

## **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 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

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

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

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<sup>2</sup> Ibid.

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.