

Resolution 8/4

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,

Noting that technical assistance is a fundamental part of the work carried out by the United Nations Office on Drugs and Crime to assist Member States in the effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,¹

Welcoming the work of the Working Group of Government Experts on Technical Assistance,

1. *Endorses* the recommendations adopted by the Working Group of Government Experts on Technical Assistance at its meeting held from 17 to 19 October 2016, during the eighth session of the Conference, annexed to the present resolution;

2. *Reaffirms* its decision 4/3 of 17 October 2008, in which it decided that the Working Group should be a constant element of the Conference.

Annex

Recommendations adopted by the Working Group of Government Experts on Technical Assistance at its meeting held from 17 to 19 October 2016

1. The Working Group adopted the recommendations presented below.

A. The status of responses by States parties and signatories on the implementation of the Organized Crime Convention and the Protocols thereto

2. The Working Group of Government Experts on Technical Assistance reiterates article 32 of the United Nations Convention against Transnational Organized Crime,² which requires each State party to provide the Conference of the Parties to the United Nations Convention against Transnational Organized Crime with information on its programmes, plans and practices, as well as legislative and administrative measures, to implement the Convention and, *mutatis mutandis*, the Protocols thereto to which they are a party.

3. States parties should designate a focal point for the purpose of communicating with the Secretariat to facilitate implementation of paragraphs 4 and 5 of article 32 of the Convention and of the Protocols to the Convention and should

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

² United Nations, *Treaty Series*, vol. 2225, No. 39574.

provide the United Nations Office on Drugs and Crime (UNODC) with the contact details of that focal point. UNODC should compile the contact details of those focal points.

4. States should consider financially contributing to the maintenance and further development of the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC) in order to sustain the gathering, dissemination and analysis of information.

5. States should consider making legislation public and accessible, preferably through the Internet. States that have repositories of legislation and case law should provide links to those repositories to the Secretariat for inclusion in the SHERLOC knowledge management portal.

6. The Working Group of Government Experts on Technical Assistance recommends that the Working Group on International Cooperation consider requesting States parties to report on the use of the Organized Crime Convention as a legal basis for international cooperation, in particular extradition and mutual legal assistance, including examples of various crime types. States should also report, by providing examples of cases, on the practical use of the Convention and the Protocols thereto with other States. UNODC should compile that information and include it in the SHERLOC knowledge management portal.

7. UNODC should continue to gather, disseminate and analyse information on the implementation of the Convention, with a focus on successful practices and the difficulties encountered by States, and develop technical assistance tools on the basis of the information gathered.

B. Identification of technical assistance needs and good practices relating to criminalization of obstruction of justice (article 23)

8. States should take measures to ensure that legislation on the criminalization of obstruction of justice covers all stages of proceedings, including the pretrial stage.

9. States should combine the effective criminalization of obstruction of justice with witness protection schemes, including both physical and procedural protection measures.

10. States should consider expanding the scope of obstruction of justice offences to protect all persons participating in or contributing to the criminal justice process, as well as those who play a role in exposing organized criminal activities.

11. States should take measures to ensure that their legislation on criminalization of obstruction of justice covers both completed offences and attempts to impede the truth-seeking process.

12. States should consider tackling obstruction of justice in all its forms and manifestations and encompassing all offences, not only serious crime.

13. UNODC should continue to gather national examples of the implementation of obstruction of justice offences based on article 23 of the

Convention, for inclusion in the SHERLOC knowledge management portal, with a focus on the identification of successful practices, challenges and technical assistance needs.

C. Identification of technical assistance needs and good practices relating to criminalization of the laundering of proceeds of crime (article 6)

14. As provided for in the Convention, States should apply their legislation on the criminalization of money-laundering to the widest range of predicate offences and consider requesting or providing training or assistance, as appropriate, to that effect.

15. States should adopt a comprehensive approach to investigating and prosecuting money-laundering in order to ensure the effectiveness of their criminalization regimes.

16. States should consider requesting or providing training or assistance, as appropriate, to improve the capacity of law enforcement authorities to investigate illicit financial flows in order to unravel transactions related to money -laundering.

17. States should consider requesting or providing training or assistance, as appropriate, to improve the capacity of relevant criminal justice authorities to use special investigative techniques and investigate the use of virtual currencies.

18. States should consider including in their technical assistance requests information concerning the use of informal networks and the exchange of information for international cooperation to complement formal cooperation systems, such as the asset recovery inter-agency networks established in the Asia-Pacific region, East Africa, Latin America, Southern Africa and West Africa.

19. When investigating the widest range of predicate offences for money-laundering, States should consider, where appropriate, conducting parallel financial investigations.

20. States should consider establishing funds for confiscated assets, in which confiscated funds are deposited for public interest use, including for capacity - building and law enforcement activities.