



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

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## Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its fourth session, held in Vienna from 8 to 17 October 2008

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## I. Decisions taken by the Conference

1. At its fourth session, held in Vienna from 8 to 17 October 2008, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted the following decisions:

### Decision 4/1

#### **Possible mechanisms to review 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:

(a) Reaffirmed that the purpose of the United Nations Convention against Transnational Organized Crime<sup>1</sup> is to promote cooperation to prevent and combat transnational organized crime more effectively;

(b) Recalled article 32 of the Convention, pursuant to which, in particular, the Conference has the responsibility to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention, and is to agree, inter alia, upon mechanisms for achieving its objectives;

(c) Also recalled articles 30 and 34 of the Convention, which set out the obligations of States parties with respect to the provision of cooperation and technical assistance and to the implementation of the Convention;

(d) Further recalled that at its third session the Conference had expressed concern, in its decision 3/1, about the low rate of response of States parties to the questionnaires on the implementation of the Convention and the Protocols thereto;<sup>2</sup>

(e) Took note with satisfaction of improved information-gathering efforts since its third session with regard to the implementation of the Convention and the Protocols thereto, particularly the decision of the Open-ended Interim Working Group of Government Experts on Technical Assistance to develop a user-friendly checklist and the ongoing efforts of the United Nations Office on Drugs and Crime to develop a computer-based self-assessment tool, and took note of the working paper prepared by the Secretariat<sup>3</sup> containing project ideas developed in consultation with interested parties and donors in this regard;

(f) Expressed its concern at the information contained in the report of the Secretariat on the development of tools to gather information from States on the implementation of the Convention and each of the Protocols thereto,<sup>4</sup> which showed persisting gaps in the implementation of the Convention and its Protocols;

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>2</sup> *Ibid.*, vols. 2237, 2241 and 2326, No. 39574.

<sup>3</sup> CTOC/COP/2008/16.

<sup>4</sup> CTOC/COP/2008/2.

(g) Took into account that the review of the implementation of the Convention was an ongoing and gradual process, and considered that it was necessary to explore options regarding an appropriate and effective mechanism to assist the Conference in the review of the implementation of the Convention and the Protocols thereto;

(h) Took note of the note by the Secretariat on possible mechanisms to review implementation of the United Nations Convention on Transnational Organized Crime and the Protocols thereto,<sup>5</sup> which contained examples of review mechanisms under instruments relevant to the Convention;

(i) Requested the United Nations Office on Drugs and Crime to convene at least one open-ended intergovernmental meeting of experts, with interpretation, in Vienna by September 2009, said meeting to present a report to the Conference at its fifth session on mechanisms, as appropriate, for reviewing the implementation of the Convention and its Protocols;

(j) Requested Member States to submit to the Secretariat their comments and views for the purpose of the deliberations of the above-mentioned meeting, and also requested the Secretariat to organize the views and comments received so as to facilitate such deliberations;

(k) Requested the United Nations Office on Drugs and Crime to assist interested States parties in assessing their implementation of the provisions of the Convention and the Protocols thereto, and invited interested States parties and financial institutions to provide resources to the United Nations Crime Prevention and Criminal Justice Fund to finance such assistance.

#### **Decision 4/2**

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

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

(a) Recalled its decision 3/2, in which it decided that an open-ended working group of Government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation would be a constant element of the Conference;

(b) Noted that the open-ended working group had been convened during the fourth session of the Conference and, working in an environment of cooperation and goodwill, had engaged in a detailed review of the implementation of the articles on international cooperation of the United Nations Convention against Transnational Organized Crime,<sup>6</sup> resulting in a fruitful exchange of ideas and experiences regarding implementation of those articles;

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<sup>5</sup> CTOC/COP/2008/3.

<sup>6</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

I

**Substantive discussion of the working group**

(c) Noted that the open-ended working group had discussed in depth the following matters:

(i) The different elements of article 16, on extradition, of the Organized Crime Convention, highlighting the potential of those provisions as a legal basis for extradition, different aspects of the issue of the extradition of nationals, and the principles of *aut dedere aut judicare* and dual criminality;

(ii) The comprehensive provisions contained in article 18, on mutual legal assistance, of the Convention, which were found by the working group to constitute an integral set of rules applicable in areas in which no other treaty applied; ways and means of requesting assistance, such as by e-mail and oral communication; and the use of working languages;

(iii) Article 13, on international cooperation for purposes of confiscation, of the Convention, including the diversity of confiscation schemes found in national legislation, such as conviction-based confiscation and non-conviction-based confiscation;

(d) Took note of the recommendation of the working group to consider the use of videoconferencing and the giving of evidence by video link, and its encouragement of States parties to provide in their domestic legal systems for that type of cooperation, which had various benefits, including its cost-effectiveness and potential for the protection of witnesses;

(e) Requested the Secretariat to seek ways to support such use of videoconferencing and assist States in overcoming technical and legal obstacles, and to report to the Conference, at its fifth session, on the provision of such assistance;

(f) Decided that an in-depth discussion on the application of articles 12, 13, 16 and 18 of the Convention should be held at the fifth session of the Conference, on the basis of clear, practical examples of the application of those articles, with a view to further facilitating the effective application of those articles;

(g) Requested the Secretariat to collect from States parties, prior to the fifth session of the Conference, examples of the application of the above-mentioned articles, in particular in the area of international cooperation for purposes of confiscation, including non-conviction-based confiscation;

II

**Usefulness and use of the Convention as a basis for international cooperation in extradition, mutual legal assistance and international cooperation for purposes of confiscation**

(h) 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;

(i) Noted that the Convention was being used successfully by an increasing number of States as a basis for granting requests for extradition, mutual legal assistance and international cooperation for purposes of confiscation;

(j) Encouraged States parties to continue to make use of the Convention as a legal basis for international cooperation in extradition and mutual legal assistance, including confiscation, taking into account the extended scope of cooperation available under its article 16, on extradition, and article 18, on mutual legal assistance, and the internal legal requirements of States parties for the application of the Convention;

(k) Also encouraged States parties to fully utilize the Convention and the Protocols thereto<sup>7</sup> when other bases for cooperation, such as bilateral agreements and domestic law, did not provide for effective extradition, mutual legal assistance or international cooperation for purposes of confiscation; and emphasized in particular that the multilateral character of the provisions contained in articles 16 and 18 was of great value to practitioners, because it allowed international cooperation with many States without the necessity of concluding additional bilateral agreements;

(l) Further encouraged States parties to promote awareness of the Convention and to facilitate training activities for central authorities, judges, prosecutors, law enforcement officers and officers of national central bureaux of the International Criminal Police Organization (INTERPOL) who were engaged in international legal cooperation in the fight against transnational organized crime through implementation of the Convention;

(m) Requested the Secretariat to support, when requested, the provision of such training and awareness-raising at the national level;

### III

#### **Development of tools to facilitate international cooperation**

(n) Welcomed the Mutual Legal Assistance Request Writer Tool designed by the United Nations Office on Drugs and Crime, which would assist criminal justice practitioners in drafting correct, complete and effective requests; encouraged central authorities to make use, as appropriate, of the tool and provide feedback to the Office on such use; and requested the Secretariat to use the tool in training delivered to central authorities and practitioners;

(o) Welcomed also the establishment of the online directory of central authorities for mutual legal assistance and authorities designated to deal with extradition, as well as authorities designated under article 8 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;

(p) Requested the Secretariat to further expand the directory to include authorities designated under article 13 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime;

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<sup>7</sup> Ibid., vols. 2237, 2241 and 2326, No. 39574.

(q) Noted that a growing number of States parties had provided to the Secretariat information on their designated authorities; and urged all States parties to do so and update that information, which was vital for efficient cooperation;

(r) Welcomed the collection of examples of cases of extradition, mutual legal assistance and other forms of international legal cooperation on the basis of the Convention;

(s) Urged States parties to continue to provide the Secretariat with data concerning their reliance on provisions of the Convention and the Protocols thereto in order to effect extradition, mutual legal assistance or other forms of international legal cooperation; and requested the Secretariat to update the catalogue of cases and disseminate it to the States parties;

#### IV

##### **Strengthening of central authorities**

(t) Took note of the conclusions and recommendations of the series of regional workshops organized by the Secretariat pursuant to Conference decision 3/2, held in Bogota, Cairo, Dakar, Kuala Lumpur and Vienna in 2007 and 2008, for central authorities, liaison magistrates, judges, prosecutors and practitioners responsible for handling extradition and mutual legal assistance;

(u) Welcomed the holding of those regional workshops and other training seminars, which proved useful for strengthening close working contacts between authorities and facilitating exchanges among counterparts;

(v) Requested the Secretariat to pursue such activities in regions not yet covered by the previous workshops and to follow them up at the subregional and interregional levels, in response to the specific cooperation needs identified;

(w) Encouraged central authorities for mutual legal assistance and the competent authorities for extradition requests to make full use of existing regional networks; and requested the Secretariat to provide its support to strengthening networking among authorities at the interregional level and to explore ways to facilitate communication and problem-solving among such authorities by considering the establishment of a discussion forum on a secure network and by ensuring the greatest possible participation by experts and practitioners in the relevant fields, by seeking funding for participation by experts from developing countries, in the deliberations of the working group at future sessions of the Conference;

(x) Recommended that, in accordance with Conference decision 3/4, assistance to States parties should be provided for the implementation of the provisions of the Convention on extradition, mutual legal assistance and international cooperation for purposes of confiscation;

(y) Reiterated that international cooperation was one of the priority areas for technical assistance to support and promote the implementation of the Convention and the Protocols, as stated in the recommendations contained in paragraph 2 of Conference decision 3/4;

(z) Requested the United Nations Office on Drugs and Crime, in its activities in support of international cooperation in extradition, mutual legal



assistance and cooperation for purposes of confiscation under various United Nations instruments, in particular the United Nations Convention against Corruption,<sup>8</sup> to take into account work carried out in other forums in order to avoid duplication of work, giving due regard to the specificity of each instrument.

#### **Decision 4/3**

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

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, recalling articles 29 and 30 of the United Nations Convention against Transnational Organized Crime,<sup>9</sup> which set forth the obligation of States parties to promote technical assistance and training, and recalling Conference decisions 2/6 and 3/4:

(a) Took note with appreciation of the information on and proposals for technical assistance activities developed by the Secretariat contained in the working paper prepared by the Secretariat on proposals for technical assistance activities designed to meet the needs identified in the priority areas determined by the Conference,<sup>10</sup> following the five priority areas determined by the Conference at its third session;

(b) Noted the discussion at the round table of technical assistance providers held in Vienna on 14 October 2008<sup>11</sup> to facilitate the exchange of information on technical assistance being provided and the promotion of closer coordination in the delivery of such assistance;

(c) Noted that the Open-ended Interim Working Group of Government Experts on Technical Assistance had been convened during the fourth session of the Conference and, working in an environment of cooperation and goodwill, had engaged in a detailed review of the implementation of the articles on technical assistance of the Organized Crime Convention, resulting in a fruitful exchange of ideas and experiences;

(d) Decided that the Open-ended Interim Working Group of Government Experts on Technical Assistance should be a constant element of the Conference;

(e) Urged donor countries and technical assistance providers, including the United Nations Office on Drugs and Crime, to take into consideration the needs identified in the analytical reports<sup>12</sup> in the formulation of technical assistance activities, in conjunction with recipient Governments, and in particular the need for legislative assistance and training of criminal justice practitioners;

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<sup>8</sup> Ibid., vol. 2349, No. 42146.

<sup>9</sup> Ibid., vol. 2225, No. 39574.

<sup>10</sup> CTOC/COP/2008/16.

<sup>11</sup> See chapter XII of the present report.

<sup>12</sup> CTOC/COP/2005/2/Rev.2, CTOC/COP/2005/3/Rev.2, CTOC/COP/2005/4/Rev.2, CTOC/COP/2006/2/Rev.1, CTOC/COP/2006/6/Rev.1, CTOC/COP/2006/7/Rev.1 and CTOC/COP/2006/8/Rev.1.

(f) Welcomed the analysis by the Secretariat of the technical assistance needs based on the questionnaires and the needs and priorities of requesting States;

(g) Noted with appreciation the specialized expertise of the United Nations Office on Drugs and Crime and the network of experts upon which it could call in areas such as legal assistance;

(h) Stressed the need to ensure that the technical assistance provided made the maximum impact, in accordance with the Paris Declaration on Aid Effectiveness, and avoided duplication and overlap;

(i) Recognized that the following principles should underpin mechanisms for ensuring coordination and should be taken into account:

(i) The importance of recipient States carrying out needs analyses, taking into account information given in response to questionnaires and the discussions and views expressed at the sessions of the Conference;

(ii) The importance of technical assistance providers taking such needs analyses into account when designing programmes of assistance, which should preferably be provided in a language agreed to by the receiving State;

(iii) The need for a partnership approach, common goals and commitment on the part of those receiving and providing technical assistance, and the need to take into account the activities of other bodies, such as civil society and international or regional organizations;

(iv) The need for effective coordination within States providing and receiving assistance;

(v) The need for coordination between donors, building on existing local, regional and multilateral mechanisms;

(j) Emphasized the importance of maintaining a continuous flow of information to the Office, including through responses to questionnaires authorized by the Conference, in order to ensure the reflection of the latest information on technical assistance activities and needs;

(k) Recalled the need for technical assistance providers to raise awareness and to emphasize the importance of the Organized Crime Convention and the Protocols thereto<sup>13</sup> and the role of the United Nations Office on Drugs and Crime in implementing those instruments;

(l) Stressed the importance of sharing the results of evaluation of technical assistance provided so that there is a greater common understanding of what works and what does not;

(m) Requested the Secretariat and other technical assistance providers to take into account ongoing regional and bilateral technical assistance efforts with a view to creating areas of synergy and leveraging resources;

(n) Invited providers of technical assistance, together with the United Nations Office on Drugs and Crime and, as appropriate, its field offices, to strengthen coordination efforts in host countries, noting, in particular, the potential

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<sup>13</sup> United Nations, *Treaty Series*, vols. 2237, 2241 and 2326, No. 39574.

for the Office to act as a coordinator and facilitator of requests for and the provision of technical assistance, in order to ensure the effectiveness of such assistance;

(o) Invited technical assistance providers to partner, where appropriate, with the United Nations Office on Drugs and Crime when providing assistance for the purpose of building the capacity of recipient States to implement the Convention and its Protocols, and to raise awareness of those instruments;

(p) Requested the Open-ended Interim Working Group of Government Experts on Technical Assistance, taking as a basis the above-mentioned recommendations as well as the proposals contained in the working paper prepared by the Secretariat on proposals for technical assistance activities designed to meet the needs identified in the priority areas determined by the Conference, to further reflect on ways and means to strengthen and better coordinate the scheme of technical assistance for the implementation of the Convention and its Protocols, and submit recommendations in that regard to the Conference at its fifth session;

(q) Requested the Secretariat to organize an intersessional meeting of the Working Group before the end of 2009;

(r) Encouraged donor countries and relevant organizations to allocate funds to the United Nations Crime Prevention and Criminal Justice Fund in order to improve its capacity as a provider and coordinator of technical assistance;

(s) Invited States parties and States signatories to the Convention to provide voluntary contributions to the Office for its technical assistance activities in order to further the implementation of the Convention and its Protocols, in particular with respect to the above-mentioned recommendations as well as the proposals contained in the working paper prepared by the Secretariat.

#### **Decision 4/4**

### **Trafficking in human beings**

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, recalling the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,<sup>14</sup> recalling also its decision 3/3 and General Assembly resolutions 61/144 of 19 December 2006 and 61/180 of 20 December 2006, having considered the report and notes by the Secretariat concerning the fight against trafficking in human beings<sup>15</sup> and taking into account the thematic debate held in the Assembly in June 2008:

(a) Welcomed the results of the consultations of Government experts held during its fourth session;

(b) Recalled the Organized Crime Convention and, in particular, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

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<sup>14</sup> Ibid., vol. 2225, No. 39574.

<sup>15</sup> CTOC/COP/2008/8, CTOC/COP/2008/9 and CTOC/COP/2008/11.

Children, supplementing the United Nations Convention against Transnational Organized Crime,<sup>16</sup> and other relevant international instruments;

(c) Underlined the need to continue to work towards a comprehensive and coordinated approach to address the problem of trafficking in persons through the appropriate national, regional and international mechanisms;

(d) Acknowledged that the Trafficking in Persons Protocol was the principal legally binding global instrument to combat trafficking in persons;

(e) Affirmed that a primary purpose of the Conference was to improve the capacity of States parties to combat trafficking in persons and that the Conference should spearhead international efforts in that regard;

(f) Urged States that had not yet done so to consider ratifying or acceding to the Organized Crime Convention and, in particular, the Trafficking in Persons Protocol;

(g) Called upon States parties to continue to strengthen their national legislations and policies for the implementation of the Trafficking in Persons Protocol;

(h) Encouraged Member States to continue to strengthen their national policies and their cooperation with the United Nations system to combat human trafficking;

(i) Invited States to take measures to discourage the demand that fostered all forms of exploitation consistent with the Trafficking in Persons Protocol;

(j) Invited Member States to take measures to alleviate the factors that made persons vulnerable to trafficking, consistent with the Trafficking in Persons Protocol;

(k) Urged States parties to take or strengthen measures, including through bilateral or multilateral cooperation, to improve the ability of law enforcement agencies to cooperate in investigations of trafficking in persons;

(l) Requested States parties to develop, if necessary, tools to improve cooperation between law enforcement agencies, inter alia, in the areas of data collection and communications;

(m) Requested the Secretariat to make available to Member States information on successful practices and measures in relation to victim support, witness protection and the facilitation of the participation of victims in the criminal justice system;

(n) Decided to establish an open-ended interim working group, in accordance with article 32, paragraph 3, of the Organized Crime Convention, and rule 2, paragraph 2, of the rules of procedure for the Conference, to be chaired by a member of the Bureau, to advise and assist the Conference in the implementation of its mandate with regard to the Trafficking in Persons Protocol;

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<sup>16</sup> United Nations, *Treaty Series*, vol. 2237, No. 39574.

(o) Decided also that the working group should perform the following functions:

(i) Facilitate implementation of the Trafficking in Persons Protocol through the exchange of experience and practices between experts and practitioners in this area, including by contributing to the identification of weaknesses, gaps and challenges;

(ii) Make recommendations to the Conference on how States parties can better implement the provisions of the Trafficking in Persons Protocol;

(iii) Assist the Conference in providing guidance to its secretariat on its activities relating to the implementation of the Trafficking in Persons Protocol;

(iv) Make recommendations to the Conference on how it can better coordinate with the various international bodies combating trafficking in persons with respect to implementing, supporting and promoting the Trafficking in Persons Protocol;

(p) Decided further that the working group should meet during the fifth session of the Conference and should hold at least one intersessional meeting before that session;

(q) Requested the Secretariat to inform the working group on the activities of the United Nations Office on Drugs and Crime, including on its coordinating role for the Inter-Agency Cooperation Group against Trafficking in Persons and on coordination carried out with the secretariats of relevant international and regional organizations to promote and support implementation of the Trafficking in Persons Protocol;

(r) Also requested the Secretariat to assist the working group in the performance of its functions;

(s) Decided that the chairman of the working group should submit a report on the activities of the working group to the Conference;

(t) Decided to review and take a decision on the effectiveness and future of the working group at its sixth session, in 2012.

#### **Decision 4/5**

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

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, recalling the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,<sup>17</sup> reminding States parties of all their obligations under the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention

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<sup>17</sup> Ibid., vol. 2225, No. 39574.

against Transnational Organized Crime,<sup>18</sup> recalling its decision 3/3 and taking note of the growing complexity of the issue of the smuggling of migrants:

(a) Welcomed the results of the consultations of Government experts held during its fourth session;

(b) Urged Member States that had not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and, in particular, the Migrants Protocol;

(c) Welcomed the fact that the majority of the States parties that had provided information on national implementation to the Secretariat had adopted legislative and institutional frameworks to ensure the implementation of the Migrants Protocol;

(d) Requested the Secretariat, in consultation with States parties, to develop, if necessary, tools to improve the cooperation between law enforcement agencies, inter alia, in the area of communication and data collection and analysis;

(e) Requested the Secretariat to make available to Member States information on successful practices and measures with the aim of facilitating the participation of witnesses in the criminal justice system;

(f) Took note with appreciation of the information-gathering tool developed by the United Nations Office on Drugs and Crime;

(g) Requested the Secretariat to report to it, at its fifth session, on the activities of the Secretariat, including participation in international and regional organizations, to promote and support the implementation of the Migrants Protocol;

(h) Decided to hold open-ended intergovernmental expert consultations during its fifth session, in order to exchange, inter alia, experience and practices on the implementation of the Migrants Protocol;

(i) Urged States parties to consider the advisability of establishing an open-ended intergovernmental working group on the Migrants Protocol;

(j) With reference to the report of the Secretariat to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime:<sup>19</sup>

(i) Welcomed the steps being taken to develop a model law against the smuggling of migrants in order to assist States in drafting or amending national legislation in compliance with the Migrants Protocol;

(ii) Welcomed also the efforts undertaken to provide guidance and information on best practices in the areas of training and capacity-building, as well as awareness-raising strategies to prevent and combat the smuggling of migrants;

(k) Requested the Secretariat to keep the States parties informed on the above-mentioned matters.

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<sup>18</sup> Ibid., vol. 2241, No. 39574.

<sup>19</sup> CTOC/COP/2008/8.

**Decision 4/6****Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime**

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, concerned by the increased levels of harm and violence that transnational criminal organizations generated in some regions of the world as a result of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition:

(a) Noted that reducing the illicit manufacturing of and trafficking in firearms was one of the major components of the efforts to reduce the violence that accompanied the activities of transnational organized criminal groups;

(b) Noted with concern the relatively low number of States parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime;<sup>20</sup>

(c) Expressed its conviction that there was a need to strengthen international cooperation against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

(d) Urged States that had not yet done so to consider becoming parties to the Firearms Protocol and to implement its provisions;

(e) Urged States parties to the Firearms Protocol to strengthen their national legislation in a manner consistent with the Protocol, and requested the Secretariat to facilitate, whenever possible, technical assistance to States parties facing difficulties in its implementation;

(f) Stressed that the priority areas for the provision of technical assistance with respect to the implementation of the Firearms Protocol were (a) record-keeping; (b) marking; (c) deactivation of firearms; and (d) identification of competent national authorities, without prejudice to the importance of technical assistance to States parties in other areas covered by the Protocol;

(g) Invited States to consider the adoption or strengthening of comprehensive and efficient measures to counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

(h) Encouraged States to afford each other as much international cooperation as possible to facilitate the tracing of firearms as well as investigations and prosecutions of firearms traffickers, in conformity with their national laws;

(i) Requested the Secretariat to develop technical assistance tools to assist States parties in the implementation of the Firearms Protocol;

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<sup>20</sup> United Nations, *Treaty Series*, vol. 2326, No. 39574.

(j) Also requested the Secretariat to inform the Conference about the activities of the United Nations Office on Drugs and Crime, including on coordination with the secretariats of relevant international and regional organizations to promote and support the implementation of the Firearms Protocol;

(k) Urged States parties to consider the advisability of establishing an open-ended intergovernmental working group on the Firearms Protocol.

**Decision 4/7**

**Amendment of rule 18 of the rules of procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime**

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided to amend rule 18, on submission of credentials, of its rules of procedure, modifying paragraph 3 and adding a new paragraph to read as follows:

“3. The credentials shall be issued by the Head of State or Government, by the Minister for Foreign Affairs or by the Permanent Representative to the United Nations of the State party in accordance with its domestic law or, in the case of a regional economic integration organization, by the competent authority of that organization.

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

**Decision 4/8**

**Reorganization of the work of the fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime**

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, taking into account rule 3, paragraph 3, of the rules of procedure for the Conference:

(a) Decided that the fifth session of the Conference should take place over five working days; that the number of meetings should remain the same as for the previous sessions, that is, 20 meetings, with interpretation in the six official languages of the United Nations; and that a decision should be taken at the end of the fifth session on the duration of the sixth session;

(b) Requested that the resources allocated to the Conference should be maintained at the same level, and should be made available, inter alia, for any working group established by the Conference.



## II. Organization of the session

### A. Introduction

2. In its resolution 55/25, the General Assembly adopted the United Nations Convention against Transnational Organized Crime<sup>21</sup> and two supplementary protocols thereto, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,<sup>22</sup> and the Protocol against the Smuggling of Migrants by Land, Sea and Air.<sup>23</sup> In its resolution 55/255, the Assembly adopted a third protocol to the Convention, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.<sup>24</sup> The Convention entered into force on 29 September 2003, the Trafficking in Persons Protocol on 25 December 2003, the Migrants Protocol on 28 January 2004 and the Firearms Protocol on 3 July 2005.

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

### B. Opening of the session

4. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime held its fourth session in Vienna, from 8 to 17 October 2008, during which it held 16 plenary meetings and 6 parallel meetings.

5. The outgoing President of the Conference made a statement in which he emphasized the progress made since the third session of the Conference. The lack of information from States on the implementation of the Convention and the Protocols thereto, which had posed a major challenge at the third session, had largely been overcome thanks to the abundance of information gathered by the Secretariat between the two sessions, on implementation of the four instruments. Decisive progress had also been made in the implementation of the Convention's provisions on international judicial cooperation and in the implementation of the Trafficking in Persons Protocol and the Firearms Protocol. Clear priorities for technical assistance delivery had been identified, and the Conference had before it a set of concrete proposals designed to respond to the needs identified by parties. Thus, the Conference had a solid basis on which to make further progress at its fourth session.

6. In her opening remarks, the incoming President of the Conference stated that the platform for the work of the Conference at its fourth session was more solid than ever. With 147 parties to the Convention, 21 of which had become parties since the third session, the international community had succeeded in globalizing the fight against organized crime and in establishing a near-global framework for international cooperation, enabling mutual legal assistance and extradition between

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<sup>21</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>22</sup> *Ibid.*, vol. 2237, No. 39574.

<sup>23</sup> *Ibid.*, vol. 2241, No. 39574.

<sup>24</sup> *Ibid.*, vol. 2326, No. 39574.

partners worldwide on a broad range of serious crimes. She outlined two overriding goals for the Conference at its fourth session and over the next two years: to showcase the practical and effective uses of the Convention and to build upon those uses and make them a more common occurrence for the benefit of all parties. She invited the Conference to reinforce its information-gathering activities, maintain its focus on expertise and step up the sharing of expertise in areas that had not received full attention in the past and take technical assistance to a new level. The President further emphasized that technical assistance should be geared towards helping countries implement the provisions of the Convention and its Protocols.

7. The Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime (UNODC) made an introductory statement in which she underlined the crucial tasks before the Conference at its fourth session: (a) reviewing the implementation of the Convention and its Protocols; (b) promoting the implementation of the provisions on international cooperation; and (c) identifying technical assistance to meet priority needs in the implementation of the Convention and its Protocols. She drew attention to the fact that the next issue facing the States parties was whether and how to move from information-gathering to the effective review of implementation. She invited States parties to take a decision on the establishment of an effective mechanism, under the authority of the Conference, to review implementation of the Convention and the Protocols thereto, to comprehensively assess progress and gaps in State capacities in that regard and to provide information to support the taking of informed decisions on the provision of technical assistance, drawing upon the knowledge base built so far by the Conference. With respect to international cooperation, the Secretariat had convened a series of regional workshops and meetings of Government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation. In addition, the Secretariat had developed tools to promote international cooperation in criminal matters, such as the online directory of competent national authorities, and progress had been made in promoting networking among central authorities. In that regard, she urged States parties to provide guidance on further action needed to set up a global network of central authorities among States parties, taking into account gaps in the coverage of existing networks. In conclusion, she invited States parties to give thorough consideration to the issues of coordination of technical assistance and ways to obtain a global picture of the technical assistance provided and to give guidance on best practices and lessons learned. She urged States parties to provide information on emerging forms of transnational organized crime, such as cybercrime, identity theft and environmental crime.

### **C. Election of officers**

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

9. At its 1st meeting, on 8 October 2008, the Conference elected the following officers by acclamation:

<i>President:</i>	Elizabeth Verville (United States of America)
<i>Vice-Presidents:</i>	Eugenio Curia (Argentina) Fuad Ismayilov (Azerbaijan) Ayman Elgammal (Egypt) Amina Mohamed (Kenya) Mohamed Arshad bin Manzoor Hussain (Malaysia) Astrid Versto (Norway) Linglingay Lacanlale (Philippines) Dominika Krois (Poland)
<i>Rapporteur:</i>	Camila Polo Flórez (Colombia)

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

10. At its 1st meeting, on 8 October 2008, the Conference adopted the following agenda for its fourth session:

1. Organizational matters:
  - (a) Opening of the fourth session of the Conference;
  - (b) Election of officers;
  - (c) Adoption of the agenda and organization of work;
  - (d) Participation of observers;
  - (e) Adoption of the report of the Bureau on credentials;
  - (f) General discussion.
2. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto:
  - (a) Information-gathering and possible mechanisms to review implementation;
  - (b) Expert consultation on criminalization;
  - (c) Expert consultation on 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;
  - (d) Expert consultation on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
  - (e) Expert consultation on the protection of victims and witnesses;
  - (f) Expert consultation on travel and identity documents;

- (g) Expert consultation on the marking of firearms, the keeping of records on firearms, trafficking in firearms, their parts and components and ammunition and the identification of competent authorities;
  - (h) Expert consultation on money-laundering.
3. Technical assistance.
  4. Future activities of the Conference.
  5. Financial and budgetary matters.
  6. Other matters.
  7. Provisional agenda for the fifth session of the Conference.
  8. Adoption of the report of the Conference on its fourth session.

## **E. Participation**

11. The fourth session of the Conference was attended by representatives of 96 States parties and a regional economic integration organization party to the Convention. Also attending the session were observers for States signatories to the Convention, non-signatory States, an entity maintaining a permanent observer mission to the United Nations, Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, specialized agencies and other organizations of the United Nations system, an intergovernmental organization maintaining a permanent observer office at Headquarters, other entities maintaining permanent observer offices, intergovernmental organizations, non-governmental organizations in consultative status with the Economic and Social Council and relevant non-governmental organizations not having consultative status with the Economic and Social Council that had applied for observer status.

12. The list of participants is contained in annex I to the present report.

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

13. Rule 18 of the rules of procedure for the Conference states the following:

(a) The credentials of representatives of each State party and the names of the persons constituting the State party's delegation shall be submitted to the secretariat if possible not later than twenty-four hours in advance of the opening of the session;

(b) Any later change in the composition of the delegation shall also be submitted to the secretariat;

(c) The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs or, in exceptional cases, by a person authorized by either of them, or, in the case of a regional economic integration organization, by the competent authority of that organization.

14. Rule 19 of the rules of procedure states that the bureau of any session shall examine the credentials and submit its report to the Conference.

15. On behalf of the Bureau, the Rapporteur informed the Conference that all States parties represented at the fourth session complied with the credential requirements.

16. The Bureau also reported to the Conference that it had examined the submitted credentials and had found them to be in order.

17. The Conference adopted the report of the Bureau on credentials at its 16th meeting, on 17 October 2008.

18. Also at its 16th meeting, on 17 October 2008, in order to simplify the procedure for issuing credentials to delegates at future sessions of the Conference, the Conference adopted a revised draft decision entitled “Amendment of rule 18 of the rules of procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime” (CTOC/COP/2008/L.4/Rev.1), sponsored by Argentina, Azerbaijan, Colombia, Egypt, Kenya, Malaysia, Norway, Philippines, Poland and the United States. (For the text, see chapter I, decision 4/7.)

## **G. Documentation**

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

## **III. General discussion**

20. At its 1st and 2nd meetings, on 8 October 2008, and its 3rd meeting, on 9 October 2008, the Conference took up agenda item 1 (f), entitled “General discussion”.

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

22. The Conference heard statements by the observer for Pakistan (on behalf of the States Members of the United Nations that are members of the Group of 77 and China) and the representatives of France (on behalf of the States Members of the United Nations that are members of the European Union and Albania, Bosnia and Herzegovina, Croatia, Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, as well as Iceland, Liechtenstein and Norway), Zimbabwe (on behalf of the States Members of the United Nations that are members of the Group of African States) and the Bolivarian Republic of Venezuela (on behalf of the States Members of the United Nations that are members of the Group of Latin

American and Caribbean States). Opening statements were also made by the General Prosecutor of Egypt, the First Deputy of the Prosecutor General of Romania, the Deputy General Prosecutor of the Lao People's Democratic Republic, the Minister of the Interior of Yemen, the National Anti-Mafia Prosecutor of the National Anti-Mafia Bureau of Italy and the Attorney General and Minister of Justice of Nigeria, as well as by the representatives of the United States, Switzerland, China, Argentina, Croatia, the Philippines, Turkey, Morocco, the Libyan Arab Jamahiriya, Chile, Australia, Mexico, Norway, Canada, Azerbaijan, Belarus, Belgium, Jamaica, El Salvador, Liechtenstein, Malaysia, Brazil, the Russian Federation, Ecuador, Bolivia, Oman, Kenya, South Africa, Cuba, Algeria, Malta, Afghanistan, Suriname, Singapore and the European Commission, on behalf of the European Community. The Conference also heard statements by the observers for the following signatory States: Angola, Indonesia, Iran (Islamic Republic of), Japan and Viet Nam. A statement was also made by the observer for the Sovereign Military Order of Malta.

23. At the 7th meeting of the Conference, on 13 October, the Executive Director of UNODC and the Secretary General of INTERPOL delivered keynote addresses.

24. In his address, the Executive Director of UNODC emphasized that organized crime had an impact on almost every aspect of life, noting that it affected individual and national security, health, the environment, economics and development. He invited the States parties to mainstream crime prevention into as many relevant areas as possible, which meant not only criminalizing the offences covered by the instruments but also finding a scientific way to measure performance. In that regard, he urged the Conference to agree on a review mechanism for the Convention and its Protocols. Mentioning the need to focus attention on the Migrants Protocol and the Firearms Protocol, he also stressed the need to fight organized crime within the framework of the One United Nations initiative and cited in that regard the work carried out under the Global Initiative to Fight Human Trafficking and the Stolen Asset Recovery initiative. He noted the importance of widening the circle of partners in crime prevention and control to include the private sector, researchers, civil society, the media and the public at large. In conclusion, he announced the establishment, in conjunction with INTERPOL, of the International Anti-Corruption Academy, which would function as a centre of excellence in anti-corruption education, research and professional training.

25. The Secretary General of INTERPOL emphasized that global cooperation against transnational organized crime, while not a new phenomenon, was constantly being rethought to consider how best to combat such crime. Serious crime was now conceived, organized and carried out transnationally and, as a consequence, law enforcement efforts needed to adapt to the new global nature of serious crime. Ways needed to be found to integrate the work of policing entities at the national, regional and global levels in order to constantly adapt to the ever-changing nature of transnational organized crime. The Secretary General of INTERPOL congratulated UNODC for its vision and commitment in drafting and implementing the Convention, as the pioneering treatment contained in the instrument opened up a brand new front for fighting corruption. He then highlighted the establishment of the International Anti-Corruption Academy as the world's first educational institute dedicated to fighting corruption through cutting-edge anti-corruption training, investigative assistance and research. He concluded by emphasizing that the

common missions of UNODC and INTERPOL and their respective areas of expertise and action made it logical and necessary for them to team up with the International Anti-Corruption Academy in fighting transnational organized crime in general, and corruption in particular, paving the way for more strategic partnerships between the two organizations.

## **Deliberations**

26. The observer for Pakistan, speaking on behalf of the Group of 77 and China, welcomed the increase in the level of ratification of the Convention and the Protocols thereto as a clear expression of the collective will of the international community to promote cooperation and more effectively combat transnational organized crime through international cooperation. He stressed the importance of the Conference making an objective, comprehensive and transparent assessment of the current situation of transnational organized crime and of the efforts made by States parties to implement those instruments as the best means to promote genuine cooperation among parties. On the issue of prevention, the speaker emphasized the need to address the root causes of transnational organized crime through comprehensive social, economic, health, education and justice policies.

27. The speaker highlighted the challenges faced by States parties in implementing the provisions of the Convention and its Protocols, particularly with respect to trafficking in human beings and the smuggling of migrants, and the crucial importance of technical assistance in those and other areas, having due regard for the recipient's priorities, mutual benefit and respect for cultural diversity and national sovereignty. In that connection, the speaker called on donor countries and relevant financial institutions to ensure stable and sufficient funding for UNODC.

28. Concerning the round table of technical assistance providers organized in conjunction with the Conference, the speaker requested that the format be that of an open-ended discussion in order to enable interested States to participate. The speaker stressed the significance of combating money-laundering as one of the best means to combat transnational organized crime, highlighting in this respect the efforts made by States parties to introduce legislative measures to facilitate the seizure and confiscation of the proceeds of crime, detect and investigate suspicious transactions and establish financial intelligence units.

29. The representative of France, speaking on behalf of the European Union, welcomed the fact that the number of States parties to the Convention and the Protocols thereto was constantly increasing, and expressed satisfaction at the inclusion in the agenda of a series of expert consultations on different subjects as they would provide an opportunity for States to share information and best practices.

30. He stressed that the establishment of a review mechanism to monitor the implementation of the Convention and its Protocols was an important issue for the session and that it was appropriate, five years after the entry into force of the Convention, to engage in a debate about methodologies to improve the implementation of the Convention. In that connection, it would be worth pursuing the testing of a mechanism to collect information in a more comprehensive way

than by a simple questionnaire. Inspiration could be drawn from the lessons learned with regard to the United Nations Convention against Corruption.<sup>25</sup> Regarding technical assistance, the speaker stated that the proposals presented by the Secretariat constituted a relevant basis for States to provide technical assistance. Technical assistance was a key element, and the importance attached to it by the European Union in order to combat transnational organized crime was evidenced by the level of support provided by member States, both at the bilateral level and through the European Commission. The speaker concluded by stressing that technical assistance efforts could be improved only through more transparent and more effective coordination of activities.

31. The representative of Zimbabwe, speaking on behalf of the Group of African States, associated herself with the statement made on behalf of the Group of 77 and China, and emphasized the importance of information-gathering as a method of obtaining a realistic analysis of the implementation process. While the adoption of measures within the frameworks of mutual legal assistance, extradition, law enforcement, technical assistance and training represented a major step towards effective implementation of the provisions of the Organized Crime Convention, the Member States concerned faced some practical problems, particularly with regard to capacity, for which enhancing regional and international cooperation was paramount. She welcomed the work carried out by the Open-ended Interim Working Group of Government Experts on Technical Assistance at its meeting held in October 2007 and encouraged the Conference to analyse the proposals contained in the report of the Working Group (CTOC/COP/2008/7) with regard to technical assistance activities for information-gathering.

32. The speaker concluded by underscoring the lack of financial resources that UNODC was facing, which limited its capacity to provide legal and other technical assistance requested by Member States. In that regard, she welcomed the convening of the open-ended intergovernmental working group on improving the governance and financial situation of UNODC and endorsed the proposals made by the Group of 77 and China for that working group.

33. The representative of the Bolivarian Republic of Venezuela, speaking on behalf of the Group of Latin American and Caribbean States, stressed that an effective approach to combating transnational organized crime could not be achieved without adequate international cooperation based on the principles of respect for national sovereignty, non-interference in internal affairs and territorial integrity. The speaker noted the preparation by the Secretariat of the electronic interim assessment checklist to facilitate compliance with reporting obligations under the Convention.

34. With regard to technical assistance, the speaker took note of the proposals formulated by the Open-ended Interim Working Group of Government Experts on Technical Assistance and of the initiative of holding a round table of technical assistance providers, stating that the round table should be open-ended. The Working Group should be seen as an integral part of the Conference. The speaker stressed the importance of technical assistance being provided on the basis of the recipient's priorities. In addition, the speaker called for more stable and predictable

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<sup>25</sup> Ibid., vol. 2349, No. 42146.



funding of UNODC with a view to ensuring the planning and preparation of technical assistance activities.

35. The speaker urged the Conference to assume a major role in the design of a global strategy to combat that type of crime and to ensure that trafficking in migrants, in particular, was included in the agenda for its fifth session. With respect to trafficking in firearms, the speaker noted the close relationship between, on the one hand, the power of organized criminal groups and their almost unlimited access to ever more sophisticated weaponry and, on the other, the urgent need to focus on improving the implementation of the Firearms Protocol.

36. The speaker called for more regional-level training and welcomed initiatives by the Secretariat in that area. In addition, the speaker emphasized the importance of fighting money-laundering in a comprehensive way, and highlighted the efforts made by States parties to introduce legislative measures to facilitate the seizure and confiscation of the proceeds of crime, to detect and investigate suspicious transactions and to establish financial intelligence units.

37. The Conference heard a statement by the General Prosecutor of Egypt, who associated himself with the statements made on behalf of the Group of 77 and China and the Group of African States. The speaker underlined the need for the international community to fine-tune its responses to the victims of transnational organized crime, with the full participation of civil society and the media. As examples of the application of the provisions of the Convention in national law, Egypt had criminalized trafficking in persons and the exploitation of children for sexual purposes and pornography and had adopted measures for contravening money-laundering in its Criminal Code. The speaker stressed the importance of international cooperation and the commitment to continuous training of the relevant personnel for dealing with issues within the scope of the Convention.

38. The First Deputy of the Prosecutor General of Romania reminded the Conference that the Third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, to be held in Bucharest from 23 to 25 March 2009, would be an occasion for debate on issues such as the independence of prosecutors, the role of the heads of prosecutorial services in strengthening public confidence in the criminal justice system and with respect to emerging issues such as the prosecution of environmental crimes, and challenges and opportunities in using special investigative methods and techniques.

39. The Deputy General Prosecutor of the Lao People's Democratic Republic informed the Conference of a series of efforts made by that country since 2005 with a view to improving domestic and international compliance with obligations under the Convention and its Protocols. For instance, the country had amended its Penal Code, established an inter-agency steering committee on human trafficking, signed bilateral extradition treaties with most of its neighbouring States and redistributed implementation responsibilities among ministries and Government entities. The speaker emphasized the country's continued need for qualified human resources and software tools and thanked UNODC for its assistance in training practitioners in the areas covered by the Firearms Protocol.

40. The Minister of the Interior of Yemen stated that trafficking via sea routes was one of the main challenges faced by that country in fighting transnational organized crime. In particular, he stressed the problem of combating piracy and the need to

attach particular attention to making navigation routes secure. Given the length of the coast of Yemen, international assistance in the form of both technical assistance and training was required in order to adequately respond to the problem.

41. The National Anti-Mafia Prosecutor of the National Anti-Mafia Bureau of Italy explained that organized crime had, over a long period of time, assumed a transnational dimension. He noted that trafficking in drugs, arms, criminal proceeds, nuclear and radioactive material, toxic waste, counterfeit goods and human beings presupposed a synergy between criminal groups that operated in different States, thus enabling transfers to be more easily effected from the territories of origin to those of receipt, sale or consumption. In addition, he stressed the linkages and contacts existing between organized crime and terrorist groups as revealed by the most recent investigations.

42. The speaker recalled that in order to combat organized criminal groups, Italy had modernized its legislation and, in 1982, introduced new criminal offences to deal with Mafia-type conspiracy and the seizure or confiscation of illicit proceeds. It had also adopted more incisive investigative techniques, such as wiretapping and electronic surveillance, undercover operations and controlled deliveries, postponement of arrest, seizure and confiscation of property, and the use of witnesses and collaborators of justice under special protection programmes. Those operational and normative mechanisms, provided for in the Convention, had proved to be indispensable tools for effectively fighting organized crime; equally indispensable was the creation of specialized prosecuting attorney teams and police forces that could work as centres of investigative coordination, together with judges possessing an in-depth familiarity with criminal dynamics at both the national and international levels.

43. The Attorney General and Minister of Justice of Nigeria reported on the implementation of the Convention and its Protocols in that country through the adoption of legislation and the establishment of specialized agencies to fight trafficking in persons and related offences and measures related to witness protection. He also cited several regional initiatives aimed at promoting the exchange of information and intelligence-gathering. The measures taken to implement the Migrants Protocol and the Firearms Protocol, apart from legislative proposals aimed at the full implementation of those protocols, included the strengthening of border controls and the enhancement of the integrity and security of travel documents.

44. The speaker stressed that adequate attention needed to be paid to the problem of trafficking in firearms, narcotic drugs and human beings in the West African subregion before it developed into an emergency situation. The subregion was becoming attractive to transnational organized criminal groups, especially drug cartels, which constituted serious impediments to socio-political and economic development. The speaker noted the link between trafficking in narcotic drugs and persons, especially women and children, and the inadequacy of criminal justice responses, which often targeted victims.

45. Some speakers underlined the threat that organized crime posed to the security, development, democracy and political stability of societies, and stated that transnational organized criminal groups were taking advantage of technological developments and the globalization of the economy, as well as increased trade,

travel, telecommunications and computer links. Some speakers stressed the links between transnational organized criminal groups, terrorism and various forms of trafficking, such as drug trafficking and trafficking in firearms.

46. Speakers reaffirmed the political commitment of their Governments to fully implement the Convention and its Protocols as legally binding instruments against transnational organized crime and because they provided a solid basis for cooperation among States to combat transnational organized crime. Some speakers welcomed the growing number of States parties to the Convention and its Protocols and called on States that had not yet ratified those instruments to do so as soon as possible.

47. Speakers expressed their expectations for the session, including the need to discuss mechanisms for overcoming obstacles to the implementation of the Convention and its Protocols in everyday practice, share experiences and develop common strategies in the prevention, investigation and prosecution of transnational organized crime in all its forms and identify new forms of transnational organized crime. In addition, appreciation was expressed for the decision to hold a series of expert consultations in plenary meeting of the Conference, which were perceived to be a good vehicle for sharing practical experiences and expertise.

48. Some speakers, while noting that the fight against transnational organized crime was an ongoing process, drew attention to national legislative and institutional measures taken to implement the Convention. National measures relating to asset recovery and combating corruption and the laundering of proceeds of crime and measures taken to address the growing links between transnational organized crime and terrorist crime were highlighted. Some speakers stressed the commitment of their Governments to tracking and confiscating funds of illicit origin as manifested by thorough examinations of the lawfulness of financial transactions within their banking systems, and called for increased international cooperation in that area. Different speakers reported that their national legislation incorporated the freezing, seizure and forfeiture of property illicitly obtained through or as the proceeds of crime.

49. Some speakers noted the negative impact of the activity of crime rings on political and socio-economic development in numerous countries. Speakers stressed the importance of strengthening anti-corruption legislation and agencies. Many speakers emphasized the importance of providing assistance and protection to victims and witnesses as a key element of an adequate response to fight transnational organized crime, and cited national measures taken to ensure compliance with obligations under the Convention. Some speakers underscored the need to identify emerging crimes and the need to use provisions of the Convention for criminalizing them.

50. Many speakers expressed appreciation to the Secretariat for its contribution to the preparations for the session and for the work done in gathering information on the implementation of the Convention and its Protocols. In that context, they referred to the need to take stock of the existing methodology for information-gathering with a view to improving it and increasing the response rate by States parties, which some speakers felt was still too low. Many speakers welcomed the development of the electronic interim assessment checklist and the ongoing efforts to develop comprehensive software to facilitate reporting by States parties.

51. With respect to a mechanism to review implementation of the Convention and its Protocols, some speakers emphasized the importance and urgency of developing and introducing, on a trial basis, evaluation mechanisms aimed at helping the parties to gain a clear, comprehensive and objective view not only of the current situation of transnational organized crime, but also of the achievements secured so far and the tasks still to be undertaken. In that respect, speakers welcomed the development of the interim checklist by the Secretariat, and some speakers encouraged the design of additional, supplementary evaluation methodologies. Speakers reiterated the need for any mechanism eventually adopted by the Conference to observe the principles of non-intrusiveness, transparency and impartiality and to be non-adversarial. Some speakers reasserted the importance of supporting the role of UNODC in the development and testing of any evaluation mechanism.

52. In addition, speakers emphasized the importance of the international cooperation measures provided for in the Convention and its Protocols in order to combat transnational organized crime. Speakers called for the strengthening of international cooperation, particularly in the areas of extradition and mutual legal assistance, including through the development of regional cooperation strategies to facilitate the exchange of information and coordination among specialized agencies. Some speakers stressed that international cooperation should be based on mutual respect for sovereignty and the principle of non-interference in internal affairs and that it should be transparent and objective in order to avoid the imposition of unilateral practices and policies. Some speakers stated that, with a view to fostering and strengthening international cooperation, greater emphasis should be placed, at the national level, on familiarizing prosecutors and central authorities with the extradition and mutual legal assistance provisions of the Convention.

53. Speakers reported on national measures taken to foster and enhance international cooperation, in particular the extradition and mutual legal assistance agreements signed at the bilateral, regional and international levels. Speakers also reported on the establishment of national institutions and bodies to facilitate international cooperation, on the development of relevant tools, such as training manuals, and on the undertaking of other relevant initiatives at the regional and subregional levels.

54. Some speakers expressed support for the recommendation by the Secretariat to establish a virtual global network of central authorities in order to better implement the United Nations drug control and crime conventions. Appreciation was expressed for the decision to establish a steering committee on international legal cooperation and to convene, within the framework of the fourth session, an open-ended working group of Government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation.

55. Many speakers reported on measures taken at the national and international levels to address the problem of trafficking in persons, especially women and children, such as legislative reform, prevention, repression as well as assistance and protection to victims of trafficking. Reference was also made to the Global Initiative to Fight Human Trafficking, a technical assistance project, which was commended for having assisted in raising awareness and fostering commitment to counter trafficking in persons, increasing knowledge about human trafficking and mobilizing resources to support action against such trafficking.

56. Concerning the protection of witnesses and victims, speakers reported that their Governments had taken measures to provide for such protection, in line with the relevant provisions of the Convention and its Protocols, particularly to protect victims of trafficking in persons. Measures reported by speakers included the revision of national legislation and the establishment of victims funds, specialized units and witness protection programmes.

57. With respect to travel and identity documents, some speakers reported on national measures to prevent forgery and to ensure the safety and security of such documents, including the issue of biometrical identity cards and passports.

58. The smuggling of migrants was identified as a priority for the international community in view of the human cost involved. The challenge posed by irregular migration was emphasized in several statements, and a call was made to tackle that phenomenon in a comprehensive and holistic manner, which should include prevention, monitoring, research, cooperation among States and social reintegration. Speakers reported on national measures to implement the provisions of the Migrants Protocol, some of them stressing that migrants should not be criminalized and that their human rights should be fully protected.

59. Some speakers underlined the challenges involved in adherence to and ratification and implementation of the Firearms Protocol. Examples were given of how firearms trafficking could enable extremist groups to advance their causes, and the need for States to improve cooperation and collaboration was reiterated. Speakers noted the efforts made by their Governments to translate the provisions of the Protocol into national legislation. Some speakers underscored the importance of training programmes, including in such areas as the identification, marking and tracing of firearms, evidence management, the admissibility of evidence and court procedures related to evidence. Some speakers stressed that organized criminal syndicates and drug cartels used the same routes for trafficking in firearms as for trafficking in drugs. Some speakers welcomed the inclusion of expert consultations on the agenda of the session as an appropriate method for advancing the implementation of the Protocol.

60. Speakers underlined the importance of providing technical assistance to help States to improve and strengthen their capacity to implement the provisions of the Convention and its Protocols. In that connection, some speakers commended the technical assistance activities undertaken by the Secretariat and welcomed the establishment and work of the Open-ended Interim Working Group of Government Experts on Technical Assistance. Several speakers indicated the willingness of their Governments to receive assistance for that purpose, while others reiterated their readiness to provide such assistance as well as financial support to assist States parties in better implementing the Convention and its Protocols.

61. Speakers expressed concern at the emergence and growing extent of new forms of transnational organized crime, such as identity-related crime, environmental crime and trafficking in natural resources, cultural property and human organs, which were felt to be closely related to the ongoing process of political and economic globalization and to advances in information and communications technologies, all of which facilitated cybercrime. Those advances were also helping organized criminal groups to modify their *modi operandi* and to conceal their criminal activities behind more traditional forms of crime. Particular

emphasis was placed by some speakers on cybercrime and on the need for international cooperation to prevent and combat natural resources-related crimes, especially international trafficking in forest products, including timber, wildlife and other forest biological resources, as envisaged by the Economic and Social Council in its resolution 2008/25.

62. Speakers agreed that it was urgent to develop coordinated approaches to such types of crime and that States parties had the possibility of making full use of the potential of the Convention as an adequate legal framework for that purpose. Speakers emphasized the areas of synergy existing in the fight against organized crime, corruption and drugs. Some speakers stressed the importance of developing and introducing appropriate national legislation, strengthening international cooperation and using the general framework of the Convention to deal with that phenomenon under the concept of serious crimes.

#### **IV. Information-gathering and possible mechanisms to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto**

63. At its 3rd and 4th meetings, on 9 October 2008, the Conference considered agenda item 2 (a), on information-gathering and possible mechanisms to review implementation of the Convention and the Protocols thereto. For its consideration of the item, the Conference had before it the following documents:

(a) Report of the Secretariat on the development of tools to gather information from States on the implementation of the United Nations Convention against Transnational Organized Crime and each of the Protocols thereto (CTOC/COP/2008/2);

(b) Note by the Secretariat on possible mechanisms to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2008/3);

(c) Report of the Secretariat on the implementation of the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle (CTOC/COP/2006/2/Rev.1);

(d) Report of the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle (CTOC/COP/2006/6/Rev.1);

(e) Report of the Secretariat on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle (CTOC/COP/2006/7/Rev.1);

(f) Report of the Secretariat on the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention

against Transnational Organized Crime: consolidated information received from States (CTOC/COP/2006/8/Rev.1);

(g) Report of the Secretariat on the implementation of the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the first reporting cycle (CTOC/COP/2005/2/Rev.2);

(h) Report of the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the first reporting cycle (CTOC/COP/2005/3/Rev.2);

(i) Report of the Secretariat on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the first reporting cycle (CTOC/COP/2005/4/Rev.2).

64. The President of the Conference made an introductory statement. The Deputy Director of the Division for Treaty Affairs, and Chief of the Treaty and Legal Assistance Branch of UNODC made an introductory statement on behalf of the Secretariat. The Conference also heard statements by the representatives of Argentina, Norway, Croatia, the European Commission on behalf of the European Community, Nigeria, China, Peru, Egypt, the United States, Australia, France (on behalf of the European Union), Kenya, the Sudan and South Africa, and by the observers for the Islamic Republic of Iran, Pakistan and the Republic of Korea. A representative of the Secretariat made a short presentation on the interim computer-based checklist that had been developed at the request of the Open-ended Interim Working Group of Government Experts on Technical Assistance (see CTOC/COP/2008/7).

## **A. Deliberations**

65. In her statement, the President of the Conference noted that information-gathering and the review of implementation of the Convention and the Protocols thereto were intertwined topics. In that regard, it was important for States parties to communicate their status of implementation in order to provide an informed basis on which to direct future action, including the provision of technical assistance. She welcomed the user-friendly checklist developed by the Secretariat and noted its wide support among speakers; that support would facilitate the process of monitoring implementation of the Convention and its Protocols. The President also noted that the checklist had reversed the trend of low reporting rates, resulting in the production of more accurate and comprehensive analytical reports. She further noted the broad support expressed for the Secretariat to continue the development of a comprehensive software package to minimize the burden of countries having to answer questions more than once. She called on donor States to provide funding to the Secretariat in order to carry out its work, including translating the checklist into the six official languages of the United Nations, and observed that the fourth session of the Conference provided an initial opportunity to discuss a possible review mechanism for implementation of the Convention and the Protocols.

66. In his statement, the Deputy Director, Division for Treaty Affairs, and Chief of the Treaty and Legal Assistance Branch of UNODC recalled the state of progress both of information-gathering within the context of the Conference and of the development of software-based tools. Five years after the entry into force of the Convention, the Conference needed to consider how to exercise fully its mandated function of reviewing implementation of the Convention. The experience gained from existing review mechanisms would be useful in formulating an efficient mechanism for that review.

67. Many speakers stated that the interim computer-based checklist was a valuable tool and that it was important to continue to raise awareness of the importance and usefulness of completing the checklist. Some speakers highlighted the need to strengthen information-gathering activities further and to make available to the Secretariat additional resources in order to enhance information-gathering and other legal tools. Speakers also proposed conducting technical assistance projects designed to facilitate the submission of information.

68. Speakers noted that the development of a database containing the responses to the questionnaires and checklists would be vital to assessing the implementation of the Convention. Speakers underlined the importance of collecting information not only on legislation but also on actual implementation of the provisions of the Convention. That included, for example, information on the number of investigations, prosecutions or convictions resulting from such legislation or measures, the number of requests for specific forms of assistance and the outcome of such requests. One speaker proposed the creation of a series of separate secure web pages through which States parties could complete the questionnaires.

69. One speaker stated that his Government was not able to provide information through the checklist because the checklist was available only in English, French and Spanish, and asked the Secretariat whether the comprehensive software package currently under development would be made available in the six official languages of the United Nations. The Secretariat expressed its regret at the limited availability of the checklist in only three of the official languages, owing to financial and human resources constraints and to the limited time within which the software had to be produced and distributed to States, and confirmed that the comprehensive software package would be made available in the six official languages.

70. Speakers called for resources to be made available to the Secretariat in order to enhance the information-gathering tools, including expansion of the online legal library, which was an invaluable source of information.

71. With regard to the comprehensive software package, which would cover both the Organized Crime Convention and the Convention against Corruption, speakers shared the view that combining coverage of the two conventions was a positive development in so far as they sometimes overlapped, and stressed that information regarding the drug conventions could be included. It was noted that such software could avoid duplication of work and questionnaire fatigue.

72. The procedural question was raised whether the software needed to be formally endorsed at the fifth session of the Conference in the event that agreement was reached at the third session of the Conference of the States Parties to the United Nations Convention against Corruption, to be held in 2009. Alternatively, it was



suggested that an interim forum might be created in order to move forward on that initiative.

73. Some speakers noted the importance of making effective use of all the information gathered by the questionnaires and checklists, and it was felt that it was time for the Conference to reach a decision on the next steps for information-gathering and monitoring of implementation. Self-assessment by States was helpful and important but did not go far enough to ensure a credible and effective review of implementation. Support was expressed for a phased mechanism whereby initial self-assessments would be followed by a peer review. The self-assessment could also include information already gathered through the questionnaires.

74. Some speakers emphasized that an effective review of implementation was key to achieving and measuring progress. For effective implementation of the Convention to be achieved, a framework was needed for the review of implementation required pursuant to article 32 of the Convention.

75. Speakers shared the view that the Conference should initiate at its fourth session a process of reflection and related action with regard to a possible review mechanism for the Organized Crime Convention and its Protocols. It was felt that a thorough discussion regarding the aims and purposes of such a mechanism was a necessary starting point.

76. Elaborating on the aims and characteristics of the possible review mechanism, some speakers stated that the mechanism should promote cooperation, be linked to the provision of technical assistance and respect the principle of State sovereignty, while taking due account of the specific features of the Convention and its Protocols. It was emphasized that any mechanism agreed upon should be fair, effective, non-intrusive, transparent, flexible and reliable. In addition, the involvement of experts from the region under review was deemed necessary.

77. Experience gained from the pilot project for the review of implementation of the Convention against Corruption was referred to, as it seemed promising to some speakers. However, others felt that it was too early to ascertain whether that project could be used as a model for reviewing implementation of the Organized Crime Convention. Some speakers were of the view that a mechanism used in a different context should not automatically be considered as a model. Some speakers reflected on the possibility of establishing specific monitoring mechanisms for each instrument, mentioning in particular the Trafficking in Persons Protocol. Other speakers underlined that a pilot project would allow testing the feasibility and modalities of a review mechanism. A number of speakers stressed that, for a project to be informative, it needed to lead to conclusions, be inclusive and allow participation by all States parties.

78. Some speakers agreed with a proposal to convene an open-ended working group that would meet starting in 2009, to define parameters and gaps to be addressed with regard to reviewing the implementation of the Convention and to present recommendations to the Conference at its fifth session. Some other speakers said they could not agree to the convening of a working group until the goals and purposes were further elaborated in the form of a written document.

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

79. At its 16th meeting, on 17 October 2008, the Conference adopted a revised draft decision entitled “Possible mechanisms to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto” (CTOC/COP/2008/L.6/Rev.2), sponsored by Argentina and Norway. (For the text, see chapter I, decision 4/1.) Before the adoption of the revised draft decision, a representative of the Secretariat read a financial statement, the text of which is contained in annex II the present report.

## **V. Expert consultation on criminalization**

80. At its 4th meeting, on 9 October 2008, the Conference considered agenda item 2 (b), entitled “Expert consultation on criminalization”. For its consideration of the item, the Conference had before it a note by the Secretariat on criminalization within the scope of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2008/4).

81. The expert consultation was chaired by Dominika Krois (Poland), Vice-President of the Conference, and led by the following panellists: Thomas Burrows (United States) and Loïc Guérin (France).

82. A representative of the Secretariat made a presentation on criminalization. Statements were made by the representatives of Senegal, Argentina, the United Kingdom, South Africa, Azerbaijan, Belarus and the United Arab Emirates and the observer for Iran (Islamic Republic of).

## **A. Deliberations**

83. In her introductory remarks, the Vice-President referred to the criminalization obligations set forth in the Convention and its Protocols, and emphasized the fact that the Convention provided an adequate legal basis for the criminalization of serious offences, including offences of a transnational nature. She stressed the importance of the international cooperation provisions of the Convention and its Protocols, which were indispensable to the successful investigation, prosecution and conviction of cases of transnational organized crime.

84. A representative of the Secretariat made a presentation on the status of criminalization of the offences contained in the Convention and its Protocols, based on the information received from Governments through the questionnaires and the interim checklist.

85. The first panellist noted that in future it would be important for UNODC to examine also the issues of criminal responsibility of legal persons and predicate offences. He stressed that parties and practitioners at the national level would greatly benefit from expert guidance and best practices in the implementation of the criminalization provisions of the Convention and its Protocols in such complex matters. Concerning the criminal responsibility of legal persons, he stressed that the lack of well-defined responsibilities and related sanctions often resulted in company managers avoiding prison terms or in legal persons having no financial liability.

With respect to predicate offences, it was important for prosecutors to be able to prosecute offenders for those offences also in cases involving money-laundering.

86. The second panellist underscored the relevance of substantive deliberations on criminalization issues under the Convention and its Protocols. He focused on the problems often associated with jurisdiction in cases of transnational organized crime, emphasizing the clear obligations for parties to establish jurisdiction in cases of transnational organized crime in conformity with the clear provisions of article 15 of the Convention.

87. Most speakers agreed on the need for a clear distinction in national legislation between the criminalization of trafficking in persons and criminalization of the smuggling of migrants. One speaker underlined the importance of allowing victims of trafficking in persons sufficient time for reflection and recovery before deciding whether to cooperate with the authorities. That was important in order to reduce the trauma experienced by those victims and had been found to facilitate better prosecution of offenders in cases where victims decided to cooperate with the authorities. Consideration should be given to the temporary legal status of victims of trafficking in the recipient country and whether repatriation to their country of origin would place them at risk of further victimization.

88. Some speakers referred to the problems associated with dual criminality as a prerequisite for mutual legal assistance and extradition. In that respect, speakers agreed that efforts by States parties and UNODC should concentrate on increasing the volume of national legislation that reflected the criminalization provisions of the Convention and its Protocols. The importance of bilateral and regional agreements for mutual legal assistance and extradition was stressed.

89. The expert consultation concluded with speakers suggesting that the Secretariat should develop clear guidelines to distinguish between the offences of human trafficking and the smuggling of migrants. One speaker raised the question of how to deal with those taking advantage of victims of human trafficking in the recipient country.

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

90. At its 16th meeting, on 17 October 2008, the Conference adopted a revised draft decision entitled “Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime” (CTOC/COP/2008/L.2/Rev.1), sponsored by France. (For the text, see chapter I, decision 4/5.)

91. Also in connection with this agenda item, the Conference adopted a revised draft decision entitled “Possible mechanisms to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto” (decision 4/1) (for the discussion, see chapter IV, section A) and a revised draft decision entitled “Trafficking in human beings” (decision 4/4) (for the discussion, see chapter VIII, section A).

## VI. Expert consultation on money-laundering

92. At its 5th meeting, on 10 October 2008, the Conference considered agenda item 2 (h), entitled “Expert consultation on money-laundering”. For its consideration of the item, the Conference had before it the following documents:

(a) Note by the Secretariat on money-laundering within the scope of the United Nations Convention against Transnational Organized Crime (CTOC/COP/2008/15);

(b) Report of the Secretariat on the implementation of the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle (CTOC/COP/2006/2/Rev.1);

(c) Report of the Secretariat on the implementation of the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the first reporting cycle (CTOC/COP/2005/2/Rev.2).

93. The expert consultation was chaired by Eugenio Curia (Argentina), Vice-President of the Conference.

94. A representative of the Secretariat made an opening statement introducing the main issues of the expert consultation. Statements were made by the representatives of the Sudan, Argentina, the United States, Chile, Portugal, Nigeria, Lebanon, Morocco, Egypt, the United Arab Emirates and Burundi, as well as by the observer for the Islamic Republic of Iran.

### Deliberations

95. In her introductory statement, the representative of the Secretariat highlighted the problems linked to money-laundering, which affected both large and small States, industrial economies and international financial centres. States were becoming increasingly vulnerable to the risks associated with money-laundering, and new and sophisticated money-laundering schemes were emerging, such as the misuse of new technologies and informal remittance systems. To guide the discussion, the attention of the Conference was drawn to the evolving nature of money-laundering, the vulnerability of the informal sector and the need for national and international cooperation and exchange of information.

96. All speakers recognized that money-laundering posed a serious threat to the integrity and stability of financial and trade systems. Some speakers expressed the view that the offence of money-laundering should not be subject to any statute of limitations.

97. Speakers drew attention to the strong links existing between money-laundering and transnational organized crime, as highlighted in the Convention, and stressed the importance of widening the range of predicate offences to include all serious crimes, such as environmental crimes, arms trafficking and terrorism, in order to enhance the application of the principle of dual criminality.

98. Speakers emphasized the need for an effective legal and regulatory framework to combat money-laundering. Some speakers reported on recent progress achieved by their Governments, such as the adoption of money-laundering legislation

containing a legal definition of that offence and other criminal justice measures, for example seizure and freezing of proceeds for the purpose of confiscation.

99. Commenting on national legislation relevant to money-laundering, one speaker emphasized that some national legislation prohibited and punished the laundering of the proceeds of organized crime as referred to in the international conventions and protocols to which the State is a party. He also stated that some national legislation contained provisions to strengthen international judicial cooperation on money-laundering, including mutual legal assistance and for tracking, freezing and, when confiscated by virtue of a final judicial judgement, sharing the proceeds of crime.

100. Speakers underscored the need to establish operational financial intelligence units to serve as national centres for the collection, analysis and dissemination of information on potential money-laundering activities. Many speakers stressed the essential role of those units in national frameworks to combat money-laundering and in coordination among domestic agencies.

101. The strengthening of regional and international cooperation in the area of combating money-laundering was called for by most speakers. In that regard, the exchange of information at the international and national levels should be promoted.

102. Some speakers encouraged greater use of the Model Bilateral Agreement on the Sharing of Confiscated Proceeds of Crime or Property, as adopted by the Economic and Social Council in its resolution 2005/14.

103. The view was expressed that Member States should adopt stricter laws on company formation in order to facilitate the disclosure of beneficial ownership of corporate structures. In the case of shell corporations, some speakers recommended the application of non-conviction-based forfeiture procedures where permitted by national legislation.

104. Speakers reaffirmed the need for specialized training in combating money-laundering in order to strengthen the capacity of the relevant authorities to effectively detect, investigate and prosecute cases involving money-laundering and to address the difficulties encountered in the implementation of the Convention. The continued assistance of UNODC was called for in that respect.

105. The need to avoid duplication of efforts among the various subregional, regional and international initiatives dealing with money-laundering was highlighted.

106. There was a discussion on producing a study on new money-laundering trends and on means to detect proceeds of crime. Some speakers felt, however, that there were other bodies that were more appropriate for dealing with such matters, such as the Financial Action Task Force on Money Laundering.

## **VII. Expert consultation on 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**

107. At its 6th meeting, on 10 October 2008, the Conference considered agenda item 2 (c), entitled “Expert consultation on international cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities”. For its consideration of the item, the Conference had before it the following:

(a) Report of the Secretariat on work done by the United Nations Office on Drugs and Crime to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime (CTOC/COP/2008/5);

(b) Report of the Secretariat on the implementation of the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the first reporting cycle (CTOC/COP/2005/2/Rev.2);

(c) Catalogue of examples of cases of extradition, mutual legal assistance and other forms of international legal cooperation on the basis of the United Nations Convention against Transnational Organized Crime (CTOC/COP/2008/CRP.2);

(d) Conclusions and recommendations of the regional workshops on international cooperation organized by the United Nations Office on Drugs and Crime pursuant to Conference decision 3/2 (CTOC/COP/2008/CRP.4).

108. The Chairperson of the open-ended working group of Government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation reported orally to the Conference on the work carried out by the working group.<sup>26</sup> The working group, which had been established by Conference decision 2/2 and made a constant feature of the Conference by decision 3/2, was convened during the fourth session of the Conference and held four meetings, on 8, 9 and 10 October, in parallel with the plenary meetings of the Conference. In addition, the working group discussed and approved a draft decision for possible adoption by the Conference.

109. The expert consultation was chaired by Eugenio Curia (Argentina), Vice-President of the Conference, and led by the following panellists: Elaine Krivel (Canada) and Romeu Tuma Júnior (Brazil). Statements were made by the representatives of Croatia, Italy, Peru and Portugal.

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<sup>26</sup> The report of the Chairperson was made available to the Conference at its fourth session (CTOC/COP/2008/CRP.15). It was to be subsequently made available as document CTOC/COP/2008/18.

## A. Deliberations

110. The first panellist stressed the usefulness of the Convention as a legal basis for international cooperation, especially in cases where a State had no bilateral extradition agreements or its agreements contained only a limited number of offences. She indicated that Canada had successfully made and responded to several requests for extradition and mutual legal assistance based on the Convention. The speaker further emphasized the comprehensiveness and added value of articles 16 and 18.

111. The second panellist made a presentation on how his Government was increasingly using the Convention to combat serious forms of transnational organized crime, and described four successful cases of mutual legal assistance that illustrated the practical application of some of the most relevant provisions on mutual legal assistance contained in article 18 of the Convention. The panellist emphasized the importance of interrupting the flow of illicit money when combating criminal organizations, and commended the Convention for including a definition of transnational organized crime that provided a useful basis for cooperation with other States. He concluded by stressing that sovereignty issues should not hinder the prosecution of transnational crimes.

112. One speaker stated that his Government was part of, and actively supported, the European Judicial Network. That Government had recently adopted legislation on mutual legal assistance in criminal matters that incorporated relevant features of the Convention, such as simplified extradition, spontaneous exchange of information and the use of modern means of communication. The speaker described his Government's international cooperation regime with regard to mutual legal assistance and the functioning of its central authority. The speaker concluded with information on grounds for refusal of extradition, such as the policy of non-extradition of nationals.

113. Another speaker stressed the need to expand existing cooperation mechanisms. He requested the Conference to give serious consideration to the development of a global judicial network that held regular meetings and had secure means of communication. To that end, he suggested that the Secretariat should convene an expert working group in the coming months to work on the issue and to organize a global-level meeting, before 2010, of central and other competent authorities responsible for international cooperation, for which purpose the speaker offered the support of his Government (Peru).

114. The Conference briefly discussed the draft decision prepared by the working group. One speaker mentioned the difficulty of reviewing a document available only in English. Some speakers indicated support for adopting the draft decision, without further amendment and once it had been translated into the six official languages of the United Nations, as it was the product of experts on international cooperation who would not be present during the consideration of the agenda item in plenary. Other speakers stressed the difficulty faced by small delegations that could not simultaneously attend plenary sessions and participate in the expert consultations, reserving the right to propose amendments to the draft decision when it was considered in plenary meeting. The Chairperson proposed that, in principle, the

draft decision prepared by the working group should be amended only in the places specifically mentioned by those delegations.

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

115. At its 16th meeting, on 17 October 2008, the Conference adopted a revised draft decision entitled "Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime" (CTOC/COP/2008/L.5/Rev.1). (For the text, see chapter I, decision 4/2.) Before the adoption of the revised draft decision, a representative of the Secretariat read a financial statement, the text of which is contained in annex III of the present report.

## **VIII. Expert consultation on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime**

116. At its 7th meeting, on 13 October 2008, the Conference considered agenda item 2 (d), entitled "Expert consultation on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime". For its consideration of the item, the Conference had before it the following:

(a) Note by the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: additional questions for possible discussion (CTOC/COP/2008/6);

(b) Report of the Secretariat on work done by the United Nations Office on Drugs and Crime to promote the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2008/8);

(c) Note by the Secretariat transmitting the report of the Secretary-General on improving the coordination of efforts against trafficking in persons (CTOC/COP/2008/9);

(d) Note by the Secretariat transmitting the report of the Executive Director on the Global Initiative to Fight Human Trafficking (CTOC/COP/2008/10);

(e) Note by the Secretariat transmitting the report of the Secretary-General on strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking (CTOC/COP/2008/11);



(f) Report of the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle (CTOC/COP/2006/6/Rev.1);

(g) Report of the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the first reporting cycle (CTOC/COP/2005/3/Rev.2);

(h) Report of the Secretary-General on improving the coordination of efforts against trafficking in persons (A/63/90);

(i) Report of the Secretary-General on strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking (E/CN.15/2008/6);

(j) Report of the Executive Director on the Global Initiative to Fight Human Trafficking (E/CN.15/2008/10);

(k) Report on the Vienna Forum to Fight Human Trafficking (CTOC/COP/2008/CRP.1).

117. The expert consultation was chaired by Mohamed Arshad bin Manzoor Hussain (Malaysia), Vice-President of the Conference, and was led by the following panellists: María Elena Moreira (Ecuador), Emmanuel Obi Agusiobo (Nigeria), Jean-François Minet (Belgium), Nicole Zündorf-Hinte (Germany) and Jan Austad (Norway).

118. The five panellists presented examples of issues and responses from experience at the national level and raised, for consideration and discussion, relevant points pertaining both to States parties and to the international response. Common concerns centred on the need to implement fully the Trafficking in Persons Protocol and included the following: the urgent need to address the non-identification of victims of trafficking in persons; the introduction of national legislation in line with the Protocol; practical cooperation and coordination mechanisms at the national, regional and international levels; provision of greater assistance and support to victims of trafficking; increasing the number and quality of investigations and prosecutions; improved data collection and analysis to identify trends and respond accordingly; the need to reduce demand for activity and behaviour generating trafficking in persons, such as sex services and sex tourism, forced prostitution, pornography and trafficking in organs; and the provision to States parties of technical assistance to enable such actions.

119. The Senior Manager of the Global Initiative to Fight Human Trafficking made a statement, on behalf of the Secretariat, introducing the recently updated UNODC toolkit to combat trafficking in persons and posing a series of questions for consideration by the Conference.

120. Statements were made by the representatives of Argentina, Croatia, Egypt, Ecuador, the United States, Belarus, Italy, Switzerland, Cuba, the Bolivarian Republic of Venezuela, Algeria, Romania and the European Commission on behalf

of the European Community, and by the observers for the Islamic Republic of Iran, Indonesia and Japan. Statements were also made by the observers for the Sovereign Military Order of Malta, the International Police Association, the Global Alliance against Traffic in Women, the International Alliance of Women and the Academic Council on the United Nations System.

## **A. Deliberations**

121. The discussion touched on a broad range of issues, with speakers referring to related national action in each case. One speaker expressed the view that the absence of a definition of exploitation had led to a lack of clarity in implementation of the Protocol. Guidance was needed regarding relevant criteria and whether criteria differed between forms of exploitation, such as sexual exploitation or forced labour. An issue to be addressed in determining whether exploitation existed was the seemingly voluntary nature of victims' conduct in some trafficking cases. One speaker indicated his Government's position that a person would be regarded as being a victim of trafficking, even if he or she had given consent, if that person had come from difficult economic circumstances and had had to accept exploitative work.

122. Many speakers underscored the importance and difficulty of effectively identifying victims and suggested that, as a priority, lists of indicators should be developed by Member States as an achievable, cost-effective and highly useful action. It was noted that separate lists of indicators should be developed for perpetrators and for victims. A suggestion was made that indicators should be grouped to address particular aspects of trafficking, such as transportation or identification of travel documents. Further expert attention was needed in the area of identification in order to assist, for example, in distinguishing between situations of illegal work and trafficking in persons and to develop indicators of abuse of power or vulnerability.

123. One speaker noted the importance of regularly re-evaluating established trafficking indicators and accepted profiles of victims. A recent example cited was that of identifying trafficking in persons for forced labour in stone-laying work; such individuals, who were highly visible to the public, had previously not been thought to be potentially victims of trafficking. With regard to traffickers, one speaker noted that the networks typically involved in trafficking in persons were often not Mafia-type structures but small groups of individuals who had family ties or otherwise knew each other well.

124. Some speakers underscored the importance of including compensation or restitution in their national schemes for victim services. One speaker noted the utility and practicability of using an interim order for assets during a pending case in order to make it easier to seize assets of traffickers once a conviction was secured. Proceeds seized from traffickers were then placed in a victims trust fund for the payment of compensation, restitution or other assistance to victims. Also of relevance to the compensation of victims, it was noted that a number of jurisdictions allowed for the pursuit of private legal action following the conclusion of a criminal court case.

125. The establishment of regional helplines for actual or potential victims of trafficking, as mentioned by one speaker, was an encouraging example in the development of transnational forms of victim assistance and referral practices.

126. Several speakers noted the importance of the non-liability of victims of trafficking for offences committed in the course of their being trafficked (for instance, identity-related offences) or as a result of their having been trafficked (for instance, pickpocketing).

127. Many speakers stressed the importance of facilitating access to services for victims and ensuring a victim-centred approach. Two common outcomes of a victim-centred approach were highlighted: the prompt rehabilitation and reintegration of victims; and the cooperation of victims in the investigation and prosecution of traffickers. Such cooperation is core to the pursuit of criminal justice action owing to the strong reliance on victim testimony in many trafficking cases.

128. Many speakers expressed the view that improper treatment of victims would discourage them from cooperating with criminal justice authorities. An informed and willingly cooperative victim cannot only provide testimony for a successful prosecution but may also elicit information regarding transnational trafficking activities. Practitioners were encouraged in particular to develop victim-centred responses to gain the cooperation of victims in order to facilitate parallel investigations or actions in countries other than the one in which they had been identified. One speaker noted in particular that poor handling of victims in some destination countries (in other words, treating them as undocumented immigrants) impeded anti-trafficking action in the victim's country of origin.

129. Many speakers highlighted the need for greater cooperation between States regarding the repatriation of victims. Repatriation obligations under the Protocol might be more effectively met by ensuring that repatriation of victims of trafficking occurred only with the consent of the victim and in the presence of viable alternatives to repatriation to their home country. One speaker indicated that in view of the importance attached by his Government to the issue of combating trafficking in persons, his delegation had submitted a draft decision calling for the establishment of an open-ended intergovernmental working group to coordinate international efforts aimed at combating the phenomenon and for the exchange of experiences among experts.

130. While some speakers mentioned awareness-raising and media campaigns in the context of prevention, others stressed measures to combat the demand side of trafficking in persons, for instance by encouraging consumers to purchase goods and services produced through non-exploitative means or by criminalizing the purchase of sex. One speaker stated that the Protocol addressed prevention only to a limited extent, especially with regard to the issue of demand, and that a global plan of action might address this and other limitations of the Protocol. With regard to enhancing the coordination of ongoing efforts, one speaker referred to the establishment of the Inter-Agency Cooperation Group against Trafficking in Persons and the need to advance its work.

131. Many speakers stressed the importance of addressing the root causes of human trafficking. They added that the supply of human beings for prostitution, forced labour or removal of human organs could not effectively be suppressed unless demand was controlled.

132. Many speakers emphasized the important role that technical assistance played in the fight against trafficking in persons and related forms of organized crime. For example, one speaker mentioned that training for judges to enable them to move cases through the court system more quickly would be a favourable development. Another speaker noted that antiquated court procedures in organized crime cases hindered prosecution because of the high expenditure in time and resources. The existence of specialized training for consular staff on victim identification and services for victims of trafficking was also mentioned.

133. Many speakers highlighted national experiences in combating the crime of human trafficking, many of which involved the setting up of multidisciplinary governmental agencies or coordinating committees that included both governmental and non-governmental representation.

134. One speaker drew attention to the issue of a review mechanism for the Convention and its Protocols. It was felt that inconsistent implementation by States of their obligations under the Protocol had negative human rights implications for trafficked persons. The speaker felt that, consequently, States parties were failing to achieve the stated purpose of the Protocol, especially as it related to the protection of trafficked persons. The speaker suggested a review mechanism as a means of ensuring that commitments were implemented in the way that was envisaged and that would improve coordination and cooperation between all States parties.

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

135. At its 16th meeting, on 17 October 2008, the Conference adopted a revised draft decision entitled “Trafficking in human beings” (CTOC/COP/2008/L.3/Rev.2), sponsored by the Group of 77 and China. (For the text, see chapter I, decision 4/4.) Before the adoption of the revised draft decision, a representative of the Secretariat read a financial statement, the text of which is contained in annex IV of the present report.

136. Also in connection with this agenda item, a revised draft decision entitled “Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime” was adopted (decision 4/5). (For the discussion, see chapter V, section A.)

## **IX. Expert consultation on the protection of victims and witnesses**

137. At its 8th meeting, on 13 October 2008, the Conference considered agenda item 2 (e), entitled “Expert consultation on the protection of victims and witnesses”. For its consideration of the item, the Conference had before it the following documents:

(a) Note by the Secretariat on the protection of victims and witnesses (CTOC/COP/2008/12);

(b) Report of the Secretariat on the implementation of the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle (CTOC/COP/2006/2/Rev.1);

(c) Report of the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle (CTOC/COP/2006/6/Rev.1);

(d) Report of the Secretariat on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle (CTOC/COP/2006/7/Rev.1);

(e) Report of the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the first reporting cycle (CTOC/COP/2005/3/Rev.2);

(f) Report of the Secretariat on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the first reporting cycle (CTOC/COP/2005/4/Rev.2).

138. The expert consultation was chaired by Amina Mohamed (Kenya), Vice-President of the Conference, and was led by the following panellists: Malebo Kotu-Rammopo (South Africa) and Carla Menares-Bury (United States).

139. The Deputy Director of the Division for Treaty Affairs and Chief of the Treaty and Legal Assistance Branch of UNODC made an introductory statement. Statements were made by the representatives of Croatia, Germany, Argentina, France and the United Kingdom. The European Commission made a statement on behalf of the European Community. The observer for the Global Alliance against Traffic in Women also made a statement.

## **A. Deliberations**

140. In his introductory statement, the Deputy Director of the Division for Treaty Affairs and Chief of the Treaty and Legal Assistance Branch recalled the centrality of victim and witness protection in the architecture established by the Convention and the Protocols thereto. He referred in particular to the series of questions raised on key issues related to this topic, such as general measures to protect victims and witnesses, measures to protect victims and witnesses in judicial proceedings, witness protection programmes and international cooperation in the area of victim and witness protection (see CTOC/COP/2008/12).

141. The first panellist reported on the broad legislative and policy framework of her Government with regard to protection of victims and witnesses, giving details on how that framework had been implemented. For instance, in coordination with UNODC and with financial support from the European Union, South Africa had

developed a national Victim Empowerment Programme that provided social services to victims of gender-based violence, including victims of trafficking, including shelter, counselling and other support measures. Mention was also made of the Witness Protection Act and of the Thuthuzela Care Centres, which offered a victim-centred response. Current legislation offered immunity from prosecution to victims of trafficking for offences committed as a direct result of being trafficked.

142. The speaker concluded by drawing attention to the challenges to effective assistance and protection to victims and witnesses, including the need to ensure close inter-agency coordination both within government and with non-governmental organizations; the balancing of the needs of victims against the obligations of the State; the unpredictability of the numbers of victims and witnesses, which has an impact on the allocation of resources; and the management of information in organized crime cases where more than one law enforcement agency is involved.

143. The second panellist referred to the experience of the United States in handling victims of human trafficking. Based on that experience, she recommended to the Conference a two-pronged anti-trafficking strategy. The first prong of the strategy was to have a victim-centred approach, which entailed proactive identification of victims of trafficking; government provisions being in place to allow for shelter and temporary care for victims; legal and other assistance measures; and cooperation among source and destination countries. The second prong was a multi-agency task force, which was instrumental in avoiding repetitive and painful interviews for victims. She stressed the central role played by victims and by their participation in the judicial proceedings to ensure the successful prosecution and conviction of offenders.

144. Several speakers emphasized the need for having a victim-centred approach combined with a multidisciplinary model, which would ensure cooperation among relevant government agencies and non-governmental organizations, as key elements in ensuring an effective strategy to protect and assist victims of trafficking. Speakers stressed that participation by victims in prosecution efforts should be voluntary and that it was imperative to create an environment where victims felt empowered to come forward. It was underscored that in practice victims would not testify unless their physical security was protected.

145. While the witness protection programmes set up by many Member States were critical in combating organized crime, their usefulness in addressing the needs of victims was felt to be often limited. Speakers pointed to the need for a different and innovative approach to assist and protect victims, such as the creation of combined services with the participation of both the government sector and civil society. Such services should include physical security, counselling, legal aid, subsistence support and residence status.

146. Speakers stressed that the physical protection of victims and, in some cases, threatened social workers should be the responsibility of law enforcement agencies, which should liaise with other government agencies to ensure the protection of victims' personal details. As the level of threat against a victim or witness was important in determining the type of protection provided, one speaker suggested that UNODC should develop generic threat/risk assessments for at-risk victims and witnesses.

147. Several speakers underlined the need for more proactive identification of victims of trafficking, based on the development of a specific set of indicators, specialized training for law enforcement officials and screening procedures that go beyond simple checks of personal identification documents. Several speakers referred to national strategies and policies on providing assistance to victims of trafficking, which included such measures as informing victims, including about the status of the proceedings, in a language that they understood; providing counselling and shelter; issuing temporary residence permits; offering health, psychological and legal assistance; and allowing the possibility of making a statement during the proceedings on the impact that the crime had on their lives. Specialized training for those dealing with victims was underscored as an important measure to ensure an effective strategy to assist and protect victims.

148. On the issue of repatriation, some speakers stated that victims should be afforded safeguards for their safety and protection and that repatriation should, preferably, be voluntary.

149. Finally, several speakers highlighted the need to take into consideration the special needs of child victims, bearing in mind their best interests, age, level of maturity and developmental stage. In that regard, reference was made to the possibility of appointing ad hoc guardians.

150. One speaker referred to the possibility of Member States providing residence permits to victims of trafficking who cooperated with the investigative authorities and who had been shown to have severed their links with traffickers.

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

151. In connection with this agenda item, the Conference adopted a revised draft decision entitled “Trafficking in human beings” (decision 4/4) (for the discussion, see chapter VIII, section A) and a revised draft decision entitled “Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime” (decision 4/5) (for the discussion, see chapter V, section A).

## **X. Expert consultation on travel and identity documents**

152. At its 9th meeting, on 14 October 2008, the Conference considered agenda item 2 (f), entitled “Expert consultation on travel and identity documents”. For its consideration of the item, the Conference had before it the following documents:

(a) Note by the Secretariat on travel and identity documents (CTOC/COP/2008/13);

(b) Report of the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle (CTOC/COP/2006/6/Rev.1);

(c) Report of the Secretariat on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle (CTOC/COP/2006/7/Rev.1).

153. The expert consultation was chaired by Fuad Ismayilov (Azerbaijan), Vice-President of the Conference, and was led by two panellists: Troy Eberhardt (United States) and Remigia Saldaña (Ecuador).

154. The Deputy Director of the Division for Treaty Affairs and Chief of the Treaty and Legal Assistance Branch of UNODC made an introductory statement. Statements were made by the representatives of Croatia, Senegal, Bolivia, the Sudan, Ecuador, Malta, Canada and the Libyan Arab Jamahiriya, and by the observer for Jordan.

## **A. Deliberations**

155. In his introductory remarks, the Vice-President of the Conference referred to the questions formulated for discussion of the issue (see CTOC/COP/2008/13) and drew attention to the fact that the subject of travel and identity documents was a continuously evolving area. New technological developments were playing a central role both for organized criminal groups, which exploited such developments for illicit ends, and for criminal justice officials, who could use such technologies to make travel and identity documents more difficult to forge and counterfeit.

156. In his introductory statement, the Deputy Director of the Division for Treaty Affairs and Chief of the Treaty and Legal Assistance Branch of UNODC noted that in recent years the strengthening of border controls and the resulting improvement in border security, particularly in countries of destination, had led to a shift in the modus operandi of traffickers in persons and smugglers of migrants. In that regard, trafficking and smuggling of persons over land borders, including through official border crossing points, seemed to be decreasing.

157. At the same time, however, there had been an increase in various forms of identity-related crime, such as the misappropriation of documents, the theft of blank documents that were then filled in with fabricated identity information, the falsification, forgery and unlawful issuance of documents and the procurement of passports or visas under false pretences. In concluding, he referred to a series of questions raised for discussion around six central themes: current trends, legislative and regulatory measures, integrity and security of documents, capacity-building, international cooperation and technical assistance.

158. The first panellist noted that it was becoming increasingly complicated and difficult to recognize forged or counterfeited documents because of the latest technological developments being exploited by criminals. Forged or counterfeited travel and identity documents could be categorized in three clusters: (a) genuine documents bearing appropriate security features that were valid but that had been obtained through theft or fraud; (b) documents that were valid but that had been altered in some respect (i.e. change in the expiration date or in the photograph); and (c) documents that had been counterfeited with varying degrees of quality.



159. Among the key issues in ensuring the validity of travel and identity documents and in preventing their falsification, the panellist stressed first the importance of strengthening standards for document security to prevent fraud (such as those of the International Civil Aviation Organization) and the need to continuously revisit the security features of travel documents. Secondly, he mentioned the importance of incorporating advanced technologies in travel documents (for instance, by integrating biometrical information through the use of microchips). Thirdly, he emphasized the centrality of international cooperation and the sharing of information among countries. In that regard, it was crucial to report lost or stolen travel documents to INTERPOL and other pertinent law enforcement agencies, to improve information-sharing regarding global trends in counterfeiting and altering documents, and to share specimens of documents with other countries for the purpose of forensic comparisons. Finally, he drew the attention of the Conference to the important role played by international training initiatives and to the need to enhance, globally, the ability of law enforcement agencies to identify fraudulent travel and identity documents.

160. The second panellist underscored the need to address the root causes of migration, including poverty and inequality between more developed and less developed countries. She also mentioned the need to focus on prevention, and not just on protection and assistance to migrants, a need that was echoed in a number of declarations adopted at the regional and international levels. In that connection, she underscored that the aim of the Migrants Protocol was not to protect borders but to protect migrants and their rights, and to ensure that migrants were not criminalized and that acts of migration were not criminalized.

161. The panellist stressed the importance of adopting comprehensive structural measures to implement the Convention and its Protocols. In that context, two priority areas of technical assistance should be considered: (a) case-by-case analysis in assessing the return of persons who were victims of smuggling, since the safety of migrant persons might be compromised if they returned to their place of origin; and (b) the establishment of a database that would be updated regularly to allow for the exchange of information and the development of informed policies to prevent and combat the manufacture, issuance or unlawful use of travel or identity documents. She concluded with a series of recommendations: (a) develop a system to ensure proper analysis of the relevant problems in order to have a solid basis for preventing and combating smuggling and providing assistance to individuals who had been smuggled; (b) assess whether national legislative measures provided adequate penalties for offenders convicted of trafficking in persons and smuggling of migrant persons; (c) establish a network of ministries of justice, human rights agencies and migration authorities to provide for ongoing training for law enforcement officials with a focus on the non-criminalization of acts of migration; (d) improve the capacity of national consular services as an effective tool to prevent trafficking in persons and smuggling of migrant persons; and (e) ensure that the Open-ended Interim Working Group of Government Experts on Technical Assistance brought added value to the implementation of the Migrants Protocol. She also observed that, despite progress in modernizing travel and identity documents, shortcomings in the structure of national identity registers made it difficult to maintain a reliable database or ensure the timely transfer of information.

162. Subsequent speakers stressed the importance of securing the integrity of travel and identity documents and preventing their falsification for purposes of organized crime. In that regard, some speakers referred to national laws and regulations on identification and identity protection and to national provisions on criminalizing the forgery of documents. Most speakers stated that the travel documents issued by their Governments were generally aligned with the technical standards of the International Civil Aviation Organization. Speakers also reported on technical measures adopted at the national level to make travel and identity documents difficult to tamper with, such as the issuance of machine-readable passports and passports with features that were difficult to forge.

163. The need to use biometrical elements for linking identity to unique physical characteristics was stressed. The advent of technologies to generate, store and read biometrical identifiers was seen as a major step forward; however, as with other identity infrastructure elements, the technologies were only as reliable as the information initially recorded in them. Thus, it was considered essential for passport and biometrical systems to ensure that the initial identification of each individual linked to the data was accurate and verifiable.

164. Many speakers viewed international cooperation as the key to combating the phenomenon of irregular migration. The proper interaction and coordination of activities between international actors to avoid duplication of effort and to make proper use of available resources was also stressed. Speakers encouraged the sharing of information, urging States parties in particular to provide information on specimen documents, as an aid to forensic comparisons, as well as information on lost and stolen documents.

165. Several speakers highlighted the technological divide existing between the developed and developing countries and called for capacity-building in the developing world to enhance control of travel and identity documents. In that regard, several speakers called on States parties to provide technical assistance to States requiring such assistance in order to strengthen capacities, in particular assistance in introducing machine-readable travel documents and readers for such documents. The importance of training to enhance the skills of law enforcement, consular and border authorities in Member States in order to identify fraudulent travel and identity documents was mentioned by several speakers.

166. Some speakers stressed the importance of addressing the root causes of migration, such as poverty, inequality, activities of criminal networks, conflict and political instability. Some speakers said it was essential to ensure that the return of migrants and the reintegration of migrants were carried out in a way that was respectful of their safety and human rights. In that connection, speakers encouraged full compliance with the provisions of the Migrants Protocol and with the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.<sup>27</sup> One speaker stated that the return of migrants sent an important message that would dissuade smugglers from pursuing their criminal activities. One speaker proposed that at its fifth session the Conference should address the implementation of the Migrants Protocol in a more comprehensive manner, instead of focusing only on the issue of travel and identity documents.

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<sup>27</sup> United Nations, *Treaty Series*, vol. 2220, No. 39481.

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

167. In connection with this agenda item, the Conference adopted a revised draft decision entitled “Trafficking in human beings” (decision 4/4) (for the discussion, see chapter VIII, section A) and a revised draft decision entitled “Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime” (decision 4/5) (for the discussion, see chapter V, section A).

## **XI. Expert consultation on the marking of firearms, the keeping of records on firearms, trafficking in firearms, their parts and components and ammunition and the identification of competent authorities**

168. At its 10th meeting, on 14 October 2008, the Conference considered agenda item 2 (g), entitled “Expert consultation on the marking of firearms, the keeping of records on firearms, trafficking in firearms, their parts and components and ammunition and the identification of competent authorities”. For its consideration of the item, the Conference had before it the following documents:

(a) Note by the Secretariat on the marking of firearms, the keeping of records on firearms, trafficking in firearms, their parts and components and ammunition and the identification of competent authorities (CTOC/COP/2008/14);

(b) Report of the Secretariat on the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States (CTOC/COP/2006/8/Rev.1).

169. The expert consultation was chaired by Astrid Versto (Norway), Vice-President of the Conference, and was led by the following panellists: Thumba Govender (South Africa), William Kullman (United States), Fabio Marini (European Commission) and Maik Pavlowsky (Germany).

170. A representative of the Secretariat made a presentation. Statements were made by the representatives of Argentina, Croatia, Mexico, the Sudan, Jordan, Australia, Canada, Burundi, Turkey, Italy, Colombia and Albania. Statements were also made by the observers for the Coordinating Action on Small Arms and the International Action Network on Small Arms.

## **A. Deliberations**

171. In her introductory remarks, the Vice-President of the Conference emphasized the interrelation between, on the one hand, the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and, on the other hand, other forms of transnational organized crime, such as trafficking in persons, in drugs or in other items. She stressed the importance of the marking of firearms as an essential tool to identify and trace firearms in order to establish each

link in the chain when a firearm had been diverted into the illicit market. States parties were invited to look beyond the minimum marking requirements of the Firearms Protocol, to consider ways and means of increasing harmonization in marking regimes and to avail themselves of technological developments in this area in order to make the marking of firearms more effective and durable.

172. A representative of the Secretariat provided a brief overview of the provisions of the Firearms Protocol on criminalization (article 5), marking of firearms (article 8), record-keeping (article 7), general requirements for export, import and transit licensing or authorization systems (article 10), security and preventive measures (article 11), exchange of information and cooperation (article 12) and identification of a national body or single point of contact (article 13).

173. The first panellist discussed the implementation of the Firearms Protocol at the national level and different aspects of his Government's firearms control strategy, in line with the Protocol and other relevant regional instruments. He emphasized regional cooperation and coordination efforts, including harmonization of legislation in the region and the development of training guides for law enforcement. He reported on the successful introduction in South Africa of mobile marking units equipped with real-time satellite communications for the marking of firearms.

174. The second panellist emphasized the broad and technical character of the Firearms Protocol and underscored how modern technology could support States in implementing it. He underlined the need for international cooperation in order to fight trafficking and to exchange relevant information on firearms. He made reference to the e-trace system developed by the United States, which was an online database of registered weapons manufactured, imported or transited through that country, aimed at assisting investigators in tracing firearms and identifying traffickers. This system could be made available to all States free of charge through INTERPOL or through bilateral agreement.

175. The third panellist referred to the competence of the European Commission in the implementation of the Firearms Protocol by all 27 member States of the European Union and informed the Conference about the adoption of a recent European directive aimed at the harmonization of national legislation relevant to firearms control. Among other provisions, the directive required European Union member States to establish a computerized data-filing system to ensure proper record-keeping for at least 20 years. The panellist informed the Conference that the European Commission was undertaking an impact assessment on the implementation of article 10 of the Protocol, in particular with regard to the difficulties encountered in meeting the requirement for importing or exporting countries to obtain prior written authorizations from transit countries; a specific regulation was expected to be issued by the end of 2009.

176. The fourth panellist commended the meeting of experts organized by UNODC in August 2008 to discuss technical guidelines and model legislation on the implementation of the Protocol, and considered those tools useful for national legislators. He described a problem encountered in the implementation of article 10, paragraph 2 (on general requirements for export, import and transit licensing or authorization systems) concerning the identification of the competent authority responsible for issuing a licence or authorization. In that connection, he asked

whether UNODC planned to set up a worldwide uniform authorization system among firearms authorities, with the help of national contact points and standardized forms and procedures. With regard to the requirement in the Protocol that transit countries were to issue prior written transit authorizations, he referred to the practical problems that could be posed for the smooth handling of deliveries already authorized by exporting and importing countries if transit countries were slow to respond or refused to cooperate. He suggested that, if a transit country had been informed about the transit of a consignment in writing and did not express its objection to the requesting authorities within a certain period of time, its approval should be tacitly assumed by the requesting authorities and the transit should be considered to be in compliance with the objective of traceability.

177. Most speakers expressed concern at the low ratification rate of the Firearms Protocol, especially by the main firearms-producing countries. One speaker stressed that the magnitude of the problem of the illicit manufacturing of and trafficking in firearms required concerted efforts by all Member States. Representatives recognized that full implementation of the Protocol required appropriate legislative frameworks, and urged Member States that had not yet done so to ratify and implement the Protocol. Many speakers reported on their national legislation and implementation status. Speakers recommended that the Conference should discuss means of addressing gaps and implementation difficulties so as to facilitate ratification.

178. Some speakers emphasized the link between firearms trafficking and armed conflicts. One speaker stressed that often the possession of firearms was seen as a significant form of income, which hampered efforts by Governments of States in post-conflict situations to achieve effective handover and destruction of firearms, and requested the views and experiences of other States in that regard. One representative noted that trafficking in and illegal possession of firearms strengthened criminal organizations and led to an increase in armed violence.

179. Several speakers referred to their national marking regimes and the importance of establishing clear rules on marking. Several speakers also considered the marking of both ammunition and firearms to be important. One speaker suggested addressing the issue of how to deal with unmarked, erased or insufficiently marked firearms already in circulation. Speakers stressed the importance of States ensuring proper and effective marking that could not be easily erased. One speaker emphasized the importance of exploring new technologies for secure marking, including covert and hidden markings, and suggested that there be close liaison between private industry and experts, as well as an exchange of information on the matter.

180. There was agreement among most speakers on the usefulness and importance of keeping accurate records for tracing firearms. Some speakers stressed the advantages of computerized record-keeping systems. Tracing was recognized as an essential tool not only for investigating individual crimes, but also for identifying the point at which a firearm had been diverted into the illicit market and, ultimately, for the successful dismantling of criminal networks and the prevention of further trafficking in firearms.

181. Several speakers underscored the importance of international and regional cooperation, including the exchange of information and of expertise and best practices among States and with regional organizations. Reference was made to

specific regional instruments and to the fruitful experience of some regional organizations in the development of model regulations. Representatives were supportive of any initiative aimed at furthering cooperation and the exchange of expertise with regional organizations.

182. Some speakers stressed the need to have common standards and procedures to implement the Protocol, especially concerning the marking, tracing and exchange of information on firearms, their parts, components and ammunition, including standardized end-user certificates.

183. The observer for the Coordinating Action on Small Arms reported on a joint initiative of its members (which included UNODC) to develop international arms control standards and stressed that the Firearms Protocol, along with the relevant programme of action and the International Tracing Instrument, were the primary reference points for the development of such standards.

184. In response to specific questions raised by Member States, the Secretariat informed the Conference about its plans to expand the online directory of competent national authorities under the Convention to include the competent authorities and single points of contact referred to in article 13 of the Firearms Protocol in order to facilitate contacts between parties under the Protocol.

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

185. At its 16th meeting, on 17 October 2008, the Conference adopted a revised draft decision entitled “Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime” (CTOC/COP/2008/L.9/Rev.1), sponsored by Mexico. (For the text, see chapter I, decision 4/6.)

## **XII. Technical assistance**

186. At its 11th and 12th meetings, on 15 October 2008, the Conference considered agenda item 3, entitled “Technical assistance”. For its consideration of the item, the Conference had before it the following documents:

(a) Report on the meeting of the Open-ended Interim Working Group of Government Experts on Technical Assistance held in Vienna from 3 to 5 October 2007 (CTOC/COP/2008/7);

(b) Working paper prepared by the Secretariat on proposals for technical assistance activities designed to meet the needs identified in the priority areas determined by the Conference (CTOC/COP/2008/16);

(c) Note by the Secretariat on financial and budgetary matters (CTOC/COP/2008/17).

187. The Chair of the Open-ended Interim Working Group of Government Experts on Technical Assistance and Vice-President of the Conference, Amina Mohamed (Kenya), led the discussion.

188. One of the co-chairmen of the round table of technical assistance providers made an oral report on the work of the round table, which had been held on 14 October 2008 in parallel with the plenary meetings of the session and had been co-chaired by Peter Storr (United Kingdom) and Amina Mohamed (Kenya).

189. The Chief of the Organized Crime and Criminal Justice Section of the Division for Treaty Affairs introduced the documents under the item prepared by the Secretariat at the request of the Conference.

190. Statements were made by the representatives of Argentina, Nigeria, Kenya, Australia, Turkey, Portugal, the United States, Spain, South Africa, Egypt, the United Kingdom and the European Commission on behalf of the European Community, as well as by the observer for the Islamic Republic of Iran.

## **A. Deliberations**

191. In her introductory remarks, the Vice-President of the Conference explained the working arrangement of the Working Group as follows:

(a) The Working Group would consider the documents provided by the Secretariat, in particular the proposals for technical assistance activities (see CTOC/COP/2008/16);

(b) The Working Group would then consider the recommendations resulting from the discussion of the round table and indicate which recommendations should be endorsed by the Conference and which should be amended.

192. The co-chairman of the round table of technical assistance providers provided the background on the establishment and the mandate of the round table and reported on its discussion. The round table had held an in-depth discussion on how to make coordination of technical assistance more effective at the national, regional and global levels, in order to avoid duplication and overlap. Round-table participants had been of the view that there was no ideal mechanism for coordination and had agreed that the following principles should underpin mechanisms for ensuring coordination:

(a) The importance of recipient States carrying out needs analyses, taking into account information given in response to questionnaires;

(b) The importance of technical assistance providers taking such needs analyses into account when designing programmes of assistance;

(c) The need for a partnership approach, common goals and commitment on the part of those providing or receiving technical assistance, taking into account the activities of other bodies, such as civil society and international or regional organizations;

(d) The need for effective coordination within States providing or receiving assistance;

(e) The need for coordination between donors, building on existing local, regional and multilateral mechanisms.

193. In conclusion, he explained that it was incumbent on technical assistance providers to raise awareness among recipients of such assistance in order to link that assistance to the aims and principles of the Convention and its Protocols, and to act as advocates by stressing the important role of UNODC in providing technical assistance to facilitate the implementation of the Convention.

194. In her introductory statement on the item, the Chief of the Organized Crime and Criminal Justice Section of the Division for Treaty Affairs highlighted five priority areas for technical assistance, as well as the main proposals for technical assistance activities developed by the Secretariat in those areas to assist countries in implementing the Convention and its Protocols more effectively. Those areas were the following: (a) gathering information on the implementation of the Convention and its Protocols, including activities to support States in fulfilling their reporting obligations and the expansion of the UNODC legal library; (b) strengthening criminal justice responses to organized crime on the basis of the Convention and its Protocols, including strengthening capacity to combat organized crime in post-conflict settings, the provision of legal and legislative assistance, the development of model legislation, the training of criminal justice officials and witness and victim protection; (c) international cooperation and the establishment or strengthening of central authorities responsible for mutual legal assistance and extradition, including gathering and sharing good practices in international cooperation, support to States in improving the collection of data and strengthening the network of central authorities; (d) data collection, including the strengthening of national capacities to collect crime data and the strengthening of law enforcement capacities to analyse such data; and (e) ensuring integrated legal assistance.

195. One speaker stressed that the working groups on technical assistance and international cooperation were key elements in making progress in that area, and that the work of both working groups should be supported by all Member States. He also stressed that technical assistance should be provided without preconditions and should be based on the national priorities of the recipient States and the overall programmes.

196. Another speaker emphasized that the work of the round table had been useful to the Open-ended Interim Working Group of Government Experts on Technical Assistance. He underscored the need to ensure effective coordination of technical assistance in line with the Paris Declaration on Aid Effectiveness. Some speakers stated that the recommendations of the round table were not operational and requested that they should be made operational so that they could form the basis of a draft decision of the Conference.

197. Following its discussion on the way forward, the Working Group requested the co-chairmen of the round table and the Secretariat to submit the recommendations in the form of a draft decision, taking into account the discussion of the Working Group. Several speakers expressed general agreement with the draft decision submitted and agreed to discuss it in detail during the informal consultations on draft decisions to be held on 16 October 2008, using the resources allocated for the 13th and 14th meetings of the fourth session.



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

198. At its 16th meeting, on 17 October 2008, the Conference adopted a revised draft decision entitled “Implementation of the provisions on technical assistance of the United Nations Convention against Transnational Organized Crime” (CTOC/COP/2008/L.8/Rev.1). (For the text, see chapter I, decision 4/3.) Before the adoption of the revised draft decision, a representative of the Secretariat read a financial statement, the text of which is contained in annex V of the present report.

## **XIII. Future activities of the Conference**

199. The Conference took note of the fact that the provisional agenda for its fifth session would be taken up under a separate agenda item. Thus, no comments were made on the agenda item.

## **XIV. Financial and budgetary matters**

200. At its 15th meeting, on 17 October 2008, the Conference considered item 5 of the agenda, entitled “Financial and budgetary matters”. For its consideration of the agenda item, the Conference had before it the note by the Secretariat on financial and budgetary matters (CTOC/COP/2008/17).

201. A representative of the Secretariat made a statement on financial issues, the text of which is contained in annex VI of the present report. Statements were also made by the representatives of Cuba, Croatia and the United States and the observer for Japan.

### **A. Deliberations**

202. In response to a request from a delegate, a representative of the Secretariat informed the Conference that an amount of \$3.8 million was available for the activities of the Conference and that the amount available in the contingency fund was \$31.5 million. In that context, the delegate made reference to General Assembly resolutions 41/213, 42/211 and 45/248 B, concerning the review of the efficiency of the administrative and financial functioning of the United Nations and procedures for administrative and budgetary matters. In that regard, he stated that his delegation would not commit itself to accepting that the future activities of the Conference and the working groups would be made subject to the availability of resources in the consolidated budget for the biennium 2010-2011 for UNODC or accept the linking of such activities to the availability of extrabudgetary resources.

203. Another delegate expressed his appreciation for the attention and support of the Secretariat, because the Conference had carefully considered the budget ramifications of its actions. He also expressed appreciation for the understanding shown by the Bureau and other delegates as the Conference had tried to assess and address how its decisions would affect the current and future regular budget resources provided for the Conference. He noted that many delegations were aware that his delegation had advocated in the past – and the Conference had consistently

approved – the insertion of relevant budget language to clarify portions of the decisions that had implications for the regular budget-funding of UNODC, especially in decisions that had programme budget implications.

204. Consistent with that policy, he reminded the Conference that his delegation and other delegates represented at the Conference normally called for insertion of the phrase “within existing or extrabudgetary resources” in the portions of draft decisions that called for intersessional meetings of working groups or other intergovernmental expert groups. He referred to draft decisions CTOC/COP/2008/L.3, CTOC/COP/2008/L.6 and CTOC/COP/2008/L.8, which, if adopted, would require intersessional meetings, and informed the Conference that his delegation would not request the insertion of the traditional budget language in those decisions. He explained that that should not be construed as a precedent and that his delegation reserved the right to seek inclusion of relevant budgetary language in decisions of future sessions of the Conference.

205. The delegate explained the reasons for his delegation’s decision not to include such language in the present instance: the Secretariat had made a formal statement that the costs of any anticipated intersessional meetings would not have programme budget implications; the Secretariat had identified savings that could be used for working groups or other expert meetings; and there was a likelihood that the Conference would approve a decision reducing the length of the fifth session of the Conference, which would free up regular budget resources to cover intersessional meetings in the biennium 2010-2011.

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

206. In connection with this item, the Conference adopted a revised draft decision entitled “Possible mechanisms to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto” (decision 4/1) (for the discussion, see chapter IV, section A), a revised draft decision entitled “Implementation of the provisions on technical assistance of the United Nations Convention against Transnational Organized Crime” (decision 4/3) (for the discussion, see chapter XII, section A), a revised draft decision entitled “Trafficking in human beings” (decision 4/4) (for the discussion, see chapter VIII, section A) and a revised draft decision entitled “Reorganization of the work of the fifth session of the Conference of Parties to the United Nations Convention against Transnational Organized Crime” (decision 4/8) (for the discussion, see chapter XVI, section A).

## **XV. Other matters**

207. At its 16th meeting, on 17 October 2008, the Conference considered agenda item 6, entitled “Other matters”.

208. Statements were made by the representatives of Nigeria, Australia and Brazil and by the observers for Indonesia and Iran (Islamic Republic of).

## **Deliberations**

209. Some speakers emphasized the importance of focusing on new forms of organized criminal activities that did not exist at the time of the drafting of the Convention. In this context, one delegate expressed his concern regarding trafficking in cultural property. It was emphasized that there was a need for thorough deliberations on environment-related crimes within the framework of the Convention. Another speaker supported the proposal of a previous speaker for the Conference to hold more thorough deliberations in the future on emerging transnational organized crimes in the environmental field.

210. Another speaker referred to international trafficking in forest products, including timber, wildlife and other forest biological resources, as a form of emerging crime. He furthermore emphasized that illegal, unreported and unregulated fishing had the elements of crimes that fell within the definitions provided in articles 2 and 3 of the Convention. Therefore, he was of the view that the existing approaches to tackle the problem of illegal, unreported and unregulated fishing had to be supplemented by using the criminalization provisions of the Convention.

211. One speaker said that she would welcome the inclusion in the draft agenda for the fifth session of the Conference of an item proposing expert consultations on emerging forms of transnational organized crime. She saw merit in the Conference considering the nature of the threat of transnational organized environmental crime and how it could be countered through the Convention framework, with its important provisions governing criminalization and international legal cooperation. She also saw value in examining the matter further in other bodies with expertise in criminal justice issues, such as the Commission on Crime Prevention and Criminal Justice.

212. The major challenge posed by organized criminal groups in the oil-producing region of the Niger Delta was also referred to. One speaker urged States to send a strong message to organized criminal groups currently profiting from stolen oil in the Gulf of Guinea and elsewhere, by criminalizing the sale of oil acquired through “illegal bunkering”, theft and piracy.

213. One speaker expressed surprise that the issue of emerging forms of crime, despite its importance, was discussed only on the last day of the fourth session. In response, several speakers underscored the fact that emerging forms of crime had been repeatedly referred to during the deliberations of the fourth session and expressed their support for the inclusion of item 6, “Expert consultation on the use of the Convention for emerging forms of crime”, in the draft provisional agenda for the fifth session.

## **XVI. Provisional agenda for the fifth session of the Conference**

214. At its 16th meeting, on 17 October 2008, the Conference considered the draft provisional agenda for its fifth session, which, pursuant to rule 8 of the rules of procedure, had been drawn up by the Secretariat in consultation with the Bureau.

## **A. Deliberations**

215. One speaker objected to the inclusion of item 6, “Expert consultation on the use of the Convention for combating emerging forms of crime” in the provisional agenda for the fifth session of the Conference, in view of the fact that no discussion on the advisability of having this item had been held.

216. Another speaker drew attention to rule 8 of the rules of procedure, which stated that the provisional agenda for a session should include any item proposed by any State party, the Bureau or the Secretary-General.

217. One speaker requested the Bureau to give consideration to the length of the sessions of the Conference in the light of the constraints experienced by small delegations, which were not in a position to attend over the course of two weeks. Additional difficulties were caused by the financial costs involved and the prolonged absence of experts from their respective capitals.

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

218. At its 16th meeting, on 17 October 2008, the Conference adopted the draft provisional agenda for its fifth session (see annex VII) and a revised draft decision entitled “Reorganization of the work of the fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime” (CTOC/COP/2008/L.7/Rev.1), sponsored by Algeria. (For the text, see chapter I, decision 4/8). Before the adoption of the revised draft decision, a representative of the Secretariat read a financial statement, the text of which is contained in annex VIII of the present report.

## **XVII. Adoption of the report of the Conference on its fourth session**

219. At its 16th meeting, on 17 October 2008, the Conference adopted the report on its fourth session (CTOC/COP/2008/L.1 and Add.1-11), as orally amended.

## Annex I

### Attendance

#### Parties to the Convention

Afghanistan	Wahid Monawar, Obaidullah Obaid, Mohammad Daud Wedah
Albania	Gilbert Galanxhi, Entela Gjika, Erviola Stoja
Algeria	Taos Feroukhi, Djamel Fellouci, Mohamed Aziz el-Affani, Zohra Zerara, Salim Berkat
Argentina	Eugenio María Curia, Gerardo Ezequiel Bompadre, Ariel Walter González, Carlos Gregorio Savaro, Zaida Gabriela Gatti, Lucía Gómez Cónsoli
Armenia	Vahram Shahinyan, Ashot Hovakimian, Anahit Tovmassian, Azniv Movsesyan
Australia	Peter James Shannon, Susanna Marion Ford, Simon Charles Mamouney, Daniel John Mossop, Nicola Rosenblum, Rachel Kym White, Gary Fleetwood
Austria	Helmut Böck, Johann Brieger, Christian Manquet, Regina Ruzs, Kurt Hager, Maria Lankmair, Julia Werzer, Bianca Kopp, Esther Jakubowicz, Sabrina Wittmann, Peter Eglauer
Azerbaijan	Fuad Ismayilov, Agababa Babayev, Samad Jafarov, Kamran Balayev, Ilgar Abbasov, Javid Nasirov
Bahrain	Bassam Mohamed al-Maraj, Rashid Mohamed Bunajma
Belarus	Alyksandr Sychov, Vadim Pisarevich, Vitaly Mackay
Belgium	Cristina Funes-Noppen, Sibille de Cartier d'Yves, Jean-François Minet, Frederik Decruyenaere, Huguette Owandji, Jean-Claude Couvreur, Florence Moreau
Benin	Gustave Anani Cassa
Bolivia	Horacio Bazoberry, María Lourdes Espinoza Patiño, Paul Marca Paco, Julio Lázaro Mollinedo Claros
Bosnia and Herzegovina	Edin Dilberović, Ivica Dronjić, Nedžad Rajković
Brazil	Julio Cezar Gonçalves, Romeu Tuma Júnior, Fernando de Mello Vidal, Márcio Rebouças, Luís Alexandre Iansen de Sant'ana, Rochelle Pastana Ribeiro, Sonja Valle Pio Corrêa, Camilla Mandel Barros, Marcus Vinícius da Silvas Dantas, Leila Quintanilha de Souza Vidal, Cyntia Bicalho Uchoa, Igor Metzeltin, Rodrigo Oliveira

Bulgaria	Chavdar Zhechev, Parissa Popnikolva, Iassen Tomov, Robert Nadinski, Milena Petkova, Mihail Bozhkov
Burkina Faso	Zakalia Kote, Amadou Traoré, Rasmané Kompaore
Canada	Ursula Holland, Marie Gervais-Vidricaire, David Pimm, Marie-Josée Gingras, Terry Wood, David Nelson, Paul Saint-Denis, Elaine Krivel, Matthew Taylor, Pamela Matthews, Paula Quillinan, Murray Smith, Linda Sevigny, Selina Olson
Cape Verde	João Pinto Semedo, Hercules do Nascimento Cruz
Chile	Milenko E. Skoknic Tapia, Francisco Berguño Hurtado, Mila Francisco Ferrada, Héctor Muñoz, Mauricio Fernández Montalbán, Rosa Meléndez Jiménez, Álvaro Del Barrio
China	Guoqiang Tang, Jielong Duan, Chengtao Yu, Guide Jia, Xiaohong Li, Yu Xu, Chunlai Wu, Han Qi, Yingpeng Jiang
Colombia	Rosso José Serrano Cadena, Henry de Jesús Gamboa Castañeda, Camila Polo Flórez, Juan Diego Herrera Echeverri
Costa Rica	Lydia María Peralta Cordero, Carol Viviana Arce Echeverría
Croatia	Željko Horvatić, Neven Madej, Gordan Markotić, Vesna Vuković, Vesna Baus, Daria Drakulić, Marko Tomičić, Mirjana Erak, Lada Jerin
Cuba	Norma Goicochea Estenoz, Claudio Ramos Borrego, Eulogía Graciela Prieto Martín, Javier Sánchez Azcuy
Cyprus	Marios Lysiotis, Meropi Christofi, Eva Yiasemidou, George Georgiou
Democratic Republic of the Congo	Laurent Eluma Panza, Symphorien Kasindi Yimba
Djibouti	Djibril Osman Houffaneh, Emile David
Dominican Republic	Ramón Quiñones, Wendy Olivero, Juan Carlos Díaz
Ecuador	Diego Stacey Moreno, Juan Sebastián Roldán, Remigia Saldaña, María Elena Moreira, Gloria Polastri Amat
Egypt	Abdel Megeed Mahmoud, Ehab Mohamed Mostafa Fawzy, Magdy Abou Bakr el-Deib, Ayman Mokhtar Elgammal, Mohamed Mahmoud Khalef, Amr Abdel Atty Abdel Rehim, Essam Eldin Albadawy, Riham Ammar
El Salvador	Vanesa Interiano, Eduardo Hernández, Rodolfo Delgado, Rolando Monroy
Estonia	Katrin Saarsalu-Layachi, Ulla Uiibo

Finland	Antti Pelttari, Maija Ahokas, Mika Lehtonen, Timo Riissanen, Mia Poutanen, Jussi Koskela
France	François-Xavier Deniau, Olivier Weber, Zacharie Gross, Valery Turcey, Holger Mahnicke, Emilie Bousquier, Marie-Anne Baulon, Xavier Cousquer, Loïc Guérin, Nicolas Le Coz, Bertrand Francois, Marie Dujet-Deveaux, Amélie Rives, Elise Tabarant
Germany	Rüdiger Lüdeking, Heike Bock, Axel Kuechle, Ralf Riegel, Nicole Zündorf-Hinte, Maik Pawlowsky, Dieter Potzel, Michael Lauber, Klaus Aldinger, Wiebke Bartels, Benjamin Boehme
Guatemala	Luis Alberto Padilla Menéndez, Sandra Noriega, Sylvia Wohlers de Meie
Hungary	Györgyi Martin Zanathy, Gergely Sallai
Israel	Irit Savion Waidergorn, Luka Petek
Italy	Gianni Ghisi, Piero Grasso, Fausto Zuccarelli, Federico Prato, Marco Prencipe, Fabrizio Gandini, Giovanni Aliquo, Sandro de Angelis, Stefano Devoti, Gialunca Campana, Stefano Zireddu, Giovanni Cangelosi, Francesca Andrian
Jamaica	Karl Hamilton, Samuel Blake
Kenya	Amina Mohamed, Julius Kiplagat Kandie, Consolata Kiragu, Moses O'Omira, Arwon Kolil Suge, Esther Magiti, Jasper Reche Nyaga, George Kinoti
Kuwait	Fawzi Abdulaziz al-Jasem, Falah al-Mutairi
Lao People's Democratic Republic	Langsy Sibounheuang, Viloun Silapruny, Viengvone Kittavong, Richard Philippart
Latvia	Nils Jansons, Agnese Vilde
Lebanon	Ishaya el-Khoury, Sonia Abou Azar, Murad Chedid, Elie Kallas, Nada Asmar Mata
Libyan Arab Jamahiriya	Abdussalam Eltumi, Amhamed Aissa Ahmed Segok, Abdalla Miloud Shaban
Liechtenstein	Katja Gey, Isabel Frommelt
Lithuania	Renatas Norkus, Donatas Butkus
Luxembourg	Arlette Conzemius, François Berg
Malaysia	Mohd Arshad Bin Manzoor Hussain, Nor Azam bin Mohd Idrus, Mohd Suffian Mohd Kasim, Muhamad Anas Mahadzir, Osmawani Osman, Wellington Ngelambong Anak Binji Edward
Malta	Christopher Grima, Pierre Clive Agius, Bernard Charles Mifsud, Joseph Debono

Mexico	Alejandro Díaz Pérez Duarte, Socorro Flores Liera, Ulises Canchola Gutiérrez, Noé Ramírez Mandujano, Oscar González, Guillaume David Michel Blin, Nayeli Urquiza Haas
Mongolia	Jargalsaikhan Enkhsaikhan, Amarsanaa Tumur
Montenegro	Dubravka Lalović, Miladin Bogetić, Julijana Bojanić
Morocco	Omar Zniber, Boutaina ben Moussa, Dina Bennani, Aberrahman Fyad, Widad Lkhalil, Hicham Malati, Mohammed Hammouchi
Namibia	Selma Ashipala-Musavyi, G. Khariseb, Neliswa Tjahikika, Pendapala Naanda
Netherlands	Alphons Hamer, Marjorie Bonn, Hans Abma, Alain Ancion, Thomas de Zoete
Nicaragua	Isolda Frixione de Flores
Niger	Karidio Daouda Idrissa
Nigeria	Michael Kaase Aondoakaa, J. S. Ugokwe, K. L. Ekedede, Olawale Maiyegun, Macaulay U. Williams, Abimbola Are-Lawal, Emmanuel Obiwulu Agusiobo, E. O. Oguntuyi
Norway	Else Mette Naess, Jan Austad, Astrid Helle Ajamay, Eva Hermstad, Morten Glavin, Astrid Versto, Trond H. Glomnes Rudi
Oman	Mohamed Khalfan al-Dughaishi, Khalil Hamad al-Busaidi
Panama	Isabel Damían Karekides, Luis Enrique Martínez Cruz
Paraguay	Horacio Nogués Zubizarreta, Marcela Afara Corrales
Peru	María Elvira Velásquez Rivas Plata, Rómulo Fernando Acurio Traverso
Philippines	Linglingay F. Lacanlale, Meynardo L. B. Montealegre, Josel Francisco Ignacio, Rafael S. Romero, Reynaldo Serrano Rafal
Poland	Janusz Rydzkowski, Jerzy Iwanicki, Piotr Mierecki, Marcin Warzybok, Dominika Krois
Portugal	Joaquim Rafael Caimoto Duarte, António Pedro da Fonseca Delicado, Vasco Ávila
Qatar	Abdulla Yousif al-Mal, Khalifa Abdullah al-Nuaimi, Hamad Ahmed al-Muhanadi, Muhammed Jasim al-Suleiti, Mnahi Khaled al-Hajri
Republic of Moldova	Victor Postolachi, Daria Gonciarova
Romania	Cornel Feruță, Florin Ionescu, Tiberiu Mihail Nutu, Dorel Morariu, Olivia Alexandra Codreanu, Narcisa Vlădulescu



Russian Federation	Vladimir Andreyev, Sergey Bulavin, Natalia Bokova, Sergey Grigorenko, Alexey Dronov, Sofia Zakharova, Tatyana Rusanova, Alexander Sen, Irina Silkina, Ekaterina Travkina, Alexander Fedulov, Alexander Dashko, Oleg Feoktistov, Sergey Khlebnikov
Saudi Arabia	Prince Mansour bin Khalid al-Saud, Faisal Mandeel, Mazen bin Shafi, Mohammed Justanieh
Senegal	Demba Kandji, Mamadou Thiandoum
Serbia	Miroslava Beham, Zdarvko Tuvic, Miodrag Pančeski
Singapore	Mathew Joseph, Nor'ashikin Binte Samdin, Tek Tze Shee, Jaspal Singh Dhillon
Slovakia	Juraj Macháč, Hana Kováčová, Mária Mikócziová, Janette Halásová, Miloš Hrvol
Slovenia	Luka Kremžar, Sabina Palčič, Bruno Blažina, Zorica Bukinac Cimperšek
South Africa	Simon Jiyane, John Makhubela, Malebo Kotu-Rammopo, Amanda Ledwaba, Lowea Antoinette Stuurman, Engela Getruida Steyn, Thumba Govender, Gcobani Ngcangisa, Fransis Phelelani Khumalo, Abram Mandla Lingwati, Motlhaba Andrew Mogadingwane, Sarah Rapudi
Spain	José Luis Roselló Serra, Eusterio Pérez Gago, Ignacio Baylina Ruiz, José María de las Cuevas Carretero, Santiago Vallejo Braun, Manuel Palma Gómez, Javier Leal Pérez-Olagüe
Sudan	Sayed Galal Eldin Elamin, Sitona Abdella Osman, Faisal Babikir Hassan, Abdel Rahman Eltayeb Abdel Rahman, Nimer Ibrahim Mohamed, Akeeg Shol Aho
Suriname	Yvonne Soeratram
Sweden	Håkan Friman, Jörgen Frotzler, Ashraf Ahmed, Miriam Ingesson
Switzerland	Bernhard Marfurt, David Best, Anita Marfurt, Yama Maroofi
Tajikistan	Nuriddin Shamsov
Togo	Koffivi Mawuto Sossou, Kouassi Dotche-Togbe
Tunisia	Lamia Siala
Turkey	Ahmet Ertay, Kezban Nilvana Darama, Hilmi Altunişik, Oğuzhan Ömer Demir, Halil Şen, Nehir Ünel, Mustafa Türkkot, Ahmet İçeloğlu
Ukraine	Lubov Butenko, Robert Sivers
United Arab Emirates	Ali Hassan al-Shirawi, Waleed Abdul Rahman al-Memari, Ali Abdullah al-Kaabi

United Kingdom of Great Britain and Northern Ireland	Peter Storr, Simon Smith, Carol Cliff, Claire Halperin, Michael Ridgway, Kenny Bowie, Stuart Ison, Alison Saunders, Mohib Rahman, Andrea Dias, Lucinda Butler, Andrew Preston, Amanda Tanfield, Anna Bryoni Hodgson
United States of America	Elizabeth Verville, Gregory Schulte, John Brandolino, Thomas Burrows, Christine Cline, Troy Eberhardt, Marc Gorelick, William Kullman, Carla Menares-Bury, Thomas N. Patinos, Virginia Patt Prugh, Soching Tsai
Uruguay	Jorge Pérez Otermin, Héctor Ricardo Vedovatti Raffo, Adriana María Teresa Berro Castellanos
Venezuela (Bolivarian Republic of)	Alí de Jesús Uzcátegui Duque, Jacqueline Petersen Parra, Crosby Plaza
Zimbabwe	Grace Tsitsi Mutandiro, Julia Kudamusi Marangwanda, Georgina Kwesha
European Community <sup>a</sup>	Lars-Erik Lundin, Fabio Marini, Joanna Beczala, Gualtiero Michelini, Michael Merker, Abebayo Babajide, Dariusz Karnowski, Marie-Thérèse Hampe

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<sup>a</sup> Represented by the European Commission.

**States signatories to the Convention**

Angola	Fidelino Loy de Jesus Figueiredo, Simão de Sousa Victor, Vasco Grandão Ramos, Jacinto Rangel Lopes Cordeiro Neto, Dulce Gomes
Burundi	Arthémon Niyongere
Côte d'Ivoire	Youssoufou Bamba, Marc Aubin Banny, Hypolite K. Yeboue, Sylvère Abba
Czech Republic	Ivan Počuch, Pavel Caban, Petr Havlík, Pavel Sladký, Tereza Smejkalová, Zdenek Stepanek
Greece	Panayotis Zografos, Demetrios Dohtsis, Ioannis Pirgakis
Haiti	Jacques Pierre Matilus
India	Alok Kumar Pateria, Ravi Kumar Seenambhat Joshi
Indonesia	Triyono Wibowo, Rainer Louhanapessy, Charijah, Puspa Dewi Liman, Budiman Perangin-Angin, Risma Indriyani, Lana Sari, Dadang Sutrasno, Kris Erlangga Aji, Adam Mulawarman Tugio, Cahyo R. Muzhar, Dadang Hidayat, Ahmad Shaleh Bawazir, Listyowati, Lalu Muhamad Iqbal, Spica Tutuhaturnewa, Mayang Anggraini Rahawestri
Iran (Islamic Republic of)	Ali Asghar Soltanieh, Hossein Panahi Azar, Ali Hajigholam Saryazdi, Mohammad Hossein Ghaniei
Ireland	Frank Cogan, David Brennan, Niamh Neylon, Barry McGreal, Ronan O'Laoire
Japan	Yukiya Amano, Takeshi Nakane, Yasuyoshi Komizo, Taketoshi Sano, Yoshimitsu Yamauchi, Hiroki Takabayashi, Hideo Eno, Katsutoshi Ishikawa
Jordan	Makram Mustafa Queisi, Ghaith Z. Malhas, Hayel Falah M. al-Serhan, Tharwa Naimat, Zeina al-Mukheimer
Pakistan	Shahbaz, Sajid Bilal, Muhammad Usman Iqbal Jadoon
Republic of Korea	June-hyuck Cho, Joon-yong Park, Jeong-bong Lee, Sung-ho Han, Ji-eun Pyo
Syrian Arab Republic	Bashar Safiey
Thailand	Intrane Sumawong, Adisak Panupong, Uthai Arthivech, Vongthep Arthakaivalvatee, Bacharee Puengpak, Pimpida Ravirat

Viet Nam	Son Nguyen Ba, Dinh Nguyen Van, Ngoc Nguyen Thuy, Hong Nguyen Viet, Dat Tran Van, Phuong Le Viet
Yemen	Ahmed al-Alwani, Saleh Hussain al-Zouari, Said Abdou Alkhameri, Derhim Assaidi, Bandar al-Eryani

**Other States represented by observers**

Palau	Marvin Ngirutang
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**Entities represented by observers**

Palestine	Zuheir Elwazer, Safaa Shabat
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**United Nations Secretariat**

Office of Internal Oversight Services

**United Nations bodies and programmes**

Office of the United Nations High Commissioner for Human Rights, Office of the United Nations High Commissioner for Refugees, Coordinating Action on Small Arms, United Nations Development Programme, United Nations Institute for Disarmament Research, United Nations Interregional Crime and Justice Research Institute

**Specialized agencies and other organizations of the United Nations system**

International Labour Organization, Special Court for Sierra Leone

**Intergovernmental organizations represented by observers**

Asian-African Legal Consultative Organization, Council of Arab Ministers of the Interior, Council of the European Union, Eurojust, International Association of Anti-Corruption Authorities, International Centre for Migration Policy Development, International Development Law Organization, International Organization for Migration, International Criminal Police Organization (INTERPOL), League of Arab States, Migration, Asylum, Refugees Regional Initiative, Organization for Security and Cooperation in Europe, Southeast European Cooperative Initiative Center, Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies

**Other entities maintaining permanent observer offices**

International Federation of Red Cross and Red Crescent Societies, Sovereign Military Order of Malta

**Non-governmental organizations**

*General consultative status:* Academic Council on the United Nations System, Asia Crime Prevention Foundation, Caritas Internationalis, International Alliance of Women, International Council of Women, International Federation of Business and

Professional Women, Muslim World League, Soroptimist International, Women's Federation for World Peace International, World Federation of United Nations Associations, Zonta International

*Special consultative status:* African Action on AIDS, American Bar Association, Anti-Slavery International, Arab Organization for Human Rights, Fundación Mujeres en Igualdad, Global Alliance against Traffic in Women, International Association of Judges, International Association of Prosecutors, International Bar Association, International Police Association, National Council of German Women's Organizations, Pan Pacific and South-East Asia Women's Association, Pax Romana, Sovereign Military Order of the Temple of Jerusalem, Syriac Universal Alliance, Transparency International

*Roster:* Environmental Investigation Agency, World Forum on the Future of Sport Shooting Activities

**Other non-governmental organizations**

Anti-Sex-Trafficking Action, Buhay Foundation for Women and the Girl Child, EXIT, Framework Convention Alliance for Tobacco Control, Freedom Legality and Rights in Europe, International Action Network on Small Arms, International Agency for Crime Prevention, Criminal Law and Jurisdiction, International La Strada Association, Legal Support for Children and Women, Sociedade de Defesa dos Direitos Sexuais na Amazônia, Victim Support Europe

## Annex II

### **Financial statement on the draft decision entitled “Mechanisms to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”\***

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

2. In operative paragraphs 3, 4 and 5 of draft decision CTOC/COP/2008/L.6, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would:

(a) Decide to establish an open-ended intergovernmental expert working group to submit recommendations to the Conference, at its fifth session, on the appropriate mechanisms for reviewing the implementation of the Convention and its Protocols and on the terms of reference of such mechanisms or bodies;

(b) Also decide that the working group shall hold its first intersessional meeting in [September 2009] at the latest, and that the working group shall hold at least three additional intersessional meetings prior to the fifth session of the Conference;

(c) Request the Secretariat to assist the working group in the performance of its functions, including by making available for the first meeting of the working group the comments and views of States parties and by providing interpretation services.

3. It is recalled that the General Assembly, by its resolution 62/237 A, approved regular budget resources under section 16 (“International drug control, crime and terrorism prevention and criminal justice”) and under section 2 (“General Assembly and Economic and Social Council affairs and conference management”) of the programme budget for the biennium 2008-2009, for substantive servicing of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, for a total of 20 meetings for the biennium 2008-2009 (A/62/6 (Sect. 16), para. 16.44 (a) (vi) a.). Conference services were provided for a total of 22 meetings for the current session. There might be a possibility to provide conference services for a limited number of additional meetings in 2009, services to be provided on an “if available basis”, and dates to be determined in consultation with the Secretariat. With regard to resource requirements for the biennium 2010-2011, they would be reviewed in the context of established budgetary procedures.

4. With regard to requests for documentation for the open-ended working groups, on the understanding that only part of the documentation would be required in 2009 and that documentation will be submitted in accordance with the rules of conference services, that is, in a timely manner and within the indicative page limit, they will

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\* A revised version of the draft decision (CTOC/COP/2008/L.6/Rev.2) was adopted as decision 4/1 (see chapter I). For the discussion, see chapter IV, section A.

be processed from existing capacity. With regard to resource requirements for the biennium 2010-2011, they would be reviewed in the context of established budgetary procedures.

5. Under subprogramme 2 of section 16, the General Assembly also approved the convening of expert group meetings on technical issues of common regional concern on the implementation of the United Nations Convention against Transnational Organized Crime and its three Protocols (A/62/6 (Sect. 16), para. 16.44 (a) (viii) c.). Should the expert group meetings requested by the Conference be organized within the expert group meetings already approved, no additional resources would be required.

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

## Annex III

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

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

2. Under the terms of operative paragraphs 3, 5, 11, 20 and 21 of draft decision CTOC/COP/2008/L.5, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would:

(a) Request the Secretariat to seek ways to support such use of videoconferencing and assist States in overcoming technical and legal obstacles, and to report to the Conference, at its fifth session, on the provision of such assistance;

(b) Request the Secretariat to collect from States parties, prior to the fifth session of the Conference, examples of the application of the above-mentioned articles, in particular in the area of international cooperation for the purposes of confiscation, including non-conviction-based confiscation;

(c) Request the Secretariat, within existing resources, to support, when requested, the provision of such training and awareness-raising at the national level;

(d) Request the Secretariat to pursue, subject to the availability of extrabudgetary resources, such activities in regions not yet covered by the previous workshops and to follow them up at the subregional and interregional levels, in response to the specific cooperation needs identified;

(e) Encourage central authorities for mutual legal assistance and the competent authorities for extradition requests to make full use of existing regional networks; and request the Secretariat to provide its support to strengthening networking among authorities at the interregional level and to explore ways to facilitate communication and problem-solving among such authorities by considering the establishment of a discussion forum on a secure network and by ensuring the greatest possible participation by experts and practitioners in the relevant fields in the deliberations of the working group at future sessions of the Conference.

3. The request contained in operative paragraph 3 would call for the Secretariat to seek ways to support the use of videoconferencing for the protection of witnesses and assist States in overcoming technical and legal obstacles. It is estimated that the amount of \$151,200 would be required in order to provide for one expert group meeting in Vienna for three days with 20 participants, including interpretation

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\* A revised version of the draft decision (CTOC/COP/2008/L.5/Rev.1) was adopted as decision 4/2 (see chapter I). For the discussion, see chapter VII, section A.



services in three languages (English, French and Spanish), and 15 pages of pre-session and post-session documentation.

4. As concerns the request contained in operative paragraph 11, it would not entail any financial implications.

5. The requests contained in operative paragraph 14, 20 and 21 would be subject to the availability of extrabudgetary resources. The United Nations Office on Drugs and Crime will implement such activities subject to the availability of assistance from States parties and signatory States.

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

## Annex IV

### **Financial statement on the revised draft decision entitled “Trafficking in human beings”\***

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

2. Under the terms of operative paragraphs 9 and 11 of revised draft decision CTOC/COP/2008/L.3/Rev.1, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would:

(a) Decide to establish an open-ended interim working group in accordance with article 32, paragraph 3, of the Convention, and rule 2, paragraph 2, of the rules of procedure for the Conference, to be chaired by a member of the Bureau, to advise and assist it in the implementation of its mandate with regard to the Trafficking in Persons Protocol;

(b) Decide further that the working group shall meet during the fifth session of the Conference and shall hold at least one intersessional meeting before that session.

3. It is recalled that the General Assembly, by its resolution 62/237 A, approved regular budget resources under section 16 (“International drug control, crime and terrorism prevention and criminal justice”) and under section 2 (“General Assembly and Economic and Social Council affairs and conference management”) of the programme budget for the biennium 2008-2009, for substantive servicing of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime for a total of 20 meetings for the biennium 2008-2009 (A/62/6 (Sect. 16), para. 16.44 (a) (vi) a.). Conference services were provided for a total of 22 meetings for the current session. There might be a possibility to provide conference services for a limited number of additional meetings in 2009, services to be provided on an “if available” basis and dates to be determined in consultation with the Secretariat. With regard to resource requirements for the biennium 2010-2011, they would be reviewed in the context of established budgetary procedures.

4. With regard to requests for documentation for the open-ended working group, on the understanding that only part of the documentation would be required in 2009 and that documentation will be submitted in accordance with the rules of conference services, that is, in a timely manner and within the indicative page limit, they will be processed from existing capacity. As regards resource requirements for 2010-2011, these would be reviewed in the context of established budgetary procedures.

5. Under subprogramme 2 of section 16, the General Assembly also approved the convening of expert group meetings on technical issues of common regional concern on the implementation of the United Nations Convention against Transnational Organized Crime and its three Protocols (A/62/6 (Sect. 16), para. 16.44 (a) (viii) c.). Should the expert group meetings requested by the

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\* A revised version of the draft decision (CTOC/COP/2008/L.3/Rev.2) was adopted as decision 4/4 (see chapter I). For the text, see chapter VIII, section A.

Conference be organized within the expert group meetings already approved, no additional resources would be required.

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

## Annex V

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

1. The present statement is made in accordance with rule 75 of the rules of procedure of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.
2. Under the terms of operative paragraph 14 of revised draft decision CTOC/COSP/2008/L.8/Rev.1, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would request the Secretariat to organize an intersessional meeting of the Open-ended Interim Working Group of Government Experts on Technical Assistance before the end of 2009.
3. It is recalled that the General Assembly, by its resolution 62/237 A, approved regular budget resources under section 16 (“International drug control, crime and terrorism prevention and criminal justice”) and under section 2 (“General Assembly and Economic and Social Council affairs and conference management”) of the programme budget for the biennium 2008-2009, for substantive servicing of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime for a total of 20 meetings for the biennium 2008-2009 (A/62/6 (Sect. 16), para. 16.44 (a) (vi) a.). Conference services were provided for a total of 22 meetings for the current session. There might be a possibility to provide conference services for a limited number of additional meetings in 2009, services to be provided on an “if available” basis, and dates to be determined in consultation with the Secretariat. With regard to resource requirements for the biennium 2010-2011, they would be reviewed in the context of established budgetary procedures.
4. With regard to requests for documentation for the open-ended working groups, on the understanding that only part of the documentation would be required in 2009 and that documentation will be submitted in accordance with the rules of conference services, that is, in a timely manner and within the indicative page limit, they will be processed from existing capacity. As regards resource requirements for 2010-2011, these would be reviewed in the context of established budgetary procedures.
5. Under subprogramme 2 of section 16, the General Assembly also approved the convening of expert group meetings on technical issues of common regional concern on the implementation of the United Nations Convention against Transnational Organized Crime and its three Protocols (A/62/6 (Sect. 16), para. 16.44 (a) (viii) c.). Should the expert group meetings requested by the Conference be organized within the expert group meetings already approved, no additional resources would be required.
6. The attention of the Conference is drawn to the provisions of section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the

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\* For the text of revised draft decision CTOC/COSP/2008/L.8/Rev.1, see chapter I, decision 4/3. For the discussion, see chapter XII, section A.

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

## Annex VI

### **Statement on financial issues by a representative of the Secretariat**

1. Pursuant to article 30, paragraph 2 (c), of the United Nations Convention against Transnational Organized Crime, States parties to the Convention shall make concrete efforts to provide technical assistance to developing countries and countries with economies in transition to assist them in meeting their needs for the implementation of the Convention and, to that end, to endeavour to make adequate and regular voluntary contributions to an account specifically designated for that purpose in a United Nations funding mechanism. By its resolution 55/25, the General Assembly adopted the Convention and decided that, until the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided otherwise, that account would be operated within the United Nations Crime Prevention and Criminal Justice Fund for the provision to developing countries and countries with economies in transition of the technical assistance that they might require for implementation of the Convention and the Protocols thereto, including for the preparatory measures needed for that implementation.

2. In order to comply with General Assembly resolution 55/25, an account was opened within the United Nations Crime Prevention and Criminal Justice Fund for the provision of the above-mentioned activities.

3. Implementation of draft resolutions requesting the Secretariat to provide technical assistance in the fields related to the Convention are by essence subject to the availability of extrabudgetary resources, which should be channelled to the account opened to that effect. The United Nations Office on Drugs and Crime will implement such activities subject to the availability of assistance from States parties and signatory States.

4. As regards the establishment of open-ended working groups, it will be recalled that there are provisions in the regular budget for 20 meetings of the Conference per biennium, and that this quota has already been exhausted for the biennium 2008-2009. Conference services were provided for a total of 22 meetings for the current session. There might be a possibility to provide conference services for a limited number of additional meetings in 2009, services to be provided on an "if available" basis, and dates to be determined in consultation with the Secretariat. As regards resource requirements for the biennium 2010-2011, these would be reviewed in the context of established budgetary procedures.

5. As regards requests for documentation for the open-ended working groups, on the understanding that only part of the documentation would be required in 2009 and that documentation will be submitted in accordance with the rules of conference services, that is, in a timely manner and within the indicative page limit, they will be processed from existing capacity. As regards resource requirements for 2010-2011, these would be reviewed in the context of established budgetary procedures.

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## Annex VII

### Provisional agenda for the fifth session of the Conference

1. Organizational matters:
  - (a) Opening of the fifth session of the Conference;
  - (b) Election of officers;
  - (c) Adoption of the agenda and organization of work;
  - (d) Participation of observers;
  - (e) Adoption of the report of the Bureau on credentials;
  - (f) General discussion.
2. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto:
  - (a) United Nations Convention against Transnational Organized Crime;
  - (b) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
  - (c) Protocol against the Smuggling of Migrants by Land, Sea and Air;
  - (d) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.
3. Consideration of possible mechanisms to review implementation of the Convention and the Protocols thereto.
4. International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities.
5. Technical assistance.
6. Expert consultation on the use of the Convention for combating emerging forms of crime.
7. Financial and budgetary matters.
8. Other matters.
9. Provisional agenda for the sixth session of the Conference.
10. Adoption of the report of the Conference on its fifth session.

## Annex VIII

### **Financial statement on the revised draft decision entitled “Reorganization of the work of the fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime”\***

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

2. Under the terms of subparagraphs (a) and (b) of revised draft decision CTOC/COP/2008/L.7/Rev.1, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime would:

(a) Decide that the fifth session of the Conference shall take place over five working days and that the number of meetings shall remain the same as for the previous sessions, that is, 20 meetings with interpretation in the six official languages of the United Nations;

(b) Request that the resources allocated to the Conference should be maintained at the same level and should be made available, inter alia, for any working group established by the Conference.

3. It is recalled that the General Assembly, by its resolution 62/237 A, approved regular budget resources under section 16 (“International drug control, crime and terrorism prevention and criminal justice”) and under section 2 (“General Assembly and Economic and Social Council affairs and conference management”) of the programme budget for the biennium 2008-2009, for substantive servicing of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime for a total of 20 meetings for the biennium 2008-2009 (A/62/6 (Sect. 16), para. 16.44 (a) (vi) a.). Conference services were provided for a total of 22 meetings for the current session. There might be a possibility to provide conference services for a limited number of additional meetings in 2009, services to be provided on an “if available basis”, and dates to be determined in consultation with the Secretariat. As regards resource requirements for the biennium 2010-2011, they would be reviewed in the context of established budgetary procedures.

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

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\* For the text of revised draft decision CTOC/COP/2008/L.7/Rev.1, see chapter I, decision 4/8. For the discussion, see chapter XVI, section A.



## Annex IX

### List of documents before the Conference at its fourth session

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
CTOC/COP/2008/1	1 (c)	Provisional agenda and annotations
CTOC/COP/2008/2	2 (a)	Report of the Secretariat on the development of tools to gather information from States on the implementation of the United Nations Convention against Transnational Organized Crime and each of the Protocols thereto
CTOC/COP/2008/3	2 (a)	Note by the Secretariat on possible mechanisms to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
CTOC/COP/2008/4	2 (b)	Note by the Secretariat on criminalization within the scope of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
CTOC/COP/2008/5	2 (c)	Report of the Secretariat on work done by the United Nations Office on Drugs and Crime to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime
CTOC/COP/2008/6	2 (d)	Note by the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: additional questions for possible discussion
CTOC/COP/2008/7	3	Report on the meeting of the Open-ended Interim Working Group of Government Experts on Technical Assistance held in Vienna from 3 to 5 October 2007
CTOC/COP/2008/8	2 (d)	Report of the Secretariat on work done by the United Nations Office on Drugs and Crime to promote the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime
CTOC/COP/2008/9	2 (d)	Note by the Secretariat transmitting the report of the Secretary-General on improving the coordination of efforts against trafficking in persons (A/63/90)

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
CTOC/COP/2008/10	2 (d)	Note by the Secretariat transmitting the report of the Executive Director on the Global Initiative to Fight Human Trafficking (E/CN.15/2008/10)
CTOC/COP/2008/11	2 (d)	Note by the Secretariat transmitting the report of the Secretary-General on strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking (E/CN.15/2008/6)
CTOC/COP/2008/12	2 (e)	Note by the Secretariat on the protection of victims and witnesses
CTOC/COP/2008/13	2 (f)	Note by the Secretariat on travel and identity documents
CTOC/COP/2008/14	2 (g)	Note by the Secretariat on the marking of firearms, the keeping of records on firearms, trafficking in firearms, their parts and components and ammunition and the identification of competent authorities
CTOC/COP/2008/15	2 (h)	Note by the Secretariat on money-laundering within the scope of the United Nations Convention against Transnational Organized Crime
CTOC/COP/2008/16	3	Working paper prepared by the Secretariat on proposals for technical assistance activities designed to meet the needs identified in the priority areas determined by the Conference
CTOC/COP/2008/17	3 and 5	Note by the Secretariat on financial and budgetary matters
CTOC/COP/2008/18	2 (c)	Report of the Chairperson of the open-ended working group of Government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation
CTOC/COP/2006/2/Rev.1	2 (a), (c), (e) and (h)	Report of the Secretariat on the implementation of the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle
CTOC/COP/2006/6/Rev.1	2 (a), (c), (d), (e) and (f)	Report of the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle
CTOC/COP/2006/7/Rev.1	2 (a), (c), (e) and (f)	Report of the Secretariat on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
CTOC/COP/2006/8/Rev.1	2 (a), (b), (c) and (g)	Report of the Secretariat on the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States
CTOC/COP/2005/2/Rev.2	2 (a), (b), (c) and (h)	Report of the Secretariat on the implementation of the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the first reporting cycle
CTOC/COP/2005/3/Rev.2	2 (a), (b), (d) and (e)	Report of the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the first reporting cycle
CTOC/COP/2005/4/Rev.2	2 (a), (b) and (e)	Report of the Secretariat on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the first reporting cycle
CTOC/COP/2008/L.1 and Add. 1-11	8	Draft report
CTOC/COP/2008/L.2/Rev.1	2 (d)	Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime
CTOC/COP/2008/L.3/Rev.2	2 (d)	Trafficking in human beings
CTOC/COP/2008/L.4/Rev.1	4	Amendment to rule 18 of the rules of procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime
CTOC/COP/2008/L.5/Rev.1	2 (c)	Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime
CTOC/COP/2008/L.6/Rev.2	2 (a)	Mechanism to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
CTOC/COP/2008/L.7/Rev.1	7	Reorganization of the work of the fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime
CTOC/COP/2008/L.8/Rev.1	3	Draft decision submitted by the Open-ended Interim Working Group of Government Experts on Technical Assistance

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
CTOC/COP/2008/L.9/Rev.1	2 (g)	Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
CTOC/COP/2008/CRP.1	2 (d)	Report on the Vienna Forum to Fight Human Trafficking
CTOC/COP/2008/CRP.2	2 (c)	Catalogue of examples of cases of extradition, mutual legal assistance and other forms of international legal cooperation on the basis of the United Nations Convention against Transnational Organized Crime
CTOC/COP/2008/CRP.3	2 (a)	Status of responses of States to the checklist/questionnaires on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: first and second reporting cycles
CTOC/COP/2008/CRP.4	2 (c)	Conclusions and recommendations of the regional workshops on international cooperation organized by the United Nations Office on Drugs and Crime pursuant to Conference decision 3/2
CTOC/COP/2008/CRP.5	2 (c)	Informal expert working group on joint investigations: conclusions and recommendations
CTOC/COP/2008/CRP.6	2 (a)	Status of responses of States to the checklist/questionnaires on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
CTOC/COP/2008/CRP.7	2 (a)	Information submitted by States in their responses to the checklist/questionnaire on the implementation of the United Nations Convention against Transnational Organized Crime, for the first reporting cycle
CTOC/COP/2008/CRP.8	2 (d)	Information submitted by States in their responses to the checklist/questionnaire on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, for the first reporting cycle
CTOC/COP/2008/CRP.9	2 (a)	Information submitted by States in their responses to the checklist/questionnaire on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, for the first reporting cycle

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
CTOC/COP/2008/CRP.10	2 (a)	Information submitted by States in their responses to the checklist/questionnaire on the implementation of the United Nations Convention against Transnational Organized Crime, for the second reporting cycle
CTOC/COP/2008/CRP.11	2 (a)	Information submitted by States in their responses to the checklist/questionnaire on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, for the second reporting cycle
CTOC/COP/2008/CRP.12	2 (a)	Information submitted by States in their responses to the checklist/questionnaire on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, for the second reporting cycle
CTOC/COP/2008/CRP.13	2 (a)	Information submitted by States in their responses to the checklist/questionnaire on the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime
CTOC/COP/2008/CRP.14	3	Background paper for the round table of technical assistance providers
CTOC/COP/2008/CRP.15	2 (c)	Report of the Chairperson on the meeting of the open-ended working group of Government experts on international cooperation held in Vienna from 8 to 10 October 2008