



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

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## Open-ended Interim Working Group of Government Experts on Technical Assistance

Vienna, 19-20 October 2010

### Report on the meeting of the Open-ended Interim Working Group of Government Experts on Technical Assistance held in Vienna on 19 and 20 October 2010

#### I. Introduction

1. The Open-ended Interim Working Group of Government Experts on Technical Assistance was established pursuant to decision 2/6 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. In its decision 4/3, the Conference requested the Working Group, taking as a basis the recommendations contained in that decision as well as the proposals contained in the working paper prepared by the Secretariat on proposals for technical assistance activities designed to meet the needs identified in the five priority areas determined by the Conference at its third session (see CTOC/COP/2008/16), to further reflect on ways and means to strengthen and better coordinate the scheme of technical assistance for the implementation of the Convention and its Protocols, and to submit recommendations in that regard to the Conference at its fifth session. In decision 4/3, the Conference also requested the Secretariat to organize an intersessional meeting of the Working Group before the end of 2009.

2. During that intersessional meeting, held on 1 and 2 October 2009, the Working Group made several recommendations which outlined priority areas for future technical assistance projects, with a view, when appropriate, to furthering cooperation at the regional and subregional levels. The Working Group also requested the Secretariat to prepare, for submission at its next meeting, a report on the current technical assistance programmes and the programmes envisaged for the future, with an evaluation of the outcome of those programmes, as well as a report on the proposals for implementing the priority activities identified in the recommendations.

3. The Working Group held a meeting in Vienna on 19 and 20 October 2010, during the fifth session of the Conference, and submitted the below



recommendations to the Conference for adoption. The recommendations were adopted by the Conference in resolution 5/6.

## II. Recommendations

4. The Open-ended Working Group of Government Experts on Technical Assistance:

(a) Takes note of the recommendations of the meeting of the Working Group held on 1 and 2 October 2009;

(b) Acknowledges the continued need for technical assistance to ensure the effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;

(c) Welcomes the efforts of the United Nations Office on Drugs and Crime (UNODC) to integrate the Convention and its Protocols more visibly and fully within the appropriate range of the technical assistance programmes of the Office, as well as the efforts of UNODC to raise awareness of the Convention and its Protocols among national partners as a practical tool for international judicial cooperation and law enforcement cooperation;

(d) Emphasizes the importance of ensuring a strong connection between the research carried out and the data collected by UNODC and the delivery by UNODC of technical assistance in relation to transnational organized crime;

(e) Endorses the strategic and comprehensive approach to technical assistance adopted by UNODC, incorporating elements of the Convention and its Protocols, as a key priority in integrated national and regional programmes;

(f) Notes that the comprehensive self-assessment software (the “omnibus survey software”) shall be used as a tool to facilitate the gathering of information on the implementation of the Convention and the Protocols thereto, and requests the Secretariat to further improve that software, including by making it available in all the official languages of the Conference, to continue to consult with States parties and signatories with a view to finalizing the software as soon as possible and to submit the software to the open-ended intergovernmental working group established in Conference resolution 5/5 for its consideration;

(g) Requests UNODC to continue to share information gathered on technical assistance needs, in particular information on needs at the country level, with other possible providers of technical assistance in order to coordinate assistance activities with beneficiary countries;

(h) Emphasizes the need for UNODC and States parties to continue to coordinate the delivery of technical assistance with all relevant international and regional organizations and with bilateral assistance entities;

(i) Encourages UNODC to develop a comprehensive thematic approach to preventing and combating organized crime that takes into consideration regional and national needs and that includes legal assistance, the development of tools and best practices and the establishment of mechanisms involving court trials through a thematic programme on the prevention of organized crime;

(j) Requests UNODC to pursue work on a digest of successful cases involving the investigation or prosecution of transnational organized crime for the identification of lessons learned and best practices, to be presented to the Conference at its sixth session, and to convene a meeting of experts to identify good practices in the establishment and functioning of specialized units dealing with organized crime, to be used as a reference by States considering the establishment of such units;

(k) Requests UNODC to provide technical assistance to help Member States apply, where appropriate, the provisions of the Convention to new forms and dimensions of transnational organized crime within the scope of the Convention that are of common concern to States parties, and to report to the Conference at its sixth session on progress made in that regard;

(l) Requests UNODC to consider, in consultation with Member States, the development of specific tools, such as best practices, legislative guidelines and model provisions, which would help Member States to apply, where appropriate, the provisions of the Convention to new forms and dimensions of transnational organized crime within the scope of the Convention that are of common concern to States parties;

(m) Invites States and other donors to provide voluntary resources for the purposes outlined in the present document, in accordance with the rules and procedures of the United Nations;

(n) Urges States parties to endeavour to make adequate and voluntary contributions to the account established in accordance with article 30, paragraph 2 (c), of the Convention for the purpose of technical assistance;

(o) Requests the Secretariat to report to the Conference at its sixth session on the provision of technical assistance to help States implement the Convention and the Protocols thereto at the global, regional and national levels.

### **III. Summary of the deliberations**

5. For its consideration, the meeting had before it the following documents:

(a) Working paper prepared by the Secretariat on technical assistance programmes, proposals and future programmes envisaged in the priority areas determined by the Conference and the Working Group (CTOC/COP/2010/4);

(b) Report of the Secretariat on victim support, witness protection and participation of victims in the criminal justice system and other activities in support of 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/2010/5);

(c) Report of the Secretariat on the activities of UNODC 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/2010/7);

(d) Report of the Secretariat on the activities of UNODC 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/2010/8);

(e) Note by the Secretariat on technical assistance requested for the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2010/9).

6. The Chair, Simona Marin (Romania), made an opening statement.

7. Four representatives of the Secretariat made presentations on the ongoing technical assistance activities undertaken by UNODC, including its integrated programme approach to technical assistance, utilizing a combination of thematic, regional and national interventions channelled through the vehicle of regional and country integrated programmes. The UNODC regional programmes for Eastern Africa and Central America were presented as good examples of how the regional programmes allow UNODC to deliver targeted technical assistance that draws upon the key strengths and interdependencies of the mandates of the Office.

8. In that regard, delegates stressed the importance of the close working relationship of UNODC with regional bodies such as the Economic Community of West African States and the League of Arab States in the design of such programmes, and agreed that a balanced regional approach, with an emphasis on responding to individual country needs and priorities, would provide a sound basis for the implementation of the Convention.

9. Speakers requested UNODC to intensify its efforts to raise awareness of the Convention as an important tool in the fight against organized crime, and noted that a lack of awareness within Governments was preventing States from ratifying the Convention. The ratification of the Convention should continue to be seen as the primary entry point to any technical assistance, although the continuing efforts of UNODC to ensure that the needs of victims of organized crime were met, whether or not a State had ratified the Convention, were also noted.

10. The need for effective legal frameworks and harmonized legislation throughout a region was noted as a priority, as were the work of the Secretariat to develop model laws and other tools and its efforts to provide customized support to Member States within their own national legislative frameworks.

11. Speakers expressed their support for the work of UNODC in developing and piloting the omnibus survey software, which, based upon preliminary results, would contribute to a more detailed and focused set of national priorities for technical assistance. While some speakers noted difficulties in accessing the software, the overall feedback was positive; the omnibus software was perceived as a significant advancement from the previous self-assessment questionnaires. A strong call was made for the Secretariat to continue to develop and refine the tool, as well as to undertake every effort to make it available in all six official United Nations languages as soon as possible. The need to continue to gather information and ensure that technical assistance moved forward on a strong evidence-based platform was emphasized as a priority. Several speakers also reiterated the need to ensure that the results of the omnibus software questionnaires were fed into the development of

regional and national programmes and were shared with other actors delivering technical assistance in that area, in order to ensure a coordinated approach and prevent duplication.

12. Several specific thematic issues were discussed, in particular in regards to new and evolving types of crime. Speakers noted with concern the rise in maritime piracy, trafficking in counterfeit medicines and environmental crimes. The urgent need to find tailored approaches to counter trafficking in human beings for the purposes of organ harvesting and trafficking in organs, and the increasing incidence of cybercrime and use of new technologies to commit identity-related crimes, were emphasized as well. UNODC was encouraged to continue strengthening the knowledge of Member States and their capacity and collaborative approaches to tackle those threats. It was also noted that the Convention needed to be sufficiently robust and dynamic to meet all the challenges presented by organized crime, and that it should not focus solely on traditional crimes.

13. A number of speakers informed the meeting about successful national, bilateral and regional initiatives, which highlighted the important role of capacity-building for international cooperation in technical assistance. The need for sustained and predictable funding was also noted as being a critical factor in ensuring that programmes were effective and sustainable over the long term.

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