



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

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**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**

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

Report of the Secretariat

I. Introduction

1. In its most recent “omnibus” resolution on crime (resolution [76/187](#) of 16 December 2021), the General Assembly recognized, inter alia, that, thanks to its nearly universal adherence and wide scope of application, the United Nations Convention against Transnational Organized Crime offers a fundamental legal basis for international cooperation to support the investigation and prosecution of crimes covered by the Convention, including for extradition, mutual legal assistance, and confiscation and asset recovery, and that it provides effective mechanisms that should be further implemented and utilized in practice.

2. In the same resolution, the General Assembly reaffirmed that the Convention and the Protocols thereto represent the most important tools of the international community for fighting transnational organized crime, including cybercrime; noted with appreciation that the number of States parties had reached 190, which was a significant indication of the commitment shown by the international community to combating transnational organized crime; and recalled, in that respect, resolution 10/4 of 16 October 2020 of the Conference of the Parties,¹ entitled “Celebrating the twentieth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime and promoting its effective implementation”, in which the Conference emphasized the continued relevance of the Convention, including in countering new, emerging and evolving forms of transnational organized crime.

* [CTOC/COP/2022/1](#).

¹ See [CTOC/COP/2020/10](#), sect. I.A.



3. The present report provides an overview of activities undertaken by the United Nations Office on Drugs and Crime (UNODC) since the tenth session of the Conference, held in Vienna from 12 to 16 October 2020, to promote the implementation of the provisions on international cooperation in the Convention. Where necessary, the report also outlines developments and action undertaken in other intergovernmental processes, either because of mandates authorizing synergies and open channels of communication between the Conference and those intergovernmental processes, or because of the importance and the cross-cutting nature of the issues under discussion in such processes.

II. Judicial networking to combat transnational organized crime

4. UNODC continued to support several international networks of focal points to facilitate cooperation in criminal matters and the effective exchange of information and expertise through, inter alia, building trust and creating contacts among practitioners. Participation in regional cooperation platforms and networks is an asset for expeditious cross-regional cooperation and enhanced inter-institutional coordination in cases related to transnational organized crime. This was demonstrated by the work of UNODC-supported networks, as explained in more detail below, such as the Judicial Cooperation Network for Central Asia and the Southern Caucasus, the Regional Judicial Platform of the Sahel countries and the Network of West African Central Authorities and Prosecutors against Organized Crime.

5. During the reporting period, UNODC, through its Global Programme for Strengthening the Capacities of Member States to Prevent and Combat Organized and Serious Crime continued to support three existing judicial cooperation networks. In 2021, the Programme, through the three networks, facilitated 76 cases of judicial cooperation. In the same year, an additional 43 requests were facilitated by providing liaison between other networks or between central authorities that do not participate in any network. In 2022, 23 judicial cooperation requests had been facilitated as at 15 May 2022. The Programme also continued to coordinate and cooperate with other judicial networks, including the European Judicial Network, the Ibero-American Network for International Legal Cooperation and the Southeast European Prosecutors Advisory Group, as well as to cooperate with the European Union Agency for Criminal Justice Cooperation and the Council of Europe.

6. In 2021, although the coronavirus disease (COVID-19) pandemic had a significant impact on the transmission of requests for many of its members, the Judicial Cooperation Network for Central Asia and the Southern Caucasus facilitated 12 interregional judicial cooperation requests involving the following countries: Belize, Benin, Cabo Verde, Czechia, Egypt, Greece, Italy, India, Romania, Sri Lanka, Sweden and Thailand. Of the 12 requests, 7 were new, submitted in 2021, while the other 5 were received in 2020 but not finalized until 2021. In 2020, the Judicial Cooperation Network for Central Asia and the Southern Caucasus and the Central Asian Regional Information and Coordination Centre began cooperating to promote the coordination of investigations at an early stage. This was done by issuing coordination alerts in eight complex cross-border cases of drug trafficking in which multilateral or bilateral coordination of investigations was required. In 2021, this cooperation with the Central Asian Regional Information and Coordination Centre resulted in 15 cross-border coordination alerts.

7. In August 2021, the Judicial Cooperation Network for Central Asia and the Southern Caucasus provided support and logistics for a bilateral coordination meeting between the Prosecutor General's Office of Uzbekistan and the Attorney General's Office of Saudi Arabia. The aim of the meeting, held in Jeddah, Saudi Arabia, was to discuss issues related to mutual legal assistance and joint investigations of criminal cases. A draft interdepartmental agreement on cooperation was also negotiated as an outcome of the meeting. The Network held a plenary meeting online in

February 2021. In March 2022, the Network, in collaboration with the UNODC Human Trafficking and Migrant Smuggling Section, co-organized with the Prosecutor General's Office of Georgia a regional conference on cooperation to combat trafficking in persons. An important outcome was the creation, within the Network, of an inter-agency working group on trafficking in persons, featuring the participation of agencies involved in investigating and prosecuting related offences and in protecting victims. In June 2022, a plenary meeting of the Network was held in Tashkent, in cooperation with the Prosecutor General's Office of Uzbekistan. In addition, in September 2021, a new web page for the Network was finalized. Available in English and Russian, the web page is located on the website of UNODC (www.unodc.org/unodc/en/organized-crime/CASC/index.html).

8. The West African Network of Central Authorities and Prosecutors against Organized Crime facilitated the negotiation of treaties on mutual legal assistance between Italy and Guinea-Bissau in October 2020, and two other negotiations, between Italy and Ghana and Côte d'Ivoire, are planned for September 2022. The Network also continued to support the Nigerian liaison magistrates deployed to Italy under the project "Protection for migrants: justice, human rights and migrant smuggling". This included support for the negotiation of a bilateral convention on extradition between the Niger and Italy. Furthermore, training provided through the Network helped the central authority in Nigeria responsible for mutual legal assistance to resolve 54 cases submitted by Italy. In June 2022, the Network supported the liaison magistrate in the Niger with the delivery of sensitization training on international cooperation to officials, focusing on the importance of processing requests and the steps required. The Network held a plenary meeting in Dakar from 8 to 11 November 2021 and agreed to establish a working group on international cooperation in criminal matters to address cases related to trafficking in persons and to better support the victims of such trafficking. One day of the meeting was devoted to cooperation in addressing trafficking in falsified medical products and was organized in collaboration with the Council of Europe, the International Criminal Police Organization (INTERPOL) and the World Health Organization. In Bamako from 13 to 17 December 2021, 32 judges, prosecutors and law enforcement officials were trained in how to apply the principles of international cooperation in criminal matters and judicial integrity. Furthermore, a meeting was held for representatives of the central authorities of Burkina Faso, Chad, Mali, the Niger and Togo to discuss how to resolve a backlog of cases.

9. In February 2021, the South-East Asia Justice Network (SEAJust) held its first plenary meeting (virtually). Owing to the COVID-19 pandemic, the Network was officially launched during a high-level event on the margins of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Kyoto, Japan, from 17 to 21 March 2021. An extraordinary plenary meeting was held in July 2021, at which a vote was taken in favour of admitting Australia and Maldives as new members of the Network, and in December 2021 a joint meeting was held with the European Judicial Network.

10. Throughout 2020 and 2021, UNODC, through the Global Programme for Strengthening the Capacities of Member States to Prevent and Combat Organized and Serious Crime, continued to collect information on emergency measures taken by central and other competent authorities involved in international cooperation in criminal matters during the COVID-19 pandemic. The information, which has been compiled and also brought to the attention of the Working Group on International Cooperation of the Conference (see [CTOC/COP/WG.3/2021/2](#), annex), was obtained through the secretariats of regional judicial cooperation networks or directly provided by the national central authorities themselves. At the time of drafting the present report, some 78 countries had adopted extraordinary measures to accept requests sent by electronic means. To date, more than 145 central authorities have received the list containing this information and updates to it.

11. In terms of technical assistance, UNODC, in coordination with the West African Network of Central Authorities and Prosecutors against Organized Crime, reviewed

and provided written comments on a draft law on mutual legal assistance during a retreat for parliamentarians of the Gambia, held virtually on 6 and 7 September 2021.

III. Tools to facilitate international cooperation to combat transnational organized crime

A. Knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC)

12. UNODC continued to develop and expand the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC), a website that is freely accessible without the need for registration and that comprises several databases containing legal resources concerning organized crime and terrorism. To facilitate global and multilingual access, the portal has been translated for use in each of the six official languages of the United Nations. Recently, an automatic translation feature was integrated into the portal to enable users to browse in different languages.

13. UNODC continued to populate the SHERLOC database of legislation with laws concerning organized crime, terrorism and cross-cutting issues. The database of legislation currently contains more than 11,800 legislative extracts from 197 countries, most of which are parties to the Organized Crime Convention. Each of the extracts has been catalogued according to country, article of the Organized Crime Convention and the Protocols thereto, crime type and relevant cross-cutting issues. The extracts are accompanied by attachments containing, or links to, the full text of the relevant law in one of the six official languages of the United Nations. As regards international cooperation, the database of legislation contains, for example, 409 extracts of legislation on extradition and 424 extracts dealing with mutual legal assistance. Accessing these extracts can assist national central and competent authorities in understanding the legal framework for cooperation with other countries.²

14. The SHERLOC case law database can also be used to research matters concerning organized crime and terrorism. It currently hosts more than 3,250 summaries of judicial proceedings concerning organized crime and terrorism from 137 countries, as well as several international and regional bodies. With regard to international cooperation, the case law database contains 96 cases involving international cooperation for the purposes of extradition, 39 cases involving international cooperation for the purposes of confiscation and asset recovery, 108 cases involving mutual legal assistance and 115 cases involving international law enforcement cooperation. Additional cases in the database concern further aspects of international cooperation such as the transfer of sentenced persons and the transfer of criminal proceedings.³

15. The recently redeveloped and improved SHERLOC treaty database provides information on the ratification of international and regional treaties concerning organized crime, terrorism and international cooperation in criminal matters. It can therefore be used by central and competent authorities to ascertain the relevant legal framework for international cooperation with their counterparts. Furthermore, the SHERLOC strategies database, which grew to over 220 entries as a result of the research on strategies and action plans undertaken during the development of the Organized Crime Strategy Toolkit for Developing High-impact Strategies, constitutes a key source of information on national strategic efforts to prevent and combat organized crime, including efforts undertaken in the context of international cooperation.

² Materials contained in the SHERLOC database of legislation concerning international cooperation are available at <https://sherloc.unodc.org> and can be accessed by selecting a filter under the “Cross-Cutting Issues” menu.

³ Materials contained in the SHERLOC case law database concerning international cooperation can be accessed by selecting a filter under the “Cross-Cutting Issues” menu.

16. The SHERLOC portal was visited by 316,823 users in 2021. Most visitors use the portal in English, with Spanish and French coming in second and third in terms of use. The 10 countries with the most SHERLOC users in 2021 were the United States of America (10.6 per cent of users), the Philippines (9.4 per cent), Austria (9 per cent), Argentina (8 per cent), India (5.3 per cent), Ecuador (4.6 per cent), the United Kingdom of Great Britain and Northern Ireland (3 per cent), Canada (2.8 per cent), the Plurinational State of Bolivia (2.8 per cent) and Australia (2.7 per cent). According to the latest survey conducted among SHERLOC users, the most common fields of work of the latter are academia (27 per cent), law enforcement (20 per cent), criminal justice practitioners (11 per cent), non-governmental organizations (10 per cent), policymakers (10 per cent) and authorities responsible for international cooperation (5 per cent).

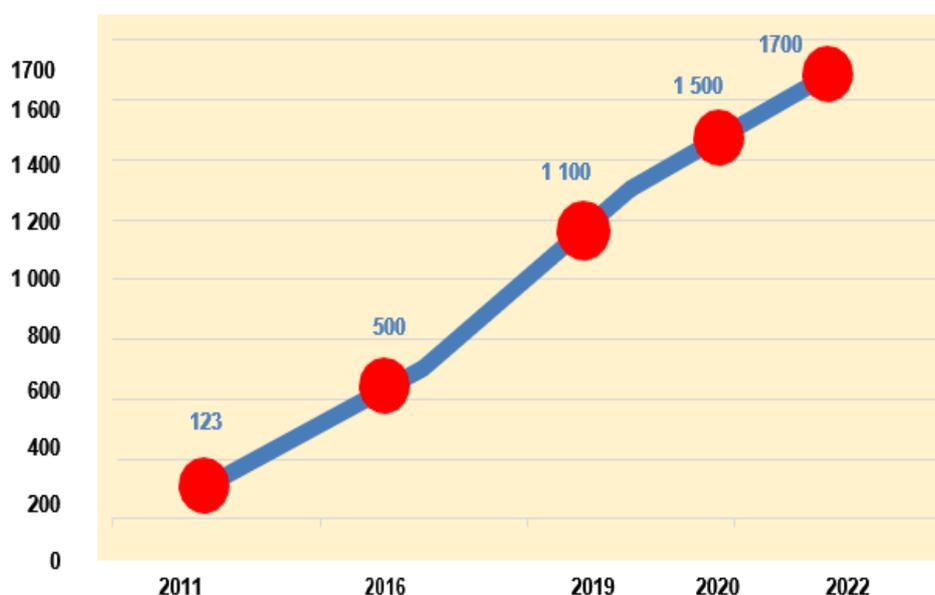
17. In May 2021, the UNODC Global Initiative on Handling Electronic Evidence across Borders launched the Electronic Evidence Hub, a one-stop shop within SHERLOC.⁴

B. Online directory of competent national authorities

18. Pursuant to recommendations contained in resolution 8/1 of the Conference of the Parties, UNODC continued to work on the directory of competent national authorities, updating both its online version on SHERLOC and the e-book circulated to permanent missions and authorities listed in the directory. As a result, the overall number of authorities listed in the directory in line with the relevant existing mandates⁵ had increased to more than 1,700 as at June 2022 (see figure I).

Figure I

Number of authorities listed in the directory of competent national authorities, 2011–2022



19. During the reporting period, the online directory was expanded to include information on the requirements applicable to the collection, preservation, handling and/or sharing of electronic evidence. These requirements are specifically displayed under the information on central authorities responsible for mutual legal assistance so as to enable practitioners to easily determine the applicable legal framework for the handling of electronic evidence.

⁴ Available at <https://sherloc.unodc.org/cld/en/st/evidence/electronic-evidence-hub.html>.

⁵ Available at <https://sherloc.unodc.org/cld/v3/sherloc/cna/index.jspx#/articles>.

20. Since the tenth session of the Conference of the Parties, the number of registered users of the directory also increased, reaching 2,450 users overall as at June 2022 (see figure II).

Figure II

Number of users of the directory of competent national authorities, 2015–2022



C. Digest of cases in which the Organized Crime Convention was used as a legal basis for international cooperation in criminal matters

21. The digest of cases in which the Organized Crime Convention was used as a legal basis for international cooperation in criminal matters⁶ was released in October 2021 and has been presented since then at various intergovernmental and expert forums. It represents the first and most comprehensive study of the practical application of the international cooperation provisions of the Convention, as documented in actual cases. The digest consists of seven chapters and examines the types of international cooperation involved, the regional breakdown of cases, the types of offence involved, and the interrelationship between the Convention and other multilateral, regional and bilateral instruments.

22. The digest was issued shortly after the twentieth anniversary of the adoption and opening for signature of the Convention. On the basis of the information contained therein, it is evident that the international cooperation provisions of the Convention have been used in a considerable number of cases. Some of the cases featured in the digest reflect one of the greatest advantages of the Convention, namely its ability to be used as the sole legal basis for international cooperation where no such cooperation would have been possible otherwise. However, it should be stressed that the digest does not and cannot aspire to present a complete picture of the use of the Convention as a legal basis for international cooperation in criminal matters. On the contrary, the digest offers merely a snapshot of known cases, which by its nature is selective and indicative. It would be highly desirable to turn this digest into a “living document”, as research continues on the use of the Convention in real-life cases.

⁶ UNODC, *Digest of Cases of International Cooperation in Criminal Matters Involving the United Nations Convention against Transnational Organized Crime as a Legal Basis* (Vienna, 2021).

D. Digest of Cyber Organized Crime

23. International cooperation aspects are also addressed in the *Digest of Cyber Organized Crime*, released by UNODC in October 2021. The digest seeks to shed light on cyber organized crime and to present relevant cases from different regions. It identifies and analyses cyber organized crime cases in an attempt to determine not only key characteristics of this form of crime and the groups that commit such crime, but also gaps in knowledge and criminal justice practices as they pertain to the investigation, prosecution and adjudication of relevant cases, including in the field of international cooperation.

24. A virtual expert group meeting on cyber organized crime in anglophone Africa was held from 24 to 26 November 2021 to further identify and discuss cases from the region for addition to an updated version of the digest. Moreover, UNODC organized, in cooperation with the International Law Enforcement Academy (San Salvador), an online webinar on investigating and prosecuting cyber organized crime in Latin America and the Caribbean, held from 28 March to 1 April 2022.

E. Model Legislative Provisions against Organized Crime

25. The second edition of the *Model Legislative Provisions against Organized Crime* was released in 2021 to better facilitate the review, amendment and adoption of legislation to implement the Organized Crime Convention and the rendering of legislative assistance to that end. It should be recalled that the first edition, published in 2012, had been developed by UNODC in response to a request made by the General Assembly to the Secretary-General to promote and assist the efforts of Member States to accede to and implement the Convention and its Protocols. The Model Legislative Provisions are designed to be adapted to the needs of each State, whatever its legal tradition and social, economic, cultural and geographical conditions.

26. An online expert group meeting was held from 7 to 10 December 2020 to finalize the second edition of this tool. The experts participating in the meeting engaged in group discussions to review an early draft and provided written input on subsequent drafts.

27. The second edition has been restructured into seven chapters and includes new model legislative provisions on undercover investigations and assistance to, and protection of, victims. The model legislative provisions included in the first edition have also been revised and improved, with particularly noteworthy revisions being made to those dealing with the liability of legal persons, special investigative techniques, international law enforcement cooperation, joint investigations, pretrial detention and the transfer of sentenced persons. The explanatory notes for each of the model legislative provisions have also been updated to explain the context and design of the provisions and to provide additional guidance for legislators. Lastly, the legislative examples of implementation of the various model legislative provisions have been updated and expanded.

IV. International cooperation as a key element in technical assistance activities to promote the implementation of the supplementary Protocols to the Organized Crime Convention

28. Practical and legal aspects pertaining to the implementation of the international cooperation provisions of the Organized Crime Convention were presented during the reporting period at bilateral workshops and meetings on fostering international cooperation in the fight against the smuggling of migrants and trafficking in persons, organized by UNODC for various countries as follows: for Kenya and Uganda from 17 to 19 February 2021; for Bangladesh and Costa Rica from 23 to 25 March 2022;

for Colombia and Sri Lanka on 27 and 28 June 2022; and for the Dominican Republic and Sri Lanka on 29 and 30 June 2022.

29. Within the framework of the UNODC Regional Programme for Eastern Africa (2016–2021) and the Better Migration Management programme, UNODC organized a three-day regional conference in a hybrid format from 5 to 7 July 2021 to support Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, the Sudan and Uganda in their efforts to prevent and counter transnational organized crime, notably trafficking in persons and the smuggling of migrants, with a particular focus on strengthening international cooperation in criminal matters related to such cases. Bringing together approximately 80 participants from the aforementioned countries, the regional conference pursued as its primary goal the exchange of information on good practices and available tools to support international cooperation in criminal matters involving trafficking in persons and the smuggling of migrants, as provided for by the Convention and the Protocols thereto.

V. High-level Conference of the Parliamentary Assembly of the Mediterranean on “The Palermo Convention: the future of the fight against transnational organized crime” (Naples, Italy, 20 and 21 June 2022)

30. International cooperation to combat transnational organized crime was among the key themes discussed at the High-level Conference of the Parliamentary Assembly of the Mediterranean on “The Palermo Convention: the future of the fight against transnational organized crime”, held in Naples, Italy, on 20 and 21 June 2022, and organized by the Assembly in partnership with the regional government of Campania, UNODC and the Vittorio Occorsio Foundation.

31. Over 220 participants from member States and associate members of the Parliamentary Assembly of the Mediterranean, other international organizations and civil society attended and contributed to the event. The outcome document of the conference, namely the Declaration of Naples, was brought to the attention of the Conference of the Parties to the Organized Crime Convention (see CTOC/COP/2022/CRP.5). The Declaration reflects the collective voice of the region’s parliamentarians in support of the fight against transnational organized crime, as well as the willingness of the Assembly to collaborate with UNODC on enhancing the implementation of the Convention, including by supporting the work of the review mechanism for the Convention and the Protocols thereto.

VI. International cooperation involving electronic evidence

A. Maintaining communication with the Expert Group to Conduct a Comprehensive Study on Cybercrime: an update on the work of the Expert Group

32. In its resolution 9/3, the Conference of the Parties endorsed a recommendation adopted by the Working Group on International Cooperation at its eighth meeting, held from 9 to 13 October 2017, in which the Secretariat was invited to assist both the Conference and its Working Group on International Cooperation in maintaining communication with the Expert Group to Conduct a Comprehensive Study on Cybercrime, within their respective mandates and while keeping the bureaux of both groups informed (Conference resolution 9/3, annex I, subpara. (k)). At its tenth session, the Conference was informed about the fifth and sixth meetings of the Expert Group (CTOC/COP/2020/6).

33. The seventh meeting of the Expert Group – the stocktaking meeting – was held in Vienna from 6 to 8 April 2021. In accordance with its workplan, the Expert Group considered the preliminary conclusions and recommendations resulting from the

meetings of the Expert Group in 2018, 2019 and 2020, in order to produce a consolidated and comprehensive list of adopted conclusions and recommendations for submission to the Commission on Crime Prevention and Criminal Justice.

34. It was agreed during the meeting that its report, which was to be a procedural report, would reflect the fact that the Expert Group had considered all compiled conclusions and recommendations in a fast-tracked manner, owing to the reduced number of hours available in view of the COVID-19-related arrangements for the meeting. Additionally, the Expert Group agreed to transmit to the Commission the 63 agreed conclusions and recommendations as contained in the annex to the report of the meeting ([UNODC/CCPCJ/EG.4/2021/2](#)).

35. At the same meeting, the Expert Group also considered an agenda item entitled “Discussion of future work of the Expert Group”. Divergent views were expressed on that matter, as reflected in the statements uploaded to the website of the seventh meeting of the Expert Group.

B. Fourteenth United Nations Congress on Crime Prevention and Criminal Justice and its workshop on current crime trends, recent developments and emerging solutions, in particular new technologies as means for and tools against crime

36. During the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, Committee II of the Congress held a workshop on 10 and 11 March 2021 on current crime trends, recent developments and emerging solutions, in particular new technologies as means for and tools against crime. The Korean Institute of Criminology and Justice and the National Institute of Justice of the Department of Justice of the United States of America, both members of the United Nations crime prevention and criminal justice programme network, assisted UNODC in the preparation and organization of the workshop.

37. One of the topics discussed at the workshop was the use of technology in the field of international cooperation in criminal matters. In this connection, the challenges and lessons learned from the impact of the COVID-19 pandemic on such cooperation were raised, with particular reference made to adaptation and the use of innovative approaches, such as electronic transmission of requests, videoconferencing, strengthening of direct communication, and judicial networks. The importance of having fully equipped and empowered national central authorities was also underlined, with a number of good practices cited, such as the posting abroad of law enforcement and judicial attachés and the use of law enforcement channels before the submission of mutual legal assistance requests.

38. One of the recommendations of the workshop was that Member States should seek to streamline international cooperation in criminal matters through the use of technology and innovative tools by practitioners and central authorities that are equipped and empowered to fully benefit from such technology and tools.

C. The work of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes

39. In its resolution [74/247](#), the General Assembly decided to establish an open-ended ad hoc intergovernmental committee of experts, representative of all regions, to elaborate a comprehensive international convention on countering the use of information and communications technologies for criminal purposes, taking into full consideration existing international instruments and efforts at the national, regional and international levels on combating the use of information and communications technologies for criminal purposes, in particular the work and outcomes of the open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on

Cybercrime. Furthermore, in its resolution [75/282](#), the General Assembly decided, inter alia, that the Ad Hoc Committee should convene at least six sessions, of 10 days each, to commence in January 2022, including a concluding session in New York, and that it should conclude its work in order to provide a draft convention to the General Assembly at its seventy-eighth session.

40. At its first session, held in New York from 28 February to 11 March 2022, the Ad Hoc Committee adopted its road map and mode of work ([A/AC.291/7](#), annex II) with a view to facilitating the fulfilment of the Committee's mandate through a well-planned, organized and transparent approach. It also adopted the structure of the future convention, including chapters on international cooperation and on procedural measures and law enforcement.

41. At its second session, held in Vienna from 30 May to 10 June 2022, the Ad Hoc Committee undertook the first reading of the chapter on procedural measures and law enforcement, in accordance with the road map and mode of work. Member States exchanged views on procedural measures and law enforcement, including on electronic evidence, based on their written submissions (see "Compilation of proposals and contributions submitted by Member States on the provisions on criminalization, the general provisions and the provisions on procedural measures and law enforcement of a comprehensive international convention on countering the use of information and communications technologies for criminal purposes" in documents [A/AC.291/9/Add.2](#) and [A/AC.291/9/Add.3](#)).

42. At its third session, scheduled to be held in New York from 29 August to 9 September 2022, the Ad Hoc Committee will undertake the first reading of the chapter on international cooperation, in accordance with the road map and mode of work. Member States will exchange views on international cooperation based on their written submissions.

43. The Ad Hoc Committee is expected to examine a consolidated negotiating document at its fourth and fifth sessions, prepared on the basis of the outcomes of the first reading of the draft chapters of the convention completed during the second and third sessions.

D. Thematic discussion at the thirty-first session of the Commission on Crime Prevention and Criminal Justice

44. At its reconvened thirtieth session, the Commission on Crime Prevention and Criminal Justice decided that the prominent theme for its thirty-first session would be "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".

45. During the debate after the panel discussion in the morning part of the thematic discussion on 17 May 2022, many speakers emphasized the increasing relevance of electronic evidence in criminal proceedings and cited national approaches for gathering, preserving and using electronic evidence while ensuring its admissibility in such proceedings. In particular, reference was made to national standards, procedures and requirements for handling electronic evidence. Many speakers also agreed that international cooperation was of paramount importance for gathering and sharing electronic evidence in cross-border investigations. In that regard, a number of speakers underscored the need to build trust as a key strategic priority and an overarching principle for international cooperation. Moreover, some speakers highlighted the added value of public-private partnerships and synergies between law enforcement authorities and service providers with regard to obtaining electronic evidence in a timely manner.

E. Mainstreaming the topic of electronic evidence into the work of the United Nations Office on Drugs and Crime in the field of international cooperation

1. Electronic evidence and international cooperation to combat transnational organized crime and terrorism

46. In its resolution 9/3, annex I, the Conference of the Parties stated the importance of training activities for both criminal justice and law enforcement authorities and private service providers on the gathering and sharing of electronic evidence and on international cooperation relating to such evidence. Subsequently, in its resolution 10/4, the Conference requested UNODC to update existing model instruments and publications with a view to including provisions on electronic evidence.

47. Accordingly, the Global Initiative on Handling Electronic Evidence across Borders, launched in 2017 by UNODC together with the Counter-Terrorism Committee Executive Directorate and the International Association of Prosecutors, focused on developing practical tools and delivering tailor-made training sessions aimed at enhancing the capacity of: (a) law enforcement authorities to identify, collect, acquire and preserve the electronic data needed to investigate terrorism and other serious offences; (b) prosecutorial and judicial authorities to use those data as evidence in court; and (c) central and competent authorities to handle and exchange those data across borders and jurisdictions, without jeopardizing their admissibility and probative value at court.

48. In May 2021, the Global Initiative launched the Electronic Evidence Hub, a one-stop shop for various practical tools specifically tailored to the needs of law enforcement, judicial and central authorities.⁷ The Hub includes a range of resources, such as the first and second editions of the *Practical Guide for Requesting Electronic Evidence across Borders*, the Service Providers Mapping, the Train-the-Trainer Module and the *Catalogue of Cross-Border Exercises*.

49. The Electronic Evidence Hub also encompasses various models, such as standardized forms for requesting the preservation of electronic data, the disclosure of data on a voluntary basis, and emergency disclosure of data. Additionally, the Hub includes domestic legal provisions of relevance for the handling of electronic evidence from 95 Member States (as at 20 June 2022). During the reporting period, the online directory of competent national authorities started displaying, as part of information on central authorities responsible for mutual legal assistance, national legal provisions applicable to electronic evidence. The Hub also hosts geographically focused compilations of applicable laws and regulations on the admissibility of electronic evidence.

50. The Hub further contains resources devoted to communication service providers, such as the Data Disclosure Framework, launched in October 2021, together with checklists for preservation, voluntary disclosure and emergency disclosure requests. The Data Disclosure Framework outlines general practices developed by international service providers in responding to overseas government requests for data.

51. In 2022, the Global Initiative integrated into the Electronic Evidence Hub the International Cooperation and Electronic Evidence i-Campus, an online self-paced learning platform that offers tailor-made multimedia material on key aspects related to the handling of electronic evidence across borders for law enforcement and judicial purposes.

52. During the reporting period, the Global Initiative continued to raise awareness among communication service providers of their role in international cooperation in criminal matters. In this regard, in addition to launching the Data Disclosure

⁷ Available at <https://sherloc.unodc.org/cld/en/st/evidence/electronic-evidence-hub.html>.

Framework, the Global Initiative also hosted a series of introductory webinars and is currently finalizing a self-learning toolkit for online service providers, which includes modules on the handling of electronic evidence across borders and on general practices for the execution of electronic evidence requests.

2. Revision of the Model Law on Mutual Assistance in Criminal Matters

53. Pursuant to resolution 10/4 of the Conference of the Parties, UNODC held two informal expert group meetings in March and November 2021 to update the Model Law on Mutual Assistance in Criminal Matters (2007) with provisions on the use of special investigative techniques and the gathering of electronic evidence.

54. The amendments to the 2007 Model Law were primarily based on: (a) the deliberations during the two informal expert group meetings mentioned above; (b) the written inputs received through national questionnaires; (c) the inputs received in the context of focused interviews with a number of national central authorities; and (d) the desk review carried out, under the Global Initiative on Handling Electronic Evidence across Borders, by UNODC experts from the Terrorism Prevention Branch and the Organized Crime and Illicit Trafficking Branch. Due consideration was also given to the 2021 edition of the UNODC *Practical Guide for Requesting Electronic Evidence across Borders* and to the second edition of the UNODC *Model Legislative Provisions against Organized Crime*, as appropriate.

55. The suggested amendments, mostly related to part 4 of the Model Law – originally headed “Assistance in relation to computers, computer systems and computer data” and now headed “Assistance in relation to electronic evidence” – are wide-ranging. The original provisions concerning expedited preservation and disclosure of stored computer data, production of stored computer data, and search and seizure of computer data have all been amended to provide further considerations for States when granting such requests. New provisions have been inserted concerning the production of stored computer data in an emergency situation, and the relevant definitions have also been updated. New provisions dealing with the treatment of electronic evidence by a State, following a foreign request, have also been inserted. Finally, provisions have been added on the granting of mutual assistance in relation to electronic surveillance.

56. The revised Model Law on Mutual Assistance in Criminal Matters was brought to the attention of the Commission on Crime Prevention and Criminal Justice at its thirty-first session for the information of Member States and also for consideration as reference material in support of the thematic discussion “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”. It was also brought to the attention of the Conference of the Parties (see CTOC/COP/2022/CRP.4). The revised text of the Model Law is available on the UNODC website.⁸

VII. International cooperation to combat crimes that affect the environment

57. Two important intergovernmental processes have recently been launched and are running almost in parallel, with the aim of gaining a better understanding of the efforts required at the national, regional and global levels to address the scale and sophistication of criminal activities that harm the environment, including efforts to promote international cooperation to combat such crimes. The first one is linked to the Commission on Crime Prevention and Criminal Justice and was mandated by the General Assembly in its resolution 76/185, on preventing and combating crimes that affect the environment. In the resolution, the Assembly called upon the Commission

⁸ www.unodc.org/documents/legal-tools/Website_version_Model_Law_Mutual_Legal_Assistance_.pdf.

to hold during the intersessional period expert discussions on preventing and combating crimes that affect the environment in order to discuss concrete ways to improve strategies and responses to effectively prevent and combat those crimes and to strengthen international cooperation at the operational level on that matter. Pursuant to the resolution, expert discussions were held from 14 to 16 February 2022 that focused on three thematic pillars: (a) preventing crimes that affect the environment; (b) combating crimes that affect the environment; and (c) strengthening international cooperation to address crimes that affect the environment. During the expert discussions, a number of speakers pointed out that the Organized Crime Convention and the United Nations Convention against Corruption provided a common framework for international cooperation, and argued that political will to prioritize efforts to address crimes that affect the environment was crucial for empowering law enforcement agencies to cooperate at the international level. Moreover, there was extensive debate on a series of operational aspects of international cooperation to combat crimes that affect the environment, including the use and impact of networks and the strengthening of international inter-agency cooperation and capacity-building.

58. With regard to the second process, in its resolution 10/6, the Conference of the Parties requested the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation to hold a joint thematic discussion on the application of the Convention for preventing and combating transnational organized crimes that affect the environment and to make recommendations for consideration by the Conference at its eleventh session, within their mandates, in order to promote the practical application of the Convention.

59. In line with this request and building on the aforementioned expert discussions held by the Commission, the two working groups held a joint thematic discussion on 24 May 2022, with joint sessions on this shared agenda item. The discussion pursued two objectives: (a) to examine and assess criminalization approaches to addressing transnational organized crimes that affect the environment, together with issues relating to international cooperation to combat such crimes, including the practical application of the relevant provisions of the Convention; and (b) to assist the two working groups in their endeavour to make pertinent recommendations for consideration by the Conference.

60. The thematic discussion echoed the need to establish robust international cooperation mechanisms as a key element in the response to crimes that affect the environment, especially given the transnational nature of most such crimes. The working groups discussed issues pertaining to international cooperation to combat existing and emerging forms of transnational organized crime, including crimes that affect the environment, also in the light of the concept of “serious crime”, as defined in the Convention ([CTOC/COP/WG.2/2022/3-CTOC/COP/WG.3/2022/3](#), para. 55).

61. The working groups adopted recommendations on this topic for endorsement by the Conference, encouraging States parties to, inter alia, consider making crimes that affect the environment, in appropriate cases, serious crimes, in accordance with their national legislation, as defined in article 2, paragraph (b), of the Convention in order to facilitate international cooperation ([CTOC/COP/WG.2/2022/4-CTOC/COP/WG.3/2022/4](#), para. 9 (a)).

62. It should be noted that the working groups referred, in one of their recommendations, to Commission on Crime Prevention and Criminal Justice resolution 31/1, entitled “Strengthening the international legal framework for international cooperation to prevent and combat illicit trafficking in wildlife”, in which the Commission invited Member States to provide UNODC with, inter alia, their views on possible responses, including the potential of an additional protocol to the Organized Crime Convention, to address any gaps that may exist in the current international legal framework to prevent and combat illicit trafficking in wildlife ([CTOC/COP/WG.2/2022/4-CTOC/COP/WG.3/2022/4](#), para. 9 (l)).

VIII. Supporting the work of the Working Group on International Cooperation

A. Deliberations within the Working Group

63. The twelfth meeting of the Working Group on International Cooperation was held on 25 and 26 March 2021. At that meeting, the Working Group finalized and adopted the recommendations resulting from its eleventh meeting, held on 7 and 8 July 2020, which related to: (a) the use and role of joint investigative bodies in combating transnational organized crime; and (b) international cooperation involving special investigative techniques. At the same meeting, the Working Group also discussed the impact of the COVID-19 pandemic on international cooperation in criminal matters and adopted pertinent recommendations. During the deliberations, a number of speakers confirmed that the crisis caused by the pandemic had demonstrated capacities for the diversification and sophistication of criminal activities, including crimes that involved electronic evidence, and that it had revealed vulnerabilities in mechanisms to confront transnational organized crime. It was reported that national authorities had seen crime and security-related trends accelerate faster than expected. At the same time, some speakers underlined that the pandemic had also made it possible to develop strengths and innovations to confront crime ([CTOC/COP/WG.3/2021/3](#)).

64. The thirteenth meeting of the Working Group on International Cooperation was held from 23 to 27 May 2022, back to back with the thirteenth meeting of the Working Group of Government Experts on Technical Assistance, with a joint thematic discussion on the application of the Organized Crime Convention for preventing and combating transnational organized crimes that affect the environment. A substantive agenda item which was discussed at the meeting of the Working Group on International Cooperation was related to the transfer of sentenced persons (article 17 of the Convention). A number of speakers referred to national approaches to carrying out transfers of sentenced persons, as well as relevant legal frameworks, including domestic laws and applicable treaties. Relevant recommendations on this topic were also adopted by the Working Group ([CTOC/COP/WG.2/2022/4-CTOC/COP/WG.3/2022/4](#)).

65. The recommendations adopted by the Working Group on International Cooperation at its twelfth and thirteenth meetings were annexed to a resolution entitled “Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime” and brought to the attention of the Conference of the Parties for endorsement.

B. Synergies with the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption

66. The tenth open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption was held in Vienna from 6 to 10 September 2021. In an effort to enhance the exchange of information and synergies between the open-ended intergovernmental expert meeting and the Working Group on International Cooperation established by the Conference of the Parties to the Organized Crime Convention, a representative of the secretariat provided, inter alia, an overview of the salient outcomes of the deliberations of the Working Group on International Cooperation at its twelfth meeting, held in Vienna on 25 and 26 March 2021.

67. The discussions at the meeting generated a number of proposals by States parties to enhance international cooperation, including the proposal to increase synergies between the open-ended intergovernmental expert meeting and the Working Group on International Cooperation by further exploring the possibility of holding joint or back-to-back meetings, while at the same time continuing the joint thematic meetings

of the Implementation Review Group, the Working Group on Asset Recovery and the open-ended intergovernmental expert meeting ([CAC/COSP/EG.1/2021/4](#)).

C. Working Group on International Cooperation and the Mechanism for the Review of the Implementation of the Organized Crime Convention and the Protocols thereto

68. The present section reflects on the future role of the Working Group on International Cooperation within the framework of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

69. It should be recalled that, in its resolution 10/1, the Conference of the Parties officially launched the first phase of the review process and approved the self-assessment questionnaires and the blueprints for the lists of observations and the summaries, which are annexed to the resolution.

70. The procedures and rules for the functioning of the Implementation Review Mechanism, which are annexed to resolution 9/1 establishing the Mechanism, envisage a significant role for the working groups of the Conference, including the Working Group on International Cooperation, in the Mechanism. According to paragraph 12 of the procedures and rules, the Conference and its working groups are to add the review process to their agendas as an item consistent with their areas of expertise and without prejudice to their respective existing mandates. In addition, in order to ensure that the working groups are able to contribute to the Mechanism while also carrying out their respective existing mandates, each working group should dedicate no more than one agenda item per session to matters pertaining to the functioning of the review process. In May 2022, at its thirteenth meeting, the Working Group on International Cooperation included, for the first time, an agenda item on the Mechanism. During that meeting, the secretariat briefed the participants on the status and progress of the reviews, and States parties had the opportunity to deliberate on their participation in the Mechanism and on general developments in that regard.

71. In order to promote fruitful engagement with relevant stakeholders, including non-governmental organizations, and in accordance with article 32, paragraph 3 (c), of the Convention, the working groups are to have a constructive dialogue on the review process with relevant stakeholders, including non-governmental organizations (para. 53 of the procedures and rules). On 27 May 2022, the first constructive dialogue on technical assistance and international cooperation was organized upon conclusion of the thirteenth meeting of the Working Group on International Cooperation and the thirteenth meeting of the Working Group of Government Experts on Technical Assistance, featuring the participation of 21 non-governmental organizations and three other relevant stakeholders.

72. The thematic cluster on international cooperation, mutual legal assistance and confiscation, which will be the focus of the Working Group on International Cooperation in its role as a pillar of the Implementation Review Mechanism, will be reviewed, together with criminalization issues, in years III–VI of the multi-year workplan for the functioning of the Mechanism. Other issues that touch upon aspects of international cooperation in criminal matters, such as joint investigations, special investigative techniques and law enforcement cooperation, will be examined under the Mechanism’s thematic cluster on law enforcement and the judicial system in years VII–X of the multi-year workplan.

IX. Conclusions and recommendations

73. UNODC, as the guardian of implementation of the Organized Crime Convention, continued to support States parties in their efforts to effectively implement the provisions of the Convention on international cooperation. In doing

so, UNODC has sought to accord priority to translating into practice the policy directions given by the Conference in this field, including, in particular, the policy directions contained in the recommendations adopted by the Working Group on International Cooperation. In this connection, a draft resolution on the implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime has been submitted by the Chair of the thirteenth meeting of the Working Group, for endorsement by the Conference. The draft resolution includes two annexes: the first lists the recommendations adopted at the twelfth meeting of the Working Group, held in March 2021, and the second contains the recommendations adopted at the thirteenth meeting.

74. To pursue further improvements through concerted efforts to streamline action and achieve better results in the field of international cooperation in criminal matters, the Conference may wish to:

(a) Continue to encourage States parties to make, consistent with their national legal frameworks, the widest possible use of the Organized Crime Convention, also in relation to serious crimes as defined therein, in accordance with relevant recommendations of the Working Group on International Cooperation, as endorsed by the Conference;

(b) Encourage States to provide funding on a consistent and sustainable basis for the provision of technical assistance by UNODC for capacity-building in the area of international cooperation in criminal matters.
