



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

Distr.: General
7 November 2016

Original: English

**Report of the Conference of the Parties to the United Nations
Convention against Transnational Organized Crime on its
eighth session, held in Vienna from 17 to 21 October 2016**

Contents

	<i>Page</i>
I. Resolutions and decisions adopted by the Conference	3
A. Resolutions	3
8/1. Enhancing the effectiveness of central authorities in international cooperation in criminal matters to counter transnational organized crime	3
8/2. Mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto . . .	10
8/3. Strengthening 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	16
8/4. Implementation of the provisions on technical assistance of the United Nations Convention against Transnational Organized Crime	22
B. Decisions	24
8/1. Provisional agenda for the ninth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime	25
8/2. Organization of the work of the ninth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime	26
II. Organization of the session	26
A. Opening of the session	26
B. Election of officers	26
C. Adoption of the agenda and organization of work	27
D. Participation	27
E. Adoption of the report of the Bureau on credentials	28
F. Documentation	28



III.	General discussion	28
	Deliberations	29
IV.	Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto	30
A.	United Nations Convention against Transnational Organized Crime	30
B.	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	32
C.	Protocol against the Smuggling of Migrants by Land, Sea and Air	33
D.	Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition	35
V.	Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime	36
	Deliberations	37
VI.	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	38
A.	Deliberations	39
B.	Action taken by the Conference	39
VII.	Technical assistance	40
A.	Deliberations	40
B.	Action taken by the Conference	41
VIII.	Financial and budgetary matters	41
	Deliberations	41
IX.	Provisional agenda for the eighth session of the Conference	41
	Action taken by the Conference	41
X.	Other matters	42
	Action taken by the Conference	42
XI.	Adoption of the report of the Conference on its eighth session	42

I. Resolutions and decisions adopted by the Conference

A. Resolutions

1. At its eighth session, held in Vienna from 17 to 21 October 2016, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted the following resolutions:

Resolution 8/1

Enhancing the effectiveness of central authorities in international cooperation in criminal matters to counter transnational organized crime

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

Recalling that article 18, paragraph 1, of the United Nations Convention against Transnational Organized Crime¹ requires States parties to afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by the Convention, and that article 18, paragraph 13, requires States parties to designate a central authority with the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution,

Recognizing that General Assembly resolutions 69/193 of 18 December 2014 and 70/174 of 17 December 2015 and Economic and Social Council resolution 2014/17 of 16 July 2014 call attention to the growing and important role of central authorities in countering transnational crime, including transnational organized crime,

Convinced that “serious crime” and “organized criminal group”, as defined in article 2 of the Convention, enable a State party, in particular through its central authority, to request and provide assistance to other States parties with regard to a wide range of offences that are transnational in nature, and taking note of article 3 of the Convention,

Reaffirming the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,² especially its subparagraph 8 (a), in which Member States stated that they would strive to promote and strengthen international and regional cooperation to further develop the capacity of national criminal justice systems, including through efforts to modernize and strengthen national legislation, as appropriate, as well as joint training and upgrading of the skills of criminal justice officials, in particular to foster the development of strong and effective central authorities for international cooperation in criminal matters,

Recalling the recommendations of the Working Group on International Cooperation, particularly those that seek to strengthen and enhance the effectiveness of central authorities through direct contact; networks in a virtual environment; liaison activity, including consultations; case tracking; capacity-building and specialized training; and use of technology,

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

² General Assembly resolution 70/174, annex.

Taking note of the recommendations of the Working Group on International Cooperation that focus on strengthening the internal capacity of central authorities, including by exercising quality control, enhancing coordination functions and directing matters to other channels of cooperation, such as police-to-police cooperation,

Expressing appreciation for the tools developed by the United Nations Office on Drugs and Crime to support implementation of the Convention by central authorities, including its directory of competent national authorities, the knowledge management portal known as Sharing Electronic Resources and Laws on Crime and the continued development of the Mutual Legal Assistance Request Writer Tool,

Recognizing that central authorities are most effective when they are properly staffed, equipped, empowered and engaged to carry out their core responsibilities regarding international cooperation under the Convention,

1. *Invites* States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto³ and to effectively implement their provisions;

2. *Urges* States parties to afford one another the greatest measure of assistance, in accordance with the provisions of the Convention, as well as their domestic laws;

3. *Reminds* States parties of their obligation to designate a central authority in criminal matters, pursuant to article 18, paragraph 13, of the Convention, and to notify the Secretariat of its designation for inclusion in the directory of competent national authorities;

4. *Encourages* States parties, consistent with their national legal frameworks, to make the widest possible use of the Convention as a basis for international cooperation;

5. *Requests* States parties, taking into account that the purpose of the Convention is to promote cooperation to prevent and combat transnational organized crime more effectively, to permit direct communication and transmission of requests between central authorities, and encourages them, when appropriate and feasible, to place liaison magistrates or officers in capitals of other States parties, to the fullest extent permitted under their domestic laws;

6. *Encourages* States parties to make the fullest and most effective use of available technology to facilitate cooperation between central authorities, including online resources developed at the national level and relevant tools created by the United Nations Office on Drugs and Crime, such as the knowledge management portal known as Sharing Electronic Resources and Laws on Crime and the Mutual Legal Assistance Request Writer Tool, and to develop virtual networks between and among central authorities and explore the feasibility of secure electronic communications;

7. *Calls upon* States parties to staff, equip and empower central authorities so that those authorities play an effective coordinating role among various government agencies within a State party and with other States parties in order to ensure effective implementation of the Convention regarding international cooperation in criminal matters, and to help facilitate the timely execution of requests for assistance or cooperation, including, where appropriate, requests for electronic evidence;

8. *Invites* States parties to ensure that policies and procedures are established and made available in order to enhance the effectiveness of, and create efficiencies for,

³ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

central authorities, including policies and procedures to effectively use, when appropriate, other channels of cooperation, such as law enforcement to law enforcement, prosecutor to prosecutor or investigating magistrate to investigating magistrate, in accordance with domestic law;

9. *Encourages* States parties to take measures to improve the quality of requests for international cooperation, including by improving their clarity, precision and translation and by minimizing documentation, and to consider prioritizing incoming and outgoing requests according to their urgency, seriousness of the offence and type of assistance requested;

10. *Emphasizes* the importance of contact and consultation between central authorities from both requesting and requested States parties, where appropriate, in order to support effective international cooperation, both before the submission of a request for international cooperation, to ensure that the request is legally and factually sufficient under the domestic law of the requested State party, and after the submission of a request, to clarify specific matters and to allow for consultations before refusing or partially refusing a request for assistance, consistent with article 16, paragraph 16, and article 18, paragraph 26, of the Convention;

11. *Strongly encourages* States parties to facilitate engagement between and among central authorities in person, including through regional networks, or by virtual means, such as videoconferences, and highlights the particular importance of engagement between central authorities in order to review the execution of requests, discuss impediments to mutual cooperation and identify solutions to those challenges;

12. *Urges* States parties, including in collaboration with the United Nations Office on Drugs and Crime, to promote training and technical assistance to facilitate international cooperation under the Convention, and, in this regard, encourages States parties to prioritize efforts to strengthen knowledge and capacity within their central authorities and other relevant institutions, including efforts to preserve the confidentiality of requests for international cooperation and their contents, if requested;

13. *Requests* States parties to support central authorities in establishing or strengthening, as appropriate, systems for tracking the status of requests for international cooperation, including after such requests have been transferred to a competent authority for execution, and encourages States parties to collect and make available statistical information about requests, including the forms of assistance sought, the legal bases invoked and time periods for processing requests;

14. *Reaffirms* its decision 3/2 of 18 October 2006, in which it decided that the Working Group on International Cooperation would be a constant element of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime;

15. *Congratulates* the Working Group on International Cooperation on its tenth anniversary as a forum for government experts, including practitioners, to engage, identify common issues and solutions and generate practical recommendations for international cooperation;

16. *Endorses* the recommendations adopted by the Working Group on International Cooperation at its meetings held on 27 and 28 October 2015 and from 19 to 21 October 2016, annexed to the present resolution, and encourages States parties to implement them;

17. *Encourages* States parties to facilitate the active participation of central authorities in the relevant meetings of the Conference and its working groups, particularly the Working Group on International Cooperation, to share good practices

and lessons learned with respect to international cooperation and to strengthen relationships among government experts, especially practitioners;

18. *Requests* the United Nations Office on Drugs and Crime to schedule future meetings of the Working Group on International Cooperation to facilitate the participation of central authorities and make the best possible use of existing resources, including by coordinating with other international meetings and capacity-building activities on international cooperation, and encourages States parties to consider holding bilateral and/or multilateral meetings of representatives of central authorities, including on the margins of the Working Group on International Cooperation, to discuss issues of common interest;

19. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes of this resolution in accordance with the rules and procedures of the United Nations;

20. *Requests* the Secretariat to report to the Conference at its ninth session on the implementation of the present resolution.

Annex I

Recommendations formulated by the Working Group on International Cooperation at its meeting held in Vienna on 27 and 28 October 2015

The following recommendations were formulated by the Working Group on International Cooperation:

(a) The Secretariat should continue to develop training material on the collection and sharing of electronic evidence under the framework of the United Nations Convention against Transnational Organized Crime,⁴ for further use in technical assistance activities;

(b) The Secretariat should continue to mainstream the topic of electronic evidence into existing and future tools on international cooperation in criminal matters and request States to provide relevant information and materials for inclusion in the knowledge management portal known as Sharing Electronic Resources and Laws on Crime;

(c) Member States should enhance the efficiency of law enforcement cooperation mechanisms by, inter alia, developing effective systems of information-sharing, establishing channels of communication between their competent authorities and, if needed, concluding arrangements to foster operational assistance;

(d) Member States should consider examining ways and means to foster international cooperation involving, inter alia, the use of electronic evidence, the preservation of such evidence and, in particular, the examination of possibilities to expedite formal mutual legal assistance processes;

(e) Member States should consider encouraging practitioners, in appropriate cases, to consult informally prior to making a formal request for extradition or mutual legal assistance; in doing so, States parties should promote initiatives to make available clear guidance on their procedures and requirements for making such requests;

⁴ United Nations, *Treaty Series*, vol. 2225, No. 39574.

(f) Member States should consider supporting technical assistance efforts, including as undertaken by the United Nations Office on Drugs and Crime, geared towards developing training programmes to improve the capacities of domestic law enforcement officers, including those who may serve as liaison officers, and of liaison magistrates, and enhance their knowledge on, inter alia, applicable international instruments and the domestic legal systems of host countries and their criminal procedure laws, including requirements on admissibility of evidence in courts;

(g) The Secretariat should continue the further development of tools for international cooperation in criminal matters, including the finalization of the revised Mutual Legal Assistance Request Writer Tool, and should report to the Conference of the Parties to the Organized Crime Convention at its eighth session on the pilot phase to test the use of this tool in practice as training material;

(h) The Secretariat should continue its work to collect and disseminate, including through the Sharing Electronic Resources and Laws on Crime knowledge management portal, relevant national laws, guides and guidelines that can assist central authorities and practitioners in the preparation and expeditious submission of requests for mutual legal assistance;

(i) In order to strengthen direct contact between central authorities, the Secretariat should adjust the directory of competent national authorities under articles 6, 7 and 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988⁵ and competent national authorities under the Organized Crime Convention by separating the directory into two parts, with one part containing information on central authorities designated under various treaty provisions related to mutual legal assistance, including contact information, accepted languages and acceptable forms of transmission of requests, and the other part containing information on other competent authorities and/or executing authorities, as appropriate, and on channels and information for informal cooperation;

(j) The Secretariat should invite States parties to update the notification requirement under article 16, paragraph 5 (a), of the Organized Crime Convention and consider making such updated information widely available;

(k) In view of some reports of parties not accepting the Organized Crime Convention as a basis for legal assistance under article 18, paragraph 7, of the Convention, States parties should take steps to enhance the use of the Organized Crime Convention as a legal basis for mutual legal assistance, bearing in mind its added value as an instrument that facilitates international cooperation for a wide range of offences and to the broadest extent possible; States parties should also ensure that their domestic laws and practice conform with article 18 of the Convention;

(l) Member States should consider, with the assistance of the Secretariat and subject to the availability of extrabudgetary resources, the possibility of developing a global network, through a virtual environment, for the purpose of establishing and enhancing direct contact between central authorities;

(m) The Secretariat should undertake the updating, finalization and validation of the draft report of the informal expert working group on joint investigations, including its conclusions and recommendations, which was brought to the attention of the Conference of the Parties at its fourth session in conference room paper CTOC/COP/2008/CRP.5;

(n) States parties are invited to consider including in their delegations to future sessions of the working group practitioners in charge of matters related to the

⁵ Ibid., vol. 1582, No. 27627.

international cooperation provisions of the Convention and to encourage their active participation in the meetings of the Working Group;

(o) States parties, in coordination with the Secretariat, should consider scheduling future meetings of the Working Group in such a manner (such as back to back with other relevant meetings) so as to facilitate participation from practitioners and to make the best possible use of Government and Conference resources.

Annex II

Recommendations formulated by the Working Group on International Cooperation at its meeting held in Vienna from 19 to 21 October 2016

1. The following recommendations were formulated by the Working Group on International Cooperation:

(a) States parties to the United Nations Convention against Transnational Organized Crime⁴ should provide information, in particular statistical data, on the use of the Convention for international cooperation in criminal matters, including data identified in paragraph 13 of Conference of the Parties to the United Nations Convention against Transnational Organized Crime resolution 8/1, entitled “Enhancing the effectiveness of central authorities in international cooperation in criminal matters to counter transnational organized crime”, in order to support an active dialogue in the Working Group and a more thorough understanding of the effectiveness of the Convention;

(b) States parties to the Organized Crime Convention should review and update, if appropriate, their notifications and declarations on articles related to international cooperation, in particular articles 13, 16 and 18, received by the Secretary-General at the time of deposit of their instruments of ratification, acceptance, approval or accession and also made in accordance with pertinent decisions of the Conference of the Parties, with a view to facilitating more flexible and effective implementation of those provisions;

(c) States parties should enhance measures for the identification, tracing, freezing, seizure and recovery of proceeds of crime, where derived from offences covered by the Convention, including those related to tax evasion, for the purpose of their eventual confiscation and their transparent disposal;

(d) States parties should consider developing mechanisms that would allow for more timely and effective cooperation between central authorities, as well as law enforcement authorities, prosecutors and judicial authorities, in border areas, particularly in conurbation areas, and should also consider sharing such experiences in future meetings of the Working Group;

(e) Concerned States parties should consider developing and promoting existing regional networks, such as the Network of West African Central Authorities and Prosecutors against Organized Crime, the Ibero-American Network for International Legal Cooperation, the Camden Asset Recovery Inter-Agency Network and the judicial cooperation network of the League of Arab States, to continue building trust and confidence and improving international cooperation in criminal matters, and further promoting meetings for face-to-face interaction, using established mechanisms and bodies;

(f) The United Nations Office on Drugs and Crime should, in addition to its work in regularly updating the directory of competent national authorities, create and

regularly update a mailing list of experts and practitioners from States parties to the Convention containing their contact details, which can be made available in a secure environment or further circulated among experts;

(g) The Conference of the Parties to the Organized Crime Convention should make use of all information available to the Working Group on International Cooperation for, *inter alia*, giving effect to the provisions of article 32 of the Convention as a means of reducing the burden for practitioners and avoiding duplication, where appropriate, by using the knowledge management portal known as Sharing Electronic Resources and Laws on Crime;

(h) The United Nations Office on Drugs and Crime should, in cooperation with other partner organizations active in the field of international cooperation to combat transnational organized crime, where appropriate and subject to the availability of resources, undertake training activities on the use of the Organized Crime Convention to foster such cooperation, including for the purpose of raising awareness about the usefulness of the Mutual Legal Assistance Request Writer Tool and for training practitioners who work in central authorities on the use of the Tool and disseminating the Tool further at the national, regional and international levels.

2. The Working Group recommended that the Conference of the Parties include, *inter alia*, the following issues in thematic discussions at future meetings of the Working Group:

(a) Practical considerations, good practices and challenges encountered in the area of transfer of criminal proceedings as a separate form of international cooperation in criminal matters;

(b) The sharing of electronic evidence and pertinent challenges in the field of international cooperation, including how to cooperate with respect to the use of virtual currency in criminal activities and, where appropriate, issues regarding decrypting data;

(c) Mutual legal assistance with respect to investigations, prosecutions and judicial proceedings in relation to offences covered by the Organized Crime Convention for which a legal person may be held liable (article 18, paragraph 2, in conjunction with article 10 of the Convention), taking into account the work done by States parties to the United Nations Convention against Corruption⁶ in that regard;

(d) International cooperation in civil and administrative proceedings in relation to the offences covered by the Convention, including for the identification, freezing and confiscation of assets derived from such offences, and the interplay of those proceedings with international cooperation in criminal matters, taking into account the work done by the Conference of the States Parties to the United Nations Convention against Corruption in that regard.

3. The Working Group also recommended that the Conference of the Parties to the Organized Crime Convention continue including in the agenda of future meetings of the Working Group the issue of implementation of articles 13 and 14 of the Convention.

⁶ *Ibid.*, vol. 2349, No. 42146.

Resolution 8/2**Mechanism for the review of 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,

Recalling that the United Nations Convention against Transnational Organized Crime and the Protocols thereto⁷ represent the principal worldwide legal instruments to combat the scourge of transnational organized crime, which affects individuals and societies in all countries, and reaffirming their importance as the main tools available to the international community for this purpose,

Reaffirming that the purpose of the Convention and the Protocols thereto is, inter alia, to promote cooperation to prevent and combat transnational organized crime more effectively, and stressing the need to take additional concerted action to reinforce the implementation of the Convention and the Protocols thereto by States parties and to identify related technical assistance needs,

Recalling article 32 of the Convention, pursuant to which 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 promote and review the implementation of the Convention,

Reaffirming its decision 1/2 of 7 July 2004, in which the Conference decided to carry out the functions assigned to it in article 32 of the Convention,

Recalling that in article 32 of the Convention it is stated that the Conference of the Parties shall agree upon mechanisms for achieving, inter alia, the objective of periodically reviewing the implementation of the Convention,

Noting the continuing obligation of each State party, under article 32 of the Convention, to provide the Conference with information on its programmes, plans and practices, as well as legislative and administrative measures, related to implementation of the Convention,

Recalling its resolution 5/1 of 22 October 2010, which began a process to consider and explore options with regard to the establishment of a mechanism to assist the Conference in reviewing the implementation of the Convention and the Protocols thereto, as well as its resolution 6/1 of 19 October 2012 and General Assembly resolution 68/193 of 18 December 2013, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which the Assembly, inter alia, reiterated the need for the establishment of a mechanism for the review of the implementation of the Convention and the Protocols thereto,

Recalling also its decision 4/1 of 17 October 2008 and its resolution 5/5 of 22 October 2010, entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”,

Recalling further its resolution 7/1 of 10 October 2014, entitled “Strengthening the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, in which, inter alia, the usefulness of the existing

⁷ Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.

working groups to advise and assist the Conference of the Parties in the implementation of its mandate was emphasized,

Welcoming the call contained in the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,⁸ adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to continue to explore all options regarding an appropriate and effective mechanism or mechanisms to assist the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in the review of the implementation of the Convention and the Protocols thereto in an effective and efficient manner,

Recalling article 28 of the Convention, in accordance with which States parties are to collect, exchange and analyse, in consultation with the scientific and academic communities, trends in organized crime in their territory, as well as monitoring their policies and actual measures to combat transnational organized crime and making assessments of their effectiveness and efficiency,

Recalling also articles 2 and 37 of the Convention concerning, respectively, the use of terms and the relation between the Convention and the Protocols thereto, as well as the common article 1 of each Protocol thereto,

Recalling further articles 29 and 30 of the Convention, and stressing the connections between the review of the implementation of the Convention and the Protocols thereto and the technical assistance programmes provided to requesting States parties and international cooperation, with a view to combating transnational organized crime,

1. *Takes note with appreciation* of the report on the 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, held in Vienna on 6 and 7 June 2016;⁹

2. *Decides* to continue the process of establishing the mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto⁷ based on the recommendations contained in the report on the intergovernmental meeting;

3. *Also decides* to elaborate specific procedures and rules for the functioning of the review mechanism for consideration and adoption by the Conference at its ninth session, which shall be guided by the following principles and characteristics set out in Conference resolution 5/5:

- (a) Be transparent, efficient, non-intrusive, inclusive and impartial;
- (b) Not produce any form of ranking;
- (c) Provide opportunities to share good practices and challenges;
- (d) Assist States parties in the effective implementation of the Convention and, where applicable, the Protocols thereto;
- (e) Take into account a balanced geographical approach;
- (f) Be non-adversarial and non-punitive and shall promote universal adherence to the Convention and its Protocols;

⁸ General Assembly resolution 70/174, annex.

⁹ CTOC/COP/WG.8/2016/2.

(g) Base its work on clear, established guidelines for the compilation, production and dissemination of information, including addressing issues of confidentiality and the submission of the outcome to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, which is the competent body to take action on that outcome;

(h) Identify, at the earliest possible stage, difficulties encountered by States parties in the fulfilment of their obligations under the Convention and its Protocols, as applicable, and good practices adopted in efforts by States parties to implement the Convention and, where applicable, the Protocols thereto;

(i) Be of a technical nature and promote constructive collaboration, inter alia, on issues concerning international cooperation, prevention, protection of witnesses and assistance and protection for victims;

(j) Complement existing relevant international and regional review mechanisms so that the Conference may, as appropriate, cooperate with those mechanisms and avoid duplication of efforts;

(k) Be an intergovernmental process;

(l) Be conducted in conformity with article 4 of the Convention, not serve as an instrument for interfering in the domestic affairs of States parties, and be conducted in a non-political and non-selective manner;

(m) Promote the implementation of the Convention and its Protocols by States parties, as applicable, as well as cooperation among States parties;

(n) Provide opportunities to exchange views, ideas and good practices, thus contributing to strengthening cooperation among States parties in preventing and fighting transnational organized crime;

(o) Take into account the levels of development of States parties, as well as the diversity of judicial, legal, political, economic and social systems and differences in legal traditions;

(p) Endeavour to adopt a progressive and comprehensive approach, given that the review of implementation of the Convention is an ongoing and gradual process;

4. *Underlines* that the review mechanism shall be cost-effective, concise and user-friendly and that it should make optimal and efficient use of existing information, tools, resources and technology so that it would not impose an undue burden on States parties, their central authorities and experts involved in the review process;

5. *Decides* that the review mechanism shall progressively address all the articles of the Convention and the Protocols thereto for each of the instruments that States parties are parties to, grouped in thematic clusters in accordance with the content of their provisions, as indicated in table 1 of the annex to the present resolution, and that the review shall be a gradual process conducted and concluded according to a multi-year workplan, as indicated in table 2 of the annex;

6. *Requests* the United Nations Office on Drugs and Crime 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, for the purpose of defining the specific procedures and rules for the functioning of the review mechanism, and invites States parties to remain engaged in the process, including during the intersessional period;

7. *Decides* to include in the specific procedures and rules for the functioning of the mechanism the following elements:

(a) The review mechanism to be established shall be conducted within the Conference and its existing working groups, which shall add the matter as an item to their agendas, consistent with their areas of expertise and without prejudice to their respective existing mandates;

(b) In order to review each thematic cluster of articles, the relevant working group shall define, in the next two years, with the assistance of the Secretariat, a short, precise and focused self-assessment questionnaire;

(c) The desk review of the information gathered shall be conducted for each State party by two other States that are parties to the relevant instrument, with the active involvement of the State party under review. The State under review and the reviewing countries shall appoint as their governmental experts for the purpose of the review mechanism persons with relevant expertise to examine the issues under evaluation. The relevant working group shall identify the reviewing States for each State party under review by the drawing of lots to select one State from the regional group of the State party under review and one State from another regional group. One of the reviewing States parties, if possible, shall have a legal system similar to that of the State under review. The State party under review and the reviewing States may request, a maximum of two times, that the drawing of lots be repeated. In exceptional circumstances, the drawing of lots may be repeated more than twice;

(d) The working groups shall hold intersessional meetings open to all States parties, for the purpose of the drawing of lots above, and without prejudice to the right of a State Party to request that the drawing of lots be repeated at the Group's subsequent regular session;

(e) Other elements;

8. *Invites* States parties to carry out the desk review and to fulfil any request for or provision of supplementary information and clarification by making the largest possible use of all the available technological tools, such as virtual networks, conference calls and videoconferences. The Secretariat shall facilitate, where appropriate, the establishment of open lines of communication among the participants;

9. *Encourages* States parties under review to endeavour to prepare their responses to the self-assessment questionnaires through broad consultations at the national level with all relevant stakeholders, including, where appropriate, the private sector, individuals and groups outside the public sector, non-governmental organizations and academia;

10. *Underscores* that the specific procedures and rules for the functioning of the review mechanism shall be defined taking into account all options regarding the funding model of such a review mechanism, including the option that the core activities of that mechanism should be funded through the existing regular budget resources, to be complemented if necessary by voluntary contributions for other activities, once clear options and their associated costs have been identified, and it has been determined whether additional resources would be appropriate, bearing in mind the need for the review mechanism to have reliable, sustainable and predictable resources, as well as the principle of cost-efficiency;

11. *Also underscores* that the specific procedures and rules for the functioning of the review mechanism shall be defined taking into account all options to recognize the role of other stakeholders, including international and regional organizations, academia and non-governmental organizations in the mechanism to review

implementation of the Convention and Protocols thereto, recalling the Marrakech consensus as a possible basis;

12. *Requests* the Secretariat, within existing resources, to support this process, in particular by providing adequate estimates of costs and indicating measures, where possible, that allow for such costs to be funded from its existing resources and workload, where appropriate;

13. *Decides* that an evaluation of the organization, functioning and performance of the review process, once established, shall be conducted, when appropriate, by the Conference at its future sessions so as to amend and improve the existing mechanism;

14. *Invites* States parties to continue making full use of the Conference of the Parties and its working groups, as well as available tools developed by the United Nations Office for Drugs and Crime for the purpose of improving their capacity to combat transnational organized crime and promoting information exchange among State parties and their practitioners, so as to promote implementation of the Convention and the Protocols thereto;

15. *Reaffirms* all relevant decisions of the Conference of the Parties regarding the existing questionnaires, and requests all States parties to submit responses to the questionnaires on the implementation of the Convention and the Protocols thereto, and to provide updated information and responses including identifying technical assistance needs;¹⁰

16. *Requests* the Secretariat, within existing resources, to provide an assessment on best practices, lessons learned and obstacles to the implementation of the provisions of the Convention and the Protocols thereto, based on the information collected through the questionnaires;

17. *Requests* States parties to inform the Secretariat of any technical assistance need that should be addressed to support them in providing the information requested under the questionnaires, and requests States parties and other interested donors to provide resources for technical assistance as a matter of priority;

18. *Directs* the Working Group of Government Experts on Technical Assistance to consider the needs identified by Member States and to make recommendations to assist them in their efforts to implement the Convention and the Protocols and to provide the Conference of the Parties with the information needed to conduct effective reviews;

19. *Invites* States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations.

¹⁰ The questionnaires are available on the website of the United Nations Office on Drugs and Crime (www.unodc.org).

Annex

Organization of the review of the implementation of the Convention and the Protocols thereto

Table 1
Clusters of articles of the Convention and the Protocols thereto for the purpose of the review of implementation

<i>Legal instrument</i>	<i>Cluster on criminalization and jurisdiction</i>	<i>Cluster on prevention, technical assistance, protection measures and other measures</i>	<i>Cluster on law enforcement and the judicial system</i>	<i>Cluster on international cooperation, mutual legal assistance and confiscation</i>
Organized Crime Convention	Articles 2, 5, 6, 8, 9, 10, 15 and 23 ^a	Articles 24, 25, 29, 30 and 31	Articles 7, 11, 19, 20, 22, 26, 27 and 28	Articles 12, 13, 14, 16, 17, 18 and 21
Trafficking in Persons Protocol	Articles 3 and 5	Articles 6, 7 and 9	Articles 11, 12 and 13	Articles 8 and 10
Smuggling of Migrants Protocol	Articles 3, 5 and 6	Articles 8, 9, 14, 15 and 16	Articles 11, 12 and 13	Articles 7, 10 and 18
Firearms Protocol	Articles 3, 5 and 8	Articles 7, 9, 10, 11, 14 and 15		Articles 6, 12 and 13

^a The review of articles 8 and 9 of the Convention is only for those States parties to the Organized Crime Convention that are not party to the United Nations Convention against Corruption.

Table 2
Multi-year workplan for the functioning of the mechanism

<i>Year</i>	<i>Organized Crime Convention working groups^a</i>	<i>Working Group on Trafficking in Persons</i>	<i>Working Group on the Smuggling of Migrants</i>	<i>Working Group on Firearms</i>
I-II	Definition of organizational matters and questionnaire	Definition of organizational matters and questionnaire	Definition of organizational matters and questionnaire	Definition of organizational matters and questionnaire
III-VI	Criminalization International cooperation, mutual legal assistance and confiscation	Criminalization International cooperation, mutual legal assistance and confiscation	Criminalization International cooperation, mutual legal assistance and confiscation	Criminalization International cooperation, mutual legal assistance and confiscation

<i>Year</i>	<i>Organized Crime Convention working groups^a</i>	<i>Working Group on Trafficking in Persons</i>	<i>Working Group on the Smuggling of Migrants</i>	<i>Working Group on Firearms</i>
VII-X	Law enforcement and judicial system	Law enforcement and judicial system	Law enforcement and judicial system	Law enforcement and judicial system
	Prevention, assistance, protection measures and other measures	Prevention, assistance, protection measures and other measures	Prevention, assistance, protection measures and other measures	Prevention, assistance, protection measures and other measures

^a The Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance.

Resolution 8/3

Strengthening 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

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,¹¹ and reaffirming its decision 4/6 of 17 October 2008,

Recalling also its resolution 7/1 of 10 October 2014, whereby it decided that the Working Group on Firearms would be a constant element of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, forwarding its reports and recommendations to the Conference, and encouraged the Working Group to consider meeting on an annual basis, as needed,

Recalling further its resolutions 5/4 of 22 October 2010, entitled “Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition”, and 7/2 of 10 October 2014, entitled “Importance 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”,

Welcoming the results achieved by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Doha from 12 to 19 April 2015, including the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,¹²

Welcoming also the commitment made by Member States in the 2030 Agenda for Sustainable Development¹³ to significantly reduce illicit arms flows in their efforts to

¹¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

¹² General Assembly resolution 70/174, annex.

¹³ General Assembly resolution 70/1.

promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels,

Reiterating its concern at the increased levels of harm and violence that transnational organized criminal groups generate in some regions of the world as a result of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Concerned about the harm caused by, and the negative impact of, illicitly manufactured and trafficked firearms, their parts and components and ammunition on the levels of crime and violence in several regions and the links between such firearms and various forms of crime,

Recognizing the urgent need for States parties to adopt integrated and comprehensive approaches to address the root causes of transnational organized crime, including illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, taking into account, where appropriate, economic and social factors having an impact upon firearms-related crime, as well as cross-border criminality and trafficking flows, in particular as related to firearms, and to consider the gender dimension of such crimes,

Noting that reducing the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition is one of the major components of the efforts to reduce the violence that accompanies the activities of transnational organized criminal groups,

Reiterating its conviction that there is a need to strengthen international cooperation and the sharing of information to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Convinced of the need for States parties to ensure that their legal frameworks and relevant measures adequately address the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, with a view to reducing their illicit trafficking,

Recognizing the valuable contribution, where appropriate and useful, of representatives from academia, private industry and civil society in awareness-raising and exchanging good practices regarding international cooperation in preventing illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, as well as in identifying and providing technical assistance needs,

Recalling that the Convention and, in particular, 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,¹⁴ are among the principal global legal instruments to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Noting with appreciation the increasing number of accessions to and ratifications, acceptances and approvals of the Firearms Protocol,

Noting the common themes, nature and complementary character of other relevant international legal instruments, as well as other relevant regional instruments and global frameworks, such as the Arms Trade Treaty,¹⁵ which provides a framework for its States parties to regulate the licit trade in arms, as well as regional legal instruments, and political commitments such as the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its

¹⁴ United Nations, *Treaty Series*, vol. 2326, No. 39574.

¹⁵ See General Assembly resolution 67/234 B.

Aspects¹⁶ and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,¹⁷ which aim to prevent and combat the illicit manufacturing of and trafficking in firearms and to reduce the risk of their theft and diversion,

Acknowledging that the Working Group on Firearms serves as a useful network of experts and competent authorities in order to improve international cooperation, exchange of information and good practices related to illicit firearms trafficking,

Recognizing the work carried out by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators in developing an indicator framework and a list of indicators for the monitoring of the goals and targets of the 2030 Agenda for Sustainable Development, including on illicit arms flows,

Noting with appreciation the assistance provided by the United Nations Office on Drugs and Crime to States, upon request, through its Global Programme on Firearms,

Noting the activities carried out by the United Nations Office on Drugs and Crime regarding awareness-raising on, dissemination of and support for national legislation, aimed at supporting the ratification, acceptance or approval of or accession to the Organized Crime Convention and its Firearms Protocol,

Noting also that the Firearms Protocol recognizes verifiable lawful purposes, such as hunting, sport shooting, evaluation, exhibitions or repairs, reaffirming the obligation of States parties to seek support and cooperation to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and acknowledging that this cooperation is facilitated through the recognition of such lawful purposes,

Recognizing the valuable contributions made by the private sector and industry in providing relevant information to States parties in the areas of manufacturing, marking and record-keeping, and encouraging their further cooperation in this regard to assist States parties in meeting their obligations under the Firearms Protocol,

1. *Expresses its appreciation* for the work of the Working Group on Firearms at its third and fourth meetings, held in Vienna on 9 June 2015 and on 18 and 19 May 2016, respectively, takes note of the recommendations contained in their reports,^{18,19} and welcomes the consolidated recommendations of the Working Group on Firearms produced by the Secretariat at the request of the Working Group, which should help guide the deliberations at its future meetings;

2. *Invites* States that have not yet done so to consider becoming 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,¹⁴ and to fully implement its provisions;

3. *Calls upon* States parties to the Firearms Protocol that have not yet done so to review, as appropriate, and strengthen their national legislation and adopt action plans to fully implement the Protocol, and to ensure that their legal frameworks and relevant measures adequately address the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, with a view to reducing their illicit trafficking;

¹⁶ *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001 (A/CONF.192/15)*, chap. IV, para. 24.

¹⁷ [A/60/88](#) and Corr.2, annex; see also General Assembly decision 60/519.

¹⁸ CTOC/COP/WG.6/2015/3.

¹⁹ CTOC/COP/WG.6/2016/3.

4. *Urges* States parties to the Firearms Protocol to harmonize their national legislation in a manner consistent with the Protocol, develop action plans to implement the Protocol, provide to the Secretariat full and up-to-date information on their national body or single point of contact and make use of the online directory of competent national authorities designated by States under the Protocol;

5. *Invites* States parties to the Firearms Protocol to identify gaps in the legislative framework in order to ensure that their national law satisfies the requirements of the Protocol, as well as with other international and regional instruments to which they are party, on points such as import and export licensing, marking, tracing and record-keeping, including through the use of the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*,²⁰

6. *Encourages* States parties to the Firearms Protocol and other States parties to the United Nations Convention against Transnational Organized Crime,¹¹ on a voluntary basis, including through the Working Group on Firearms, to present their views and comments on the implementation of the Firearms Protocol, including those relating to factors that may impede accession, ratification, acceptance, approval or implementation, as well as on good practices and the progress made in implementing the Protocol, with a view to achieving closer cooperation on preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

7. *Calls upon* States parties to develop or strengthen their national capacity for the collection and analysis of data on illicit firearms trafficking, invites States parties to the Firearms Protocol to ensure the effective implementation of its articles 6, 7, 8 and 12, given the importance of appropriate marking, tracing and record-keeping as a source of key data necessary to effectively trace firearms for the purpose of identifying and investigating illicit trafficking, and in this regard requests the Working Group on Firearms to consider at its future meetings its contribution to the achievement of target 16.4 of the Sustainable Development Goals,²¹ as well as towards measuring the progress in enforcing the control system that will enable national authorities in the fight against illicit firearms trafficking;

8. *Takes note with appreciation* of the *UNODC Study on Firearms 2015*, developed and disseminated by the Global Programme on Firearms of the United Nations Office on Drugs and Crime pursuant to Conference resolutions 5/4, 6/2 of 19 October 2012 and 7/2 as a starting point for further analysis on firearms trafficking, and welcomes the valuable efforts of the Office in this respect;

9. *Reiterates* its invitation to States parties that have not yet done so to provide the United Nations Office on Drugs and Crime with quantitative and qualitative data and information on trafficking in firearms, and to those who have provided information to continue doing so, with a view to enhancing the exchange of information between Member States and the availability of data;

10. *Urges* States parties to the Firearms Protocol that import and export parts and components of firearms to reinforce their control measures in line with the Firearms Protocol and other relevant international legal instruments to which they are party, with a view to preventing and reducing the risks of their diversion, illicit manufacturing and trafficking;

11. *Encourages* States parties to the Firearms Protocol, in line with article 8, paragraph 2, and article 13, paragraph 3, to develop and strengthen relationships

²⁰ United Nations publication, Sales No. E.05.V.2.

²¹ General Assembly resolution 70/1.

between competent authorities and manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect diversion, including into illicit markets, as well as illicit manufacturing and trafficking;

12. *Also encourages* States parties to the Firearms Protocol to strengthen their domestic marking and record-keeping regimes, consistent with the requirements of the Protocol, for the purpose, inter alia, of identifying and tracing firearms, and where possible their parts and components and ammunition;

13. *Calls upon* States parties to systematically collect, record and analyse data, including tracing data on recovered, seized, confiscated, collected and found firearms suspected of being involved in an illicit activity, with a view to identifying their origin and detecting possible forms of illicit trafficking, as well as to use tracing results to conduct in-depth criminal investigations on firearms trafficking, including parallel financial or other investigations, where appropriate;

14. *Encourages* States parties to provide one another the broadest possible cooperation in tracing firearms and in investigating and prosecuting their illicit manufacturing and trafficking, including by responding in a timely and effective manner to international cooperation requests relating to tracing and criminal investigations, and in this regard, to consider making use of existing tracing or facilitation mechanisms, including, as appropriate, the Organized Crime Convention and its Firearms Protocol, and the International Criminal Police Organization (INTERPOL) Illicit Arms Records and Tracing Management System, among others;

15. *Urges* States parties to promote the exchange of good practices and experiences of practitioners who are involved in combating illicit trafficking in firearms and to consider the use of available tools, including marking and record-keeping technologies, to facilitate the tracing of firearms and, where possible, their parts and components and ammunition, in order to enhance criminal investigations of illicit trafficking in firearms;

16. *Invites* States parties to ensure the comprehensive marking of all firearms, including weapons that have been collected, recovered or confiscated and officially authorized for disposal by means other than destruction, in accordance with articles 6 and 8 of the Firearms Protocol, for the purpose of preventing and reducing the risk of theft, diversion and trafficking;

17. *Also invites* States parties to promote the exchange of good practices and experiences in measures aimed at preventing the falsification or illicit obliteration, removal or alteration of the markings on firearms and, where appropriate, their parts and components;

18. *Further invites* States parties to develop or strengthen their internal capacity for the collection and analysis of data on illicit firearms trafficking, inter alia, by promoting enhanced coordination among relevant competent authorities, and to provide training to law enforcement personnel on the identification, recording and reporting of seizures of firearms, their parts and components and ammunition, and on producing relevant statistics on seizures at the national level;

19. *Invites* States parties to provide or request specialized training for national law enforcement and regulatory officials on marking, tracing and record-keeping in line with articles 6, 7, 8 and 12 of the Protocol, emphasizing that such efforts are critical to the effective tracing and identification of illicitly trafficked firearms, and to provide training, including training on new technology, to law enforcement personnel on the identification of firearms and the recording and reporting of firearm seizures;

20. *Urges* States parties to strengthen coordination and cooperation among all their internal institutions involved in the prevention of and the fight against illicit trafficking, as well as to consider entering into effective international cooperation arrangements for investigations and prosecutions, including through joint investigative teams, applying the good practices adopted by some countries in their fight against terrorism and organized crime;

21. *Encourages* States parties to promote, whenever possible, the participation in future meetings of the Working Group on Firearms of national experts and competent authorities, subregional and other regional organizations and relevant non-governmental organizations in line with the rules of procedure of the Conference;

22. *Also encourages* States parties to make use of future meetings of the Working Group to share and exchange information on firearms trafficking trends, routes and patterns and consider good practices, lessons learned, experiences, successes and challenges in the collection and analysis of such data and in preventing and combating these crimes, with a view to enhancing cooperation and coordination in the fight against trafficking in firearms and related crimes, and in this regard calls upon the Working Group to develop, at its next meeting, a comprehensive multi-year workplan in order to facilitate greater participation of experts and competent authorities;

23. *Invites* States parties to exchange experiences and information on the illicit manufacture of firearms employing advanced technology that could be used by transnational organized criminal groups;

24. *Encourages* relevant international and regional organizations, the private sector, non-governmental organizations, academia and civil society to strengthen their cooperation and work with States parties to the Firearms Protocol in order to achieve the full implementation of the Protocol;

25. *Requests* the United Nations Office on Drugs and Crime, through its Global Programme on Firearms, to continue to assist requesting States in their efforts to ratify, accept, approve of or accede to and implement the Firearms Protocol, and encourages those Member States in a position to do so to make available extrabudgetary resources to enable the Office to implement its mandate in this regard;

26. *Also requests* the United Nations Office on Drugs and Crime to continue to assist States parties, upon request, in their efforts to strengthen their firearms control regime, consistent with the Firearms Protocol, in particular in the areas of legislative development; firearms identification, seizure, confiscation and disposal; technical support for marking, record-keeping, and tracing; and training and capacity-building in the investigation and prosecution of related crimes, with a view to preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

27. *Further requests* the United Nations Office on Drugs and Crime to continue to promote and encourage international cooperation in criminal matters, pursuant to the Convention, with the aim of investigating and prosecuting the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including when related to terrorism and to other crimes, such as urban crime committed by gangs, through regional and cross-regional workshops, including for countries that are on relevant trafficking routes;

28. *Requests* the United Nations Office on Drugs and Crime to continue to collect and analyse, on a regular basis, quantitative and qualitative information and suitably disaggregated data on trafficking in firearms, their parts and components and ammunition, taking into consideration the usefulness of the *UNODC Study on*

Firearms 2015 as a starting point for further analysis and taking into account target 16.4 of the Sustainable Development Goals, as well as to continue to share and disseminate its findings on best practices, the dimensions and characteristics of such trafficking, and lessons learned;

29. *Also requests* the United Nations Office on Drugs and Crime to continue in its efforts to improve the methodology of the *UNODC Study on Firearms 2015*, and in this regard invites the Office and other organizations with similar firearms data-collection mandates to continue to explore ways to cooperate and coordinate with each other, with a view to developing synergies between the distinct reporting obligations of States parties and, where appropriate, facilitating the production of standardized and comparable data;

30. *Requests* the Secretariat to inform the Working Group on Firearms about (a) the activities of the United Nations Office on Drugs and Crime to assist the Conference in promoting and supporting the implementation of the Firearms Protocol, (b) coordination with other relevant international and regional organizations, (c) best practices in the areas of training and capacity-building, and (d) awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

31. *Also requests* the Secretariat to support the Working Group in the performance of its functions;

32. *Decides* that the Secretariat shall provide to the Conference at its ninth session a report on the meetings of the Working Group to be held prior to the ninth session of the Conference;

33. *Invites* States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations.

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,²²

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.

²² United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

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,²³ 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 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.

²³ United Nations, *Treaty Series*, vol. 2225, No. 39574.

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.

B. Decisions

2. At its eighth session, held in Vienna from 17 to 21 October 2016, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted the following decisions:

Decision 8/1**Provisional agenda for the ninth 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 approved the provisional agenda for the ninth session of the Conference set out below.

Provisional agenda for the ninth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime

1. Organizational matters:
 - (a) Opening of the ninth session of the Conference;
 - (b) Election of officers;
 - (c) Adoption of the agenda and organization of work;
 - (d) Participation;
 - (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. Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime.
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. Financial and budgetary matters.
7. Provisional agenda for the tenth session of the Conference.
8. Other matters.
9. Adoption of the report of the Conference on its ninth session.

Decision 8/2**Organization of the work of the ninth 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 ninth 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 ninth session on the duration of the tenth session;

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

II. Organization of the session**A. Opening of the session**

3. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime held its eighth session in Vienna from 17 to 21 October 2016. During the session, a total of 10 meetings were held, including 3 meetings of the Committee of the Whole. The Working Group of Government Experts on Technical Assistance held five meetings from 17 to 19 October 2016. The Working Group on International Cooperation held five meetings from 19 to 21 October 2016.

4. At the 1st meeting of the session, on 17 October 2016, opening statements were made by the Executive Director of the United Nations Office on Drugs and Crime (UNODC) and the representatives of Namibia (on behalf of the Group of 77 and China), Tunisia (on behalf of the Group of African States), Uruguay (on behalf of the Group of Latin American and Caribbean States), the Philippines (on behalf of the Group of Asia-Pacific States) and the European Union (on behalf of the States members of the European Union and Albania, Bosnia and Herzegovina, Liechtenstein, the Republic of Moldova, Montenegro, Norway, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine). Statements were also made by the Prosecutor General of Brazil, the State Secretary and Deputy Minister of Internal Affairs of the Russian Federation, the Under-Secretary for Criminal Policy of the Ministry of Justice and Human Rights of Argentina and the Minister for Solidarity, Social Cohesion and Victim Compensation of Côte d'Ivoire. Further statements were made by the representatives of Mexico, France, China, the United Kingdom of Great Britain and Northern Ireland, Canada, Turkey and Colombia, as well as by the European Union Anti-Trafficking Coordinator and the Executive Director of the Counter-Terrorism Committee.

B. Election of officers

5. 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 eighth session, the President of the Conference was nominated by the Group of Latin American and Caribbean States, while the Rapporteur was nominated by the Eastern European States.

6. At its 1st meeting, on 17 October 2016, in accordance with rule 22 of the rules of procedures, the Conference elected the following officers by acclamation:

<i>President</i>	Pilar Saborio de Rocafort (Costa Rica)
<i>Vice-Presidents</i>	Auday M.A. Al-Khairalla (Iraq) Alicia Guadalupe Buenrostro Massieu (Mexico) Filippo Formica (Italy) Sanjin Halimovic (Bosnia and Herzegovina) Mutaz Hyassat (Jordan) Ghazi Jomaa (Tunisia) Omar Amer Youssef (Egypt) Susan Snyder (United States of America)
<i>Rapporteur</i>	Mirta Mandic (Croatia)

C. Adoption of the agenda and organization of work

7. At its first meeting, on 17 October 2016, the Conference adopted the provisional agenda contained in document CTOC/COP/2016/1.

8. In its decision 5/2, the Conference had decided to establish a Committee of the Whole, the membership of which would be open to all States parties and signatories to the United Nations Convention against Transnational Organized Crime.²⁴ The Committee was to meet during the sessions of the Conference when the President of the Conference so decided; perform such functions as might be requested by the Conference in order to assist the Conference in dealing with its agenda and to facilitate its work; and consider specific items of the agenda, as requested by the Conference, and submit its comments and recommendations, including draft resolutions and draft decisions, to the Conference for consideration. At the seventeenth meeting of the extended Bureau, held on 12 April 2016, it was noted that, during the eighth session of the Conference, and in accordance with past practice, the plenary would be suspended for the purpose of convening the Committee of the Whole, or that it would be convened when no parallel meetings of the working groups were taking place.

D. Participation

9. The eighth session of the Conference was attended by representatives of 117 States parties and a regional economic integration organization party to the Convention. Also attending the session were observers for two States signatories to the Convention, 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, 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.

²⁴ United Nations, *Treaty Series*, vol. 2225, No. 39574.

10. The list of participants is contained in document CTOC/COP/2016/INF/2/Rev.2.
11. Rules 14-17 of the rules of procedure for the Conference, concerning the participation of observers, were brought to the attention of participants in the session.

E. Adoption of the report of the Bureau on credentials

12. According to rule 18 of the rules of procedure, 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. 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.

13. According to rule 19 of the rules of procedure, the Bureau shall examine the credentials of representatives of each State party and the names of the persons constituting the State party's delegation and submit its report to the Conference. According to rule 20 of the rules of procedure, pending a decision of the Bureau on their credentials, representatives shall be entitled to participate provisionally in the session. Any representative of a State party to whose admission another State party has made objection shall be seated provisionally with the same rights as other representatives until the Bureau has reported and the Conference has given its decision.

14. The extended Bureau of the Conference considered the issue of credentials at its meetings on 17, 18, 19, 20 and 21 October 2016. At the time of the adoption of the report, of the 117 States parties represented at the eighth session, and one regional economic integration organization party to the Convention, 111 parties had complied with the credentials requirements and 6 parties had not complied with the credentials requirements. It was decided that the parties that had not yet submitted their credentials would have an additional four weeks after the conclusion of the eighth session of the Conference to do so. At its meeting on 21 October 2016, the extended Bureau of the Conference also decided that, at future sessions of the Conference, such an extension would not be provided.

F. Documentation

15. The list of documents that the Conference had before it at its eighth session is contained in conference room paper CTOC/COP/2016/CRP.4.

III. General discussion

16. At its 2nd and 3rd meetings, on 17 and 18 October 2016, the Conference considered agenda item 1 (f), entitled "Organizational matters: general discussion".

17. The Conference heard statements by the representatives of Jordan (on behalf of the States members of the League of Arab States), Kuwait, the Philippines, Namibia, Panama, South Africa, Oman, Costa Rica, Guatemala, the United States, Qatar, Tunisia, Nigeria, Germany, Spain, the Republic of Korea, Belarus, Switzerland, Peru, Italy, Morocco, Argentina, Ecuador, El Salvador, Iraq, Belgium, Norway, India,

Thailand, Afghanistan, Algeria, Indonesia, Viet Nam, Cuba, the State of Palestine, the Bolivarian Republic of Venezuela and Kenya.

18. The Conference also heard a statement by the observer for Japan, a signatory State.

19. The Organization for Security and Cooperation in Europe Special Representative and Coordinator for Combating Trafficking in Human Beings also delivered a statement.

Deliberations

20. Speakers noted that transnational organized crime remained an obstacle to sustainable development and emphasized that respect for the rule of law and human rights was fundamental to effectively combating it. Many speakers emphasized that transnational organized crime posed a challenge to peace, stability and security in their regions and worldwide. Speakers also reaffirmed the commitment of their Governments to implementing the 2030 Agenda for Sustainable Development²⁵ and shared national experiences, policies and laws relating to their efforts in that regard, in particular in relation to achieving Sustainable Development Goal 16. Delegates spoke about the social and economic roots of transnational organized crime and its detrimental effects on societies. The Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, adopted by the Thirteenth United Nations Crime Congress on Crime Prevention and Criminal Justice, was also welcomed in the context of achieving sustainable development and promoting the rule of law.

21. Many speakers expressed concern regarding the links between transnational organized crime and terrorism, as well as the use of the Internet for terrorist purposes. It was noted that the Organized Crime Convention and the Protocols thereto²⁶ remained vital instruments in tackling many forms of crime, including trafficking in cultural property, cybercrime, drug trafficking, money-laundering and illicit financial flows, trafficking in wildlife and forest products, piracy, illegal mining, trafficking in precious metals, fisheries crime, illicit trafficking in firearms, trafficking in persons and smuggling of migrants. Speakers emphasized that international, regional and bilateral cooperation, especially extradition and mutual legal assistance, as well as cooperation with intergovernmental organizations, remained fundamental in countering crimes that transcended borders.

22. Many speakers shared national practices with regard to providing assistance to victims of crime, including trafficked persons and smuggled migrants, and expressed concern regarding the vulnerability of smuggled migrants to being trafficked. The technical assistance and capacity-building activities carried out by UNODC through its global programmes were welcomed, including the Container Control Programme, the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants, the programme entitled “Strengthening criminal investigation and criminal justice cooperation along the cocaine route in Latin America, the Caribbean and West Africa”, and the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism. The Office was encouraged to continue to provide such assistance.

²⁵ General Assembly resolution 70/1.

²⁶ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

23. The work of the working groups of the Conference in promoting the ratification and implementation of the Protocols was welcomed. Many speakers expressed their appreciation for the efforts that had been made to ratify and implement 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, together with other relevant legal instruments, such as the Arms Trade Treaty.²⁷

24. Many speakers expressed support for the review of the implementation of the Convention and its Protocols, and welcomed the role played by Hussam Al Hussein (Jordan) as Chair of the 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. Speakers expressed support for continuing discussions in that regard during the eighth session of the Conference, inter alia, through the draft resolution that had been submitted, and for resolving outstanding issues, such as the funding and precise model and functioning of such a mechanism.

IV. 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

25. At its third and fourth meetings, on 18 October 2016, the Conference considered agenda item 2 (a), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: 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 transmitting the reports emanating from the open-ended intergovernmental meetings to explore all options regarding an appropriate and effective review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto held in Vienna from 28 to 30 September 2015 and on 6 and 7 June 2016 (CTOC/COP/2016/11);

(b) Report of the Secretariat on specific efficiency and cost-saving measures for the consideration of working groups and the Conference of the Parties (CTOC/COP/2016/12);

(c) Report of the Secretariat on the progress achieved in the implementation of resolution 7/1 (CTOC/COP/2016/13);

(d) Status of adherence to the United Nations Convention against Transnational Organized Crime and the Protocols thereto as at 4 October 2016 (CTOC/COP/2016/CRP.1).

26. A representative of the Secretariat made an introductory statement. A statement was also made by the Chair of the open-ended intergovernmental meeting to explore all options regarding an appropriate and effective review mechanism for the Convention and the Protocols thereto.

27. Statements were made by the representatives of the Sudan, Saudi Arabia, Thailand, Kenya, Romania, Algeria, the United States, Ghana, South Africa, the European Union, Kuwait, Morocco, Bulgaria, Australia, Burkina Faso and Mexico.

²⁷ See General Assembly resolution 67/234 B.

28. The Conference also heard a statement by the observer for the Islamic Republic of Iran, a signatory State.
29. A statement was also made by the Sovereign Military Order of Malta.

1. Deliberations

30. The Chair of the open-ended intergovernmental meeting to explore all options regarding an appropriate and effective review mechanism for the Convention and the Protocols thereto recalled that two meetings had been held in Vienna, from 28 to 30 September 2015 and on 6 and 7 June 2016. The Chair also recalled the reports emanating from those two meetings (CTOC/COP/WG.8/2015/3 and CTOC/COP/WG.8/2016/2) and presented the recommendations that were adopted at the second meeting, which related to a review mechanism for the Convention and its Protocols. Furthermore, the Chair expressed his support for the ongoing consultations to establish a review mechanism, which were taking place during the eighth session of the Conference.

31. Speakers highlighted the value of the Convention as a legal basis for international cooperation to combat a wide array of criminal offences, including trafficking in cultural property, cybercrime, wildlife crime, fraud, intellectual property theft, smuggling of migrants, corruption and money-laundering, due to the adaptable scope of application of the instrument. A number of speakers provided concrete statistics on the use of the Convention as a legal basis for international cooperation, particularly in mutual legal assistance cases. Speakers noted the added value of the Convention, which can be utilized in conjunction with existing bilateral and regional agreements or arrangements.

32. Speakers reported on national measures for the effective implementation of the Convention and its supplementary Protocols at the domestic level. Such measures included legislative action, as well as institutional initiatives and inter-agency coordination.

33. A number of speakers commended the work of UNODC in the area of developing tools to promote the effective implementation of the Convention. Particular reference was made to the promising impact of the redeveloped Mutual Legal Assistance Request Writer Tool when it becomes fully operational, as well as the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC) and the restructured directory of competent national authorities.

34. Speakers referred to ongoing discussions to explore all options regarding an appropriate and effective mechanism to assist the Conference in reviewing the implementation of the Convention and the Protocols thereto. Some speakers stressed the need to utilize the momentum of the current session of the Conference to put in place such a review mechanism and made reference to the ongoing consultations on a draft resolution that dealt with that topic. Many speakers emphasized that a review mechanism could be used to identify challenges in implementing the provisions of the Convention and its Protocols, as well as ways to overcome those challenges, including by identifying technical assistance needs. Different aspects of a possible review mechanism were mentioned. Some speakers indicated that a review mechanism should utilize the working groups of the Conference and not place an undue burden on expert practitioners. Many speakers stressed that a review mechanism should be based on the principles contained in Conference resolution 5/5. Other speakers said that a review mechanism should be similar to the Mechanism for the Review of Implementation of the United Nations Convention against Corruption. Regarding the funding, some speakers supported a mixed funding model, while others favoured the use of regular

budget resources. The establishment of the terms of reference of a review mechanism, the creation of multi-year workplans and the participation of non-governmental organizations and other elements of civil society were also considered important.

2. Action taken by the Conference

35. At its 10th meeting, on 21 October 2016, the Conference adopted a draft resolution (CTOC/COP/2016/L.5), as orally amended, sponsored by Bulgaria, France, Italy and Finland. (For the text, see chapter I, section A, resolution 8/2.) Prior to the adoption of the draft resolution, as orally amended, a representative of the Secretariat read out a statement on the financial implications of such adoption.²⁸

B. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

36. At its 4th meeting, held on 18 October 2016, the Conference considered agenda item 2 (b), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children”. For its consideration of the item, the Conference had before it the following:

(a) Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support 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 (CTOC/COP/2016/2);

(b) Note by the Secretariat transmitting the report on the meeting of the Working Group on Trafficking in Persons held in Vienna from 16 to 18 November 2015 (CTOC/COP/2016/5);

(c) Report on the meeting of the Working Group on Trafficking in Persons held in Vienna from 16 to 18 November 2015 (CTOC/COP/WG.4/2015/6).

37. An introductory statement was made by a representative of the Secretariat. A statement was also made by the Chair of the sixth meeting of the Working Group on Trafficking in Persons.

38. Statements were made by the representatives of Saudi Arabia, Austria, Spain, Costa Rica, the United States, Qatar, Thailand, Belarus, Brazil, Australia, Argentina, Canada, South Africa, Kuwait, Algeria, China, Norway, Kenya and Indonesia.

39. The observers for the non-governmental organizations Caritas Internationalis, the Global Alliance Against Traffic in Women and the Sisters of Mercy of the Americas also made statements.

Deliberations

40. The Chair of the Working Group on Trafficking in Persons at its sixth meeting, which was held in Vienna from 16 to 18 November 2015, recalled the report on that meeting (CTOC/COP/WG.4/2015/6) and highlighted the recommendations that had been adopted at the meeting, which pertained to combating fraudulent recruitment, strengthening national coordination mechanisms and key concepts of the Protocol.

²⁸ CTOC/COP/2016/CRP.5, annex II.

41. Several speakers commended the Working Group on Trafficking in Persons as well as the recommendations it had produced and called for the development of a workplan for the Working Group that would facilitate its future deliberations.
42. Many speakers called for the effective implementation by all States parties of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as of the United Nations Global Plan of Action to Combat Trafficking in Persons. Particular emphasis was placed on the need to ensure criminalization of all forms of trafficking in persons.
43. Several speakers encouraged Member States to support the United Nations Voluntary Trust Fund for Victims of Trafficking, noting the need for additional resources to allow the Fund to continue its commendable work.
44. With regard to trafficking in persons in conflict situations, speakers cited the need for more research into and analysis of the increased vulnerability of migrants and refugees to trafficking in persons.
45. Many speakers expressed appreciation for the expertise and guidance provided by UNODC in supporting the implementation of the Trafficking in Persons Protocol, including through capacity-building activities and resources such as the UNODC Human Trafficking Case Law Database and the new case digest on evidential issues in trafficking in persons cases.
46. Speakers underlined the importance of effective national strategies and mechanisms, including specialized units to combat trafficking in persons, national action plans, oversight committees and special victim councils, to prevent and counter trafficking in persons. Speakers noted the low number of successful prosecutions for trafficking in persons and underlined the fundamental need to ensure justice through the effective prosecution of perpetrators and the protection of victims, including the non-punishment of victims for conduct committed under duress.
47. Several speakers highlighted that trafficking in persons breached the fundamental rights of victims and stressed the importance of providing appropriate and sufficient support to victims. Many speakers highlighted that women, children, refugees and migrants were particularly vulnerable to becoming trafficking victims and indicated that having special mechanisms in place to support those groups was important. One speaker recommended the practice used in a number of countries to establish DNA databases as a means to prevent trafficking in persons for the purpose of organ removal.
48. Several speakers underscored the importance of national inter-agency cooperation and collaboration with civil society, including for the identification of trafficking victims. Several speakers emphasized the importance of regional and international cooperation, particularly in relation to assistance provided in practical operations and mutual legal assistance. Speakers noted that trafficking in persons was a crime that affected countries of origin, transit and destination, and that States had a shared responsibility to respond to it.

C. Protocol against the Smuggling of Migrants by Land, Sea and Air

49. At its 5th meeting, on 19 October 2016, the Conference considered agenda item 2 (c), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol against the Smuggling of Migrants by Land, Sea and Air”. For its consideration of the item, the Conference had before it the following:

(a) Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support the 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/2016/3);

(b) Note by the Secretariat transmitting the report on the meeting of the Working Group on the Smuggling of Migrants held in Vienna from 18 to 20 November 2015 (CTOC/COP/2016/6);

(c) Report on the meeting of the Working Group on the Smuggling of Migrants held in Vienna from 18 to 20 November 2015 (CTOC/COP/WG.7/2015/6).

50. A representative of the Secretariat made an introductory statement. A statement was also made by the Chair of the third meeting of the Working Group on the Smuggling of Migrants.

51. Statements were made by the representatives of Saudi Arabia, Costa Rica, France, Algeria, South Africa, Indonesia, the United States, Greece and Australia.

52. A statement was also made by Thailand, a signatory State to the Protocol against the Smuggling of Migrants by Land, Sea and Air.

Deliberations

53. The Chair of the Working Group on the Smuggling of Migrants at its third meeting, which was held in Vienna from 18 to 20 November 2015, recalled the report on that meeting (CTOC/COP/WG.7/2015/6) and the recommendations adopted at that meeting by the Working Group, on the smuggling of migrants by sea, practical measures to prevent the smuggling of migrants and children, in particular unaccompanied minors, and addressing organized crime aspects of the smuggling of migrants, including through financial investigations.

54. Speakers stressed the need for Member States to utilize the recommendations of the Working Group on the Smuggling of Migrants as guidance for combating the smuggling of migrants. Speakers expressed appreciation for the work of UNODC in supporting States parties to effectively implement the Protocol, and called for the continued provision by UNODC of expert technical assistance and the development of additional practitioner tools, similar to the forthcoming issue paper on the financial or material benefit component of the definition of smuggling of migrants.

55. Many speakers took note of the need to effectively and fully implement the obligations contained in the Protocol relating to prosecution of the smuggling of migrants and the establishment of aggravating circumstances in criminalizing such smuggling. Several speakers called for the enhancement of international and regional coordination and cooperation as an essential component of an effective response to the smuggling of migrants.

56. Speakers also noted the importance of undertaking action in response to the smuggling of migrants in accordance with the existing international protection framework to ensure that smuggled migrants were protected in compliance with all relevant international legal standards.

57. Many speakers stressed that organized criminal networks were closely involved in the smuggling of migrants and the abuse and exploitation of vulnerable people for profit, and that urgent solutions were therefore needed to protect migrants and dismantle criminal networks. Many speakers noted the links between the smuggling of migrants and trafficking in persons, with migrants often being abused and/or exploited by both smugglers and traffickers during their journeys, and that a broad-based, holistic response was needed to facilitate safe, regular and legal migration.

58. Many speakers stressed that tackling the root causes of the smuggling of migrants was an essential element of combating the crime, which was in line with promoting the rule of law and the commitments made by Member States in intergovernmental processes, including the 2030 Agenda for Sustainable Development and the New York Declaration for Refugees and Migrants.

D. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition

59. At its 5th and 6th meetings, on 19 October 2016, the Conference considered agenda item 2 (d), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition”. For its consideration of the item, the Conference had before it the following:

(a) Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support 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/2016/4);

(b) Note by the Secretariat transmitting the reports on the meetings of the Working Group on Firearms held in Vienna on 9 June 2015 and on 18 and 19 May 2016 (CTOC/COP/2016/7);

(c) Consolidated recommendations of the Working Group on Firearms (CTOC/COP/2016/CRP.2).

60. A representative of the Secretariat made an introductory statement. The Chairs of the third and fourth meetings of the Working Group on Firearms also made statements.

61. Statements were made by the representatives of Algeria, Saudi Arabia, Costa Rica, South Africa, Norway, the Bolivarian Republic of Venezuela, Brazil and the Central African Republic.

62. Statements were also made by the representatives of France and the United States.

63. The observer for the Organization of American States also made a statement.

1. Deliberations

64. The Chairs of the Working Group on Firearms at its third and fourth meetings, held in Vienna on 9 June 2015 and on 18 and 19 May 2016, presented the reports on those two meetings (CTOC/COP/WG.6/2015/3 and CTOC/COP/WG.6/2016/3), including the recommendations made by the Working Group.

65. Several speakers emphasized that the Firearms Protocol was among the principle instruments to counter the illicit manufacture of and trafficking in firearms, and called upon States that have not yet done so to become a party to it. Several speakers noted the importance of other relevant instruments such as the Arms Trade Treaty and the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.²⁹

²⁹ *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001 (A/CONF.192/15)*, chap. IV, para. 24.

66. Some countries expressed concern about the growing links between organized criminal groups and terrorist groups with regard to arms trafficking. Other speakers expressed concern about the illicit removal or obliteration of markings and the increased presence of firearms assembled with unmarked parts, illicitly trafficked or purchased via the Internet, and underlined the need to address the challenges in controlling the illicit online market of firearms.

67. Speakers called for the full and effective implementation of the Protocol, in particular as regards marking and registration and international cooperation. Several speakers described national measures taken to further the implementation of the Protocol, including reviewing firearms legislation and adopting national integrated firearm strategies; establishing tracing centres, ballistic identification systems and national institutes to monitor illicit firearms flows; improving marking, record-keeping and stockpile management; increasing border controls and promoting and participating in regional and international cooperation arrangements; enforcing arms embargos; and raising awareness and promoting a culture of non-violence and peace.

68. Several speakers welcomed the work of UNODC through its Global Firearms Programme in assisting requesting States to implement the Protocol by providing technical and legislative assistance and specialized training in investigation and prosecution of firearms-related crimes and by facilitating cross-regional cooperation, and requested UNODC to continue and expand its work. Speakers welcomed the fruitful discussions in the Working Group on Firearms and encouraged the participation of experts in future meetings of the Working Group and the adoption of a multi-year workplan to facilitate its work.

69. Appreciation was also expressed for the efforts by UNODC to prepare the *UNODC Study on Firearms 2015* and to revise and enhance the related data collection and analysis methodology, taking into account target 16.4 of the Sustainable Development Goals, which calls on States, inter alia, to significantly reduce illicit arms flows and combat all forms of organized crime. Speakers noted that implementation of the Firearms Protocol contributes to the achievement of that target.

2. Action taken by the Conference

70. At its 10th meeting, on 21 October 2016, the Conference adopted a revised draft resolution (CTOC/COP/2016/L.6/Rev.1), sponsored by Argentina, Bosnia and Herzegovina, Brazil, Costa Rica, El Salvador, the European Union (on behalf of the European Union and its member States), Guatemala, Mexico, Norway and Peru. (For the text, see chapter I, section A, resolution 8/3.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read out a statement on the financial implications of such adoption.³⁰

V. Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime

71. At its 6th meeting, on 19 October 2016, the Conference considered agenda item 3, entitled “Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime”.

72. A representative of the Secretariat made an introductory statement.

73. Statements were made by the representatives of Saudi Arabia, Algeria, Belarus, the United States, the United Kingdom, Thailand, South Africa, the Russian

³⁰ CTOC/COP/2016/CRP.5, annex III.

Federation, Indonesia, Canada, Brazil (also on behalf of Ecuador and Guatemala), China, the European Union (on behalf of the States members of the European Union and Albania, Bosnia and Herzegovina, Georgia, Liechtenstein, Montenegro, Norway, the Republic of Moldova, San Marino, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine) and Spain.

74. The Conference also heard a statement by the observer for the Islamic Republic of Iran, a signatory State to the Convention.

75. The observer for the World Wide Fund for Nature, a non-governmental international organization, also made a statement.

Deliberations

76. Several speakers highlighted that the Organized Crime Convention provided a flexible framework for international cooperation in relation to new forms and dimensions of transnational organized crime. Speakers noted that the Convention provided a benchmark for the development of national legislation aimed at addressing emerging and evolving forms of serious crime. A number of speakers also made reference to the role of the Convention as a basis for mutual legal assistance and extradition. Speakers also recalled the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, acknowledged the challenges posed by new and emerging crimes and called for enhanced international cooperation and technical assistance.

77. Several speakers said that their Governments had concluded bilateral and/or multilateral agreements to facilitate mutual legal assistance in combating new and emerging crimes. The need to strengthen central authorities as channels to facilitate effective international cooperation was also emphasized.

78. Some speakers expressed the view that a new multilateral legal instrument on cybercrime was necessary, as the Organized Crime Convention provided a narrow scope for international cooperation in that regard.

79. Other speakers expressed the view that current existing cooperation mechanisms, including but not limited to the Organized Crime Convention and the Council of Europe Convention on Cybercrime, provided a sufficient basis for combating such crimes, and that priority should be given to strengthening their effective implementation.

80. Many speakers expressed the view that their Governments desired to continue engaging bilaterally and multilaterally regarding the challenges posed by cybercrime, as they required enhanced international cooperation to ensure a global response. Several speakers noted that a third meeting of the Expert Group to Conduct a Comprehensive Study on Cybercrime³¹ was the appropriate forum for discussion,

³¹ In its resolution 65/230, the General Assembly requested the Commission on Crime Prevention and Criminal Justice to establish, in line with paragraph 42 of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, an open-ended intergovernmental expert group, to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime. More information is available at www.unodc.org/unodc/en/organized-crime/comprehensive-study-on-cybercrime.html.

further to the recent translation of the 2013 draft UNODC *Comprehensive Study on Cybercrime*. Some speakers emphasized the continuing need for technical assistance, including through the UNODC Global Programme on Cybercrime.

81. Some speakers noted the increased linkages between organized crime and terrorism. Many speakers referred to the grave economic, social, national security and public health impact that organized crime had on societies. Speakers also expressed concern regarding the financing of terrorism through some new forms and dimensions of crime, such as trafficking in organs, fraudulent medicine, illegal mining, environmental crime and trafficking in cultural property. The impact that that had on livelihoods and the ecosystem was also noted.

82. Several speakers reported on the national legislation and policies that their Governments had adopted to address wildlife and fisheries crimes, including the revision of criminal codes to provide for special investigative techniques. Several speakers expressed appreciation for the efforts made at the international and regional levels to address wildlife crime and noted that they contributed towards the achievement of Goal 15 of the 2030 Agenda for Sustainable Development. A number of speakers highlighted the need for the harmonization of national legislation to strengthen cooperation among law enforcement agencies and the promotion of public-private partnerships to address environmental crimes.

83. Some speakers welcomed the adoption of the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences and the publication of the *Practical Assistance Tool to Assist in the Implementation of the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences*. Several speakers shared information on national mechanisms that addressed organ trafficking.

VI. 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

84. At its 7th meeting, on 20 October 2016, the Conference considered agenda item 4, entitled “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 the activities of the United Nations Office on Drugs and Crime to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime (CTOC/COP/2016/8);

(b) Note by the Secretariat transmitting the report on the meeting of the Working Group on International Cooperation held in Vienna on 27 and 28 October 2015 (CTOC/COP/2016/9).

85. A representative of the Secretariat made an introductory statement.

86. Statements were made by the representatives of Saudi Arabia, Algeria, Ecuador, Kuwait, Thailand, the United States, South Africa and Kazakhstan.

87. Statements were also made by the observers for the Ibero-American Network for International Legal Cooperation (IberRed) and the Organization of American States.

A. Deliberations

88. Several speakers highlighted the increasing relevance of the Organized Crime Convention in facilitating international cooperation to address various forms of organized crime. A number of speakers noted that the Convention was used to supplement existing bilateral agreements for mutual legal assistance and extradition.

89. Speakers also reported on the increased use of bilateral and regional treaties as a basis for extradition and mutual legal assistance, which were aligned with the requirements and principles of the Organized Crime Convention. In this regard, appreciation was expressed to UNODC for supporting regional activities for international cooperation.

90. A number of speakers reported that their Governments had reviewed their national legislation, including legislation to permit the use of special investigative techniques and judicial cooperation to address extradition and mutual legal assistance requests. Some speakers provided examples of national tools developed to supplement existing national legislation on organized crime, such as national directories on asset recovery, the appointment of national liaison and contact points on mutual legal assistance, and the establishment of informal channels of communication among law enforcement agencies to supplement formal channels.

91. One speaker emphasized the need for the international community to strengthen international cooperation to effectively combat tax evasion and for an ethical pact against tax havens to be considered.

92. To enhance the use of the provisions on international cooperation contained in the Convention, speakers called for the continued promotion of cooperation among existing networks of prosecutors such as the Network of West African Central Authorities and Prosecutors against Organized Crime and the Network of Prosecutors and Central Authorities from Source, Transit and Destination Countries in response to Transnational Organized Crime in Central Asia and Southern Caucasus. Some speakers also mentioned the need to further strengthen central authorities to efficiently handle mutual legal assistance requests.

93. In order to facilitate the expeditious handling of mutual legal assistance requests, some speakers requested the simplification of procedures on international cooperation. One speaker called for more countries to consider using the Organized Crime Convention as a basis for extradition and mutual legal assistance requests. One speaker reported on progress made in relation to the draft treaty on the electronic transmission of requests for international cooperation between central authorities in the framework of the Conference of Ministers of Justice of Ibero-American Countries, as a new alternative for expediting international cooperation.

94. A number of speakers expressed appreciation to UNODC for the development of various tools to facilitate international cooperation, including the online directory of competent national authorities, the Mutual Legal Assistance Request Writer Tool and the SHERLOC knowledge management portal.

B. Action taken by the Conference

95. At its 10th meeting, on 21 October 2016, the Conference adopted a revised draft resolution (CTOC/COP/2016/L.4/Rev.2) sponsored by Argentina, Australia, Canada, Ecuador, Israel, Japan, Mexico, the Republic of Korea, the United Kingdom and the United States. (For the text, see chapter I, section A, resolution 8/1.) Prior to the

adoption of the draft resolution, a representative of the Secretariat read out a statement on the financial implications of such adoption.³²

VII. Technical assistance

96. At its 7th meeting, on 20 October 2016, the Conference considered agenda item 5, entitled “Technical assistance”. For its consideration of the item, the Conference had before it the report of the Secretariat on the provision of technical assistance to States in the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2016/10).

97. A representative of the Secretariat made an introductory statement.

98. The Chair of the ninth meeting of the Working Group of Government Experts on Technical Assistance, held from 17 to 19 October 2016, made a statement.

99. Statements were also made by the representatives of South Africa, the United States, Tunisia and Ecuador.

A. Deliberations

100. The Chair of the Working Group of Government Experts on Technical Assistance at its ninth meeting introduced the recommendations that had been adopted by the Working Group.

101. Speakers emphasized that technical assistance was an integral component of the implementation of the Organized Crime Convention and the Protocols thereto and expressed appreciation for the technical assistance provided by UNODC and the strategic approach adopted as part of its country, regional and global programmes in that regard.

102. Speakers welcomed with appreciation the tools developed by UNODC, notably the SHERLOC knowledge management portal and the Mutual Legal Assistance Request Writer Tool. One speaker called upon States to contribute financially to the further development of the tools.

103. One speaker emphasized that not only should national legislation to implement the Convention and the Protocols thereto be drafted and adopted to comply with the obligations contained in those instruments, but also that adequate resources and capacity should be made available to effectively implement the legislation in the framework of the rule of law and human rights.

104. One speaker noted the impediments to effective cooperation in confiscating proceeds of crime, such as a lack of capacity for financial investigations on the part of law enforcement and delays and lengthy processes in relation to mutual legal assistance requests. Training was requested in that regard and in the use of related UNODC tools.

105. Some speakers noted with appreciation the “networking-of-networks” approach adopted by UNODC, including through the West African Network of Central Authorities and Prosecutors and the Network of Prosecutors and Central Authorities from Source, Transit and Destination Countries in response to Transnational Organized Crime in Central Asia and Southern Caucasus. Speakers reiterated the importance of using informal networks as platforms for regional and international

³² CTOC/COP/2016/CRP.5, annex I.

collaboration, in order to enhance the fight against all forms of crime, including transnational organized crime.

B. Action taken by the Conference

106. At its 10th meeting, on 21 October 2016, the Conference adopted a draft resolution (CTOC/COP/2016/L.7) submitted by the Chair of the Working Group of Government Experts on Technical Assistance, as orally amended. (For the text, see chapter I, section A, resolution 8/4.) Prior to the adoption of the draft resolution, as orally amended, a representative of the Secretariat read out a statement on the financial implications of such adoption.³³

VIII. Financial and budgetary matters

107. At its 10th meeting, on 21 October 2016, the Conference considered agenda item 6, entitled “Financial and budgetary matters”. For its consideration of the item, the Conference had before it the note by the Secretariat on financial and budgetary matters (CTOC/COP/2016/14).

108. A representative of the Secretariat made an introductory statement.

109. A statement was made by the representative of the United States.

Deliberations

110. One speaker welcomed the increase in voluntary contributions provided to UNODC, as reported by the Secretariat, and expressed support for UNODC programmes as well as for the efforts of UNODC field staff in implementing those programmes.

IX. Provisional agenda for the eighth session of the Conference

111. At its 10th meeting, on 21 October 2016, the Conference considered agenda item 7, entitled “Provisional agenda for the ninth session of the Conference”. The draft provisional agenda for the ninth session of the Conference had been drawn up by the Secretariat in consultation with the Bureau, pursuant to rule 8 of the rules of procedure.

Action taken by the Conference

112. At its 10th meeting, on 21 October 2016, the Conference adopted the provisional agenda for the ninth session of the Conference as contained in a draft decision (CTOC/COP/2016/L.2) that had been submitted by the extended Bureau. (For the text, see chapter I, section B, decision 8/1.) The Conference decided that its ninth session would take place from 15 to 19 October 2018.

³³ CTOC/COP/2016/CRP.5, annex IV.

X. Other matters

113. At its 10th meeting, on 21 October 2016, the Conference considered agenda item 8, entitled “Other matters”.

Action taken by the Conference

114. At its 10th meeting, on 21 October 2016, the Conference adopted a draft decision (CTOC/COP/2016/L.3) that had been submitted by the extended Bureau. (For the text, see chapter I, section B, decision 8/2.) Prior to the adoption of the decision, a representative of the Secretariat read out a statement on its financial implications.³⁴

XI. Adoption of the report of the Conference on its eighth session

115. At its 10th meeting, on 21 October 2016, the Conference adopted the report on its eighth session (CTOC/COP/2016/L.1 and Add.1-8), as orally amended.

³⁴ CTOC/COP/2016/CRP.5, annex V.