

Decision 3/4

Recommendations of the open-ended interim working group of government experts on technical assistance

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, recalling its decision 2/6, by which it established the open-ended interim working group on technical assistance:

(a) Endorses the recommendations of the working group made during the third session of the Conference of the Parties, which are set out below;

(b) Requests States parties to be guided by those recommendations in the development and delivery of technical assistance activities for the implementation of the Convention¹ and the Protocols thereto;²

(c) Requests its secretariat to develop proposals for technical assistance activities designed to meet the needs identified by the working group in the priority areas determined by it in its recommendations and submit such proposals to the working group for consideration at its meeting to be held before the fourth session of the Conference;

(d) Also requests its secretariat prior to, and with a view to better preparing for, the meeting of the working group to be held before the fourth session of the Conference, to consult with relevant departments or agencies of the United Nations, other international organizations, regional organizations and financial institutions such as the World Bank and other multilateral development banks in order to exchange information on and promote technical assistance related to the implementation of the Convention and the Protocols thereto and to identify ways to improve coordination in that area, and further requests the secretariat to inform the working group of the results of those consultations;

(e) Requests the working group to include in the agenda of its meeting to be held before the fourth session of the Conference an item on coordination of technical assistance for the implementation of the Convention and the Protocols thereto.

Recommendations

I. Determination of needs for technical assistance

1. The working group stressed that receiving complete and accurate information from the States parties concerned about technical assistance needed for the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto was the best approach to designing and delivering appropriate and effective technical assistance activities and ensuring the impact of those activities on implementation efforts. The determination of needs should be

¹ General Assembly resolution 55/25, annex I.

² General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.

done on the basis of requests from States parties, using information provided by the requesting States parties in the context of fulfilling their reporting obligations in accordance with article 32, paragraph 5, of the Convention, such as information provided by completing existing questionnaires and supplementary information provided to the Conference of the Parties.

II. Priorities for technical assistance

2. The working group identified the following priority areas for technical assistance to support and promote the implementation of the Convention and the Protocols thereto:

(a) Criminalization of the offences covered by the Convention and its Protocols;

(b) International cooperation in criminal matters and for the purpose of confiscation, with special emphasis on extradition and mutual legal assistance, paying particular attention to raising the awareness and training of criminal justice practitioners and other relevant authorities, especially judges and prosecutors, regarding the forms of international cooperation;

(c) Assistance in the establishment and/or strengthening of central authorities dealing with requests for mutual legal assistance and/or extradition.

3. The working group recognized the need for developing the capacity of States parties to collect data on organized crime and for providing to States parties, at their request, technical assistance to build their capacity to collect and analyse data related to the subject matter of the Convention and the Protocols thereto.

4. The working group was aware that detailed recommendations in the area of implementation of the provisions on international cooperation in the Convention had been formulated by the open-ended working group of government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation (see decision 3/2 of the Conference of the Parties).

5. The working group was also aware of proposals made as a result of the deliberations of the Conference on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention (see decision 3/3 of the Conference of the Parties).

6. The working group emphasized that the provision of information on the implementation of the Convention and the Protocols thereto was a legal obligation of States parties that should be discharged without further delay. The working group was aware of the provision of article 30, paragraph 2 (c), of the Convention. Recognizing that non-compliance with the obligation to provide information on the implementation of the

Convention and the Protocols thereto might be due to insufficient capacity, the working group recommended the provision of assistance to States in need of such assistance either individually, at their request, or through subregional or regional activities undertaken by the secretariat of the Conference, in cooperation with relevant regional organizations. The working group also recommended that the secretariat of the Conference, without prejudice to established official channels of communication with States, explore all ways to simplify and expedite communication with the authorities competent to provide the requested information, including through the use of the Internet. The working group further recommended that States parties appoint focal points for the provision of the information required by the Conference and communicate to the secretariat the contact details of those focal points to facilitate and expedite direct communication.

7. With regard to technical assistance to support and promote the implementation of the Protocols, the working group identified the following areas in which such assistance could be provided:

(a) Assistance in the implementation of the requirements of the Protocols regarding the needs of victims, as well as the requirements related to repatriation of victims of trafficking in persons and return of smuggled migrants;

(b) Assistance related to the implementation of the provisions on witness protection, noting that that was an area covered not only by the Protocols but also by the Convention;

(c) Assistance in the form of subregional or regional workshops involving the countries of origin, transit and destination of victims of trafficking in persons and smuggled migrants, with particular emphasis on law enforcement and judicial personnel.

8. With regard to technical assistance for the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the Convention,³ the working group identified a particular need for assistance in implementing the requirements of the Protocol on deactivation, record-keeping and marking of firearms and the identification of competent authorities.

III. Information on technical assistance activities

9. The working group noted that there was an urgent need to improve information-sharing and coordination regarding technical assistance activities provided by Governments or international organizations and financial institutions, as well as a need to improve coordination among the providers of technical assistance. The working group recommended that the secretariat

³ General Assembly resolution 55/255, annex.

of the Conference invite relevant departments or agencies of the United Nations, other international and regional organizations and financial institutions, including at the field level, such as the World Bank and other multilateral development banks, to the meeting of the working group to be held before the fourth session of the Conference to exchange information on and promote technical assistance and international cooperation related to the Convention and its Protocols and to identify ways of improving coordination in that area.

10. The working group agreed that at its meeting to be held before the fourth session of the Conference, it would explore the possibility of determining performance indicators for technical assistance and the best way to identify lessons learned from the provision of technical assistance, with a view to developing best practices.

11. The working group recommended that the secretariat of the Conference intensify its coordination efforts, including through mechanisms such as the inter-agency coordination group on trafficking in persons established pursuant to Economic and Social Council resolution 2006/27 of 27 July 2006.

IV. Mobilization of potential resources

12. The working group expressed the view that mobilization of potential resources would be facilitated through the identification of specific needs and the development of activities tailored to meet those needs. The working group was also of the view that for better mobilization of resources it was necessary to demonstrate that technical assistance contributed to the objective of implementation of the Convention and the Protocols thereto and that it met the specific needs identified. The working group stressed the importance of result-based assessments and project evaluation in developing recommendations on mobilizing resources to meet priorities. The working group recommended that mobilization of resources be promoted through partnerships and coordination with other relevant international and regional organizations, as well as through the coordination activities that the proposed national focal points should undertake.