

2-4 December 2024**BACKGROUND
NOTE****Pillar IV:****"Promoting international cooperation
and technical assistance to prevent
and address all forms of crime"**

INTRODUCTION

On 7 March 2021, the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice adopted by consensus the ***Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development***. In the Kyoto Declaration, Member States expressed the endeavour to take actions to advance crime prevention (pillar I, para. 21-30), advance the criminal justice system (pillar II, para. 31-47), promote the rule of law (pillar III, para. 48-59) and promote international cooperation and technical assistance to prevent and address all forms of crime (pillar IV, para. 60-95), and called upon the Commission on Crime Prevention and Criminal Justice to adopt the appropriate policy and operational measures for the follow-up to the Declaration.

In its resolution A/RES/76/181 entitled “*Fourteenth United Nations Congress on Crime Prevention and Criminal Justice*”, which was prepared by the Commission, the Assembly endorsed the Kyoto Declaration and requested, inter alia, in para. 11, that the Commission hold **intersessional thematic discussions to effectively follow up on the Kyoto Declaration through the sharing of information, good practices and lessons learned**. That request was reiterated in resolution A/RES/77/231, A/RES/78/223 and in the resolution entitled “Follow-up to the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fifteenth Crime Congress”, recommended by ECOSOC for adoption by the GA in July 2024.

On 23 July 2021, the Commission on Crime Prevention and Criminal Justice adopted by silence procedure a **multi-year workplan** for the mentioned thematic discussions. The workplan follows the four pillars of the Kyoto Declaration:

- The first thematic discussion was held on 10-12 November 2021 and focused on pillar I of the Kyoto Declaration,
- the second thematic discussion was held on 5-7 December 2022 and focused on pillar II, and
- the third thematic discussion was held on 21-22 September 2023 and focused on pillar III.¹

The fourth thematic discussion will be held on 2-4 December 2024 in a hybrid format and focus on pillar IV. According to the organizational arrangements for the thematic discussion adopted by silence procedure on 12 August 2024, the content of pillar IV will be clustered in three meeting days:

Day 1: 2 December 2024*

- International cooperation, including through capacity-building and technical assistance
- International cooperation to deprive criminals of their proceeds of crime

Day 2: 3 December 2024*

- Terrorism in all its forms and manifestations

Day 3: 4 December 2024*

- New, emerging and evolving forms of crime

The Secretariat has prepared this background paper with a view to facilitating the dialogue during the Commission’s thematic discussions. The document reflects findings relating to Pillar IV as contained in relevant UNODC research publications and contributions provided by the UNODC substantive Branches and Sections, references to previously held intergovernmental discussions and some discussion questions (not comprehensive).

* Note on time-planning: As many of the points on the agenda of day 1 have been addressed during the thematic discussion at the 33rd regular session, it is expected that the discussion on “Terrorism in all its forms and manifestations” could start already during the afternoon of 2 December. Therefore, the discussion on “New, emerging and evolving forms of crime” could start already on 3 December after lunchtime.

¹ Information on the first, second and third Thematic Discussions is available [here](#).

2 DECEMBER 2024 – THEMATIC SESSION 1: International cooperation, including through capacity-building and technical assistance / International cooperation to deprive criminals of their proceeds of crime

IN THE KYOTO DECLARATION, MEMBER STATES ENDEAVOURED TO TAKE THE FOLLOWING ACTIONS TO PROMOTE INTERNATIONAL COOPERATION:

International cooperation, including through capacity-building and technical assistance

60. Actively participate in and contribute to the recently launched Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, as well as the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, in order to assist States parties in the implementation of those instruments, identify and substantiate specific needs for technical assistance, share best practices and promote effective international cooperation;

61. Increase the efficiency and effectiveness of central authorities and other competent authorities responsible for facilitating international cooperation such as mutual legal assistance and extradition, including by providing adequate human and material resources, expertise and tools such as modern communications and case-management tools, enhancing capacity-building and technical assistance programmes and updating and disseminating tools such as the Sharing Electronic Resources and Laws on Crime knowledge management portal, the Mutual Legal Assistance Request Writer Tool and the Directory of Competent National Authorities, with the cooperation and coordination of the United Nations Office on Drugs and Crime;

62. Strengthen effective international cooperation in criminal matters, including in the areas of extradition and mutual legal assistance, while effectively addressing existing challenges and difficulties, especially with regard to requests, and promoting good practices, facilitate the use of existing regional and international instruments, including the Convention against Corruption and the Organized Crime Convention, as a legal basis for extradition and mutual legal assistance cooperation, and implement and conclude, as necessary, agreements or arrangements to enhance international cooperation in this regard;

63. Establish or strengthen regional and cross-regional cooperation networks of law enforcement and other criminal justice practitioners to exchange information and best practices with a view to, inter alia, building trust among them and further facilitating international cooperation;

64. Facilitate the formal and, to the extent permitted under domestic law, non-formal exchange of information and communication necessary to prevent and combat crime, including through the support of intergovernmental organizations such as the International Criminal Police Organization (INTERPOL);

65. Continue to enhance international cooperation through technical assistance and capacity-building, including with the support of the United Nations Office on Drugs and Crime, and build upon ongoing initiatives and good practices such as the Global Programme for the Implementation of the Doha Declaration;

66. Promote, facilitate and support the widest measures of technical assistance, including material support and training, with a view to enabling law enforcement authorities and criminal justice institutions to effectively prevent and combat crimes, taking into account the specific challenges faced by and the particular needs of developing countries;

67. Recognize the fundamental role of effective international cooperation in preventing and combating crime and to this end, underline the importance of addressing, tackling and effectively responding to international challenges and barriers, in particular measures, that hinder such cooperation, and which are not consistent with the Charter of the United Nations and obligations under international law, and in this regard urge States, consistent with their international obligations, to refrain from applying such measures

International cooperation to deprive criminals of their proceeds of crime

68. Strengthen international cooperation and assistance regarding the identification, tracing, freezing, seizing and confiscation of proceeds or other property and instrumentalities of crime and their disposal including by return, including in accordance with all the relevant provisions and principles of the Organized Crime Convention and the Convention against Corruption, and where appropriate, give special consideration to concluding agreements or mutually acceptable arrangements in this regard, on a case-by-case basis, for the return and final disposal of confiscated property pursuant to article 57, paragraph 5, of the Convention against Corruption, as well as due consideration to agreeing to measures to enhance transparency and accountability, recognizing that, consistent with article 4 of the Convention, States cannot unilaterally impose terms in this regard;

69. When resolving corruption-related cases that make use of alternative legal mechanisms and non-trial resolution including settlements, that have proceeds of crime for confiscation and return, make use of assistance from affected States, where appropriate and consistent with domestic law, in order to enhance international cooperation, information- and evidence-sharing and the recovery of proceeds of crime in accordance with the Convention against Corruption and domestic law;

70. Recognize asset recovery as an important element of crime prevention and criminal justice, particularly in cases involving corruption, and in that regard strengthen political will while safeguarding due process;

71. Encourage States to remove barriers and overcome obstacles to applying measures for the recovery of assets, in particular by simplifying their legal procedures, where appropriate and in accordance with domestic law, taking into consideration the 2030 Agenda for Sustainable Development in the use of returned assets in accordance with domestic laws and in line with domestic priorities, and bearing in mind that strengthening the recovery of stolen assets and their return will support the implementation of the 2030 Agenda;

72. Implement the measures necessary to obtain and share reliable information on beneficial ownership of companies, legal structures or other complex legal mechanisms, thus facilitating the investigation process and the execution of mutual legal assistance requests.

BACKGROUND

The Commission places regularly emphasis on international cooperation in criminal matters and most recently discussed the role of international cooperation as well as challenges and good practices during the thematic discussion during its 33rd session held in May 2024 ([E/2024/30](#), para. 41-58).

The Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocols Thereto was launched in 2020. As at [September 2024](#), 81 country reviews were progressing, and 31 self-assessment questionnaires and 43 written feedbacks had been received.

International cooperation is addressed in document [E/CN.15/2024/7](#), in particular

- *para. 5-10: Legal bases for international cooperation*
- *para. 11-16: Extradition*
- *para. 17-24: Mutual legal assistance*
- *para. 25-36: Law enforcement cooperation*
- *para. 46-54: Involvement of private sector entities*
- *para. 55-62: Networks*
- *para. 63-70: Capacity-building*

Further reference is made to the Chair's summary of the Thematic Discussion held during the regular 33rd session, document [E/2024/30](#) para. 41-58.

The Mechanism for the Review of Implementation of the United Nations Convention against Corruption (UNCAC) is structured into phases, each of which consists of two cycles. For the [first phase of the Review Mechanism](#), launched in 2010, the first cycle is largely complete and remains open, in particular for States that became party to UNCAC after the first reviews started in 2010. The reviews in the second cycle remain ongoing. Thematic reports on the implementation of the Convention are available [here](#) and [here](#). The Conference of the States Parties to UNCAC and the Implementation Review Group have begun [preparations for the design and launch of the next review phase](#).

The tools developed by UNODC to support central authorities for MLA and other institutions in their work are available [here](#).

The treaty bodies of UNTOC and UNCAC regularly address international cooperation in criminal matters. The Working Group on International Cooperation of COP-UNTOC discussed in September 2023 the practical implementation of article 27 of UNTOC (law enforcement

cooperation) and encouraged States parties to, inter alia, foster law enforcement cooperation by making effective and appropriate use of tools such as information-sharing, the establishment of joint investigative bodies and the use of special investigative techniques. In June 2024, the Working Group explored the role and impact of technology with regard to international cooperation, and considerations regarding extradition in light of the anticipated work under the Review Mechanism.²

At its tenth session, held in Atlanta (United States), in December 2023, the Conference of the States Parties to UNCAC adopted resolution 10/7, entitled “Promoting international cooperation in civil and administrative proceedings related to corruption as provided in the United Nations Convention against Corruption” and resolution 10/11, entitled “Follow-up to the Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery”. The first resolution on the topic of strengthening international cooperation during times of emergencies was adopted by the Conference at its ninth session, where resolution 9/5, entitled “Enhancing international anti-corruption law enforcement cooperation” also placed a focus on international cooperation.

The open-ended intergovernmental expert meetings to enhance international cooperation under UNCAC were convened in 2023 and 2024. At the meeting in September 2023, the implementation of chapter IV of the Convention was discussed, including the promotion of the use of information and communications technologies for the implementation of the Convention and the development of non-binding guidelines for strengthening international and multilateral cooperation to further prevent, identify, investigate and prosecute corruption during times of emergency and crisis response and recovery. In June 2024, the expert meeting discussed effective communication and cooperation, information-sharing, inter-agency approaches, law enforcement cooperation and use of networks in connection with measures taken by States parties in follow-up to the political declaration adopted at the special session of the General Assembly against corruption.³

Cooperation to deprive criminals of their proceeds of crime is addressed in document [E/CN.15/2024/7](#), in particular para. 37-45: Targeting the proceeds of crime

Further reference is made to the Chair’s summary of the Thematic Discussion held during the regular 33rd session, document [E/2024/30](#) para. 41-58.

The [background document of the first Thematic Discussions on the Implementation of the Kyoto Declaration](#) contains relevant information under thematic session 2, Addressing the economic dimension of crime. The Chair’s summary on this discussion is contained in document [E/CN.15/2022/CRP.1.](#), para. 25-33.

Asset recovery plays a crucial role in financing development by reclaiming resources lost to corruption and redirecting them toward sustainable growth. International cooperation and assistance regarding the identification, tracing, freezing, seizing and confiscation of proceeds or other property and instrumentalities of crime and their disposal play a key role in this regard.⁴ Initiatives like the joint UNODC and World Bank Stolen Asset Recovery (StAR) Initiative and its data collection project, [Asset Recovery Watch database](#) and [Global Forum on Asset Recovery \(GFAR\) Action Series](#) have demonstrated progress in this area, showcasing successful cases across diverse jurisdictions.⁵

Early communication between States and addressing legal complexities, such as enforcement challenges, are critical to asset return efforts. Stronger collaboration among law enforcement authorities for formal and informal international cooperation also plays a critical role, which is supported by networks such as the UNODC

Global Operational Network of Anti-Corruption Law Enforcement Authorities ([GlobE Network](#)) .

Regarding agreements or mutually acceptable arrangements for the return and final disposal of confiscated property pursuant to article 57, paragraph 5 UNCAC, the Addis process, a UNODC-led initiative, has since 2017 brought together experts on corruption, sustainable development and the financing for development agenda to explore innovative solutions for asset recovery and its impact on the SDGs. In the reports of these meetings, participants documented

² The documentation and recommendations of the Working Group are available [here](#).

³ More information on the open-ended intergovernmental expert group meeting is available [here](#).

⁴ A/RES/S-32/1: Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation, para. 41-52.

⁵ Data on international recoveries and returns: [CAC/COSP/2021/CRP.12](#); [CAC/COSP/WG.2/2022/3](#).

- emerging good practices with regard to agreements or mutually acceptable arrangements and to the disposal of returned assets, including in support of the SDGs ([2017](#))
- general recommendations to consider when dealing with cases of asset return and disposal as well as challenges and good practices in the implementation of art. 53, 57 para. 3 and 5 UNCAC ([2019](#)).
- considerations on the effects of asset returns on sustainable development ([2022](#))
- A fourth meeting of the series will be conducted from 11 to 13 December 2024 and will examine the use of multi-lateral funds as vehicles for asset return and partnering with multi-lateral actors to do so.

Information on corruption-related cases that make use of alternative legal mechanisms and non-trial resolution including settlements is contained in the publication [Left out of the Bargain](#) (StAR Initiative) and more recently in a note by the Secretariat ([CAC/COSP/2021/14](#)).

With regard to beneficial ownership, the Conference of the States Parties to UNCAC adopted relevant resolutions such as 9/7 in 2021 and 10/6 in 2023. Recent data (2023) from the findings of the UNCAC Implementation Review Mechanism show that the majority of countries have relevant legal frameworks and beneficial ownership registers in place. Yet, in 27 per cent of country reviews, States parties received recommendations to enhance their beneficial ownership transparency. In a survey by the StAR Initiative from 2021 ([CAC/COSP/2021/CRP.12](#)), lack of beneficial ownership transparency was reported as a major impediment to achieving the goals set out in chapter V of the Convention. In a recent note by the Secretariat which analysed information provided by 55 States parties on good practices, challenges and lessons learnt with respect to beneficial ownership transparency ([CAC/COSP/WG.2/2024/2](#)), the main issues highlighted were: (a) the lack of a robust and comprehensive definition of “beneficial owner” that applies to all legal entities and arrangements; (b) the varying scope of legal entities covered, impacting the availability and verification of accurate and up-to-date information across jurisdictions; (c) insufficient collection of information on legal entities and beneficial owners, including full ownership details and effective mechanisms for verification and updates; (d) limited and untimely access to beneficial ownership information by domestic authorities; and (e) the absence of dissuasive and proportionate sanctions and mechanisms for enforcing them. Insufficient cooperation efforts, channels and mechanisms also continue to inhibit the collection and exchange of beneficial ownership data across States parties.

DISCUSSION QUESTIONS

- How can the efficiency and effectiveness of central authorities and other competent authorities be strengthened? Which tools and measures of technical assistance should be developed or updated to increase capacity in international cooperation?
- Which innovative forms of cooperation should be strengthened to foster information and intelligence exchange between law enforcement and other criminal justice practitioners?
- How can the international community enhance the use of informal international cooperation mechanisms to enhance effectiveness?
- What are the main impediments to effective financial investigations? Which types of technical assistance can help to improve effectiveness of financial investigations and raise awareness on the value of combatting organized criminal networks through their financial relationships?
- Which methods of cooperation should States strengthen to increase the effectiveness of financial investigations leading to the disruption of money laundering activities and to successful identification, tracing, seizure, confiscation, and return of criminal proceeds?
- Can public-private partnerships assist in identifying risk and red-flag indicators? What role does the private sector, and in particular, financial institutions, have in supporting financial investigations?
- How can international cooperation on asset return be strengthened, including through agreements or mutually acceptable arrangements pursuant to art. 57 para. 5 UNCAC?
- In corruption cases resolved through alternative legal mechanisms, how can international cooperation, information- and evidence-sharing and the recovery and return of proceeds of crime be enhanced?
- How can an adequate beneficial ownership regime facilitate financial investigations and, ultimately, asset recovery?

3 DECEMBER 2024 – THEMATIC SESSION 2: TERRORISM IN ALL ITS FORMS AND MANIFESTATIONS

IN THE KYOTO DECLARATION, MEMBER STATES ENDEAVOURED TO TAKE THE FOLLOWING ACTIONS TO PROMOTE INTERNATIONAL COOPERATION:

Terrorism in all its forms and manifestations

73. Strengthen cooperation at the international, regional and subregional levels to prevent and combat all acts, methods and practices of terrorism in all its forms and manifestations, including by strengthening the rule of law at all levels and by ensuring the implementation by parties of the relevant international conventions and protocols related to counter-terrorism and by formulating strategies aimed at effectively addressing the conditions conducive to the spread of terrorism including violent extremism as and when conducive to terrorism, while recognizing that nothing can justify acts of terrorism, and implement the United Nations Global Counter-Terrorism Strategy in all its aspects at the international, subregional and national levels without delay, including by mobilizing resources and expertise;

74. Ensure more effective actions against terrorism in all its forms and manifestations wherever and by whomsoever committed, in particular investigations and prosecutions supported by credible and verifiable information and evidence, and to this end improve the collection, handling and preservation of relevant information and evidence, and consider participating in information- and evidence-sharing networks as appropriate;

75. Identify, analyse and counter any existing, growing or potential links, in some cases, between the financing of terrorism and transnational organized crime, illicit drug-related activities, money-laundering, kidnapping and hostage-taking with the aim of raising funds including by demands for ransom, and extortion, to prevent and tackle financial and logistical support to terrorism in all its forms and manifestations and prevent terrorists from acquiring weapons, in compliance with obligations under applicable international law;

76. Address the growing threat posed by foreign terrorist fighters, including through the implementation of applicable international obligations, and underline the importance of United Nations capacity-building and facilitation of capacity-building in accordance with existing mandates to assist States, including those in the most-affected regions, upon their request;

77. Improve the security and resilience of critical infrastructure and the protection of particularly vulnerable “soft targets”, including through increased information-sharing among law enforcement, the private sector and the public;

78. Take appropriate measures to prevent and combat incitement to commit a terrorist attack and the spread of such terrorist propaganda, and expressing alarm at the glorification of terrorism in all its forms and manifestations

BACKGROUND

The Commission regularly addresses terrorism, most recently in the thematic discussion during its regular 33rd session on promoting international cooperation and technical assistance to prevent and address organized crime, corruption, terrorism in all its forms and manifestations and other forms of crime ([E/2024/30](#), para. 41-58). It also adopted relevant resolutions, including, during its 33rd session, on preventing and countering violence against children by organized criminal groups and terrorist groups in the field of crime prevention and criminal justice and on the treatment of children associated with terrorist groups,* including children who are recruited and exploited by those groups (* In the context of the draft resolution, the term “associated with terrorist groups” has no internationally agreed definition, and therefore national definitions can encompass a range of degrees of association or affiliation with terrorist groups and should be interpreted according to domestic law.).

The global threat of terrorism has significantly evolved in recent years, with ISIL and AL-Qaeda and its affiliates utilizing new technologies, establishing wider networks, and exploiting geopolitical instabilities. The increasing use of artificial intelligence and social media by terrorist groups has enabled their capacity to disseminate terrorist propaganda and disinformation, recruit and radicalize individuals online, and coordinate activities effectively. New and emerging technologies drive growth in online radicalization, fuelled by the spread of online terrorist

propaganda. At the same time, new technologies, while utilized with appropriate human rights safeguards present opportunities for criminal justice authorities to better detect, prevent and respond to terrorism threats.

The geographical epicentre of terrorism continues to shift to Africa, with the Central Sahel region, now accounting for more than half of all deaths from terrorism globally, emphasizing the need for more localized CT/PVE efforts in the region. The growth of the Islamic State Khorasan Province emanating from Afghanistan but demonstrating a desire for global reach also requires the international community to prevent this emerging threat.

Terrorist organizations increasingly form links with transnational organized criminal groups, utilizing well-established smuggling routes, human trafficking networks, and illicit revenues to acquire weapons or fund their operations. The Conference of the Parties to UNTOC has adopted a number of resolutions with references to terrorism, including on the linkages between the financing of terrorism and transnational organized crime, or the contribution of money-laundering and the illicit financial flows to the financing of transnational organized crimes and terrorism, in resolutions 10/4, 10/6 (crimes that affect the environment), 10/7 (trafficking in cultural property) and 9/3 (includes measures to tackle the use of cryptocurrencies for money-laundering and financing of terrorism). This body of intergovernmental commitments complements a number of Security Council⁶ and General Assembly⁷ resolutions that address the connection between terrorism and organized crime.

Disrupting the changing modus operandi and networks by terrorist groups and their linkages with transnational organized criminal groups requires constant adaptability and efforts from the international community to strengthen the skills, knowledge, and capacity of law enforcement, criminal justice, and security sectors, particularly in the areas of information and knowledge sharing, countering the financing of terrorism, human-rights compliant investigations and prosecutions, and international cooperation. International cooperation mechanisms under the auspices of the Commission and other international fora are crucial in facilitating international dialogue, fostering cross-border collaboration, and promoting the exchange of intelligence and best practices among Member States. In addition, there is a growing recognition of the need to promote non-securitized and rule of law-compliant responses to terrorism, which should adopt a whole-of-society approach and ensure the involvement of women and youth to strengthen community resilience and better address the root causes of terrorism.

Cash, cross border smuggling of cash, the use of hawala and other similar service providers remain terrorist financing risk factors due to the challenging control and regulatory and supervisory environments in most jurisdictions. Adding complexity to terrorist financing risks are the large number and increasing complexity of multiple payments modalities, including pre-paid cards, mobile money and banking and other payments modalities.⁸ Member States should remain cognizant of terrorist financing risks, take a risk-based approach to mitigation, firmly grounded in human rights law, and maintain an updated understanding of terrorism financing networks and their linkages with organised crime (see resolutions 2462 (2019) and 2482 (2019)). Using the AML/CFT framework to ensure that it is mitigating financial risks without hampering vital financial activities requires a continuous assessment of risks enhanced by effective collaboration with the private sector and civil society. Protecting those most vulnerable from the existential and material harm of terrorism includes ensuring that humanitarian assistance efforts are not disrupted by inappropriate application of AML/CFT measures and that the provision of assistance can proceed. The FATF is undertaking a comprehensive update on terrorist financing methods and trends, updating guidance and developing a risk tool to support greater effectiveness in combating terrorist financing.

⁶ For example: Resolution 2195 (2014) (identification of capacity gaps and facilitation of technical assistance); Resolution 2331 (2016) (networks involved in trafficking in persons in the context of armed conflict, including through counter-terrorism laws); Resolution 2347 (2017) (law enforcement and judicial cooperation in preventing and countering all forms and aspects of trafficking in cultural property); Resolution 2462 (2019) (research to better understand the nature and scope of the links that may exist between terrorism, in particular the financing of terrorism, and transnational organized crime); and Resolution 2482 (2019) (technical assistance to support Member States in their response to linkages between international terrorism and organized crime).

⁷ For example: Resolution 74/177 (2019) (existing, growing or potential links, in some cases, between transnational organized crime, illicit drug-related activities, money-laundering and the financing of terrorism); resolution 78/226 (2023) (crime prevention and criminal justice responses to the destruction of and trafficking in cultural property by terrorists); and resolution 77/298 (2023) (address, in the design and implementation of global, regional and national counter-terrorism strategies, the linkages between terrorism and transnational organized crime).

⁸ <https://www.fatf-gafi.org/content/dam/fatf-gafi/reports/Role-of-hawala-and-similar-in-ml-tf.pdf.coredownload.pdf>; https://www.unodc.org/documents/data-and-analysis/AOTP/Hawala_Digital.pdf; <https://www.fatf-gafi.org/en/publications/Methodsand Trends/Emerging-terrorist-financing-risks.html>; <https://documents.un.org/doc/undoc/gen/n19/090/16/pdf/n1909016.pdf>

To ensure accountability for foreign terrorist fighters, it is essential that all crimes related to foreign terrorist fighter travel and participation are criminalized in national legislation, as set forth in various UN Security Council Resolutions (e.g. Resolution 2178 (2014) and 2396 (2017)). Furthermore, appropriate border control and prosecution, rehabilitation, and reintegration policies must be in place. Member States should adopt a comprehensive approach to address critical terrorism-related challenges. Regarding foreign terrorist fighters (FTFs), Member States should prioritize enhancing border security and information sharing between agencies and countries. This includes implementing advanced screening procedures and risk assessment tools. Equally important is the development of rehabilitation and reintegration programs for returning FTFs, coupled with strengthening legal frameworks to prosecute FTF-related crimes. Addressing root causes of radicalization through education and community outreach is also crucial for long-term prevention.

Protecting critical infrastructure requires a multi-faceted strategy. Member States are advised to conduct thorough risk and vulnerability assessments across all critical sectors, followed by the implementation of layered physical and cybersecurity measures. Fostering public-private partnerships can enhance threat intelligence sharing and response capabilities. Building redundancy and resilience into critical systems, along with regular testing and updating of emergency response plans, are essential for maintaining operational continuity during crises.

Countering incitement and propaganda demands a delicate balance between security measures and respect for civil liberties. Member States should enhance legal frameworks prohibiting incitement to terrorism while safeguarding freedom of expression. Developing effective counter-narrative campaigns and supporting credible voices within at-risk communities can challenge extremist ideologies at their core. Additionally, promoting digital literacy and critical thinking skills, particularly among youth, can build societal resilience against extremist propaganda. These strategies must be implemented in compliance with international law and human rights standards. The success of counter-terrorism efforts relies on a holistic approach that combines security measures with programs addressing the underlying factors contributing to radicalization and extremism. Member States are encouraged to adapt these recommendations to their specific national contexts while engaging in international cooperation to address the global nature of terrorism threats.

DISCUSSION QUESTIONS

- Given latest trends, what specific localized counter-terrorism and prevention of violent extremism efforts should be prioritized, and how can international cooperation support these initiatives?
- In light of the increasing links between terrorist organizations and transnational organized criminal groups, what new approaches or mechanisms can be implemented to disrupt these connections, particularly in terms of financing and logistics?
- Considering the need for non-securitized and rule of law-compliant responses to terrorism, how can countries best implement a whole-of-society approach that meaningfully involves women and youth in strengthening community resilience and addressing the root causes of terrorism?
- What are the key impediments to effective interagency partnerships at the national level for understanding and mitigating Terrorism Financing risks?
- How can public private partnerships enhance our understanding of Terrorism Financing risks?
- How can Member States effectively counter incitement and glorification of violent extremism and terrorism, while ensuring that measures taken do not infringe on fundamental freedoms and rights?
- How can Member States effectively adapt their counter-terrorism strategies to address the evolving use of new technologies, particularly artificial intelligence and social media, by terrorist groups for propaganda and recruitment, while also leveraging the same technologies to enhance the efficiency of their own counter-terrorism efforts?

4 DECEMBER 2024 – THEMATIC SESSION 3: NEW, EMERGING AND EVOLVING FORMS OF CRIME

IN THE KYOTO DECLARATION, MEMBER STATES ENDEAVOURED TO TAKE THE FOLLOWING ACTIONS TO PROMOTE INTERNATIONAL COOPERATION:

New, emerging and evolving forms of crime

79. Strengthen measures to address new, emerging and evolving forms of crime, including by making maximum use of the relevant and applicable conventions, such as the Organized Crime Convention and the Protocols thereto through the measures contained therein, to prevent and combat crimes, facilitate international cooperation and confiscate and return the proceeds of crime;

80. Examine trends and the evolution of methods employed in the conduct of crime to develop effective means of international cooperation and technical assistance, including through enhanced information-sharing and an exchange of views, experiences and best practices within the framework of the Commission on Crime Prevention and Criminal Justice and other relevant global and regional forums;

81. Strengthen efforts to prevent, counter and combat trafficking in persons, including by supporting data collection and sharing as appropriate, through relevant technical assistance by the United Nations Office on Drugs and Crime, addressing factors that make people vulnerable to trafficking, detecting and dismantling trafficking networks, including in supply chains, discouraging demand that fosters exploitation leading to trafficking, ending impunity of trafficking networks, conducting financial investigations and using special investigative techniques under the conditions prescribed by domestic law, and protecting victims of trafficking in persons;

82. Adopt and implement effective measures to prevent and combat the smuggling of migrants and protect the lives and the human rights of migrants, consistent with the respective obligations of parties under the Organized Crime Convention and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention and all other relevant international obligations, especially on human rights, strengthen bilateral, regional and international cooperation in this regard, in particular to tackle, including through the concurrent undertaking of financial investigations and special investigative techniques, the increasing role of transnational and national organized criminal groups profiting from such crime and other crimes against migrants, and underscore to make every possible effort to prevent further casualties and loss of lives;

83. Foster global, regional and bilateral cooperation to prevent criminals and criminal organizations from accessing firearms, and strengthen mechanisms and strategies for border control for preventing and combating illicit trafficking in and diversion of firearms, their parts and components and ammunition, including online trade, and the illicit reactivation of deactivated firearms;

84. Enhance cooperation to address and counter threats related to technological developments and changing modi operandi with regard to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and investigate and prosecute these crimes, including by ensuring law enforcement cooperation, as well as the systematic tracing of seized arms;

85. Effectively address and counter the world drug problem, which requires concerted and sustained action at the national, regional and international levels, including accelerating the implementation of existing drug policy commitments, through a comprehensive and balanced approach and based on the principle of common and shared responsibility;

86. Take more effective measures to prevent and end abuse, exploitation, trafficking and all forms of violence against and torture of children, including child sexual exploitation and sexual abuse online and offline, by criminalizing such acts, supporting victims and fostering international cooperation to combat these crimes;

87. Adopt effective measures to prevent and combat crimes that affect the environment, such as illicit trafficking in wildlife, including, inter alia, flora and fauna as protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, in timber and timber products, in hazardous wastes and other wastes and in precious metals, stones and other minerals, as well as, inter alia, poaching, by making the best possible use of relevant international instruments and by strengthening legislation, international cooperation, capacity-building, criminal justice responses and law enforcement efforts aimed at, inter alia, dealing with transnational organized crime, corruption and money-laundering linked to such crimes, and illicit financial flows derived from such crimes, while acknowledging the need to deprive criminals of proceeds of crime;

88. Encourage data collection and research on the manufacturing of and trafficking in falsified medical products, while recognizing, within its scope of application, the definition of falsified medical products endorsed by the World Health Assembly in 2017, and, taking this into account, strengthen, as appropriate, measures to respond to the manufacturing of and trafficking in falsified medical products;

89. Strengthen national and international responses to trafficking in cultural property and other crimes targeting cultural property, and any links to the financing of organized crime and terrorism, and enhance international cooperation in this regard, including through appropriate channels, the return or restitution of such illicitly trafficked cultural properties to countries of origin, taking into consideration existing instruments such as the Organized Crime Convention, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, and other relevant instruments, and with a view to considering all possible options to make effective use of the applicable international legal framework to combat crimes against cultural property, and considering any proposals to supplement the existing framework for international cooperation, as necessary;

90. Undertake efforts to better understand the smuggling of commercial goods with a view to strengthening our responses, in accordance with national law, to this type of crime and its possible linkages with corruption and other crimes;

91. Develop effective strategies, including by enhancing the capacity of criminal justice professionals, to prevent, investigate and prosecute hate crimes, as well as engage effectively with victims and victim communities to build public trust when engaging with law enforcement to report such crimes;

92. Strengthen measures to address the threat of other new, emerging and evolving forms of crime, as well as their possible links with organized criminal groups as a source of lucrative profits for their illicit activities;

93. Enhance coordination and international cooperation to effectively prevent and combat the growing threat of cybercrime;

94. Promote the appropriate utilization of technology by law enforcement and other criminal justice institutions through providing technical assistance upon request, capacity -building and necessary training, as well as improving legislation, regulations and policies so that they are adaptable to continuous technological developments;

95. Promote, at the national, regional and international levels, with due respect for domestic legal frameworks and the principles of international law, public-private partner ships with the digital industry, the financial sector and communication service providers to enhance international cooperation to combat cybercrime.

BACKGROUND

The chapter on new, evolving and emerging forms of crime addresses **a broad range of crime types** and leaves room for recent crime trends not yet evident at the time of the adoption of the Declaration. Participants are invited to focus on those trends that are most relevant from their national, regional or other specific perspective.

The Global Report on **Trafficking in Persons** 2024 (forthcoming) highlights that more than 70 per cent of human traffickers operate in organized crime groups. The number of detected victims has increased again after the decline during the pandemic. Trafficking in persons in connection with large organized crime-led online scams operations has been recorded in South East Asia with victims from different parts of the World exploited in call centres. Information on the Working Group on Trafficking in Persons of the Conference of the Parties to UNTOC is available [here](#).

According to the UNODC Observatory on **Smuggling of Migrants**, at least 250,000 people were smuggled by sea from Africa to Europe in 2023. The total [financial value of smuggling](#) on the Central Mediterranean route in 2023 was more than US\$290 million. Pushed in an irregular situation, people on the move often become victims of crimes such as kidnapping, extortion, sexual and gender-based violence, in the hands of smugglers and other criminal organizations. Thousands die every year crossing deserts and seas. Preventing loss of life, the provision of protection and assistance measures to smuggled migrants must be a priority for States and other stakeholders. The non-criminalization of organizations that provide assistance to smuggled migrants in distress and persons in irregular situations, and generally fight for their rights, should be strengthened, in line with the Protocol against the Smuggling of Migrants by Land, Sea and Air to UNTOC. Information on the Working Group on the Smuggling of Migrants of the Conference of the Parties to UNTOC is available [here](#).

The availability of illicit **firearms** is a main driver of crime, terrorism and conflict. Firearms-related homicides alone account for twice as many fatalities as all armed conflicts and terrorism combined globally. Technological developments have transformed the illicit manufacture of firearms, their parts and ammunition. In some regions, the majority of firearms seized at crime scenes are now homemade “ghost guns”, produced with “buy, build, shoot” kits purchased online and shipped by parcel. Similarly, based on online blueprints, new generation 3D printers and CNC milling tools permit the manufacture of firearm parts at home. More information is available in the [Global Study on Firearms Trafficking](#) and a recent study on [Firearms Trafficking in the Sahel](#), information on the Working Group on Firearms of the Conference of the Parties to UNTOC is available [here](#).

The Commission on Narcotic Drugs is the principal policy-making body within the United Nations to address and counter the **world drug problem** (documentation of the work of the Commission is available [here](#).) A global reference on drug markets, trends and policy developments is the [World Drug Report](#).

Rising global risks are creating conditions for the increased **exposure of children to abuse, exploitation, trafficking and all forms of violence**. More than one in six children worldwide live in conflict zones; and organized criminal and armed groups, including terrorist groups, are becoming more skilled at targeting, recruiting and exploiting children. Today, children are at risk not only in physical spaces but also online. Differences in the way crimes against children are recorded and reported across jurisdictions make it difficult to track the rate of growth of this crime, but the available data point to an exponential increase (more information contained in the [background paper prepared by UNODC for the Expert Group Meeting held in Vienna, 26-27 June 2023](#)).

Recent research on **crimes that affect the environment** has shown that [wildlife crime](#) remains substantial, with seizures during 2015–2021 indicating illegal trade in 162 countries and territories affecting around 4,000 plant and animal species. Transnational organized crime groups are active in some illicit wildlife markets where they exploit inconsistencies and weaknesses in regulation and enforcement and adapt their methods and routes continuously to evade detection and prosecution. New data also became available on [gold trafficking](#), in particular in the Sahel region. A substantial portion of the 12.6 USD collected by Burkina Faso, Mali, Mauritania, and Niger in 2021 came from artisanal and small-scale gold mining (ASGM), which operates largely outside formal legal frameworks. The informal status of ASGM is driven by barriers to acquiring legal mining licenses, which forces many miners into illegal operations often controlled by transnational organized crime (TOC) groups. The involvement of TOC sustains illegal mining activities, which exacerbates environmental harm through unsustainable practices and contributes to broader destabilization in the region. According to a new [study on criminalization of crimes that affect the environment](#), prison sentences can be imposed for crimes that affect the environment in most countries, in particular deforestation and logging, mining, air pollution, noise pollution, soil pollution, water pollution, fishing, waste, and wildlife. At least 45% of countries punish some offences against wildlife with four years or more in prison, and waste offences are taken even more seriously with almost half of the countries regarding these offences as serious crimes. The Commission held [Expert Discussions on Crimes that Affect the Environment](#) from 14-16 February 2022. Crimes that affect the environment are also mentioned among the focus areas of the thematic discussions that the Commission will hold in May 2025 during its 34th regular session (ECOSOC Decision 2022/317).

At the 28th session of the Commission in 2019, UNODC launched the [Guide to good legislative practices on combating falsified medical product-related crime](#). [Recent data on these crimes](#) are available from the Sahel region: It is estimated that 19% to 50% of medicines in the market may be substandard or falsified. Approximately 40% of reported substandard and falsified medical products in the Sahel from 2013 to 2021 were found within the regulated supply chain. Medical products diverted from the legal supply chain often originate in the main exporting countries of medical products to the Sahel countries. Trafficking in falsified medical products leads to significant health impacts, with up to 267,000 deaths annually in sub-Saharan Africa linked to substandard antimalarial medicines and about 169,271 deaths associated with substandard antibiotics for severe pneumonia in children. Addressing these challenges necessitates a dual strategy: reducing demand for illicit medical products by ensuring access to quality alternatives and dismantling trafficking networks through enhanced cooperation among regulatory agencies and judicial bodies.

The **trafficking in cultural property** has in recent years seen a troubling shift, becoming increasingly intertwined with organized criminal networks and conflict zones. Law enforcement agencies and international organizations have become more coordinated in their responses, with enhanced cooperation, intelligence-sharing, and the use of digital tools like databases, application of advanced forensic technologies (e.g. nuclear analytical techniques) and, tracking systems (e.g. AI-supported DNA coding). Nevertheless, gaps remain and underscore the need for stronger international collaboration and capacity-building to safeguard cultural heritage from further exploitation. The Conference of the Parties to UNTOC adopted in 2022 resolution 11/4, focused on strengthening crime

prevention and criminal justice responses to protect cultural property (see also RES/A/78/226, para. 18). The ongoing collaboration between Member States, international organizations, law enforcement, museums, civil society, academia, and private sector is vital in addressing the gaps in enforcement and improving protective measures. Trafficking in cultural property and other crimes targeting cultural property are mentioned among the focus areas of the thematic discussions that will be held during the 34th regular session of the Commission in May 2025 (ECOSOC Decision 2022/317).

Current trends in the **trafficking of commercial goods** reveal increasingly sophisticated tactics used by criminal networks, such as misclassification, undervaluation and the use of fraudulent documentation to bypass customs controls. These illicit activities are often linked to other forms of crime, including human trafficking, drug trafficking, corruption, bribery and money laundering. A particularly concerning trend is the trafficking of strategic goods, which includes both military goods (e.g. arms and equipment) and dual-use goods that have legitimate civilian uses but can also be repurposed to produce weapons of mass destruction, ballistic missiles or conventional military equipment. These goods are trafficked not only for financial gain but also to support terrorism and transnational organized crime. Law enforcement agencies should strengthen the capacity of border enforcement agencies to detect and disrupt the trafficking of all types of commercial goods, including strategic goods. These efforts involve training inter-agency units, when relevant, in risk management, supply chain security and trade facilitation at seaports, airports and land border crossings to prevent the cross-border movement of illicit goods. By bolstering cross-border collaboration and sharing intelligence, Member States aim to dismantle trafficking networks and enhance international responses. Resolution 28/2 of the Commission is entitled “Countering the smuggling of commercial goods in cases falling within the scope of UNTOC”. Smuggling of commercial goods is mentioned among the focus areas of the thematic discussions that will be held during the 34th regular session of the Commission in May 2025 (ECOSOC Decision 2022/317).

There is no global definition of the notion of **hate crime** or crime motivated by intolerance and discrimination, especially no agreement on the characteristics of persons that should be protected by specific legislation and policies and that may include race, religion, ethnicity, disability and others. For example, certain cases of gender-based violence or killings may fall in this category. The recent global increase of online hate speech has complicated the investigation and adjudication of cases. To effectively prevent, investigate and prosecute such crimes, addressing the following areas is key: 1. Collecting and analyzing disaggregated data to recognize discrimination and bias, including through victimization surveys conducted with those in contact with the justice system, victim support organizations and communities. Collaboration between justice and research institutions is important to grow the evidence-base and ensure informed policy and justice responses, such as crime prevention measures. 2. Enhancing victims’ access to essential services, including protection, psychological counselling, and justice, such as legal aid services, to ensure their safety, explain their rights, and procedural choices they can make. 3. Conducting capacity-building and training of criminal justice actors, including lawyers, on what constitutes a hate crime, which occur frequently in the national context, actions required to collect and review evidence and protect victims, and how to engage with victims.

There is an overall increase of **cybercrime** incidence in all regions. Ransomware, cyber-attacks and online child sexual abuse and exploitation are making use of technology, including artificial intelligence, in ways that are overwhelming state capabilities. Criminal organized groups are exploiting the fragmented legal landscape, the difficulties of international cooperation and the low cybercrime capacities of the criminal justice system of a large amount of countries. The Commission has during its 31st session held a thematic discussion on “Strengthening the use of digital evidence in criminal justice and countering cybercrime, including the abuse and exploitation of minors in illegal activities with the use of the Internet” (further information is available [here](#)).

The Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes held its reconvened concluding session at UN Headquarters in New York from 29 July to 9 August 2024. The Ad Hoc Committee approved a draft resolution and recommended it for adoption by the General Assembly, by which the General Assembly would adopt the “United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes” annexed to the approved resolution, and open it for signature at United Nations Headquarters in New York until 31 December 2026 ([A/78/986](#)).

In recent years, growing attention has been placed on **fraud** – whether technologies-enabled fraud or traditional fraudulent methods, both of which have a high cost for individuals and institutions. Technology-enabled fraud, colloquially referred to as scams, has increased in reach, complexity and capacity of damage, compromising not only financial assets of individuals and organizations, but personal data and property rights of millions of people

around the world⁹. Particularly vulnerable groups are youth, women, elderly, migrants, rural population and groups suffering from discrimination and exclusion. Operating at both high and low scale, criminals are exploiting the vulnerabilities of States, particularly, the lack of technical skills and capacities to criminally respond to cyber-enabled and cyber-dependant activity in a timely manner. The revenue of profit in combination with the low detection and punishment rates is attracting organized criminal groups that are shifting a share of their activities to this criminal model, thereby expanding reach to engraining more young women and men in criminal activity. Organized criminal groups are misusing additional advances in ICTs, such as artificial intelligence, automating and scaling up scams to an exponential degree that can become unmanageable for national authorities.

Key categories of **organized fraud** – again, both executed through technology or traditional means - include consumer products and services fraud; employment fraud; consumer investment fraud; fraud by impersonation of a trusted individual or organization; identity fraud; relationship and trust fraud; fraud against businesses and organizations. Fraud encompasses offenders ranging from opportunistic individuals who make moderate financial gains to highly motivated and organized criminals who make staggering levels of criminal profit. There is no typical structure for an organized criminal group involved in fraud and, as with other forms of organized crime, there is regional variation in the methods and structures employed by organized criminal groups.¹⁰

DISCUSSION QUESTIONS

- Which are the most important new crime trends that can be observed since the adoption of the Kyoto Declaration? Which new forms of crime have been observed, or which new operational, geographical or economic observations have emerged on traditional criminal activity?
- Which trends should be further examined to create a sufficient evidence base for policies addressing new, emerging and evolving forms of crime?
- Which types of international cooperation and technical assistance would be needed to better address trafficking in persons, smuggling of migrants and trafficking in firearms, including regarding their links to other forms of crime such as corruption, terrorism and cybercrime?
- How can Member States make better use of the relevant international instruments to adopt effective measures to prevent and combat crimes that affect the environment?
- Which measures can be taken to strengthen the international response to the manufacturing of and trafficking of falsified medical products, trafficking in cultural property (especially in conflict zones), and smuggling in commercial goods? Which new trends have been observed in smuggling of commercial goods since Commission resolution 28/2?
- What type of guidance would be useful to Member States to review or adapt their national legislation, data collection and analysis, and capacity building on hate crimes or crimes motivated by intolerance and discrimination? What are lessons learned from jurisdictions that have enacted specific substantive and procedural law provisions or implemented capacity building and other practical measures regarding hate crime?
- What are the main difficulties of implementing rule of law policies in cyberspace? How can technology, including AI, be used to upgrade impacts and results in the prevention and combating of cybercrime?
- What are effective strategies against fraud to prevent it, pursue organized criminal groups behind organized fraud schemes, protect persons affected by and vulnerable to fraud as well as promote partnerships and cooperation? What are effective strategies against fraud to prevent it, pursue organized criminal groups behind organized fraud schemes, protect persons affected by and vulnerable to fraud as well as promote partnerships and cooperation?
- How can cooperation and collaboration of the criminal justice system with the private sector be increased in the area of cybercrime? What can States do to strengthen accountability and rule of law while promoting ICT development? What changes need to be implemented to strengthen global responses against technology-enabled fraud?

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United Nations Office on Drugs and Crime
This paper has not been formally edited.*

⁹ UNODC, [Casinos, Cyber fraud, and trafficking in persons for forced criminality in Southeast Asia. Policy Report](#), September 2023. OHCHR, [Online scam operations and trafficking into forced criminality in Southeast Asia: Recommendations for a Human Rights Response](#), 2023.

¹⁰ INTERPOL, "INTERPOL global financial fraud assessment".