



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

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**Review of the implementation of the United Nations
Convention against Transnational Organized Crime and
the Protocols thereto: United Nations Convention against
Transnational Organized Crime**

Progress achieved in the implementation of resolution 7/1

Report of the Secretariat

I. Introduction

1. In its resolution 7/1, entitled “Strengthening the 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 requested the United Nations Office on Drugs and Crime (UNODC) to report to the Conference at its eighth session on the progress achieved in the implementation of that resolution.

2. The present report seeks to inform the Conference, at its eighth session, about the activities of UNODC relevant to the implementation of resolution 7/1, where action by the Secretariat was requested.

II. Open-ended intergovernmental meeting to explore all options regarding an appropriate and effective review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto

3. In paragraph 4 of resolution 7/1, the Conference requested UNODC to convene, within existing resources from the regular budget and without prejudice to other mandated activities, at least one open-ended intergovernmental meeting, with interpretation, to include government officials with practical expertise related to the

* CTOC/COP/2016/1.



implementation of the Convention and its Protocols, with a view to analysing options and submissions by States parties, and to submit to the Conference at its eighth session a report containing concrete recommendations for reviewing, through a possible mechanism or mechanisms, the implementation of the Convention and the Protocols thereto, and recommendations for cooperating with relevant international and regional organizations and non-governmental organizations, in line with article 32 of the Convention and as guided by the principles and characteristics contained in its resolution 5/5.

4. The first open-ended intergovernmental meeting to explore all options regarding an appropriate and effective review mechanism for the Convention and the Protocols thereto was held from 28 to 30 September 2015, and the second meeting was held on 6 and 7 June 2016. The resources used for those meetings were redistributed from those allocated to the Conference of the Parties and its working groups for the bienniums 2014-2015 and 2016-2017 (see A/69/6 (Prog. 13)), specifically those that became available through the holding of back-to-back meetings of Conference working groups. Additional information in this regard is contained in the report by the Secretariat for the working groups, setting out specific efficiency and cost-saving measures that the Conference of the Parties may consider adopting (see CTOC/COP/2016/12). A total of 10 meetings were held over five days, with full interpretation, and serviced by the Organized Crime and Illicit Trafficking Branch of UNODC. In addition, five parliamentary documents were prepared and made available in the six official languages of the United Nations. More information on the open-ended intergovernmental meeting is available on the UNODC website at www.unodc.org/unodc/en/treaties/CTOC/working_groups.html.

5. The reports emanating from the open-ended intergovernmental meetings to explore all options regarding an appropriate and effective review mechanism for the Organized Crime Convention and the Protocols thereto will be transmitted to the Conference at its eighth session, as mandated by resolution 7/1 (see CTOC/COP/2016/11).

6. Moreover, in paragraph 5 of resolution 7/1, the Conference requested States parties, and invited other interested Member States, on a voluntary basis, to submit to the Secretariat their comments and views for the purpose of deliberations at the above-mentioned meetings. Accordingly, the Secretariat sent a note verbale to States parties and observers on 20 May 2015, inviting them to submit their comments and views for the purpose of deliberations at the first open-ended intergovernmental meeting (see CTOC/COP/WG.8/2015/2). For the second meeting, held on 6 and 7 June 2016, the Chair of the meeting transmitted to the Secretariat comments he had received from States, with the request that they be compiled in a conference room paper and be made available to States prior to the meeting (CTOC/COP/WG.8/2016/CRP.1).

III. Working groups of the Conference

7. In paragraph 6 of resolution 7/1, the Conference decided that the Working Group on Trafficking in Persons, the Working Group on the Smuggling of Migrants and the Working Group on Firearms would be constant elements of the Conference of the Parties, forwarding their reports and recommendations to the Conference, and

encouraged those working groups and the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance to consider meeting on an annual basis, as needed, and to hold their meetings consecutively, in order to ensure the effective use of resources. Furthermore, in paragraph 15 of the same resolution, the Conference requested the Secretariat to continue assisting the working groups in the performance of their functions.

8. In addition to the above-mentioned meetings of the open-ended intergovernmental meeting, the following meetings of the working groups were held in the period between the seventh and eighth sessions of the Conference, and serviced by the Organized Crime and Illicit Trafficking Branch of UNODC: the third meeting of the Working Group on Firearms, on 9 June 2015; the sixth meeting of the Working Group on International Cooperation, on 27 and 28 October 2015; the sixth meeting of the Working Group on Trafficking in Persons, from 16 to 18 November 2015, held back to back with the third meeting of the Working Group on Smuggling of Migrants, from 18 to 20 November 2015; and the fourth meeting of the Working Group on Firearms, on 18 and 19 May 2016. In addition, the ninth meeting of the Working Group of Government Experts on Technical Assistance will be held from 17 to 19 October 2016, back to back with the seventh meeting of the Working Group on International Cooperation, from 19 to 21 October 2016, during the eighth session of the Conference. Documentation relating to those meetings is available at www.unodc.org/unodc/en/treaties/CTOC/working-groups.html.

9. Additional information on the organization of the working groups of the Conference is contained in the report by the Secretariat (CTOC/COP/2016/12), which sets out specific efficiency and cost-saving measures that the Conference of the Parties may consider adopting. The report was prepared in accordance with paragraph 16 of resolution 7/1, in which the Conference requested the Secretariat to prepare, within existing resources, a report for the working groups, setting out specific efficiency and cost-saving measures that the Conference of the Parties might consider adopting.

10. Furthermore, the reports on the meetings of the Working Group on Trafficking in Persons, the Working Group on the Smuggling of Migrants and the Working Group on Firearms, including recommendations, will be transmitted to the Conference at its eighth session (see CTOC/COP/2016/5, CTOC/COP/2016/6 and CTOC/COP/2016/7), as mandated by resolution 7/1.

IV. Provision of information, as per article 32 of the Convention

11. In paragraph 8 of resolution 7/1, the Conference reiterated its call for States parties, in accordance with article 32 of the Convention, to provide information and, in that regard, invited them and other interested Member States, on a voluntary basis, to submit to the Secretariat, through the comprehensive self-assessment software (“omnibus survey software”), information on their programmes, plans and practices, in a concise and focused manner, as well as on the legislative and administrative measures taken to implement the Convention and the Protocols thereto. In addition, in paragraph 9 of the same resolution, the Conference invited States parties and, on a voluntary basis, other interested Member States, to provide

information on the relevant legislative tools to be included in the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC).

12. The Secretariat began developing the omnibus survey software in 2007. The omnibus survey software is a comprehensive software for States to use in responding to reporting obligations emanating from the Organized Crime Convention and the United Nations Convention against Corruption. The decision to use one tool for both Conventions took into consideration the convergence of the information-gathering mandates emanating from both Conventions and the difficulties that States parties indicated they had in responding to the many questionnaires. Cross references were created in the tool between those provisions that are in essence identical in the two Conventions, the difference being the scope of application.

13. Following a broad consultation process to validate the approach and methodology, the portion of the software relating to the Convention against Corruption was finalized and endorsed at the third session of the Conference of the States Parties, held in Doha from 9 to 13 November 2009. The software has been in use in the context of the mechanism for the review of implementation of the Convention against Corruption. However, the questions pertaining to the Convention against Corruption contained in the software were recently redesigned in close consultation with States parties. Therefore, if the cross references in the omnibus survey software are to be maintained, a restructuring of the portion of the software relating to the Organized Crime Convention and the Protocols thereto would also be required. To date, the Secretariat has not received any information from States through the omnibus survey software since the seventh session of the Conference of the Parties.

14. To facilitate information-gathering and dissemination, the Office developed SHERLOC.¹ The portal consists of four components: a case law database, a database of legislation, a bibliographic database and the competent national authorities directory.

15. SHERLOC covers the articles of the Organized Crime Convention and the Protocols thereto as well as 14 specific crime types, namely: participation in an organized criminal group, obstruction of justice, money-laundering, corruption, trafficking in persons, smuggling of migrants, trafficking in firearms, cybercrime, fraudulent medicine, drug trafficking offences, counterfeiting, piracy, trafficking in cultural property, and wildlife and forest crime. The cross-cutting issues include special procedures and provisions of the Convention that facilitate international cooperation in the effective prosecution and adjudication of transnational organized crime, such as extradition, mutual legal assistance, joint investigative teams or special investigative techniques but also broad issues such as crime prevention. The case law database in SHERLOC currently contains more than 2,100 cases from 108 countries and the database of legislation contains more than 6,000 legal provisions from 194 countries. As at 30 June 2016, in response to its request for relevant legislation and case law for SHERLOC, the Secretariat had received information from approximately 80 States.

¹ Available at www.sherloc.unodc.org.

16. The Secretariat sent notes verbales to Member States regarding the provision of information to be included in SHERLOC and corresponded regularly with those permanent missions whose information was updated. The Secretariat will provide further information on the status of responses by States parties and signatories on the implementation of the Organized Crime Convention and the Protocols thereto as part of the documentation to the ninth meeting of the Working Group of Government Experts on Technical Assistance, to be held in parallel with the eighth session of the Conference.
