Conference, to be chaired by a member of the Bureau, to advise and assist the Conference in the implementation of its mandate with regard to the Smuggling of Migrants Protocol;

10. *Notes* the publication of the United Nations Office on Drugs and Crime's *Model Law against the Smuggling of Migrants and the Basic Training Manual on Investigating and Prosecuting the Smuggling of Migrants*, and invites States to utilize those materials in developing their capacity to address the smuggling of migrants;

11. *Acknowledges* the efforts made in 2009 and 2010 by the United Nations Office on Drugs and Crime to build State capacity through several regional training workshops on investigating and prosecuting the smuggling of migrants, and encourages States to support, as a priority, the continuation of such workshops;

12. *Recognizes* the ongoing work of the expert group meetings hosted by the United Nations Office on Drugs and Crime to elaborate an in-depth manual on investigating and prosecuting the smuggling of migrants;

13. *Notes* the publication of the issue papers prepared by the United Nations Office on Drugs and Crime entitled "A short introduction to migrant smuggling"<sup>15</sup> and "Migrant smuggling by air"<sup>15</sup> and the expert group meetings on those topics,

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<sup>13</sup> A/CONF.213/18, chap. I, resolution 1.

<sup>14</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>15</sup> Available from [www.unodc.org](http://www.unodc.org).

and requests the Secretariat to convene an expert group meeting to prepare an issue paper on the smuggling of migrants by sea;

14. *Also notes* the recent publication of the *Guide for the Development of Forensic Document Examination Capacity*<sup>16</sup> and the December 2009 expert group meeting on that topic;

15. *Notes* that the implementation of laws and policies related to the smuggling of migrants is complex and necessarily involves multiple agencies, and recommends that States parties establish or strengthen, as appropriate, inter-agency coordination;

16. *Urges* States parties to strengthen measures, as outlined in the section on prevention, cooperation and other measures of the Smuggling of Migrants Protocol, to prevent smuggling of migrants and increase the sharing of information between States parties and relevant authorities;

17. *Reinforces* the importance of States parties, pursuant to articles 12 and 13 of the Smuggling of Migrants Protocol, ensuring the integrity and security of travel or identity documents and verifying, within a reasonable time, the legitimacy and validity of such documents suspected of being used to smuggle migrants;

18. *Calls upon* the Secretariat, in coordination with States parties, to develop tools to assist States parties seeking to strengthen the integrity and security of travel and identity documents and promote cooperation among States parties with the goal of stemming the misuse of travel or identity documents;

19. *Reinforces* the importance of States parties, pursuant to article 11 of the Smuggling of Migrants Protocol, without prejudice to international commitments in relation to the free movement of people and based in the spirit and traditions of the Protocol, strengthening, to the extent possible, border controls as may be necessary to prevent and detect the smuggling of migrants;

20. *Calls upon* States parties to consider establishing and maintaining, as appropriate, direct channels of communication between border control agencies, enhancing law enforcement cooperation, strengthening the capacity of law enforcement agencies and taking other measures contemplated in article 27 of the Organized Crime Convention to achieve those goals;

21. *Requests* the Secretariat to report to it, at its sixth session, on activities at the international and regional levels to promote and support the implementation of the Smuggling of Migrants Protocol, in coordination with relevant regional and international organizations;

22. *Decides* that the open-ended intergovernmental interim working group established in paragraph 9 above should hold consultations during the sixth session of the Conference in order to exchange information on, inter alia, experiences and practices on the implementation of the Smuggling of Migrants Protocol;

23. *Requests* the Secretariat to regularly keep the States parties informed on the above-mentioned matters;

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<sup>16</sup> United Nations publication, Sales No. E.10.IV.8.

24. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes outlined in the present resolution, in accordance with the rules and procedures of the United Nations.

#### **Resolution 5/4**

### **Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition**

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

*Recalling* the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,<sup>17</sup> reaffirming its decision 4/6 of 17 October 2008, having considered the report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,<sup>18</sup> and concerned by the increased levels of harm and violence that transnational criminal organizations generate in some regions of the world as a result of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

*Noting* that reducing the illicit manufacturing of and trafficking in firearms is one of the major components of the efforts to reduce the violence that accompanies the activities of transnational organized criminal groups,

*Expressing* its conviction that there is a need to strengthen international cooperation to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

*Recalling* that the Organized Crime Convention and, in particular, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,<sup>19</sup> are among the principal global instruments to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

*Noting* the common themes and nature of other instruments with respect to the Organized Crime Convention and its Firearms Protocol, such as the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects<sup>20</sup> and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,<sup>21</sup> as well as regional legal instruments such as the Inter-American

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<sup>17</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>18</sup> CTOC/COP/2010/8.

<sup>19</sup> United Nations, *Treaty Series*, vol. 2326, No. 39574.

<sup>20</sup> *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), chap. IV, para. 24.

<sup>21</sup> A/60/88 and Corr.2, annex; see also General Assembly decision 60/519.

Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials,<sup>22</sup> the Southern African Development Community Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region, the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, the Economic Community of West African States Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials and the Central African Convention on the Control of Small Arms and Light Weapons, Their Ammunition, Parts and Components That Can Be Used for Their Manufacture, Repair or Assembly (Kinshasa Convention),

*Aware* of the ongoing process on the issue of the illicit trade in small arms and light weapons aimed at preventing, combating and eradicating the illicit manufacture, transfer and circulation of small arms and light weapons, as well as their uncontrolled spread in many regions, and noting the holding of the Fourth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York from 14 to 18 June 2010, and the report of the Fourth Biennial Meeting,<sup>23</sup>

*Reaffirming* that one of the primary purposes of the Conference is to improve the capacity of States parties to the Firearms Protocol to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and that the Conference should spearhead international efforts in that regard,

1. *Invites* States that have not yet done so to consider becoming parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime<sup>24</sup> and to fully implement its provisions;

2. *Urges* States parties to the Firearms Protocol to harmonize their national legislation in a manner consistent with the Protocol, develop programmes of action to implement the Protocol, provide to the Secretariat full and up-to-date information on their national body or single point of contact and make use of the online directory of competent national authorities designated by States under the Firearms Protocol;

3. *Requests* the Secretariat to facilitate, whenever possible, technical assistance to States parties facing difficulties in the implementation of the Firearms Protocol in the areas of, inter alia, record-keeping, marking, deactivation and destruction of firearms, the identification of competent national authorities and the identification and tracing of illicit firearms, their parts and components and ammunition, the development of regional and international databases on seizures and confiscations and the promotion of inter-agency and international cooperation;

4. *Requests* States to do the following:

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<sup>22</sup> United Nations, *Treaty Series*, vol. 2029, No. 35005.

<sup>23</sup> A/CONF.192/BMS/2010/3.

<sup>24</sup> United Nations, *Treaty Series*, vol. 2326, No. 39574.

(a) To consider the adoption or strengthening of comprehensive and efficient measures to counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, taking into account that these measures must be carried out in full conformity with the principle of common and shared responsibility, the purposes and principles enshrined in the Charter of the United Nations and relevant provisions of international law;

(b) To consider ways to strengthen the collection and sharing of information, consistent with their respective national legal and administrative systems, in order to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

(c) To strengthen their mechanisms and strategies for border control in order to prevent illicit trafficking in firearms, being aware of the ongoing process on the illicit trade in small arms and light weapons in all their aspects;

(d) To afford each other the broadest possible bilateral, regional and international cooperation so as to facilitate the tracing of firearms and the investigation and prosecution of firearms-related offences, in conformity with their national laws;

5. *Encourages* relevant international and regional organizations, the private sector and non-governmental organizations to strengthen their cooperation and work with States parties to the Firearms Protocol in order to achieve the full implementation of the Protocol;

6. *Acknowledges* the ongoing work carried out by the United Nations Office on Drugs and Crime for the development of a model law against the illicit manufacturing of and trafficking in firearms, which is intended to be a useful technical assistance tool for effective implementation of the Firearms Protocol, and requests the Office to finalize the model law and disseminate it in the six official languages of the United Nations as part of the technical assistance activities of the Office, as appropriate;

7. *Requests* the United Nations Office on Drugs and Crime to develop other technical assistance tools, in close consultation with States parties to the Firearms Protocol, in order to support the implementation of the Protocol, and to conduct a study of the transnational nature of and routes used in trafficking in firearms, based on the analysis of information provided by States on confiscated weapons and ammunition, for consideration by the Conference at its sixth session;

8. *Decides* to establish an open-ended intergovernmental working group on firearms, in accordance with article 32, paragraph 3, of the United Nations Convention against Transnational Organized Crime, and rule 2, paragraph 2, of the rules of procedure of the Conference, to be chaired by a member of the Bureau of the Conference, to advise and assist the Conference in the implementation of its mandate with regard to the Firearms Protocol, and invites States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations;

9. *Also decides* that the working group shall perform the following functions:



(a) Facilitate implementation of the Firearms Protocol through the exchange of experience and practices among experts and practitioners in this area, including by contributing to the identification of successful practices, weaknesses, gaps and challenges, as well as priority issues and topics of relevance, in the fight against trafficking in firearms;

(b) Make recommendations to the Conference on how States parties can better implement the provisions of the Firearms Protocol;

(c) Assist the Conference in providing guidance to its secretariat on the activities of the secretariat and on the development of technical assistance tools relating to the implementation of the Firearms Protocol;

(d) Make recommendations to the Conference on how the working group can better coordinate with the various international bodies combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the area of supporting and promoting implementation of the Firearms Protocol;

10. *Further decides* that the open-ended intergovernmental working group on firearms shall meet during the sixth session of the Conference and shall hold at least one intersessional meeting, if possible, in the framework of meetings of the Commission on Crime Prevention and Criminal Justice;

11. *Requests* the Secretariat to inform the working group about the activities of the United Nations Office on Drugs and Crime to assist the Conference in promoting and supporting the implementation of the Firearms Protocol, coordination with other relevant international and regional organizations, best practices in the areas of training and capacity-building and awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

12. *Also requests* the Secretariat to assist the open-ended intergovernmental working group on firearms in the performance of its functions;

13. *Decides* that the Chair of the open-ended intergovernmental working group on firearms shall submit to the Conference, at its sixth session, the report of the working group on its activities.

#### **Resolution 5/5**

### **Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto**

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

*Reaffirming* that the purpose of the United Nations Convention against Transnational Organized Crime and the Protocols thereto<sup>25</sup> is to promote cooperation to prevent and combat transnational organized crime effectively, and

<sup>25</sup> Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.

stressing the need to take additional concerted action in order to reinforce the implementation of the Convention and identify related technical assistance needs,

*Recalling* article 32 of the Convention, which established the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention,

*Stressing* the urgent need to finalize a user-friendly software-based comprehensive self-assessment checklist (“omnibus tool”), including its availability in the six official languages of the United Nations, in order to facilitate the gathering of information on the implementation of the Convention and the Protocols thereto,

1. *Takes note with appreciation* of the work undertaken at the open-ended intergovernmental meeting of experts on possible mechanisms to review the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, held in Vienna on 25 and 26 January 2010, and the recommendations of the experts contained in the report on that meeting;<sup>26</sup>

2. *Notes* the progress report on the voluntary pilot programme to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;<sup>27</sup>

3. *Decides* to establish an open-ended intergovernmental working group:

(a) To consider and explore options and make proposals for the establishment of a mechanism or mechanisms to assist the Conference in the review of the implementation of the Convention and the Protocols thereto;

(b) To prepare terms of reference for such proposed review mechanism or mechanisms, guidelines for governmental experts and a blueprint for the country review reports, for consideration and possible adoption by the Conference at its sixth session;

4. *Agrees* that the open-ended intergovernmental working group may consider, as a basis of its work, proposals and initiatives as may be submitted by States parties and signatories in that regard in advance of the meetings of the working group, including the proposal contained in annexes I and II to the present resolution;

5. *Decides* that any mechanism or mechanisms for assisting the Conference to review the implementation of the Convention and the Protocols thereto deriving from such proposals shall:

(a) Be transparent, efficient, non-intrusive, inclusive and impartial;

(b) Not produce any form of ranking;

(c) Provide opportunities to share good practices and challenges;

(d) Assist States parties in the effective implementation of the Convention and, where applicable, the Protocols thereto;

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<sup>26</sup> CTOC/COP/EG.1/2010/3.

<sup>27</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

- (e) Take into account a balanced geographical approach;
- (f) Be non-adversarial and non-punitive and shall promote universal adherence to the Convention and its Protocols;
- (g) Base its work on clear, established guidelines for the compilation, production and dissemination of information, including addressing issues of confidentiality and the submission of the outcome to the Conference, which is the competent body to take action on that outcome;
- (h) Identify, at the earliest possible stage, difficulties encountered by States parties in the fulfilment of their obligations under the Convention and its Protocols, as applicable, and good practices adopted in efforts by States parties to implement the Convention and, where applicable, the Protocols thereto;
- (i) Be of a technical nature and promote constructive collaboration, inter alia, on issues concerning international cooperation, prevention, protection of witnesses and assistance and protection for victims;
- (j) Complement existing relevant international and regional review mechanisms so that the Conference may, as appropriate, cooperate with those mechanisms and avoid duplication of efforts;
- (k) Be an intergovernmental process;
- (l) In conformity with article 4 of the Convention, not serve as an instrument for interfering in the domestic affairs of States parties but shall respect the principles of equality and sovereignty of States parties, and the review process shall be conducted in a non-political and non-selective manner;
- (m) Promote the implementation of the Convention and its Protocols by States parties, as applicable, as well as cooperation among States parties;
- (n) Provide opportunities to exchange views, ideas and good practices, thus contributing to strengthening cooperation among States parties in preventing and fighting transnational organized crime;
- (o) Take into account the levels of development of States parties, as well as the diversity of judicial, legal, political, economic and social systems and differences in legal traditions;
- (p) Endeavour to adopt a progressive and comprehensive approach, given that the review of implementation of the Convention is an ongoing and gradual process;

6. *Decides* that the omnibus tool shall be used to facilitate the gathering of information on implementation of the Convention and the Protocols thereto and requests the Secretariat to further improve it, including by making it available in the six official languages of the United Nations, and continue to consult with States parties and signatories, in order to finalize it as soon as possible and submit it to the open-ended intergovernmental working group for its consideration;

7. *Also requests* the Secretariat to distribute the omnibus tool, translated into all official languages of the United Nations, to States parties and signatories, in order to allow them to start familiarizing themselves with it and to facilitate their process of information-gathering;

8. *Decides* that, in the preparation of the terms of reference for a review mechanism or mechanisms, the open-ended intergovernmental working group will consider the means by which the review will be conducted, including, inter alia:

(a) The collection of information on the implementation of the Convention and the Protocols thereto;

(b) The establishment of a method or methods, including the peer review method, for the examination of the country self-assessments;

(c) The elaboration of country review reports as an outcome of the review process;

(d) Thematic review cycles for related articles of the Convention and the Protocols thereto;

(e) Appropriate means and processes for the promotion of technical assistance, the development of expert networks and the exchange of best practices, with an emphasis on regional approaches;

9. *Also decides* that the open-ended intergovernmental working group shall hold no fewer than two intersessional meetings prior to the sixth session of the Conference, in order to perform its mandated tasks;

10. *Requests* the Secretariat to assist the open-ended intergovernmental working group in the performance of its functions;

11. *Also requests* the Secretariat to utilize any available extrabudgetary resources or seek additional extrabudgetary resources to support the meetings of the open-ended intergovernmental working group to be held in 2011, in view of the fact that 2011 is the second year of the programme budget for the current biennium 2010-2011;

12. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations.

## **Annex I**

### **Terms of reference of the mechanism for the review of implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto**

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## Preamble

1. Pursuant to article 4, paragraph 1, of the United Nations Convention against Transnational Organized Crime,<sup>28</sup> which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime establishes the following mechanism to review implementation of the Convention and the Protocols thereto.<sup>29</sup>

### I. Introduction

2. The mechanism for the review of implementation of the United Nations Convention against Transnational Organized Crime (hereinafter “the mechanism”) includes a review process that shall be guided by the principles contained in sections II and III and be carried out in accordance with the provisions contained in section IV. The mechanism shall be supported by a secretariat as set out in sections V and VI and be financed in accordance with section VII.

### II. Guiding principles and characteristics of the mechanism

3. The mechanism shall:

- (a) Be transparent, efficient, non-intrusive, inclusive and impartial;
- (b) Not produce any form of ranking;
- (c) Provide opportunities to share good practices and challenges;
- (d) Assist States parties in the effective implementation of the Convention and, where applicable, the Protocols thereto;
- (e) Take into account a balanced geographical approach;
- (f) Be non-adversarial and non-punitive and shall promote universal adherence to the Convention and its Protocols;
- (g) Base its work on clear, established guidelines for the compilation, production and dissemination of information, including addressing issues of confidentiality and the submission of the outcome to the Conference, which is the competent body to take action on such an outcome;
- (h) Identify, at the earliest stage possible, difficulties encountered by States parties in the fulfilment of their obligations under the Convention and its Protocols, as applicable, and good practices adopted in efforts by States parties to implement the Convention and, where applicable, the Protocols thereto;

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<sup>28</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>29</sup> United Nations, *Treaty Series*, vols. 2237, 2241 and 2326, No. 39574.

(i) Be of a technical nature and promote constructive collaboration, inter alia, on issues concerning international cooperation, prevention, protection of witnesses and assistance and protection for victims;

(j) Complement existing relevant international and regional review mechanisms in order that the Conference may, as appropriate, cooperate with those mechanisms and avoid duplication of effort.

4. The mechanism shall be an intergovernmental process.

5. In conformity with article 4 of the Convention, the mechanism shall not serve as an instrument for interfering in the domestic affairs of States parties but shall respect the principles of equality and sovereignty of States parties, and the review process shall be conducted in a non-political and non-selective manner.

6. The mechanism shall promote the implementation of the Convention and its Protocols by States parties, as applicable, as well as cooperation among States parties.

7. The mechanism shall provide opportunities to exchange views, ideas and good practices, thus contributing to strengthening cooperation among States parties in preventing and fighting transnational organized crime.

8. The mechanism shall take into account the levels of development of States parties, as well as the diversity of judicial, legal, political, economic and social systems and differences in legal traditions.

9. The review of implementation of the Convention is an ongoing and gradual process. Consequently, the mechanism shall endeavour to adopt a progressive and comprehensive approach.

### **III. Relationship of the mechanism with the Conference of the Parties**

10. The review of implementation of the Convention and the mechanism shall be under the authority of the Conference, in accordance with article 32 of the Convention.

### **IV. Review process**

#### **A. Goals**

11. Consistent with the Convention, in particular article 32, the purpose of the review process shall be to assist States parties in their implementation of the Convention and its Protocols, as applicable. In this regard, the review process, inter alia, shall:

(a) Promote the purposes of the Convention as set out in its article 1;

(b) Promote the statements of purpose of the Protocols to the Convention, as set out in article 2 of each of the Protocols;

(c) Provide the Conference with information on the measures taken by States parties in implementing the Convention and, where applicable, the Protocols thereto, as well as the difficulties encountered by them in doing so;

(d) Help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance;

(e) Promote and facilitate international cooperation in the prevention of and the fight against transnational organized crime;

(f) Provide the Conference with information on successes, good practices and challenges of States parties in implementing and using the Convention and its Protocols;

(g) Provide the Conference with information on implementation trends and emerging issues, including regional successes, challenges and technical assistance needs (see sect. IV.C below);

(h) Promote and facilitate the exchange of information, practices and experiences gained in the implementation of the Convention and its Protocols.

## **B. Country review**

12. The mechanism shall be applicable to all States parties. It shall gradually cover the implementation of the entire Convention and its Protocols.

13. The review of all States that are parties to the Convention at the start of a review cycle should be completed before a new review cycle begins. In exceptional cases, however, the Conference may decide to launch a new review cycle before the completion of all reviews of the previous cycle. No State party shall undergo a review twice in the same review cycle, without prejudice to the right of a State party to provide new information. In the review cycle, review of a State party's implementation should include that State's implementation of the Convention and all the Protocols thereto to which it is a party. In order to organize the reviews, the review cycles should cover applicable thematic areas of the Convention and its Protocols.

14. The number of States parties from each regional group participating in the review process in a given year shall be proportionate to the size of that regional group and the number of its members that are States parties to the Convention. The selection of States parties participating in the review process in a given year of a review cycle shall be carried out by the drawing of lots at the beginning of each review cycle. A State party selected for review in a given year may, with a reasonable justification, defer participation to the following year of the review cycle.

15. Each State party shall provide to the secretariat the information required by the Conference on its compliance with and implementation of the Convention and its Protocols, as applicable, using the comprehensive self-assessment checklist as an initial step for that purpose. States parties shall provide complete, up-to-date, accurate and timely responses.

16. Assistance in the preparation of the responses to the checklist shall be provided by the secretariat to States parties requesting such assistance.



17. Each State party shall appoint a focal point to coordinate its participation in the review. Each State party shall endeavour to appoint, as a focal point, a person or persons with substantive expertise on the provisions of the Convention and the Protocols thereto to which the State is party.

#### **1. Conduct of the country review**

18. Each State party to the Convention shall be reviewed by two other States parties to the Convention. The review process shall actively involve the State party under review.

18 bis. Regarding the review of the Protocols to the Convention, the reviewing States parties must be parties to the Protocols to which the State under review is a party. However, reviewing States parties may be parties to more Protocols to the Convention than is the State under review.

19. One of the two reviewing States parties shall be from the same geographical region as the State party under review and shall, if possible, be a State with a legal system similar to that of the State party under review. The selection of the reviewing States parties shall be carried out by the drawing of lots at the beginning of each year of the cycle, with the understanding that States parties shall not undertake mutual reviews. The State party under review may request, a maximum of two times, that the drawing of lots be repeated. In exceptional circumstances, the drawing of lots may be repeated more than twice.

20. A State party under review may defer serving as a reviewing State party that same year. That same principle, *mutatis mutandis*, shall apply to the reviewing States parties. By the end of a review cycle, each State party must have undergone its own review and performed a minimum of one review and a maximum of three reviews.

21. Each State party shall appoint up to 20 governmental experts for the purpose of the review process. Such experts should have expertise in relevant areas to be covered in the review cycle, including on issues corresponding to the Protocols to which that State is a party. The secretariat shall, prior to the drawing of lots to select the reviewing States parties, compile and circulate a list of such governmental experts, which shall include information on their professional background, their current positions, relevant offices held and activities carried out and their areas of expertise as required for the respective review cycle. States parties shall endeavour to provide information necessary for the secretariat to compile that list and keep it up to date.

22. The reviewing States parties shall carry out, in accordance with the guidelines for governmental experts and the secretariat in the conduct of country reviews (hereinafter “the guidelines”), a desk review of the response to the comprehensive self-assessment checklist by the State party under review. Such desk review shall entail an analysis of the response focused on measures taken to implement the Convention and on successes in and challenges of such implementation.

23. In accordance with the guiding principles set out in section II and in conformity with the guidelines, the reviewing States parties, supported by the secretariat, may request the State party under review to provide clarifications or additional information or to address supplementary questions related to the review.

The ensuing constructive dialogue may be carried out, *inter alia*, by way of conference calls, videoconferences or e-mail exchanges, as appropriate.

24. The schedule and requirements of each country review shall be established by the secretariat in consultation with the reviewing States parties and the State party under review and shall address all issues relevant to the review. The reviews should ideally be designed to take no longer than six months.

25. The country review shall lead to the elaboration of a country review report based on the blueprint contained in appendix II to the present terms of reference.

26. The country review shall be carried out as follows:

(a) The desk review shall be based on the responses to the comprehensive self-assessment checklist and any supplementary information provided by the State party under review;

(b) In the context of the constructive dialogue between the governmental experts, the State party under review shall facilitate the exchange of information relevant to the implementation of the Convention and the Protocols thereto to which the State party under review is a party;

(c) If the State party under review is a member of a competent international or regional organization whose mandate covers issues relevant to the review, the reviewing States parties may consider information relevant to the implementation of the Convention produced by that organization.

27. The State party under review shall endeavour to prepare its responses to the comprehensive self-assessment checklist through broad consultations at the national level with all relevant stakeholders, including the private sector, individuals and groups outside the public sector. The State party under review shall, where applicable, specify in its responses to the checklist the stakeholders that were included in the consultations and the relevance of those stakeholders, bearing in mind the specific provisions of the Protocols on the role of such stakeholders.

28. If agreed by the State party under review, the desk review should be complemented by any further means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office at Vienna, in accordance with the guidelines.

29. States parties are encouraged to facilitate engagement with all relevant national stakeholders in the course of a country visit. Prior to the organization of a country visit, the State party under review shall propose to the reviewing States parties the stakeholders to be included in the visit and specify the relevance of those stakeholders to the subject matter of the review, bearing in mind the specific provisions of the Protocols on the role of such stakeholders.

30. The reviewing States parties and the secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review process.

31. The secretariat shall organize periodic training courses for experts who participate in the review process, in order to familiarize them with the guidelines and increase their capacity to participate in the review process.

## **2. Outcome of the country review process**

32. The reviewing States parties shall, in accordance with the guidelines and the blueprint, prepare a country review report, including an executive summary of the report, in close cooperation and coordination with the State party under review and assisted by the secretariat. The report shall identify successes, good practices and challenges and make observations for the implementation of the Convention and its Protocols. Where appropriate, the report shall include the identification of technical assistance needs for the purpose of improving implementation of the Convention and its Protocols.

33. The country review report, including the executive summary, shall be finalized upon agreement between the reviewing States parties and the State party under review.

34. The secretariat shall compile the most common and relevant information on successes, good practices, challenges, observations and technical assistance needs contained in the country review reports and include them, organized by theme, in a thematic implementation report and regional supplementary addenda, for submission to the open-ended group of experts and the Implementation Oversight Group.

35. The executive summaries of all finalized country review reports shall be translated into the six official languages of the United Nations and be made available as documents of the Implementation Oversight Group for information purposes only.

36. The country review reports shall remain confidential. However, the State party under review is encouraged to exercise its sovereign right to publish its country review report or part thereof.

37. In order to improve and strengthen cooperation and learning among States parties, States parties shall, upon request, endeavour to make country review reports accessible to any other State party. Where appropriate, the requesting State party shall fully respect the confidentiality of such reports.

### **C. Expert analysis**

37 bis. The country review process shall be complemented by a parallel expert analysis carried out by an open-ended group of experts that will strive to identify general implementation trends and relevant emerging issues, including regional successes, challenges and technical assistance needs.

37 ter. The open-ended group of experts shall be composed of those experts nominated by States parties and be included in the list referred to in paragraph 21 of the present terms of reference. The group of experts shall meet in Vienna once a year.

37 quarter. The expert analysis shall have the same thematic scope as the corresponding review cycle. The group of experts shall base its work on the executive summaries of the country review reports and on the compilation made by the secretariat of the most common and relevant information on successes, good practices, challenges, observations and technical assistance needs, as referred to in

paragraph 34 of the present terms of reference. The executive summaries shall be made available for information purposes only.

37 quinquies. In addition, the open-ended group of experts may consider other relevant information or the views of other stakeholders only as may be relevant for the assessment of general trends and emerging issues related to the Protocols to the Convention. In no case shall the expert analysis embark upon a country-specific assessment of implementation of the Convention and its Protocols.

37 sexes. The open-ended group of experts shall produce a technical expert group report on the issues relevant to its mandate in each year of the cycle. The report may include appropriate recommendations for dealing with emerging issues and challenges of implementation, with specific attention to regional and technical assistance needs.

37 septies. The technical expert group report shall be submitted to the Implementation Oversight Group for its consideration.

#### **D. Implementation Oversight Group**

38. The Implementation Oversight Group shall be an open-ended intergovernmental group that shall operate under the authority of and report to the Conference. The rules of procedure of the Conference shall apply to the Implementation Oversight Group. The participation of observers in the meetings of the Implementation Oversight Group shall be permitted as provided for in the rules of procedure, unless the Implementation Oversight Group decides otherwise.

39. The Implementation Oversight Group shall hold meetings at least once a year in Vienna.

40. The functions of the Implementation Oversight Group shall be to have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention and its Protocols. The thematic implementation report, together with the technical expert group report, shall serve as the basis for the analytical work of the Implementation Oversight Group. On the basis of its deliberations, the Implementation Oversight Group shall submit recommendations and conclusions to the Conference for its consideration and approval.

#### **E. Follow-up procedures**

41. In the following review phase, each State party shall submit information in its responses to the comprehensive self-assessment checklist on progress achieved in connection with the observations contained in its previous country review reports. As appropriate, States parties shall also provide information on whether technical assistance needs requested by them in relation to their country review reports have been provided.

42. The Conference, through the Implementation Oversight Group, shall assess and adapt, where appropriate, the procedures and requirements for the follow-up to the conclusions and observations emerging from the review process, including follow-up to the recommendations on technical assistance. For such purposes, the Conference may decide to convene, at each regular session, working groups on the Convention and its Protocols.

## **F. Conference of the Parties**

43. The Conference shall be responsible for establishing policies and priorities related to the review process.

44. The Conference shall consider the recommendations and conclusions of the Implementation Oversight Group.

45. The Conference shall establish the phases and cycles of the review process, as well as the scope, thematic sequence and details of the review. The review phase shall be finalized upon reviewing the status of implementation of all articles of the Convention in all States parties. The same review phases and cycles established for the review of implementation of the Convention shall apply, *mutatis mutandis*, to the review of the status of implementation of all articles of the Protocols to the Convention. Each review phase shall be divided into review cycles. The Conference shall determine the duration of each review cycle and decide on the number of States parties that shall participate in each year of the review cycle, taking into account the number of States parties to be reviewed and the scope of the cycle.

46. The Conference shall endorse any future amendments to the terms of reference of the mechanism. Following the completion of each review cycle, the Conference shall assess the performance of the mechanism and its terms of reference.

## **V. Secretariat**

47. The secretariat of the Conference shall be the secretariat of the mechanism and shall perform all tasks required for the efficient functioning of the mechanism, including providing technical and substantive support, upon request, to States parties in the course of the functioning of the mechanism.

## **VI. Languages**

48. The working languages of the mechanism shall be Arabic, Chinese, English, French, Russian and Spanish, subject to the provisions of this section.

49. The country review process may be conducted in any of the working languages of the mechanism. The secretariat shall be responsible for providing the required translation and interpretation into any of the working languages of the mechanism, as necessary for its efficient functioning.

50. The secretariat shall, if requested by the State party under review, endeavour to seek voluntary contributions to provide for translation and interpretation into languages other than the six working languages of the mechanism.

51. The executive summaries of the country review reports, the thematic implementation report and the technical expert group report shall, as documents of the Conference, be published in the six working languages of the mechanism.

## **VII. Funding**

52. The requirements of the mechanism and its secretariat shall be funded from the regular budget of the United Nations.
53. The requirements set out in paragraphs 28 and 31 relating, inter alia, to the requested country visits, the joint meetings at the United Nations Office at Vienna and the training of experts, shall be funded through voluntary contributions, which shall be free of conditions and influence.
54. The secretariat shall be responsible for preparing a proposed biennial budget for the activities of the mechanism.
55. The Conference shall consider the budget for the mechanism biennially. The budget shall ensure the efficient, continued and impartial functioning of the mechanism.
56. Adequate financial and human resources must be provided to the secretariat to enable it to perform the functions assigned to it in the present terms of reference.

## **VIII. Participation of signatories to the Convention in the mechanism**

57. A State signatory to the Convention may participate in the mechanism as a State under review on a voluntary basis and only regarding the implementation of the Convention. The costs associated with such participation shall be paid from available voluntary contributions.

## **Appendix I**

### **Guidelines for governmental experts and the secretariat in the conduct of country reviews**

#### **I. General guidance**

1. Throughout the review process, governmental experts and the secretariat shall be guided by the relevant provisions of the United Nations Convention against Transnational Organized Crime and the terms of reference of the mechanism for the review of implementation of the United Nations Convention against Transnational Organized Crime.
2. In particular, governmental experts shall bear in mind article 4, paragraph 1, of the Convention, which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States.
3. Furthermore, governmental experts shall carry out the reviews in full recognition of the purpose of the review process as specified in paragraph 11 of the terms of reference.

4. During all interactions within the review process, governmental experts shall respect the collective approach. Governmental experts are expected to act with courtesy and diplomacy, and shall remain objective and impartial. Governmental experts need to be flexible in their approach and ready to adapt to changes in schedules.
5. Governmental experts and the secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review process, as well as the country review report, as stipulated in the terms of reference. If there are serious grounds for believing that a governmental expert or a member of the secretariat has violated the obligation of confidentiality, the States parties concerned or the secretariat may inform the Implementation Oversight Group for appropriate consideration and action, including referring the matter to the Conference.
6. It is also expected that governmental experts are not to be influenced in their assessment of the implementation of the Convention. While information generated through competent regional and international organizations of which the State party under review is a member and whose mandates cover issues relevant to the review of the implementation of the Convention and its Protocols is to be taken into account, governmental experts shall make their own analysis of the facts provided by the State party under review in order to present findings that are in line with all the specific requirements of the provisions of the Convention and the Protocols thereto under review.
7. Throughout the review process, governmental experts are encouraged to contact the secretariat for any assistance required.

## II. Specific guidance for the conduct of the review

8. In accordance with the terms of reference and consistent with the importance of ensuring the efficiency and effectiveness of the review process, reviews shall be conducted in a spirit of constructive collaboration, dialogue and mutual trust.
9. States parties and the secretariat shall endeavour to adhere to the indicative timelines set out in the paragraphs below.
10. The governmental experts shall prepare themselves by:
  - (a) Studying thoroughly the Convention and the terms of reference of the mechanism, including the present guidelines;
  - (b) Familiarizing themselves with the *Legislative Guide for the Implementation of the United Nations Convention against Transnational Organized Crime*<sup>30</sup> as well as the *Travaux Préparatoires of the Negotiations for the Elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*,<sup>31</sup> particularly those parts pertaining to the articles that are the subject of the relevant review cycle;

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<sup>30</sup> United Nations publication, Sales No. E.05.V.2.

<sup>31</sup> United Nations publication, Sales No. E.06.V.5.

(c) Reviewing the responses provided by the State party under review in its comprehensive self-assessment checklist and supplementary documentation and familiarizing themselves with the issues addressed by the State party under review;

(d) Informing the secretariat if additional information and material are required and highlighting issues requiring further clarification.

11. The Secretariat shall organize periodic training courses for governmental experts who participate in the review process, so that they can familiarize themselves with the guidelines and increase their capacity to participate in the review process.

12. The secretariat, within one month after the drawing of lots, shall officially inform the State party under review and the reviewing States parties of the date of the beginning of the conduct of the country review, as well as of all relevant procedural matters, including the schedule for the training of experts and a provisional schedule for the country review.

13. The State party under review, within three weeks after being officially informed, shall appoint a focal point to coordinate its participation in the review, in accordance with paragraph 17 of the terms of reference, and inform the secretariat of that focal point. The secretariat shall assign a staff member to each review.

14. The secretariat shall undertake consultations with the State party under review and the reviewing States parties on the establishment of schedules and requirements of the country review, including the selection of working language or languages of the country review, in accordance with section VI of the terms of reference. The translation to and from those languages shall be provided by the secretariat within the whole review process.

15. The State party under review shall, within two months of being officially informed of the beginning of the conduct of the country review, provide to the secretariat the information required on its compliance with and implementation of the Convention, using the comprehensive self-assessment checklist as an initial step for that purpose. Assistance in the preparation of the responses shall be provided by the secretariat to the State party requesting such assistance. The secretariat shall, within one month of the receipt of the checklist response, submit that response for translation and circulate it to the governmental experts.

16. Within one month after the State party under review has been officially informed about the beginning of the conduct of the country review, governmental experts shall participate in a telephone conference or videoconference, to be organized by the secretariat for the purpose of an initial introduction of the reviewing States parties, the State party under review and the staff member of the secretariat assigned to the country review, as well as for general orientation, including a review of the schedule and requirements established for the review.

17. Governmental experts from reviewing States parties shall take a decision on how to divide tasks and issues among themselves, taking into account their respective fields of competence.

18. While governmental experts shall establish open lines of communication with the State party under review, the experts shall keep the secretariat abreast of all these communications.



19. Throughout the process, the governmental experts shall appropriately consider the information and material provided by the State party under review through the different means of communication as described in the terms of reference.
20. When seeking additional information and asking for clarification, governmental experts shall bear in mind the non-adversarial, non-intrusive and non-punitive character of the review and the overall goal of assisting the State party under review to reach full implementation of the Convention.
21. Within one month of the receipt of the response to the comprehensive self-assessment checklist and any supplementary information provided by the State party under review, governmental experts shall submit to the secretariat the outcome of the desk review, including requests for clarifications, additional information or supplementary questions, to be translated into the designated languages of the review and provided to the State party under review.
22. During the desk review, governmental experts shall avoid duplicating texts already contained in the comprehensive self-assessment checklist. The desk review is to be concise and factual and is to include solid reasoning for the outcome of the desk review. Objective and impersonal language will aid understanding. When abbreviations and acronyms are used, these shall be defined upon their first use.
23. After the State party under review receives the outcome of the desk review, the secretariat shall organize a telephone conference or videoconference bringing together the governmental experts of the reviewing States parties and the State party under review. During the conference call, governmental experts from the reviewing States parties shall introduce their parts of the desk review and explain the findings. The ensuing dialogue shall ideally last up to two months and consist of requests for additional information or specific questions from the governmental experts, to which the State party under review shall respond, using various means of dialogue including conference calls, videoconferences, e-mail exchanges or further means of direct dialogue as mentioned in paragraph 24 of the terms of reference and as specified below.
24. If agreed by the State party under review, the desk review should be complemented by any further means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office at Vienna. The country visit or joint meeting at the United Nations Office at Vienna shall be planned and organized by the State party under review. While the secretariat will facilitate all practical arrangements, governmental experts shall take all necessary measures from their side to participate in the country visit or joint meeting at the United Nations Office at Vienna, bearing in mind paragraph 29 of the terms of reference.
25. During the country visit or joint meeting at the United Nations Office at Vienna, governmental experts shall uphold the principles and standards outlined in the general guidance above.
26. Governmental experts are expected to actively and constructively participate in all meetings, including at internal debriefings at the end of each working day, or at the end of the country visit or joint meeting at the United Nations Office at Vienna.
27. Governmental experts are expected to be respectful and courteous in meetings, respecting time frames set in the programme and allowing time for all members to

participate. At the same time, governmental experts are expected to be flexible, as the programme may change during the country visit or the joint meeting at the United Nations Office at Vienna.

28. Questions should seek to complement information already provided by the State party under review and relate only to the review process. Governmental experts shall therefore remain neutral and not voice personal opinions during the meetings.

29. Governmental experts are expected to take notes during all meetings, which they can refer to for the production of the final country review report. They shall share their opinions and preliminary findings in writing among themselves and with the secretariat within two weeks after the country visit or the joint meeting at the United Nations Office at Vienna.

30. At the final stage of the country review process and preferably within five months of the beginning of the review, based on the blueprint format, the governmental experts shall, with the assistance of the secretariat, prepare a draft country review report and send it to the State party under review in the designated language of the review. The report shall identify successes, good practices and challenges and make observations for the implementation of the Convention and its Protocols. Where appropriate, the report shall include the identification of technical assistance needs for the purpose of improving implementation of the Convention and its Protocols. The comments of the State party under review shall be incorporated into the draft country review report.

31. Governmental experts shall include observations with respect to the implementation in national law of the articles of the Convention and its Protocols under review, as well as their application in practice.

32. Governmental experts shall further identify successes and good practices and challenges and make observations with respect to the implementation of the articles of the Convention and its Protocols under review, as well as areas where technical assistance may be required.

33. At the request of the State party under review and as required, governmental experts may also be asked to provide the State party under review with explanations of how to address the challenges identified so as to allow the State party to fully and effectively implement the relevant articles of the Convention and its Protocols.

34. The secretariat shall send the draft country review report to the State party under review for its agreement. In case of disagreement, there shall be a dialogue between the State party under review and the governmental experts to arrive at a consensual final report. An executive summary shall subsequently be prepared and agreed on.

## Appendix II

### Blueprint for country review reports and executive summaries

**Review by [names of reviewing States] of the implementation by [name of State under review] of article(s) [number(s) of articles] of the United Nations Convention against Transnational Organized Crime [and articles [numbers] of the Protocols thereto] for the review cycle [time frame]**

#### I. Introduction

1. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime was established pursuant to article 32 of the Convention to, inter alia, promote and review the implementation of the Convention.
2. The mechanism is to be established in accordance with article 32, paragraphs 3 and 4, of the Convention and pursuant to article 4, paragraph 1, of the Convention, which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States.
3. The review mechanism is an intergovernmental process whose overall goal is to assist States parties in implementing the Convention and, where applicable, the Protocols thereto.
4. The review process is based on the terms of reference of the mechanism.

#### II. Process

5. The following review of the implementation by [name of State under review] of the Convention and its Protocols is based on the response to the comprehensive self-assessment checklist received from [name of State under review], and any supplementary information provided in accordance with paragraph 26 of the terms of reference and the outcome of the constructive dialogue between the governmental experts from [names of the two reviewing States and the State under review], by means of [telephone conferences, videoconferences, e-mail exchanges, or any further means of direct dialogue in accordance with the terms of reference] and involving [names of experts involved].

[Optional: 6. A country visit, agreed to by [name of State under review] was conducted from [date] to [date].]

OR

[A joint meeting between [name of State under review] and [names of reviewing States] was held at the United Nations Office at Vienna from [date] to [date].]

### III. Executive summary

7. *[Summary of the following:*
- (a) Successes and good practices;*
  - (b) Challenges in implementation, where applicable;*
  - (c) Observations on the implementation of the articles under review;*
  - (d) Technical assistance needs identified to improve implementation of the Convention and its Protocols.]*

### IV. Implementation of the Convention and its Protocols

#### A. Ratification of the Convention and its Protocols *[where applicable]*

8. *[Name of State under review]* signed the Convention on *[date]* and ratified it on *[date]*. *[Name of State under review]* deposited its instrument of ratification with the Secretary-General on *[date]*.

*[Same regarding the Protocols to which the State is a party]*

9. The implementing legislation — in other words, the *[title of act ratifying the Convention]* — was adopted by *[name of national legislative body]* on *[date]*, entered into force on *[date]* and was published in *[name, number and date of official publication communicating adoption of the act]*. The implementing legislation includes *[summary of ratification legislation]*.

#### B. Legal system of *[name of State under review]*

10. Article *[number of article]* of the Constitution states that *[discuss whether treaties are self-executing or require implementing legislation, where the Convention fits into the hierarchy of law, etc.]*.

#### C. Implementation of selected articles of the Convention

**Article** *[number of article]*

*[title of article]*

*[Text of the article, block indented]*

##### **(a) Summary of information relevant to reviewing the implementation of the article**

11. *[Information provided by the State under review through the comprehensive self-assessment checklist, any supplementary information provided in accordance with paragraph 27 of the terms of reference, and in the context of the constructive dialogue.]*

##### **(b) Observations on the implementation of the article**

12. *[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to*

*the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]*

13. *[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]*

**(c) Successes and good practices**

14. *[Identification of successes and good practices in implementing the article, where applicable.]*

**(d) Challenges, where applicable**

15. *[Identification of any challenges in implementation, where applicable.]*

**(e) Technical assistance needs**

16. *[Identification of technical assistance needs, priorities and actions to improve implementation of the Convention, where applicable.]*

**D. Implementation of selected articles of the Protocol on [name]**

*[Follow a structure and narrative similar to that of previous section.]*

## **Annex II**

### **Indicative thematic distribution of the Organized Crime Convention and the Protocols thereto**

The distribution of thematic areas to be reviewed in the first and second cycles is as follows:

(a) *First cycle (five years)*: Criminalization and other criminal measures, preventive measures and international cooperation;

(b) *Second cycle (five years)*: Victim and witness protection, cooperation and technical assistance.

#### **Resolution 5/6**

### **Implementation of the provisions on technical assistance of the United Nations Convention against Transnational Organized Crime**

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

*Noting that technical assistance is a fundamental part of the work carried out by the United Nations Office on Drugs and Crime to assist Member States in the*

effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>32</sup>

*Welcoming* the work of the Open-ended Working Group of Government Experts on Technical Assistance,

1. *Endorses* the recommendations of the meeting of the Open-ended Working Group of Government Experts on Technical Assistance held on 19 and 20 October 2010, during the fifth session of the Conference, annexed to the present resolution;

2. *Reaffirms* its decision 4/3 of 17 October 2008, in which it decided that the Open-ended Working Group of Government Experts on Technical Assistance should be a constant element of the Conference.

## **Annex**

### **Recommendations of the meeting of the Open-ended Working Group of Government Experts on Technical Assistance**

The Open-ended Working Group of Government Experts on Technical Assistance:

(a) Takes note of the recommendations of the meeting of the Open-ended Working Group of Government Experts on Technical Assistance held on 1 and 2 October 2009;

(b) Acknowledges the continued need for technical assistance to ensure the effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;<sup>33</sup>

(c) Welcomes the efforts of the United Nations Office on Drugs and Crime to integrate the Convention and its Protocols more visibly and fully within the appropriate range of the technical assistance programmes of the Office, as well as the efforts of the Office to raise awareness of the Convention and its Protocols among national partners as a practical tool for international judicial cooperation and law enforcement cooperation;

(d) Emphasizes the importance of ensuring a strong connection between the research carried out and the data collected by the United Nations Office on Drugs and Crime and the Office's delivery of technical assistance in relation to transnational organized crime;

(e) Endorses the strategic and comprehensive approach to technical assistance adopted by the United Nations Office on Drugs and Crime, incorporating elements of the Convention and its Protocols, as a key priority in integrated national and regional programmes;

(f) Notes that the comprehensive self-assessment software ("omnibus survey software") shall be used as a tool to facilitate the gathering of information on the

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<sup>32</sup> United Nations, *Treaty Series*, vol. 2225, 2237, 2241 and 2326, No. 39574.

<sup>33</sup> *Ibid.*

implementation of the Convention and the Protocols thereto, and requests the Secretariat to further improve that software, including by making it available in all the official languages of the Conference, to continue to consult with States parties and signatories with a view to finalizing it as soon as possible and to submit it to the open-ended intergovernmental working group established in Conference resolution 5/5 for its consideration;

(g) Requests the United Nations Office on Drugs and Crime to continue to share information gathered on technical assistance needs with other possible providers of technical assistance, in particular information on needs at the country level, in order to coordinate assistance activities with beneficiary countries;

(h) Emphasizes the need for the United Nations Office on Drugs and Crime and States parties to continue to coordinate the delivery of technical assistance with all relevant international and regional organizations, and with bilateral assistance entities;

(i) Encourages the United Nations Office on Drugs and Crime to develop a comprehensive thematic approach to preventing and combating organized crime that takes into consideration regional and national needs and that includes legal assistance, the development of tools, best practices and the establishment of mechanisms involving court trials through a thematic programme on organized crime prevention;

(j) Requests the United Nations Office on Drugs and Crime to pursue work on a digest of successful cases involving the investigation or prosecution of transnational organized crime for the identification of lessons learned and best practices, to be presented to the Conference at its sixth session, and to convene a meeting of experts to identify good practices in the establishment and functioning of specialized units dealing with organized crime, to be used as a reference by States considering the establishment of such units;

(k) Requests the United Nations Office on Drugs and Crime to provide technical assistance to help Member States to apply, where appropriate, the provisions of the Convention to new forms and dimensions of transnational organized crime within the scope of the Convention that are of common concern to States parties, and to report to the Conference at its sixth session on progress made on this matter;

(l) Requests the United Nations Office on Drugs and Crime to consider, in consultation with Member States, the development of specific tools, such as best practices, legislative guidelines and model provisions, that would help Member States to apply, where appropriate, the provisions of the Convention to new forms and dimensions of transnational organized crime within the scope of the Convention that are of common concern to States parties;

(m) Invites States and other donors to provide voluntary resources for the purposes outlined in the present resolution, in accordance with the rules and procedures of the United Nations;

(n) Urges States parties to endeavour to make adequate and voluntary contributions to the account established in accordance with article 30, paragraph 2 (c), of the Convention for the purpose of technical assistance;

(o) Requests the Secretariat to report to the Conference at its sixth session on the provision of technical assistance to help States to implement the Convention and the Protocols thereto at the global, regional and national levels.

#### **Resolution 5/7**

### **Combating transnational organized crime against cultural property**

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

*Recalling* General Assembly resolutions 55/25 of 15 November 2000, 58/17 of 3 December 2003, 61/52 of 4 December 2006 and 64/78 of 7 December 2009, on the return or restitution of cultural property<sup>34</sup> to the countries of origin, and welcoming Economic and Social Council resolution 2010/19 of 22 July 2010, on crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking,

*Recalling* the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,<sup>35</sup> the Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law on 24 June 1995,<sup>36</sup> and the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted on 14 May 1954,<sup>37</sup> and the two Protocols thereto adopted on 14 May 1954<sup>36</sup> and 26 March 1999<sup>38</sup> and the importance of ensuring global adherence and full implementation of those instruments, and recognizing the efforts made by other relevant international organizations, including the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL) and the International Institute for the Unification of Private Law (Unidroit), for the protection of cultural heritage,

*Noting with appreciation* the work of the expert group on protection against trafficking in cultural property at its meeting convened pursuant to Economic and Social Council resolution 2008/23 of 24 July 2008 and highlighting its recommendation that the Conference of the Parties to the United Nations Convention against Transnational Organized Crime explore ways of using the provisions of the United Nations Convention against Transnational Organized Crime<sup>39</sup> as a legal basis for international cooperation,

*Considering* that the Convention should be fully used for the purpose of combating criminal offences against cultural property, including by exploring other possible normative developments, when appropriate,

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<sup>34</sup> Cultural property forms part of the cultural heritage of peoples.

<sup>35</sup> United Nations, *Treaty Series*, vol. 823, No. 11806.

<sup>36</sup> Available from [www.unidroit.org](http://www.unidroit.org).

<sup>37</sup> United Nations, *Treaty Series*, vol. 249, No. 3511.

<sup>38</sup> *Ibid.*, vol. 2253, No. 3511.

<sup>39</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.



1. *Takes note* of the note by the Secretariat on the use of the United Nations Convention against Transnational Organized Crime for protection against trafficking in cultural property;<sup>40</sup>
2. *Reaffirms* that the United Nations Convention against Transnational Organized Crime<sup>41</sup> constitutes an effective tool for international cooperation in combating criminal offences against cultural property;
3. *Welcomes* the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,<sup>42</sup> in which States that had not yet done so were urged to develop effective legislation to prevent, prosecute and punish trafficking in cultural property, and invites Member States to consider criminal offences against cultural property as a serious crime, as defined in the Convention;
4. *Urges* States parties to use the Convention for broad cooperation in preventing and combating criminal offences against cultural property, especially in returning such proceeds of crime or property to their legitimate owners, in accordance with article 14, paragraph 2, of the Convention;
5. *Encourages* States parties to consider analysing, in consultation with scientific and academic communities where appropriate, and the relevant intergovernmental organizations, trends and the circumstances in which criminal offences against cultural property are committed in their territories, consistent with article 28 of the Convention, as well as considering the *modi operandi*, professional groups and technologies involved in such offences;
6. *Invites* States parties to exchange information on all aspects of criminal offences against cultural property, in accordance with their national laws, and to coordinate administrative and other measures taken, as appropriate, for the prevention, early detection and punishment of such offences;
7. *Requests* the Open-ended Working Group of Government Experts on Technical Assistance and the Open-ended Working Group on International Cooperation to examine the relevant recommendations and outcomes of the expert group on protection against trafficking in cultural property established in the framework of the Commission on Crime Prevention and Criminal Justice, and to make recommendations for consideration by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, in order to promote the practical application of the Convention, by considering the extent and adequacy of existing norms as well as other normative developments, with due attention to aspects of criminalization, international cooperation including mutual legal assistance and extradition with regard to this matter;
8. *Requests* the Secretariat to prepare an analytical report for the above-mentioned working groups on the application of the Convention by the States parties with respect to criminal offences against cultural property, urges States parties to provide the Secretariat with information for that report, and invites

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<sup>40</sup> CTOC/COP/2010/12.

<sup>41</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>42</sup> A/CONF.213/18, chap. I, resolution 1.

Member States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations.

#### **Resolution 5/8**

### **Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime**

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

*Emphasizing* the particular relevance of the United Nations Convention against Transnational Organized Crime<sup>43</sup> as a basis for international cooperation in extradition, mutual legal assistance and international cooperation for purposes of confiscation, and mindful of the need to develop tools to facilitate international cooperation and the need to strengthen central authorities,

*Recalling* its decision 3/2 of 18 October 2006, in which it decided that an open-ended working group on international cooperation would be a constant element of the Conference, and its decision 4/2 of 17 October 2008, in which it took note of the in-depth substantive discussion of that working group at its meeting, held during the fourth session of the Conference,

*Taking note with appreciation* of the work already done by the Secretariat as requested in the above-mentioned decisions,

1. *Requests* the Secretariat to continue to enhance the activities mentioned in Conference decision 4/2 of 17 October 2008 by, inter alia:

(a) Promoting and disseminating the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*,<sup>44</sup> developed by the United Nations Office on Drugs and Crime;

(b) Analysing and using the examples provided by Member States of how they are applying articles 12, 13, 16 and 18 of the United Nations Convention against Transnational Organized Crime,<sup>45</sup> as well as the catalogue, published by the United Nations Office on Drugs and Crime, of cases involving extradition, mutual legal assistance and other forms of international legal cooperation, in order to present a digest and other tools highlighting best practices so as to avoid possible obstacles to the full and successful implementation of the Convention;

(c) Promoting the use of model laws on extradition and mutual legal assistance developed by the United Nations Office on Drugs and Crime;

(d) Providing, where applicable and upon request, the technical assistance needed to ensure the effectiveness of mutual legal assistance and extradition requests based on the Organized Crime Convention and the Protocols thereto,

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<sup>43</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>44</sup> United Nations publication, Sales No. E.05.V.2.

<sup>45</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

including by facilitating the establishment of channels of communication, and for the exchange of information between the States parties concerned;

2. *Also requests* the Secretariat to continue to foster international and regional cooperation pursuant to Conference decision 4/2 by, inter alia:

(a) Facilitating the development of regional networks active in the field of cooperation in the fight against transnational organized crime, where appropriate, and by facilitating cooperation among all such networks with a view to further exploring the possibility of Member States envisaging a global network;

(b) Drafting a practical guide for practitioners to facilitate international and interregional cooperation for the purposes of confiscation in the framework of the fight against transnational organized crime, taking stock of existing studies;

(c) Developing a practical guide to facilitate the drafting, transmission and execution of requests for extradition and mutual legal assistance pursuant to articles 16 and 18 of the Organized Crime Convention, in cases where the Convention is a legal basis for the request;

(d) Building, based on existing cases and experiences, a matrix identifying legal and practical issues that could arise in the implementation of article 19 of the Organized Crime Convention and by establishing modalities for conducting joint investigations, including by creating joint investigative bodies, as well as possible solutions to those issues, including by collecting examples of arrangements or agreements concluded between States parties for that purpose;

(e) Building, based on existing cases and experiences, a matrix identifying legal and practical issues that could arise in the implementation of article 20 of the Organized Crime Convention and the use of special investigative techniques, as well as possible solutions to those issues, including by collecting examples of arrangements or agreements on the use of such techniques between States parties;

3. *Invites* Member States and other donors to provide extrabudgetary resources for the activities described in paragraphs 1 and 2 above, in accordance with the rules and procedures of the United Nations;

4. *Encourages* States parties to continue to make use of the Organized Crime Convention as a legal basis for international cooperation in extradition and mutual legal assistance, including confiscation, taking into account the full scope of cooperation available under its provisions, to promote awareness of the Convention and to facilitate training activities for central authorities, judges, prosecutors, law enforcement officers and officers of national central bureaux of the International Criminal Police Organization (INTERPOL) who are engaged in international legal cooperation to combat transnational organized crime through implementation of the Convention and its Protocols;

5. *Encourages* States parties, in particular and subject to domestic law:

(a) To endeavour to expedite extradition procedures and to simplify the evidentiary requirements relating thereto in respect of any offence to which article 16 of the Organized Crime Convention applies;

(b) To seek, where appropriate, to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of

extradition, taking into account the provisions of article 16 of the Organized Crime Convention, as well as to serve the purposes of, to give practical effect to or to enhance the provisions of article 18 of the Convention, on mutual legal assistance;

(c) To implement fully all the provisions of the Organized Crime Convention related to international cooperation, giving special attention to, *inter alia*, the possibility of developing joint investigative bodies, with full respect for the sovereignty of States (article 19), special investigative techniques in the context of cooperation at the international level (article 20) and international cooperation for purposes of confiscation (article 13);

(d) To dispose of confiscated proceeds of crime or property in accordance with the provisions of article 14 of the Organized Crime Convention, giving priority consideration, if so requested, to returning the confiscated proceeds of crime or property to the requesting State party so that it can give compensation to the victims of the crime or return such proceeds of crime or property to their legitimate owners, and to consider concluding agreements or arrangements for the purposes mentioned in paragraph 3 of article 14;

6. *Requests* the Secretariat to report to the Conference at its sixth session on the implementation of the present resolution.

## **B. Decisions**

2. At its fifth session, held in Vienna from 18 to 22 October 2010, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted the following decisions:

### **Decision 5/1**

#### **Provisional agenda for the sixth session of the Conference**

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime approved the provisional agenda for the sixth session of the Conference set out below.

#### **Provisional agenda for the sixth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime**

1. Organizational matters:
  - (a) Opening of the sixth session of the Conference;
  - (b) Election of officers;
  - (c) Adoption of the agenda and organization of work;
  - (d) Participation;
  - (e) Adoption of the report of the Bureau on credentials;
  - (f) General discussion.

2. Substantive discussion and review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto:
  - (a) United Nations Convention against Transnational Organized Crime;
  - (b) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
  - (c) Protocol against the Smuggling of Migrants by Land, Sea and Air;
  - (d) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.
3. Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime.
4. International cooperation with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities.
5. Technical assistance.
6. Financial and budgetary matters.
7. Provisional agenda for the seventh session of the Conference.
8. Other matters.
9. Adoption of the report of the Conference on its sixth session.

#### **Decision 5/2**

#### **Establishment of a committee of the whole**

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided to establish a committee of the whole, the membership of which would be open to all States parties and signatories to the United Nations Convention against Transnational Organized Crime:<sup>46</sup>

- (a) To perform such functions as may be requested by the Conference in order to assist the Conference in dealing with its agenda and to facilitate its work;
- (b) To consider specific items of the agenda, as requested by the Conference, and submit its comments and recommendations, including draft resolutions and draft decisions, to the Conference for consideration;
- (c) To meet when the President of the Conference so decides;
- (d) To operate within the existing budgetary resources for the Conference.

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<sup>46</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

## **II. Organization of the session**

### **A. Opening of the session**

3. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime held its fifth session in Vienna from 18 to 22 October 2010. Sixteen meetings were held during the session.

### **B. Election of officers**

4. At its first session, the Conference had decided that the offices of President and Rapporteur should rotate among the regional groups and that such rotation should take place in alphabetical order. Accordingly, at the fifth session, the President of the Conference was nominated by the African Group, and the Group of Western European and Other States was asked to nominate one Vice-President and the Rapporteur.

5. At its 1st meeting, on 18 October 2010, the Conference elected the following officers by acclamation:

<i>President:</i>	Amina C. Mohamed (Kenya)
<i>Vice-Presidents:</i>	Taous Feroukhi (Algeria) Eugenio María Curia (Argentina) I Gusti Agung Wesaka Puja (Indonesia) Gianni Ghisi (Italy) Yerzhan Kazykhanov (Kazakhstan) Marisela Morales Ibáñez (Mexico) Dominika Krois (Poland) Simona Marin (Romania)
<i>Rapporteur:</i>	Elizabeth Verville (United States of America)

### **C. Adoption of the agenda and organization of work**

6. At its 1st meeting, on 18 October 2010, the Conference adopted the provisional agenda contained in document CTOC/COP/2010/1.

### **D. Participation**

7. The fifth session of the Conference was attended by representatives of 104 States parties to the Convention and a regional economic integration organization party to the Convention. Also attending the session were observers for States signatories to the Convention, non-signatory States, an entity maintaining a permanent observer mission to the United Nations, Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, specialized agencies and other organizations of the United Nations system, intergovernmental organizations, non-governmental organizations in consultative status with the Economic and Social

Council and relevant non-governmental organizations not having consultative status with the Economic and Social Council that had applied for observer status. In accordance with rule 17 of the rules of procedure, the Secretariat circulated a list of relevant non-governmental organizations and no objection to that list was received.

8. The list of participants is contained in document CTOC/COP/2010/INF/2/Rev.1.

9. In its decisions 3/2 and 4/2, the Conference encouraged Member States to work with existing regional networks and requested the Secretariat to facilitate communication between national authorities and to strengthen networking among authorities at the interregional level. Furthermore, in Commission on Crime Prevention and Criminal Justice resolution 19/7, entitled “Strengthening of regional networks for international cooperation in criminal matters”, the Commission recommended that the Conference consider inviting existing regional networks to participate in its fifth session, with the aim of improving cooperation between regional networks. The Secretariat brought this issue to the attention of the Bureau and, at its request, circulated a list of such organizations to the Conference through the regional groups.

10. At its 5th meeting, the Conference considered whether those intergovernmental organizations that had a regional component and that were present at the Conference could also attend the meetings of the Working Group on International Cooperation. The Conference decided that such organizations would be granted permission to attend the meetings of the Working Group on International Cooperation provided that that would not serve as a precedent in the future regarding the attendance of intergovernmental organizations at meetings of working groups.

11. At the request of the Extended Bureau of the fifth session, the Secretariat circulated a list of intergovernmental organizations including both organizations that had received a standing invitation to participate as observers in the sessions and the work of the General Assembly and intergovernmental organizations that had been invited to attend sessions of the Conference in the past. At its 10th meeting, the Conference decided that the intergovernmental organizations contained in document CTOC/COP/2010/CRP.7, as orally amended, would receive a standing invitation under rule 16, paragraph 2, of the rules of procedure, to attend future sessions of the Conference.

12. At its 10th meeting, on 22 October, the Conference decided to continue to allow non-governmental organizations to participate in the sessions of the Conference, in line with the rules of procedure and past practice.

## **E. Adoption of the report of the Bureau on credentials**

13. By its decision 4/7, the Conference amended rule 18, on submission of credentials, of its rules of procedure, modifying paragraph 3 and adding a new paragraph to read as follows:

“3. The credentials shall be issued by the Head of State or Government, by the Minister for Foreign Affairs or by the Permanent Representative to the United Nations of the State party in accordance with its domestic law or, in the

case of a regional economic integration organization, by the competent authority of that organization.

“4. When the Conference is to consider proposals for amendments to the Convention in accordance with article 39 of the Convention and rule 62 of the rules of procedure for the Conference, the credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs of the State party or, in the case of a regional economic integration organization, by the competent authority of that organization.”

14. According to rule 19 of the rules of procedure, the Bureau shall examine the credentials of representatives of each State party and the names of the persons constituting the State party’s delegation and submit its report to the Conference.

15. At the 10th meeting of the session of the Conference, on 22 October, the Rapporteur informed the Conference that the Secretariat had distributed to the Bureau, at its third, fourth and fifth meetings, the lists of (a) those States that had complied with requirements by submitting to the Secretariat original credentials either in the form of original credentials or in the form of notes verbales signed by the permanent representative; and (b) those States that had only submitted their credentials in the form of notes verbales, with only initials and stamp, or by e-mail. The Bureau recommended that the Conference adopt the oral report of the Bureau indicating that all States parties represented at the fifth session had complied with the credential requirements, with the understanding that those States that were not in compliance would be given until 29 October 2010 to submit their original credentials to the Secretariat.

16. The Conference adopted the report of the Bureau on credentials at its 9th meeting.

17. The deadline for the submission of original credentials was subsequently extended until 10 November 2010. As of that date, 90 of the 103 States parties present at the fifth session had complied with the credentials requirements.

## **F. Documentation**

18. At its fifth session, the Conference had before it, in addition to the documents prepared by the Secretariat, documents containing proposals submitted by the Secretariat and documents containing proposals submitted by Governments (see the list of documents in the annex).

## **III. High-level segment**

### **A. Opening of the high-level segment**

19. The high-level segment of the fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime was held on 18 October 2010. The high-level segment was opened by Amina Mohamed, President of the Conference at its fifth session.



## **B. General debate of the high-level segment on new and emerging forms of crime**

20. The following high-level representatives made statements:

Yury Fedotov, Executive Director of the United Nations Office on Drugs and Crime and Director-General of the United Nations Office at Vienna

Taous Feroukhi, Ambassador of Algeria to the United Nations (Vienna) (on behalf of the Group of 77 and China)

Musthafa Mohamed Jaffeer, Ambassador of Sri Lanka to the United Nations (Vienna) (on behalf of the Group of Asian States)

Sergey Bulavin, Secretary of State and Deputy Minister of the Interior of the Russian Federation (as a member of the Group of Eastern European States)

Franklin Almeyda Rancier, Minister of the Interior and Police of the Dominican Republic (on behalf of the Group of Latin American and Caribbean States)

Nitto Francesco Palma, Under-Secretary of State, Ministry of the Interior of Italy (as a member of the Group of Western European and Other States)

Frank Recker, Ambassador of Belgium to the United Nations (Vienna) (on behalf of the European Union)

Xolisa Mabhongo, Ambassador of South Africa to the United Nations (Vienna) (on behalf of the Group of African States)

Snežana Malović, Minister of Justice of Serbia

Mohammed Bello Adoke, Attorney General and Minister of Justice of Nigeria

Pablo Felipe Robledo del Castillo, Deputy Minister of Justice of Colombia

Jean-Marie Bockel, Secretary of State for Justice of France

Alina Mihaela Bica, Secretary of State, Ministry of Justice of Romania

Marzena Kowalska, Deputy General Prosecutor of Poland

Marisela Morales Ibañez, Deputy Attorney General for Specialized Investigation of Organized Crime of Mexico

Deepak Obhrai, Parliamentary Secretary to the Minister of Foreign Affairs of Canada

Abdullah Yusuf Almal, Legal Adviser of the Minister of State for Internal Affairs of Qatar

Ali Khashan, Minister of Justice of the Palestinian National Authority

## **C. Outcome and closing of the high-level segment**

21. In her introductory address, the President of the Conference recalled that the high-level segment was being held pursuant to General Assembly resolution 64/179, in which the Assembly recommended that the Conference organize a high-level

segment during its fifth session to discuss new and emerging forms of crime and ways and means of enhancing the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.<sup>47</sup>

22. Several speakers emphasized that the tenth anniversary of the adoption of the Organized Crime Convention provided an opportunity for States to renew their collective and individual commitment to the fight against transnational organized crime and to assess the effectiveness of measures taken to date. Reference was made to the special high-level meeting on transnational organized crime held by the General Assembly on 17 and 21 June 2010, which provided significant political impetus to advancing the ratification and implementation of the Organized Crime Convention and the Protocols thereto.

23. Several speakers expressed deep concern regarding the growing and multidimensional threat of organized crime. Organized crime had become a business of macroeconomic proportions, thus hindering legitimate economic activities and undermining democratic governance, security and development. The importance of the Convention and its Protocols as the principal international instruments for combating organized crime in all its forms and manifestations was underlined. Several speakers drew attention to the large number of States parties to the Convention and the importance of promoting universal adherence and comprehensive implementation. They also highlighted that concerted efforts were required to dismantle powerful international criminal networks.

24. Many speakers noted that globalization and interconnectivity had contributed to the expansion of transnational organized criminal groups, allowing them to gain power, adapt their modus operandi and operate beyond national borders. A number of speakers made reference to trafficking in persons and smuggling of migrants as two of the most heinous manifestations of organized crime. It was also stated that trafficking in firearms facilitated organized crime, thus requiring greater cooperation and action in that regard.

25. Furthermore, speakers emphasized that criminal groups had also expanded their activities to include cybercrime, trafficking in cultural property, piracy, trafficking in natural resources, trafficking in counterfeit medicines and trafficking in organs. In that regard, many speakers underlined the great adaptability of the Organized Crime Convention, which provided a broad definition of serious crime. The Convention therefore constituted an invaluable and effective instrument in tackling new and emerging forms of crime.

26. Speakers underlined the importance of developing adequate legislative and operational responses in order to prevent and combat emerging and re-emerging forms of crime. It was emphasized that comprehensive crime prevention policies were necessary to address the root causes of crime. In addition, speakers highlighted the devastating effects of cybercrime as illustrated by the phenomenon of child sexual exploitation. The issue of whether a new legal instrument targeting cybercrime should be developed was raised. Several speakers noted the steady increase in trafficking in cultural property, which was a serious form of organized crime. They emphasized that cultural property was a common heritage that needed to be preserved and protected and that effective international cooperation was

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<sup>47</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

needed to facilitate the return of stolen property. Several speakers also expressed their growing concern with regard to piracy and trafficking in natural resources.

27. Most speakers underscored the importance of international cooperation as a key component of the Convention. They evoked the unique and comprehensive framework provided by the Convention, which established common mechanisms for extradition and mutual legal assistance and which would deny safe havens to criminals. Similarly, the ability to effectively carry out seizures and confiscations would ensure that criminal organizations were deprived of their illicit assets and deny them undue influence.

28. Several speakers stressed that it would be essential, 10 years after the adoption of the Convention, to develop a mechanism that would help the Conference to better monitor the implementation of the Convention and highlight good practices. It was also noted that full implementation could be achieved only through the consistent and sustainable provision of technical assistance to requesting countries. Speakers expressed their appreciation for the work of the United Nations Office on Drugs and Crime (UNODC) and called for a more stable and predictable funding of its activities in support of implementation of the Convention and the Protocols thereto.

#### **IV. General discussion**

29. At its 2nd and 3rd meetings, on 18 and 19 October 2010, the Conference took up agenda item 1 (f), entitled "General discussion".

30. The sub-item had been included in the agenda to allow time for statements to be made on matters of a general nature that were related to the implementation of the Convention and the Protocols thereto and that might be of interest to the Conference. Based on the experience gained at past sessions of the Conference, the extended Bureau had decided that the organization of a general discussion would offer participants an opportunity to express their views in general terms in the plenary, while allowing more focused and interactive exchanges to take place under the substantive items of the agenda.

31. The Conference heard statements by the representatives of Algeria (on behalf of the States Members of the United Nations that are members of the Group of 77 and China), Sudan (on behalf of the States Members of the United Nations that are members of the African Group) and Sri Lanka (on behalf of the States Members of the United Nations that are members of the Asian Group). Statements were also made by the representatives of Austria, the United States of America, Canada, Ecuador, Liechtenstein, Azerbaijan, Indonesia, Yemen, Kazakhstan, the Russian Federation, San Marino, Mongolia, the Philippines, South Africa, Switzerland, Argentina, Belarus, Morocco, China, Kenya, Guatemala, Oman, Armenia, Norway, Israel, the Bolivarian Republic of Venezuela, Costa Rica, Peru, Panama and Egypt.

32. The Conference also heard statements by the observers for the following signatory States: Islamic Republic of Iran, Japan, Republic of Korea and Viet Nam.

33. The Conference also heard a joint statement by non-governmental organizations.

## Deliberations

34. Speakers underlined the importance of the Organized Crime Convention and its Protocols, stressed the need for universal ratification of those instruments and recalled the importance of international cooperation and technical assistance for such implementation.

35. Several speakers reported on achievements made by their Governments in implementing the provisions of the Convention and the Protocols thereto, including progress made in bringing national legislation in line with the requirements of the Convention and measures taken to enhance effective coordination at the national level and cooperation with other countries in combating transnational organized crime.

36. Several speakers noted that one country alone could not tackle the threat of transnational organized crime and highlighted that improved international cooperation was key to effectively countering such criminal activities. Speakers noted that international instruments dealing with organized crime, corruption and terrorism contained provisions on exchange of information, data collection, mutual legal assistance and extradition and that efforts should be better coordinated in order to fully implement those provisions.

37. Speakers stressed the importance of the technical assistance provided by UNODC to requesting States in order to assist them in meeting their obligations under the Convention and its Protocols and reaffirmed that technical assistance should be delivered on the basis of needs and priorities. Some speakers also noted that the Open-ended Working Group of Government Experts on Technical Assistance was an essential component of the Conference.

38. Most speakers emphasized that organized crime was becoming increasingly varied and interconnected, and underlined the applicability of the Organized Crime Convention and its Protocols to both traditional and new forms of transnational organized crime.

39. Some speakers stressed the need to fulfil the potential of the Convention before exploring the creation of supplementary protocols to address emerging forms of organized crime, while other speakers highlighted the need to create new instruments to deal with new threats, particularly those posed by cybercrime and trafficking in cultural property.

40. Many speakers welcomed the outcomes of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and the nineteenth session of the Commission on Crime Prevention and Criminal Justice, particularly with regard to the establishment of an open-ended intergovernmental expert group on cybercrime and the recommendations made by the open-ended intergovernmental expert group on protection against trafficking in cultural property.

41. Many speakers noted with concern the lack of consistent and predictable funding available to UNODC and underlined the need to increase regular budget funding for core activities.

42. Many speakers welcomed the adoption of the United Nations Global Plan of Action to Combat Trafficking in Persons,<sup>48</sup> which was viewed as an important step in combating that particularly serious form of organized crime. In particular, speakers noted the importance of the establishment of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, to provide adequate financial, social and other support to victims of trafficking in persons.

43. Several speakers expressed their strong support for Conference decision 4/5, in which States parties were urged to consider the advisability of establishing an open-ended intergovernmental working group on the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. In addition, speakers called upon States parties to collaborate towards that end.

44. Some speakers reported having taken steps to bring their national legislation into conformity with the requirements of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

45. A number of speakers welcomed the progress made by UNODC in developing a comprehensive self-assessment software (“the omnibus survey software”) to facilitate data collection and dissemination, assist countries in monitoring progress made in the implementation of the Convention and help States better identify their technical assistance needs in that regard.

46. Many speakers urged the Conference to move quickly to establish a formal mechanism to review the implementation of the Convention and the Protocols thereto, particularly in light of the tenth anniversary of the adoption of the Convention. Many speakers stressed that a formal review mechanism reflecting all aspects of the instruments would help to identify common and individual challenges, offer solutions for greater implementation and provide an opportunity to identify needs for technical assistance. Some speakers suggested that the recently adopted mechanism for the review of the implementation of the United Nations Convention against Corruption<sup>49</sup> could serve as a basis for further deliberations on that issue.

## **V. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto**

### **A. United Nations Convention against Transnational Organized Crime**

47. At its 4th meeting, on 19 October 2010, the Conference considered agenda item 2 (a), entitled “Review of the implementation of the United Nations

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<sup>48</sup> General Assembly resolution 64/293.

<sup>49</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

Convention against Transnational Organized Crime and the Protocols thereto: United Nations Convention against Transnational Organized Crime". For its consideration of the item, the Conference had before it the following:

(a) Report of the Secretariat on the development of tools to gather information from States on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2010/10);

(b) Status of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and notifications, declarations and reservations thereto (CTOC/COP/2010/CRP.4);

(c) Status of responses to the questionnaires and the checklist on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2010/CRP.6).

48. Two representatives of the Secretariat made an introductory statement and an audio-visual presentation.

49. Statements were made by the representatives of Argentina, Chile (on behalf of the States Members of the United Nations that are members of the Latin American and Caribbean Group), Croatia, Kazakhstan, Sri Lanka and Australia.

50. The observer for the Sovereign Order of Malta also made a statement.

## **1. Deliberations**

51. Several speakers highlighted the fact that fighting transnational organized crime was a shared responsibility that required concerted and collective global action. They noted that national, regional and international efforts were required to fully implement the Convention and the need to better understand the root causes of transnational organized crime. Speakers provided practical examples demonstrating progress made by their Governments in implementing the Convention and the Protocols thereto, such as the adoption of national legislation and national legislative and programme initiatives related to the fight against transnational organized crime.

52. Many speakers underlined the crucial importance of regional and international cooperation to better tackle transnational organized crime and to ensure the full use of the Convention. States were also encouraged to criminalize all the offences established by the Convention and its three Protocols, with a view to ensuring the effectiveness of international cooperation mechanisms such as for mutual legal assistance and extradition.

53. Speakers underscored the need for technical assistance in order to assist States in preventing and combating organized crime and to better implement the Convention and the Protocols thereto. The importance of ensuring sustainable and predictable funding to enable UNODC to conduct such activities was underlined. It was noted that coordination among donors was essential in order to avoid duplication of efforts and the inefficient use of resources.

54. Several speakers stressed the necessity of assessing the implementation of the Convention 10 years after its adoption and in that connection, mentioned the usefulness of the comprehensive self-assessment software (the "omnibus survey

software”). Some speakers underscored that a strong and effective review mechanism would enable States parties to obtain reliable and consistent information concerning the implementation of the Convention and its Protocols. Such a review mechanism could help identify gaps and highlight successful experiences and good practices, as well as technical assistance needs. It was noted that the Open-ended Working Group of Government Experts on Technical Assistance was an appropriate forum to exchange expertise and experience with regard to the implementation of the Convention and its Protocols.

## **2. Action taken by the Conference**

55. At its 10th meeting, on 22 October 2010, the Conference adopted a revised draft resolution (CTOC/COP/2010/L.7/Rev.1) sponsored by Belgium (on behalf of the States Members of the United Nations that are members of the European Union), Chile, Colombia, Costa Rica, France, Guatemala, Hungary, Italy, Mexico, Peru, Serbia and Switzerland. (For the text see chapter I, section A, resolution 5/1.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read a statement on the financial implications of such adoption. (For the text, see annex I.)

## **B. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**

56. At its 4th and 5th meetings, on 19 and 20 October 2010, the Conference considered agenda item 2 (b), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children”. For its consideration of the item, the Conference had before it the following:

(a) Report of the Secretariat on victim support, witness protection and participation of victims in the criminal justice system and other activities in support of the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2010/5);

(b) Report submitted by the Chair of the Working Group on the activities of the Working Group on Trafficking in Persons (CTOC/COP/2010/6);

(c) Report of the Secretariat on the Global Initiative to Fight Human Trafficking (CTOC/COP/2010/11);

(d) Preliminary results of the independent evaluation of the Global Initiative to Fight Human Trafficking (CTOC/COP/2010/CRP.3);

(e) Status of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and notifications, declarations and reservations thereto (CTOC/COP/2010/CRP.4).

57. The Chair of the Working Group on Trafficking in Persons presented the report of the Working Group (CTOC/COP/2010/6).

58. The Director of the Division for Operations of UNODC made an introductory statement.

59. The Special Rapporteur on trafficking in persons, especially women and children, also made a statement.

60. Statements were made by the representatives of Chile (on behalf of the States Members of the United Nations that are members of the Latin American and Caribbean Group), Croatia, the Bolivarian Republic of Venezuela, Kazakhstan, the Russian Federation, the United States, Germany, Indonesia, Belarus, Argentina, Australia, Azerbaijan, Norway, Mexico, Kenya and Chile. The observer for the signatory State Japan also made a statement.

61. The observers for Lawyers without Borders and the Global Alliance against Traffic in Women also made statements.

## **1. Deliberations**

62. A number of speakers referred to trafficking in persons as a serious form of organized crime, affecting equally countries of origin, transit and destination, thus requiring a holistic approach that balanced criminal justice aspects with human rights. It was noted that a comprehensive approach should address the root causes and the demand side of trafficking in persons in all its forms.

63. Several speakers reported on measures taken at the national level to combat trafficking in persons, including ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the adoption of legislation. Other actions included the adoption of national action plans; the establishment of national coordination mechanisms; the adoption of dispositions for the non-criminalization of victims of trafficking; the development of awareness-raising activities; the development of bilateral and regional agreements; and support mechanisms for victims of trafficking that addressed their needs in the course of the repatriation and reintegration processes. Some speakers also highlighted the importance of seizing and recovering assets that could be used to provide support to victims, including through funds for compensation.

64. Speakers emphasized the need to exchange good practices, carry out targeted research and gather data on the crime of trafficking in persons in order to develop knowledge-based responses. Some speakers highlighted that there was an insufficient understanding of the definitions of trafficking in persons and related concepts such as exploitation.

65. Several speakers emphasized the need to strengthen the coordination of efforts at all levels, within and between States and among all relevant stakeholders.

66. Some speakers proposed the development of a plan for the effective implementation of the Trafficking in Persons Protocol so as to support the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons, adopted by the General Assembly in its resolution 64/293. In that context, it was recommended that the mandate of the Working Group on Trafficking in Persons be extended to work on such a plan to implement the Protocol. In that context, the recommendations of the Working Group were welcomed. Some speakers pointed out that the Trafficking in Persons Protocol constituted a road map



for a comprehensive fight against trafficking in persons. It was noted that the Global Initiative to Fight Human Trafficking (UN.GIFT) would, among other possibilities, make a good support platform for the implementation of the Global Plan of Action.

67. Speakers also noted the possibility of extending UN.GIFT, and of discussing its management and governance, on the basis of the evaluation of the Global Initiative, in order to ensure the sustainability of its efforts. It was also suggested that more funding be dedicated to regional activities and support structures for victims.

68. Some speakers highlighted the role of UNODC and other international organizations in providing technical assistance to combat trafficking in persons. Speakers expressed appreciation for the tools developed by UNODC and the cooperation between their Governments and UNODC.

## **2. Action taken by the Conference**

69. At its 10th meeting, on 22 October 2010, the Conference adopted a draft resolution (CTOC/COP/2010/L.5), as revised, sponsored by Argentina, Canada, Colombia, Guatemala, Israel, Lebanon, Mexico, Nigeria, Switzerland and the United States. (For the text, see chapter I, section A, resolution 5/2.) Prior to the adoption of the draft resolution, as revised, a representative of the Secretariat read a statement on the financial implications of such adoption. (For the text, see annex II.)

70. Following adoption of the resolution, the representative of Oman made a statement on behalf of the Group of Arab States, welcoming the adoption by States parties of paragraphs 9, 12 and 13 of the resolution, which dealt with a very important aspect of dealing with trafficking in persons, in particular trafficking in human organs, as defined in article 3 of the Trafficking in Persons Protocol. He noted that the Arab Group shared the serious concern with regard to that phenomenon and its extremely negative impact, in particular in countries under foreign occupation, and that agreement on the above-mentioned paragraphs had been successfully reached owing to the work of the group to maintain a spirit of consensus. The Arab Group would like to continue to cooperate with the expert group on trafficking in persons for the purpose of organ removal mentioned in paragraph 12 of the resolution. The speaker expressed the hope that that situation, in particular in occupied Arab territories, would be highlighted, as well as other aspects related to people in general, in particular women and children, who were in a vulnerable position due to poverty, lack of development and inequality of opportunities.

71. The representative of Israel noted that his country had taken significant measures in the ongoing fight against transnational organized crime and trafficking in persons, as evidenced by the country's remarkable success, such as the great reduction in the number of victims of trafficking, and he was greatly saddened by the fact that the session on the Conference of the Parties to the Organized Crime Convention had been marred by those who repeatedly chose to politicize the forum and time and again put forward, in a distorted and non-factual manner, subject matters that had no place in that respected international forum. The representative reiterated the hope that that important forum would take every measure possible to thwart the hijacking of the important discussion of that forum in the future.

### **C. Expert consultation on the Protocol against the Smuggling of Migrants by Land, Sea and Air**

72. At its 6th meeting, on 20 October 2010, the Conference considered agenda item 2 (c), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: expert consultation on the Protocol against the Smuggling of Migrants by Land, Sea and Air”. For its consideration of the item, the Conference had before it the following:

(a) Report of the Secretariat on activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2010/7);

(b) Status of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and notifications, declarations and reservations thereto as at 29 September 2010 (CTOC/COP/2010/CRP.4).

73. A representative of the Secretariat made an introductory statement.

74. Statements were made by the representatives of Chile (on behalf of the States Members of the United Nations that are members of the Latin American and Caribbean Group), Algeria, Ecuador, Kazakhstan, Chile, Indonesia, Argentina, the United States, Australia and the Libyan Arab Jamahiriya.

75. The observer for the International Federation of the Red Cross and Red Crescent Societies also made a statement.

#### **1. Deliberations**

76. A number of speakers welcomed the holding of the expert consultation on the Smuggling of Migrants Protocol.

77. Several speakers noted that their Governments had made progress in taking steps to implement the Smuggling of Migrants Protocol, including by adopting legislation, implementing national plans and strategies, and strengthening cooperation with regional and international organizations. A number of speakers stressed the need to fully implement the Protocol and for greater international cooperation, in particular among countries of origin, transit and destination.

78. Some speakers stressed the need to address the connection between the smuggling of migrants and trafficking in persons, and the overlap between those crimes and other forms of transnational organized crime. A number of speakers highlighted the importance of targeting the organized criminal groups involved in, among other activities, the smuggling of migrants. Some speakers emphasized the use of fraudulent identity and travel documents in smuggling. It was stated that corruption was both a driving force and a product of the smuggling of migrants.

79. Several speakers stressed the need to gather and exchange information regularly about trends, routes, modus operandi and other aspects of smuggling of migrants.

80. Several speakers underscored the need to balance criminal justice aspects of the smuggling of migrants with a human rights approach that addressed root causes such as poverty and unemployment, while adequately protecting smuggled migrants from violence and xenophobia regardless of their immigration status. It was noted that smuggled migrants who were witnesses to crime had to be protected in order to ensure the successful prosecution of smugglers.

81. It was noted that border control alone was insufficient to prevent the smuggling of migrants and that a balanced approach that also addressed the push factors of migration was needed.

82. Speakers called for the criminalization of the smuggling of migrants in domestic legislation and noted that laws should be enforced and sanctions must reflect the gravity of the offence. Several speakers welcomed the publication of the *Model Law against the Smuggling of Migrants* as a tool that would assist States in strengthening legislation.

83. Several speakers highlighted the need to develop a concerted approach to prosecution, prevention, protection and cooperation. In that context, it was noted that the technical assistance, training and policy development tools of UNODC were valuable in providing operational and practical guidance in the implementation of the Smuggling of Migrants Protocol.

84. Some speakers also encouraged the Conference to establish an intergovernmental working group on the smuggling of migrants that could serve as a useful forum for exchanging information on experiences and challenges in addressing the smuggling of migrants with a view to strengthening implementation of the Protocol.

## **2. Action taken by the Conference**

85. At its 10th meeting, on 22 October 2010, the Conference adopted a revised draft resolution (CTOC/COP/2010/L.4/Rev.2) sponsored by Argentina, Australia, Belgium (on behalf of the States Members of the United Nations that are members of the European Union), Canada, Guatemala and the United States. (For the text see chapter I, section A, resolution 5/3.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read a statement on the financial implications of such adoption. (For the text, see annex III.)

## **D. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition**

86. At its 5th and 6th meetings, on 20 October 2010, the Conference considered agenda item 2 (d), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition”. For its consideration of the item, the Conference had before it the following:

(a) Report of the Secretariat on activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and

Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2010/8);

(b) Status of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and notifications, declarations and reservations thereto as at 29 September 2010 (CTOC/COP/2010/CRP.4).

87. A representative of the Secretariat made an introductory statement.

88. Statements were made by the representatives of Chile (on behalf of the States Members of the United Nations that are members of the Latin American and Caribbean Group), Argentina, Croatia, Zimbabwe, the United States, Italy and Mexico.

89. The Coordinator of the International Small Arms Control Standards project of the Coordinating Action on Small Arms (CASA) mechanism made a statement.

90. The observer for the World Forum on the Future of Sport Shooting Activities also made a statement.

## **1. Deliberations**

91. Several speakers considered that the Firearms Protocol, as the first legally binding global instrument on that issue, provided a broad cooperation framework for preventing and combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. Some speakers welcomed those States that had recently ratified the Firearms Protocol, bringing the number of States parties to 82, while expressing regret that the total number of ratifications remained low compared with the Organized Crime Convention and the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol, and urged States that had not yet done so to ratify and implement the Firearms Protocol.

92. Several delegates expressed concern regarding the levels of harm and violence resulting from trafficking in firearms and related forms of crime, including drug trafficking, money-laundering and terrorism. The importance of monitoring the flow of firearms, including through adequate transfer controls, and of strengthening national legislation to prevent and combat such trafficking was stressed. Some speakers underlined the need for continued international cooperation efforts in that regard, including the exchange of intelligence, the conduct of joint and simultaneous operations and the adoption of enhanced border control measures. Some speakers described the progress that their States had made in seeking to address the issue of trafficking in firearms with regard to legislation, firearm marking, and import and export control.

93. A number of speakers expressed support for the work that UNODC had carried out at the regional and global levels to promote and support the ratification and implementation of the Firearms Protocol. They welcomed, in particular, the development of a model law on firearms, which they considered to be a valuable tool to assist Member States of different legal traditions in strengthening their legislation to effectively implement the Protocol. Speakers also encouraged the Secretariat to continue to make efforts to coordinate and cooperate with regional organizations and noted that important lessons could be learned from the implementation of similar instruments developed by those organizations.

94. Several speakers requested the Conference to establish an open-ended intergovernmental working group on firearms that would promote the exchange of experiences and assist the Secretariat in identifying gaps and challenges in the implementation of the Firearms Protocol. A number of delegates asked UNODC to develop technical assistance activities to strengthen the capabilities of Member States in relation to firearms.

95. The Coordinator of the International Small Arms Control Standards project of the CASA mechanism highlighted the relevance of the development of the Standards, whose purpose was to provide clear and comprehensive guidance to practitioners and policymakers on aspects of small arm and light weapon control in support of the Protocol.

## **2. Action taken by the Conference**

96. At its 9th meeting, on 22 October 2010, the Conference adopted a revised draft resolution (CTOC/COP/2010/L.3/Rev.2) sponsored by Chile, Costa Rica, Guatemala, Italy, Mexico, Nigeria and Peru. (For the text, see chapter I, section A, resolution 5/4.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read a statement on the financial implications of such adoption. (For the text, see annex IV.)

## **VI. Consideration of possible mechanisms to review implementation of the Convention and the Protocols thereto**

97. At its 6th meeting, on 20 October 2010, the Conference considered agenda item 3, entitled "Consideration of possible mechanisms to review implementation of the Convention and the Protocols thereto". For its consideration of the item, the Conference had before it the following:

(a) Report of the Secretariat on the development of tools to gather information from States on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2010/10);

(b) Progress report and lessons learned from the pilot programme to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2010/CRP.1);

(c) Status of responses to the questionnaires and the checklist on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2010/CRP.6).

98. The Deputy Director of the Division for Treaty Affairs made an introductory statement.

99. Statements were made by the representatives of Chile (on behalf of the Latin American and Caribbean Group), the Russian Federation, Ecuador, South Africa, Indonesia, Australia, the Philippines, Chile, Mexico, Romania and Argentina. The Conference also heard statements by the observer for the signatory State Japan.

100. The observers for the Council of Europe and Legal Support for Children and Women also made statements.

## A. Deliberations

101. Speakers acknowledged that the Organized Crime Convention and its Protocols provided an effective and comprehensive framework for combating organized crime. Many speakers stated that, as 10 years had passed since the adoption of the Convention, an effective and strong mechanism to review the implementation of the Convention and its Protocols was needed as soon as possible. Some speakers emphasized that the review of the implementation of the Convention and its Protocols, pursuant to article 32 of the Convention, was a key mandate of the Conference. Some speakers considered that discussion about other possibilities should be carried out carefully and progressively.

102. Some speakers noted the work of the open-ended intergovernmental meeting of experts on possible mechanisms to review implementation of the Convention and its Protocols. They made reference to the experts' recommendation that the Conference establish a working group, *inter alia*, to prepare terms of reference for a possible review mechanism. Speakers noted that as long as there was commitment to the idea of such a mechanism, specific details and terms of reference could be agreed upon later.

103. Many speakers recounted their positive experience in the pilot programme established as a technical assistance project to assist States parties in reviewing, on a voluntary basis, their implementation of the Convention. In general, they highlighted the cooperative spirit that had prevailed during the reviews and emphasized that the pilot programme had been an exercise in confidence-building, mutual learning and in-depth dialogue in a positive climate of respect and trust. It was underlined that the pilot programme demonstrated that a review mechanism could be a tool for cooperation rather than an instrument of control.

104. Speakers stressed that a review mechanism for the Convention and its Protocols would lend credibility to the instruments, assist in advancing their implementation, identify gaps and inform technical assistance needs. Some speakers recalled the essential principles underlying a review mechanism, such as inclusiveness, transparency, openness, efficiency, impartiality and the importance of avoiding duplication. Other speakers emphasized that experiences that had led to the adoption of a review mechanism for the United Nations Convention against Corruption might be instructive in the context of the Organized Crime Convention and its Protocols, and the possibility of using other models would require careful consideration. While several speakers were supportive of a peer review model, it was acknowledged that adapting such a model to the unique elements of the Organized Crime Convention and its Protocols would require careful consideration.

105. Several speakers noted that adopting a review mechanism would entail a number of challenges, such as how to review four separate legal instruments bearing in mind the scope and variety of their provisions, the large number of experts required for the review process and the disparate ratification status of each instrument.

106. Many speakers emphasized that funds from the regular budget of the United Nations should be used to finance any review mechanism adopted in order to ensure its predictability and objectivity. Some speakers underlined the important role that civil society should play in any possible review mechanism.

107. Many speakers felt that, in view of the tenth anniversary of the adoption of the Convention, the current session of the Conference represented an excellent occasion to agree on the principle of a review mechanism for the Convention and the Protocols. Speakers emphasized that progress should be made during the current session of the Conference towards the adoption of a review mechanism.

## **B. Action taken by the Conference**

108. At its 10th meeting, on 22 October 2010, the Conference adopted a revised draft resolution (CTOC/COP/2010/L.6/Rev.1) sponsored by Argentina, Australia, Belgium (on behalf of the European Union), Canada, Chile, Colombia, Costa Rica, Finland, Guatemala, Israel, Italy, Kuwait, Mexico, Panama, Peru, the Philippines, the Russian Federation, Serbia, Switzerland and the United States. (For the text, see chapter I, section A, resolution 5/5.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read a statement on the financial implications of such adoption. (For the text, see annex V.)

## **VII. Technical assistance**

109. At its 6th and 7th meetings, on 20 and 21 October 2010, the Conference considered agenda item 4, entitled “Technical assistance”. For its consideration of the item, the Conference had before it the following documents:

(a) Working paper prepared by the Secretariat on technical assistance programmes, proposals and future programmes envisaged in the priority areas determined by the Conference and the Working Group of Government Experts on Technical Assistance (CTOC/COP/2010/4);

(b) Note by the Secretariat on technical assistance requested for the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2010/9).

110. The Chair of the Open-ended Working Group of Government Experts on Technical Assistance briefed the Conference on their deliberations and presented the recommendations of the Working Group for consideration by the Conference.

111. Statements were made by the representatives of Chile (on behalf of the Latin American and Caribbean Group), the Russian Federation, Ecuador, South Africa, Indonesia and Australia.

112. The Conference also heard statements by the observers for the following signatory States: Japan and the Islamic Republic of Iran.

## **A. Deliberations**

113. Speakers expressed appreciation for the efforts of UNODC to deliver high-quality technical assistance and noted that such assistance was crucial in helping States parties to implement the Convention successfully. In particular, the programme approach taken by UNODC was commended because of its improved strategic positioning, its consistency with United Nations reform and system-wide

coherence efforts and its potential to support and promote oversight of technical assistance by Member States.

114. A number of speakers noted the importance of the five priority areas for technical assistance: (a) raising awareness and promoting the ratification of the Convention, which should continue to be seen as the primary starting point for any technical assistance; (b) the collection of data to ensure targeted and relevant technical assistance according to national priorities; (c) the pooling and sharing of data both for the development of regional and national programmes and with other actors delivering technical assistance in this area in order to ensure coordinated responses and avoid duplication; (d) strengthening of judicial cooperation and development of approved frameworks for the protection of victims and witnesses; and (e) the development of national and regional strategies to enhance capacity and promote international cooperation.

115. Speakers welcomed the work of UNODC in developing and piloting the comprehensive self-assessment software (“omnibus survey software”), which should contribute to more detailed and focused set of national priorities for technical assistance. The need to continue gathering information and ensuring that technical assistance moved forward on a strong evidence-based platform was emphasized as a priority. Some speakers called upon the Secretariat to produce the software in all six official languages of the United Nations in order that the tool might be used with maximum efficacy and to continue to refine and improve the software during the intersessional period, with a view to possibly adopting it at the next session of the Conference.

116. It was noted that effective legal frameworks and that harmonization of legislation across a region were critical to ensuring an effective response. The Secretariat’s work to develop model laws and other tools was noted with appreciation, as were the efforts to provide custom-tailored support to States within the framework of their own national legislative frameworks.

117. A number of speakers commented on the need for effective technical assistance to enhance the capacity of law enforcement institutions presenting successful national, bilateral and regional initiatives carried out in their own countries. In particular, those speakers highlighted the importance of building capacity for international cooperation in technical assistance.

118. Regional initiatives were welcomed by a number of speakers, and it was noted that UNODC should coordinate its delivery of technical assistance with the efforts of other international organizations in order to avoid duplication of efforts. Speakers also emphasized the need to ensure that national priorities and needs for technical assistance were taken into account.

119. Speakers expressed concern regarding the increasing number of cases of maritime piracy, counterfeit medicine, environmental crime, trafficking in persons for the purpose of organ removal and trafficking in organs and the use of cybercrime and new technology for identity-related crimes. Given the prevalence of identity-related crimes, one speaker requested that the Secretariat build national capacity in digital evidence management. UNODC was encouraged to continue strengthening knowledge, capacity and collaborative approaches of Member States in order to tackle these threats. Speakers emphasized that the Conference should consider those new types of crime and that the Organized Crime Convention was sufficiently



robust and dynamic to meet the complex new manifestations of transnational organized crime.

120. A number of speakers called on States to recognize the need for sustained and predictable funding for UNODC to ensure that technical assistance programmes were effective and sustainable over the long term. Upon request, the Secretariat reviewed the status of funding for the Organized Crime Convention component of the United Nations Crime Prevention and Criminal Justice Fund, which was established under article 30, paragraph 2, of the Convention to support the delivery of technical assistance. The generous donations of a number of Member States were welcomed, although it was also noted that there remained a shortfall of \$2.9 million in the Fund to meet requests for assistance. It was stated that general-purpose funding had decreased by more than one third, and the Conference was urged to exercise caution by ensuring that adequate resources were available when calling upon UNODC to undertake additional tasks.

## **B. Action taken by the Conference**

121. At its 10th meeting, on 22 October 2010, the Conference adopted a draft resolution (CTOC/COP/2010/L.9) sponsored by Kenya and Nigeria. (For the text, see chapter I, section A, resolution 5/6.) Prior to the adoption of the draft resolution, a representative of the Secretariat read a statement on the financial implications of such adoption. (For the text, see annex VI.)

## **VIII. Expert consultation on the use of the Convention for combating emerging forms of crime**

122. At its 8th meeting, on 21 October 2010, the Conference considered agenda item 5, entitled “Expert consultation on the use of the Convention for combating emerging forms of crime”. For its consideration of the item, the Conference had before it the following documents:

(a) Note by the Secretariat on activities of the United Nations Office on Drugs and Crime to address emerging forms of crime (CTOC/COP/2010/3);

(b) Note by the Secretariat on the use of the United Nations Convention against Transnational Organized Crime for protection against trafficking in cultural property (CTOC/COP/2010/12).

123. A representative of the Secretariat made a presentation outlining the applicability of the Convention, given its broad scope and definitions, in addressing emerging crimes such as cybercrime, piracy, environmental crime and trafficking in human organs, counterfeit medicines and cultural property. It was noted that most of the so-called “emerging” crimes were not necessarily new phenomena but, rather, were known offences that were becoming increasingly evident.

124. Statements were made by the representatives of Chile (on behalf of the Latin American and Caribbean Group), the Bolivarian Republic of Venezuela, South Africa, Indonesia, the Philippines, Ecuador, Norway, Australia, Algeria, Argentina,

Canada, the Dominican Republic and Chile. The observers for the signatory States Japan and Viet Nam also made statements.

125. The representative of the United Nations Educational, Scientific and Cultural Organization and the observer for Greenpeace also made statements.

## **A. Deliberations**

126. Several speakers recommended that the issue of emerging crimes should be retained in the agenda of future sessions of the Conference. Speakers emphasized that the broad scope of application of the Organized Crime Convention permitted its provisions on international cooperation to be effectively utilized for new and emerging forms of crime, and called upon States to fully ratify and implement the Convention and its Protocols.

127. Many speakers addressed the threat posed by cybercrime and the challenges faced by the international community in combating a crime unhindered by borders. Some speakers underlined that many States had to continue to make progress in terms of policy formulation and legislation, while others described their countries' efforts to strengthen national legislation and establish specialized agencies to deal more effectively with cybercrime offences. Speakers called for closer cooperation in information security, training and the sharing of good practices to address cybercrime and related offences.

128. Speakers welcomed the conveying of an open-ended intergovernmental expert group in 2011 to conduct a comprehensive study of the problem of cybercrime and responses to it taken by Member States, the international community and the private sector, with a view to examining options for strengthening existing national and international legal and other responses to cybercrime and proposing new such responses. Some speakers stressed the importance of ensuring equitable geographical representation among participants in that exercise. Others stressed the need for harmonized legislative approaches to cybercrime and welcomed the consideration of a possible new legal instrument on cybercrime.

129. Concern was expressed at the growing incidence of piracy and its development into a highly lucrative industry, thus threatening the lives of seafarers and adversely impacting upon international commerce. It was suggested that States should participate in and support national, regional and international efforts to criminalize and prosecute crimes of piracy, and make the best use of the Organized Crime Convention to promote greater international cooperation in fighting piracy. Some speakers also acknowledged the efforts of UNODC in providing technical assistance to assist States in investigating and prosecuting piracy cases.

130. Several speakers expressed their concern regarding environment-related crimes such as illegal logging, illegal fishing and wildlife trafficking, in which organized criminal groups threatened biodiversity in their quest for profits. Illegal, unregulated and unreported fishing was not only an environmental threat but also an organized criminal activity, as it diverted revenue from Governments, which regulated the legal fishing industry. The serious consequence of unemployment arising from illegal mining of and trafficking in precious metals were also noted, as was the fact that such criminal groups were involved in other forms of criminality,

such as illicit trafficking in drugs and firearms. Many speakers underlined that the involvement of organized crime in environment-related trafficking was leading to potentially devastating outcomes for forests, fish species and the communities that relied on those resources. However, other speakers expressed the view that the criminalization of illegal, unreported and unregulated fishing as a transnational organized crime needed to be considered carefully, because of the legal and practical impact that such criminalization might have.

131. Several speakers stressed that counterfeiting of medicine was a growing problem in their countries and expressed concern at the threat that it posed to public health and the damage caused to holders of intellectual property that were engaged in the development of new medicines. Delegates requested UNODC to cooperate with other relevant international organizations such as the World Health Organization and make full use of their expertise. Speakers acknowledged that trafficking in human organs was an emerging form of crime that needed to be addressed in a coordinated effort by the international community.

132. Many speakers noted with concern the growing phenomenon of illicit trafficking in cultural property and the increasing involvement of organized criminal groups in such trafficking. Some speakers emphasized the importance of protecting cultural heritage. The sophisticated nature of that crime and its links to other forms of crime were noted. Speakers emphasized the need to make trafficking in cultural property a serious criminal offence, with a view to countering the criminal networks involved in its illicit traffic. Many speakers underlined the importance of strengthening international cooperation, specifically through extradition and mutual legal assistance, and facilitating the recovery and return of cultural property. Speakers welcomed Economic and Social Council resolution 2010/19, in which the Council welcomed the note by the Secretariat containing the recommendations of the expert group on protection against trafficking in cultural property.<sup>50</sup> Some speakers recommended that the group explore possible new legislative developments, such as a new protocol to the Organized Crime Convention, while others considered that States should make more effective use of the existing instruments, including the Organized Crime Convention. Speakers encouraged UNODC to work closely with the United Nations Educational, Scientific and Cultural Organization and to develop guidelines in the area of crime prevention.

## **B. Action taken by the Conference**

133. At its 10th meeting, on 22 October 2010, the Conference adopted a revised draft resolution (CTOC/COP/2010/L.8/Rev.1) sponsored by Argentina, Azerbaijan, Bolivia (Plurinational State of), China, Costa Rica, the Dominican Republic, Ecuador, Egypt, El Salvador, Guatemala, Indonesia, Iraq, Kenya, Kuwait, Lebanon, Mexico, Nigeria, Saudi Arabia, Sri Lanka and Venezuela (Bolivarian Republic of). (For the text see chapter I, section A, resolution 5/7.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read a statement on the financial implications of such adoption. (For the text, see annex VII.)

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<sup>50</sup> E/CN.15/2010/5.

## **IX. International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities**

134. At its 8th meeting, on 21 October 2010, the Conference considered agenda item 6, entitled “International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities”. For its consideration of the item, the Conference had before it the following:

(a) Report of the Secretariat on activities of the United Nations Office on Drugs and Crime to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime (CTOC/COP/2010/2);

(b) Working paper prepared by the Secretariat on technical assistance programmes, proposals and future programmes envisaged in the priority areas determined by the Conference and the Working Group of Government Experts on Technical Assistance (CTOC/COP/2010/4);

(c) Note by the Secretariat technical and legal obstacles to the use of videoconferencing (CTOC/COP/2010/CRP.2);

(d) Catalogue of cases involving extradition, mutual legal assistance and other forms of international legal cooperation requested on the basis of the United Nations Convention against Transnational Organized Crime (CTOC/COP/2010/CRP.5 and Corr.1).

135. The Chair of the third meeting of the open-ended working group of government experts on extradition, mutual legal assistance, and international cooperation for the purposes of confiscation presented a summary of the outcome of the meeting. He reported that the working group meeting provided a great opportunity for experts from different regions to meet and engage in substantive discussions on the provisions of the Organized Crime Convention related to international cooperation.

136. The Chair also mentioned that, throughout the meeting, experts had provided many interesting and relevant examples of the hundreds of cases in which the Convention and its Protocols had been used for confiscation, extradition and mutual legal assistance requests. The Chair highlighted that, as in the past, the working group meeting had been an important forum for national experts to address challenges and share best practices relating to international cooperation. The Chair presented the recommendations of the working group aimed at strengthening international cooperation, which had been formulated by experts on the basis of the discussions held during the third meeting of the working group.

137. Statements were made by the representatives of Chile (on behalf of the Latin American and Caribbean Group), Romania, China, Canada and Argentina.

## A. Deliberations

138. Several speakers highlighted the importance of using the Convention for extradition, mutual legal assistance and international cooperation for the purposes of confiscation, either as the sole legal basis for such action or in conjunction with other international cooperation treaties. The need to fully implement the Convention in order to combat transnational organized crime was stressed. Speakers highlighted that the use of the provisions on international cooperation of the Convention in combating a large number of crimes, including cybercrime, asset recovery, money-laundering and the confiscation of illicit assets.

139. Many speakers expressed appreciation for the legal tools developed by UNODC, such as the Mutual Legal Assistance Request Writer Tool, now available in 10 languages, and the *Legislative Guides for the Implementation of the United Nations Organized Crime Convention and the Protocols Thereto*.<sup>51</sup> Some speakers also underscored the usefulness of workshops to train practitioners on how to use the Mutual Legal Assistance Request Writer Tool to draft mutual legal assistance requests. It was noted that it would be useful to have a single unified directory that also included the central authorities under the Convention against Corruption.

140. Speakers underlined the need for training and technical assistance to reinforce capacities of national authorities and to permit the efficient use of the Organized Crime Convention and its Protocols in dealing with extradition, mutual legal assistance and confiscation requests. It was also noted that the catalogue of cases involving extradition, mutual legal assistance and other forms of international legal cooperation (CTOC/COP/2010/CRP.5 and Corr.1) was a very important tool.

141. Some speakers emphasized the usefulness of technology in facilitating international cooperation. Online networking and videoconferencing, especially when used to obtain oral testimony of witnesses, were mentioned in that regard.

142. Several speakers underlined the importance of cooperation at the international level, as well as at the subregional and regional levels, at which the homogeneous nature of legal systems could facilitate cooperation. Practitioners were also encouraged to share best practices in order to combat organized crime more effectively.

## B. Action taken by the Conference

143. At its 9th meeting, on 22 October 2010, the Conference adopted a revised draft resolution (CTOC/COP/2010/L.2/Rev.1) sponsored by Belgium (on behalf of the European Union), Guatemala, Israel, the Russian Federation and Serbia. (For the text, see chapter I, section A, resolution 5/8.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read a statement on the financial implications of such adoption. (For the text, see annex VIII.)

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<sup>51</sup> United Nations publication, Sales No. E.05.V.2.

## **X. Financial and budgetary matters**

144. At its 9th meeting, on 22 October 2010, the Conference considered agenda item 7, entitled “Financial and budgetary matters”. For its consideration of the item, the Conference had before it the note by the Secretariat on financial and budgetary matters (CTOC/COP/2010/13).

145. The Chief of the Budget Section, Financial Resources Management Service of UNODC made an introductory statement on financial and budgetary matters.

146. The representative of Chile (on behalf of the Latin American and Caribbean Group) made a statement. The Conference also heard a statement by the observer for the signatory State Islamic Republic of Iran.

### **Deliberations**

147. Some speakers expressed their concern with regard to the financial situation of UNODC and its excessive dependence on extrabudgetary resources, highlighting that the situation of the funding of the Conference was not different from the financial situation of UNODC.

148. Speakers recognized the efforts of the open-ended working group on governance and finance and encouraged it to follow up on the development of thematic and regional programmes and look for a specific financing mechanism for the implementation of the Convention. Speakers also expressed their concern about the widening gap between the mandates given to UNODC and the resources provided to the Secretariat to fulfil those mandates, and suggested that either a greater amount of regular budget resources should be requested from United Nations Headquarters or Member States should be requested to increase their voluntary contribution to support the Conference.

## **XI. Provisional agenda for the sixth session of the Conference**

149. At its 10th meeting, on 22 October 2010, the Conference considered agenda item 11, entitled “Provisional agenda for the sixth session of the Conference”. The draft provisional agenda for the sixth session of the Conference had been drawn up by the Secretariat in consultation with the Bureau pursuant to rule 8 of the rules of procedure.

150. At its fifth meeting, on 22 October 2010, the Bureau discussed the organization of work for the sixth session of the Conference and agreed that the next session would take place over five working days, that the number of meetings should remain the same as for the previous sessions, that is, 20 meetings with interpretation in the six official languages of the United Nations, and that at the end of the sixth session a decision should be taken on the duration of the seventh session.

### **Action taken by the Conference**

151. At its 10th meeting, on 22 October 2010, the Conference adopted the provisional agenda for the sixth session of the Conference. (For the text, see chapter I, section B, decision 5/1.) The Bureau, at its fifth meeting, decided that it would continue its discussions on the provisional agenda throughout the intersessional period. The Conference decided that its sixth session would take place from 15 to 19 October 2012.

## **XII. Other matters**

152. At its 9th meeting, on 22 October 2010, the Conference considered agenda item 12, entitled "Other matters". The President drew the attention of the Conference to Economic and Social Council resolution 2009/22, entitled "International cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime", in which the Council requested the Secretariat to make available to the Conference at its fifth session the text of that resolution and the outcome of the thematic discussion on economic fraud and identity-related crime held at the eighteenth session of the Commission on Crime Prevention and Criminal Justice, with a view to promoting the full use of the relevant provisions of those instruments to prevent and combat identity-related crime (see CTOC/COP/2010/15).

### **Action taken by the Conference**

153. At its 10th meeting, on 22 October 2010, the Conference adopted a draft decision (CTOC/COP/2010/L.10) submitted by the Extended Bureau and sponsored by the Group of 77 and China. (For the text, see chapter I, section B, decision 5/2.) Prior to the adoption of the draft decision, a representative of the Secretariat read a statement on the financial implications of such adoption. (For the text, see annex IX.)

## **XIII. Adoption of the report of the Conference on its fifth session**

154. At its 10th meeting, on 22 October 2010, the Conference adopted the report on its fifth session (CTOC/COP/2010/L.1 and Add.1-11), as orally amended.

## Annex I

### **Financial statement on the revised draft resolution entitled “Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”<sup>\*</sup>**

1. The present statement is made in accordance with rule 75 of the rules of procedure of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

2. Under the terms of operative paragraphs 3, 4 and 5 of revised draft resolution CTOC/COP/2010/L.7/Rev.1, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would:

(a) Request the United Nations Office on Drugs and Crime (UNODC), in consultation with Member States and in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, to strengthen the collection, analysis and reporting of accurate, reliable and comparable data on organized crime trends and patterns, in accordance with article 28 of the United Nations Convention against Transnational Organized Crime;<sup>a</sup>

(b) Also request UNODC to continue providing technical assistance in order to support and complement national and regional programmes and activities based on the needs of Member States in combating transnational organized crime;

(c) Request the Open-ended Working Group of Government Experts on Technical Assistance to develop, in connection with the implementation of the Convention, a strategy for effectively strengthening and promoting technical assistance initiatives, and request UNODC to continue developing technical assistance tools with a high degree of added value, such as handbooks, digests of relevant case law and legal commentaries, with regard to the instruments as a whole and to particular issues such as mutual legal assistance and confiscation, as may from time to time be requested or identified as useful by the Conference or one of its working groups, with a view to improving the capacity of States to implement and utilize the Convention and the Protocols thereto and to increasing the effectiveness of the Office’s technical assistance activities to combat transnational organized crime.

3. The requests contained in operative paragraphs 3, 4 and 5 would be subject to the availability of extrabudgetary resources. UNODC will implement such activities subject to the availability of assistance from States parties and signatory States.

4. Hence, the adoption of revised draft resolution CTOC/COP/2010/L.7/Rev.1 would not entail any additional appropriation under the programme budget for the biennium 2010-2011.

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<sup>\*</sup> For the text of revised draft resolution CTOC/COP/2010/L.7/Rev.1, see chapter I, section A, resolution 5/1. For the discussion, see chapter V, section A.1.

<sup>a</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.



## Annex II

### **Financial statement on the draft resolution entitled “Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”\***

1. The present statement is made in accordance with rule 75 of the rules of procedure of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

2. Under the terms of operative paragraphs 10, 11, 12, 14, 15, 16 and 17 of draft resolution CTOC/COP/2010/L.5, as revised, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would:

(a) Request the Secretariat to continue its work on the analysis of key concepts of the Trafficking in Persons Protocol;

(b) Request the Secretariat, within existing resources, to submit to the Conference at its sixth session, a report compiling examples of best practices for addressing the demand for labour, services or goods that foster the exploitation of others, as defined in the Protocol and invite Member States to provide, if available, such examples to the Secretariat before the sixth session in order to facilitate that process;

(c) Look forward to the convening and outcome of the expert group on, inter alia, trafficking in persons for the purpose of organ removal, to be convened by the United Nations Office on Drugs and Crime (UNODC) before the sixth session of the Conference, and in that regard, request that the expert group address the occurrence of that crime, with a view to identifying trends, new patterns, and conditions that contribute to its occurrence;

(d) Decide that the Working Group on Trafficking in Persons should continue to perform those functions as set forth in Conference decision 4/4;

(e) Decide also that the Working Group should hold at least one intersessional meeting before the sixth session of the Conference and present its recommendations to the Conference on whether the Working Group should be extended and, if so, proposed areas for future work;

(f) Request the Secretariat to submit to the Conference at its next session a report on the activities of UNODC, including on its coordinating role in and the activities of the Inter-Agency Coordination Group against Trafficking in Persons and the Global Initiative to Fight Human Trafficking (UN.GIFT), and on coordination carried out with the secretariats of relevant international and regional organizations to promote and support implementation of the Trafficking in Persons Protocol;

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\* For the text of draft resolution CTOC/COP/2010/L.5, as revised, see chapter I, section A, resolution 5/2. For the discussion, see chapter V, section B.1.

(g) Also request the Secretariat to continue to assist the Working Group in the performance of its functions.

3. With regard to the request contained in operative paragraph 10 for the Secretariat to continue its work on the analysis of key concepts of the Protocol, it will be carried out using voluntary contributions.

4. With regard to the request contained in operative paragraph 11 to submit a report to the sixth session of the Conference compiling examples of best practices, it is estimated that resources in the amount of \$23,000 would be required for a 16-page report. This report will be part of the background documents for the sixth session of the Conference. The resource requirements for the biennium 2012-2013 will be reviewed in the context of established budgetary procedures.

5. With regard to operative paragraph 12, its implementation will be subject to the availability of extrabudgetary resources. It is estimated that \$20,000 will be required.

6. With regard to the request contained in operative paragraph 15 to hold at least one intersessional meeting before the sixth session, it is recalled that the General Assembly, by its resolution 64/244, approved regular budget resources under section 16 (“International drug control, crime and terrorism prevention and criminal justice”) and under section 2 (“General Assembly and Economic and Social Council affairs and conference management”) of the programme budget for the biennium 2010-2011, for substantive servicing of the Working Group on Trafficking in Persons, for a total of 12 meetings for the biennium 2010-2011 (A/64/6 (Sect. 16), para. 16.55 (a) (vi) a.). Conference services were provided for a total of 6 meetings for the Working Group. There will therefore be the possibility to provide conference services for a maximum of six additional meetings in 2011, services to be provided on an “if available basis” and dates to be determined in consultation with the Secretariat. With regard to the resource requirements for 2012-2013, they would be reviewed in the context of established budgetary procedures.

7. With regard to requests for documentation for the open-ended working groups, it will be recalled that the programme budget for 2010-2011 includes a provision for background documents for the working groups (24). On the understanding that only part of the documentation would be required in 2010 and that documentation will be submitted in accordance with the rules of conference services, i.e. in a timely manner and within the indicative page limit, they will be processed from existing capacity. With regard to resource requirements for 2012-2013, they would be reviewed in the context of established budgetary procedures.

8. The attention of the Conference is drawn to the provisions of section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Conference is also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001 (A/54/7), in which the Committee notes that the use of the phrase “within existing resources” or similar language in resolutions has a negative impact on the implementation of activities.

9. Hence, adoption of draft resolution CTOC/COP/2010/L.5, as revised, would not entail any additional appropriation under the programme budget for the biennium 2010-2011.

## Annex III

### **Financial statement on the revised draft resolution entitled “Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime”\***

1. The present statement is made in accordance with rule 75 of the rules of procedure of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

2. Under the terms of operative paragraphs 9, 13, 21 and 22 of revised draft resolution CTOC/COP/2010/L.4/Rev.2, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would:

(a) Welcome the outcome of the consultations of Government experts held during the fifth session of the Conference and decide to establish an open-ended intergovernmental interim working group, in accordance with article 32, paragraph 3, of the Organized Crime Convention, and rule 2, paragraph 2, of the rules of procedure of the Conference, to be chaired by a member of the Bureau, to advise and assist the Conference in the implementation of its mandate with regard to the Smuggling of Migrants Protocol;

(b) Note the publication of the issue papers “A short introduction to migrant smuggling” and “Migrant smuggling by air” and the expert group meetings on those topics, and request the Secretariat to convene an expert group meeting to prepare an issue paper on the smuggling of migrants by sea;

(c) Request the Secretariat to report to it, at its sixth session, on activities at the international and regional levels to promote and support the implementation of the Smuggling of Migrants Protocol, in coordination with regional and international organizations, to promote and support the implementation of the Protocol;

(d) Decide that consultations should be held by the open-ended intergovernmental interim working group during the sixth session of the Conference in order to exchange information on, inter alia, experiences and practices on the implementation of the Smuggling of Migrants Protocol.

3. With regard to the request contained in operative paragraph 13 to convene an expert group meeting to prepare an issue paper on migrant smuggling by sea, additional extrabudgetary resources in the amount of \$50,000 would be required for an expert group consultation meeting and deployment of a consultant.

4. With regard to the request contained in operative paragraph 21 to report at the sixth session of the Conference on activities at the international and regional levels, additional extrabudgetary resources in the amount of \$42,900 would be required in order to provide for three work months for one crime prevention

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\* For the text of revised draft resolution CTOC/COP/2010/L.4/Rev.2, see chapter I, section A, resolution 5/3. For the discussion, see chapter V, section C.1.

expert (P-3). In addition, it is estimated that resources in the amount of \$23,000 would be required for the report of the Secretariat. This report will be part of the background documents for the sixth session of the Conference. The resource requirements for the biennium 2012-2013 will be reviewed in the context of established budgetary procedures.

5. With regard to the request to hold consultations of the open-ended intergovernmental interim working group during its sixth session, additional extrabudgetary resources in the amount of \$38,900 would be required for a one-day meeting with interpretation in six languages, conference services and one background document of 12 pages.

6. Should the additional extrabudgetary resources mentioned above not be provided, the activities will not take place.

7. The attention of the Conference is drawn to the provisions of section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Conference is also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001 (A/54/7), in which the Committee indicates that the use of the phrase "within existing resources" or similar language in resolutions has a negative impact on the implementation of activities.

8. Hence, adoption of revised draft resolution CTOC/COP/2010/L.4/Rev.2 would not entail any additional appropriation under the programme budget for the biennium 2010-2011.

## Annex IV

### **Financial statement on the revised draft resolution entitled “Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition”\***

1. The present statement is made in accordance with rule 75 of the rules of procedure of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

2. Under the terms of operative paragraphs 3, 6, 7, 8, 10, 11, 12 and 13 of revised draft resolution CTOC/COP/2010/L.3/Rev.2, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would:

(a) Request the Secretariat to facilitate, whenever possible, technical assistance to States parties facing difficulties in the implementation of the Firearms Protocol in the areas of, inter alia, record-keeping, marking, deactivation and destruction of firearms, the identification of competent national authorities and the identification and tracing of illicit firearms, their parts and components and ammunition, the development of regional and international databases on seizures and confiscations and the promotion of inter-agency and international cooperation;

(b) Acknowledge the ongoing work carried out by the United Nations Office on Drugs and Crime for the development of a model law against the illicit manufacturing of and trafficking in firearms, which is intended to be a useful technical assistance tool for effective implementation of the Firearms Protocol, and request the Office to finalize the model law and disseminate it in the six official languages of the United Nations as part of the technical assistance activities of the Office, as appropriate;

(c) Request the United Nations Office on Drugs and Crime (UNODC) to develop other technical assistance tools, in close consultation with States parties to the Firearms Protocol, in order to support the implementation of the Protocol, and to conduct a study of the transnational nature of and routes used in trafficking in firearms, based on the analysis of information provided by States on confiscated weapons and ammunition, for consideration by the Conference at its sixth session;

(d) Decide to establish an open-ended intergovernmental working group on firearms, in accordance with article 32, paragraph 3, of the United Nations Convention on Transnational Organized Crime, and rule 2, paragraph 2, of the rules of procedure of the Conference, to be chaired by a member of the Bureau of the Conference, to advise and assist the Conference in the implementation of its mandate with regard to the Firearms Protocol, and invite States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations;

(e) Further decide that the open-ended intergovernmental working group on firearms shall meet during the sixth session of the Conference and shall hold at least

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\* For the text of revised draft resolution CTOC/COP/2010/L.3/Rev.2, see chapter I, section A, resolution 5/4. For the discussion, see chapter V, section D.1.

one intersessional meeting, if possible, in the framework of meetings of the Commission on Crime Prevention and Criminal Justice;

(f) Request the Secretariat to inform the working group about the activities of UNODC to assist the Conference in promoting and supporting the implementation of the Firearms Protocol, coordination with other relevant international and regional organizations, best practices in the areas of training and capacity-building and awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

(g) Also request the Secretariat to assist the open-ended intergovernmental working group on firearms in the performance of its functions;

(h) Decide that the Chair of the open-ended intergovernmental working group on firearms shall submit to the Conference, at its sixth session, a report of the working group on its activities.

3. The request contained in operative paragraphs 3 and 7 would be subject to the availability of extrabudgetary resources. UNODC will implement such activities subject to the availability of assistance from States parties and signatory States.

4. With regard to the request contained in operative paragraph 6, additional extrabudgetary resources in the amount of \$223,700 would be required for the translation and publication of the model law (140 pages in six languages).

5. The request to establish an open-ended intergovernmental working group on firearms would require additional extrabudgetary resources in the amount of \$224,800 in order to provide for one working group meeting for a duration of five days, with interpretation in six languages, conference servicing and 60 pages of documentation.

6. Should the additional extrabudgetary resources mentioned in paragraphs 3, 4 and 5 above not be provided, the activities will not take place.

7. With regard to the report requested in operative paragraph 13, it is estimated that resources in the amount of \$28,600 would be required for a 20-page report of the Chair of the open-ended working group. This report will be part of the background documents for the sixth session of the Conference. The resource requirements for the biennium 2012-2013 will be reviewed in the context of established budgetary procedures.

8. The attention of the Conference is drawn to the provisions of section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Conference is also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001 (A/54/7), in which the Committee noted that the use of the phrase "within existing resources" or similar language in resolutions has a negative impact on the implementation of activities.

9. Hence, adoption of revised draft resolution CTOC/COP/2010/L.3/Rev.2 would not entail any additional appropriation under the programme budget for the biennium 2010-2011.



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## Annex V

### **Financial statement on the revised draft resolution entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”\***

1. The present statement is made in accordance with rule 75 of the rules of procedure of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

2. Under the terms of operative paragraphs 3, 6, 7, 9 and 10 of revised draft resolution CTOC/COP/2010/L.6/Rev.1, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would:

(a) Decide to establish an open-ended intergovernmental working group:

(i) To consider and explore options and make proposals for the establishment of a mechanism or mechanisms to assist the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in the review of the implementation of the Convention and the Protocols thereto;

(ii) To prepare terms of reference for the proposed review mechanism or mechanisms, guidelines for governmental experts and a blueprint for the country review reports, for consideration and possible adoption by the Conference at its sixth session;

(b) Decide that the omnibus tool shall be used to facilitate the gathering of information on implementation of the Convention and the Protocols thereto and request the Secretariat to further improve it, including by making it available in the six official languages of the United Nations, and continue to consult with States parties and signatories, in order to finalize it as soon as possible and submit it to the open-ended intergovernmental working group for its consideration;

(c) Request the Secretariat to distribute the omnibus tool, to States parties and signatories, in order to allow them to start familiarizing themselves with it and to facilitate their process of information-gathering;

(d) Decide that the open-ended intergovernmental working group shall hold no fewer than two intersessional meetings prior to the sixth session of the Conference, in order to perform its mandated tasks;

(e) Request the Secretariat to assist the open-ended intergovernmental working group in the performance of its functions.

3. Under the terms of operative paragraphs 3, 9 and 10, it is envisaged that the intergovernmental working group will hold two meetings in 2011, and two meetings in 2012, for a duration of five days each, with interpretation in six languages and documentation. It is envisaged that additional resources would be

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\* For the text of revised draft resolution CTOC/COP/2010/L.6/Rev.1, see chapter I, section A, resolution 5/5. For the discussion, see chapter VI, section A.

required under section 2 (“General Assembly and Economic and Social Council affairs and conference management”) of the programme budget as follows:

- (a) \$227,600 for interpretation and conference services in 2011;
- (b) \$227,600 for interpretation and conference services in 2012;
- (c) \$127,800 for documentation in 2011 (45 pages of documentation in six languages for each meeting of the intergovernmental working group);
- (d) \$173,400 for documentation in 2012 (45 pages of documentation in six languages for each meeting of the intergovernmental working group and 32 pages of additional documentation for the sixth session of the Conference).

4. It is recalled that in resolution 64/244, the General Assembly approved regular budget resources under section 16 (“International drug control, crime and terrorism prevention and criminal justice”) and under section 2 (“General Assembly and Economic and Social Council affairs and conference management”), for substantive servicing of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime for a total of 20 meetings for the biennium 2010-2011 (A/64/6 (Sect. 16), para. 16.55 (a) (vi) a.). Conference services were provided for a total of 18 meetings for the current session. One additional meeting is also still available from the meetings allocated for the working group on review of implementation of the Convention. There will therefore be the possibility to provide conference services for a maximum of three half-day meetings in 2011 using regular budget resources from within section 2, while voluntary contributions in the amount of \$160,040 would be required to provide for the additional seven meetings. With regard to resource requirements for 2012-2013, they would be reviewed in the context of established budgetary procedures.

5. With regard to requests for documentation for the open-ended working groups, it will be recalled that the programme budget for 2010-2011 includes a provision for background documents for the working groups. On the understanding that documentation will be submitted in a timely manner and within the prescribed page limits, the remaining entitlement for the working groups will be used, taking also into account the capacity limitations in conference services. With regard to resource requirements for 2012-2013, they would be reviewed in the context of established budgetary procedures.

6. With regard to the request contained in operative paragraphs 6 and 7, it is estimated that additional extrabudgetary resources in the amount of \$800,000 to \$1,200,000 would be required for the translation and distribution of the “omnibus tool” (from 600 to 900 pages in six languages, 800 copies).

7. Should the additional extrabudgetary resources mentioned in the paragraphs above not be provided, the activities will not take place.

8. The attention of the Conference is drawn to the provisions of section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Conference is also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium

2000-2001 (A/54/7), in which the Committee notes that the use of the phrase “within existing resources” or similar language in resolutions has a negative impact on the implementation of activities.

9. Hence, adoption of revised draft resolution CTOC/COP/2010/L.6/Rev.1 would not entail any additional appropriation under the programme budget for the biennium 2010-2011.

## Annex VI

### **Financial statement on the draft resolution entitled “Implementation of the provisions on technical assistance of the United Nations Convention against Transnational Organized Crime”\***

1. The present statement is made in accordance with rule 75 of the rules of procedure of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

2. Under the terms of subparagraphs (f), (g), (k) and (l) of the annex to the draft resolution, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would:

(a) Note that the comprehensive self-assessment software (“omnibus survey software”) shall be used as a tool to facilitate the gathering of information on the implementation of the Convention and the Protocols thereto, and request the Secretariat to further improve that software, including by making it available in all the official languages of the Conference, to continue to consult with States parties and signatories with a view to finalizing it as soon as possible and to submit it to the open-ended intergovernmental working group established by the resolution for its consideration;

(b) Request the United Nations Office on Drugs and Crime to continue to share information gathered on technical assistance needs with other possible providers of technical assistance, in particular information on needs at the country level, in order to coordinate assistance activities with beneficiary countries;

(c) Request the United Nations Office on Drugs and Crime to provide technical assistance to help Member States to apply, where appropriate, the provisions of the Convention to new forms and dimensions of transnational organized crime that fall within the scope of the Convention and that are of common concern to States parties, and to report to the Conference at its sixth session on progress made on this matter;

(d) Request the United Nations Office on Drugs and Crime to consider, in consultation with Member States, the development of specific tools, such as best practices, legislative guidelines and model provisions, that would help Member States to apply, where appropriate, the provisions of the Convention to new forms and dimensions of transnational organized crime that fall within the scope of the Convention and that are of common concern to States parties.

3. The request contained in the draft resolution would be subject to the availability of extrabudgetary resources. UNODC will implement such activities subject to the availability of assistance from States parties and signatory States.

4. With regard to the request contained in operative paragraph (f), it is estimated that additional extrabudgetary resources in the amount of \$800,000 to

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\* For the text of draft resolution CTOC/COP/2010/L.9, see chapter I, section A, resolution 5/6. For the discussion, see chapter VII, section A.

\$1,200,000 would be required for the translation and distribution of the “omnibus software” (from 600 to 900 pages in six languages, 800 copies).

5. Should the additional extrabudgetary resources mentioned above not be provided, the activities will not take place.

6. The attention of the Conference is drawn to the provisions of section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Conference of the Parties is also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001 (A/54/7), in which the Committee notes that the use of the phrase “within existing resources” or similar language in resolutions has a negative impact on the implementation of activities.

7. Hence, adoption of draft resolution CTOC/COP/2010/L.9 would not entail any additional appropriation under the programme budget for the biennium 2010-2011.

## Annex VII

### **Financial statement on the revised draft resolution entitled “Combating transnational organized crime against cultural property”<sup>\*</sup>**

1. The present statement is made in accordance with rule 75 of the rules of procedure of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

2. Under the terms of operative paragraph 8 of revised draft resolution CTOC/COP/2010/L.8/Rev.1, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would request the Secretariat to prepare an analytical report for the above-mentioned working groups on the application of the Convention by the States parties with respect to offences against cultural property, urge States parties to provide the Secretariat with information for that report, and invite Member States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations.

3. With regard to the report requested in operative paragraph 8, it is estimated that resources in the amount of \$23,000 would be required for a 16-page report of the Secretariat to the Conference. This report will be part of the background documents for the sixth session of the Conference. The resource requirements for the biennium 2012-2013 will be reviewed in the context of established budgetary procedures.

4. The attention of the Conference is drawn to the provisions of section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Conference of the Parties is also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001 (A/54/7), in which the Committee noted that the use of the phrase “within existing resources” or similar language in resolutions has a negative impact on the implementation of activities.

5. Hence, adoption of revised draft resolution CTOC/COP/2010/L.8/Rev.1 would not entail any additional appropriation under the programme budget for the biennium 2010-2011.

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<sup>\*</sup> For the text of revised draft resolution CTOC/COP/2010/L.8/Rev.1, see chapter I, section A, resolution 5/7. For the discussion, see chapter VIII, section A.

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## Annex VIII

### **Financial statement on the revised draft resolution entitled “Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime”\***

1. The present statement is made in accordance with rule 75 of the rules of procedure of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

2. Under the terms of operative paragraphs 1, 2 and 6 of revised draft resolution CTOC/COP/2010/L.2/Rev.1, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would:

(a) Request the Secretariat to continue to enhance the activities mentioned in decision 4/2 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime by, inter alia:

(i) Promoting and disseminating the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*,<sup>a</sup> developed by the United Nations Office on Drugs and Crime;

(ii) Analysing and using the examples provided by Member States of how they are applying articles 12, 13, 16 and 18 of the United Nations Convention against Transnational Organized Crime, as well as the catalogue published by the United Nations Office on Drugs and Crime of cases of extradition, mutual legal assistance and other forms of international legal cooperation, in order to present a digest and other tools highlighting best practices so as to avoid possible obstacles to the full and successful implementation of the Convention;

(iii) Promoting the use of model laws on extradition and mutual legal assistance developed by the United Nations Office on Drugs and Crime;

(iv) Providing, where applicable and upon request, the technical assistance needed to ensure the effectiveness of mutual legal assistance and extradition requests based on the Organized Crime Convention and the Protocols thereto, including by facilitating the establishment of channels of communication, and for the exchange of information between the States parties concerned;

(b) Also request the Secretariat to continue and to foster international and regional cooperation pursuant to Conference decision 4/2 by, inter alia:

(i) Facilitating the development of regional networks active in the field of cooperation in the fight against transnational organized crime, where appropriate, and by facilitating cooperation among all such networks with a

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\* For the text of revised draft resolution CTOC/COP/2010/L.2/Rev.1, see chapter I, section A, resolution 5/8). For the discussion, see chapter IX, section A.

<sup>a</sup> United Nations publication, Sales No. E.05.V.2.

view to further exploring the possibility of Member States envisaging a global network;

(ii) Drafting a practical guide for practitioners to facilitate international and interregional cooperation for the purposes of confiscation in the framework of the fight against transnational organized crime, taking stock of existing studies;

(iii) Developing a practical guide to facilitate the drafting, transmission and execution of requests for extradition and mutual legal assistance pursuant to articles 16 and 18 of the Organized Crime Convention, in cases where the Convention is a legal basis for the request;

(iv) Building, based on existing cases and experiences, a matrix identifying legal and practical issues that could arise in the implementation of article 19 of the Organized Crime Convention and by establishing modalities for conducting joint investigations, including by creating joint investigative bodies, as well as possible solutions to those issues, including by collecting examples of arrangements or agreements concluded between States parties for that purpose;

(v) Building, based on existing cases and experiences, a matrix identifying legal and practical issues that could arise in the implementation of article 20 of the Organized Crime Convention and the use of special investigative techniques, as well as possible solutions to those issues, including by collecting examples of arrangements or agreements on the use of such techniques between States parties;

(c) Request the Secretariat to report to the Conference at its sixth session on the implementation of the present resolution.

3. With regard to the request contained in operative paragraphs 1 (a) and (c) of the revised draft resolution, they would not have budgetary implications.

4. With regard to the request contained in operative paragraph 1 (b), it is envisaged that additional voluntary contributions in the amount of \$467,900 would be required to provide for three regional workshops with a duration of three days and with 30 participants each, consultancy services, and for the translation and printing of the digest and other tools highlighting best practices (250 pages in three languages: English, French and Spanish). If the digest was to be translated and printed in the other three official languages, an additional amount of \$191,000 would be required.

5. With regard to the request contained in operative paragraph 1 (d), it is envisaged that additional voluntary contributions in the amount of \$25,500 would be required for travel to provide the technical legal assistance needed.

6. With regard to operative paragraph 2 (a), it is envisaged that additional voluntary contributions in the amount of \$554,600 would be required to provide for (a) three meetings of the regional networks in Vienna, without interpretation, meeting for three days with 30 participants; (b) two meetings of focal points in Africa and two meetings of focal points in Asia for a duration of three days and with 30 participants each; (c) travel; and (d) consultancy services.



7. With regard to the requests contained in operative paragraph 2 (b), it is envisaged that additional voluntary contributions in the amount of \$238,600 would be required to provide for one expert group meeting in Vienna, without interpretation, meeting for three days with 20 participants, consultancy services, and translation and printing of the practical guide (100 pages in six languages).

8. With regard to the requests contained in operative paragraph 2 (c), it is envisaged that additional voluntary contributions in the amount of \$238,600 would be required to provide for one expert group meeting in Vienna, without interpretation, meeting for three days with 20 participants, consultancy services, and translation and printing of the practical guide (100 pages in six languages).

9. With regard to the requests contained in operative paragraph 2 (d), it is envisaged that additional voluntary contributions in the amount of \$104,700 would be required to provide for one expert group meeting in Vienna, without interpretation, meeting for three days with 20 participants, consultancy services, and translation and printing of the matrix (16 pages in six languages).

10. With regard to the request contained in operative paragraph 2 (e), it is envisaged that additional voluntary contributions in the amount of \$104,700 would be required to provide for one expert group meeting in Vienna, without interpretation, meeting for three days with 20 participants, consultancy services, and translation and printing of the matrix (16 pages in six languages).

11. In summary, the adoption of operative paragraphs 1 and 2 of revised draft resolution CTOC/COP/2010/L.2/Rev.1 would require additional voluntary contributions in the amount of \$1,734,600.

12. Should the additional extrabudgetary resources mentioned above not be provided, the activities will not take place.

13. With regard to the report requested in operative paragraph 6, it is estimated that resources in the amount of \$23,000 would be required for a 16-page report of the Secretariat. This report will be part of the background documents for the sixth session of the Conference. The resource requirements for the biennium 2012-2013 will be reviewed in the context of established budgetary procedures.

14. The attention of the Conference is drawn to the provisions of section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Conference is also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001 (A/54/7), in which the Committee notes that the use of the phrase "within existing resources" or similar language in resolutions has a negative impact on the implementation of activities.

15. Hence, adoption of revised draft resolution CTOC/COP/2010/L.2/Rev.1 would not entail any additional appropriation under the programme budget for the biennium 2010-2011.

## Annex IX

### **Financial statement on the draft decision entitled “Establishment of a committee of the whole”\***

1. The present statement is made in accordance with rule 75 of the rules of procedure of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

2. Under the terms of the draft decision, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would:

(a) Establish a committee of the whole, the membership of which will be open to all States parties to the United Nations Convention against Transnational Organized Crime:

(i) To perform such functions as the Conference requests in order to assist it in dealing with its agenda and to facilitate its work;

(ii) To operate within the existing budgetary resources for the Conference.

3. It is recalled that provision is made for the substantive servicing of the Conference for a total of 20 meetings per biennium. The Bureau of the Conference will have to review the allocation of the total number of meetings of the Conference, in order to ensure that the total of 20 meetings is not exceeded.

4. Hence, adoption of draft decision CTOC/COP/2010/L.10 would not entail any additional appropriation under the programme budget for the biennium 2010-2011.

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\* For the text of draft decision CTOC/COP/2010/L.10, see chapter I, section B, decision 5/2. For the discussion, see chapter XII.

## Annex X

### List of documents before the Conference at its fifth session

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
CTOC/COP/2010/1	1 (c)	Provisional agenda and annotations
CTOC/COP/2010/2	6	Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime
CTOC/COP/2010/3	5	Note by the Secretariat on the activities of the United Nations Office on Drugs and Crime to address emerging forms of crime
CTOC/COP/2010/4	4	Working paper prepared by the Secretariat on technical assistance programmes, proposals and future programmes envisaged in the priority areas determined by the Conference and the Working Group of Government Experts on Technical Assistance
CTOC/COP/2010/5	2 (b)	Report of the Secretariat on victim support, witness protection and participation of victims in the criminal justice system and other activities in support of the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
CTOC/COP/2010/6	2 (b)	Report submitted by the Chair of the Working Group on the activities of the Working Group on Trafficking in Persons
CTOC/COP/2010/7	2 (c)	Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime
CTOC/COP/2010/8	2 (d)	Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
CTOC/COP/2010/9	4	Note by the Secretariat on technical assistance requested for the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
CTOC/COP/2010/10	2 (a) and 3	Report of the Secretariat on the development of tools to gather information from States on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
CTOC/COP/2010/11	2 (b)	Report of the Secretariat on the Global Initiative to Fight Human Trafficking
CTOC/COP/2010/12	5	Note by the Secretariat on the use of the United Nations Convention against Transnational Organized Crime for protection against trafficking in cultural property
CTOC/COP/2010/13	4 and 7	Note by the Secretariat on financial and budgetary matters
CTOC/COP/2010/14	2-6 and 9	Summary of the special high-level meeting on transnational organized crime, held in New York on 17 and 21 June 2010
CTOC/COP/2010/15	12	Note by the Secretariat on the international cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime
CTOC/COP/2010/16	3	Note by the Secretariat on the work of the experts on possible mechanisms to review implementation of the United Nations Convention against Transnational Organized Crime
CTOC/COP/2010/L.1 and Add. 1-11		Draft report
CTOC/COP/2010/L.2/Rev.1	6	Revised draft resolution: implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime
CTOC/COP/2010/L.3/Rev.2	2 (d)	Revised draft resolution: illicit manufacturing of and trafficking in firearms, their parts and components and ammunition
CTOC/COP/2010/L.4/Rev.2	2 (c)	Revised draft resolution: implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime
CTOC/COP/2010/L.5	2 (b)	Draft decision: trafficking in persons
CTOC/COP/2010/L.6/Rev.1	3	Revised draft resolution: review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
CTOC/COP/2010/L.7/Rev.1	2	Revised draft resolution: ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
CTOC/COP/2010/L.8/Rev.1	5	Revised draft resolution: combating transnational organized crime involving cultural property
CTOC/COP/2010/L.9	4	Draft resolution: implementation of the provisions on technical assistance of the United Nations Convention against Transnational Organized Crime
CTOC/COP/2010/L.10	12	Draft decision: establishment of a committee of the whole
CTOC/COP/2010/CRP.1	3	Report of the Secretariat containing the progress report and lessons learned from the pilot programme to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
CTOC/COP/2010/CRP.2	6	Note by the Secretariat on the technical and legal obstacles to the use of videoconferencing
CTOC/COP/2010/CRP.3	2 (b)	Note by the Secretariat on the preliminary results of the independent evaluation of the United Nations Global Initiative to Fight Human Trafficking
CTOC/COP/2010/CRP.4	2	Note by the Secretariat on the status of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and notifications, declarations and reservations thereto as at 29 September 2010
CTOC/COP/2010/CRP.5 and Corr.1	6	Catalogue of cases involving extradition, mutual legal assistance and other forms of international legal cooperation requested on the basis of the United Nations Convention against Transnational Organized Crime
CTOC/COP/2010/CRP.6	2 (a)	Status of responses of States to the checklist and questionnaires on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
CTOC/COP/2010/CRP.7	1 (d)	Note by the Secretariat containing a list of intergovernmental organizations
CTOC/COP/2010/CRP.8	6	Report of the Secretariat on the expert group meeting on the technical and legal obstacles to the use of videoconferencing