

I. Decisions taken by the Conference of the Parties

1. At its third session, held in Vienna from 9 to 18 October 2006, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted the following decisions:

Decision 3/1

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, pursuant to article 32, paragraphs 3 (d) and 4, of the Convention:

(a) Welcomes the fruitful discussions in the meetings of the expert working groups of government experts held during the third session of the Conference of the Parties;

(b) Calls upon States parties to comply with the provision of paragraph 5 of article 32 by providing to the Conference of the Parties the information requested therein;

(c) Expresses its concern about the low rate of response by many States parties to questionnaires on the implementation of the Convention and the Protocols thereto, requests its secretariat to send new requests for States parties to respond without further delay to the questionnaires and calls upon all parties that have not yet done so to complete the two reporting cycles instituted pursuant to its decisions 1/2, 1/3, 1/5, 1/6, 2/1, 2/2, 2/3, 2/4 and 2/5 before its fourth session and preferably by the end of June 2007;

(d) Urges States parties to encourage and support other States parties in completing the questionnaires for the first two reporting cycles with a view to ensuring that those States parties which have yet to complete the questionnaires do so not later than the deadline set in paragraph (c) above;

(e) Requests its secretariat to submit final consolidated analytical reports on the first two reporting cycles to States parties at least one month before the meeting of the interim working group on technical assistance to be held in 2007, for consideration by the Conference at its fourth session;

(f) Also requests its secretariat, in preparing the analytical reports mentioned in paragraph (e) above, to highlight issues that pertain to compliance with the relevant provisions of the Convention and difficulties encountered by States parties in the implementation of those provisions, for consideration by the Conference;

(g) Calls upon those States parties which were addressed by the secretariat individually with requests for clarification or indication of action taken or intended with regard to specific compliance issues, pursuant to its decisions 2/1, 2/3 and 2/4, to provide the requested information without further delay;

(h) Requests its secretariat to submit a final report covering the information provided by parties pursuant to the individual requests mentioned in paragraph (g) above to the Conference at its fourth session, for its consideration and action;

(i) Also requests its secretariat to develop a sample format for the voluntary provision of supplementary information, with a view to assisting States parties in undertaking a detailed evaluation of their compliance with specific provisions of the Convention and the Protocols thereto;

(j) Further requests its secretariat, in developing the sample format mentioned in paragraph (i) above, subject to the availability of extrabudgetary resources, to explore all possibilities of using modern information technology and web-based applications, with a view to ensuring maximum efficiency and effectiveness;

(k) Calls upon each State party to appoint a focal point for the purpose of coordinating and communicating with the secretariat regarding compliance with article 32, paragraphs 4 and 5, of the Convention and to provide the secretariat with the contact details of the focal point;

(l) Decides that the interim working group on technical assistance should give appropriate consideration to the reports mentioned in paragraphs (e) and (h) above in its deliberations;

(m) Encourages the bureau of the Conference of the Parties to take into consideration the discussions of the interim working group on technical assistance when finalizing the provisional agenda for the fourth session of the Conference of the Parties;

(n) Decides that the Conference of the Parties should continue to facilitate and promote the exchange of information and experiences among experts and practitioners.

Decision 3/2

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

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, noting that, during its third session, the discussion of the open-ended working group of government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation was held in an environment of cooperation and goodwill and involved a fruitful exchange of ideas and experiences regarding the implementation of the Convention:

(a) Decides that an open-ended working group on international cooperation will be a constant element of the Conference of the Parties;

(b) Emphasizes that the Convention is being successfully used by a number of States as a basis for granting requests for extradition,

mutual legal assistance and international cooperation for the purposes of confiscation;

(c) Encourages States parties to make greater use of the Convention as a legal basis for international cooperation in extradition and mutual legal assistance, recognizing the broad scope of cooperation available under the Convention;

(d) Encourages States parties to utilize the Convention and the Protocols thereto when other bases for cooperation, such as bilateral agreements and domestic law, do not provide for effective extradition, mutual legal assistance and international cooperation for the purposes of confiscation;

(e) Encourages States parties, where appropriate, to promote awareness of the Convention among central authorities, judges, prosecutors, law enforcement officers and Interpol national central bureau officers engaged in international legal cooperation in the fight against transnational organized crime;

(f) Endorses the proposal developed by the Secretariat for an online directory of central authorities designated pursuant to article 18, paragraph 13, of the Convention;¹

(g) Requests the Secretariat, within existing resources:

(i) To ensure that the online directory containing the contact data elements identified in the proposal be set up as a matter of priority;

(ii) To include in the online directory not only authorities designated under article 18 (Mutual legal assistance) but also authorities dealing with requests for extradition and transfer of sentenced persons pursuant to articles 16 and 17 of the Convention, as well as authorities designated under article 8, paragraph 6, of the Protocol to Prevent the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention;²

(iii) To include an optional field allowing States to provide additional information, such as summaries of legal and procedural requirements for the granting of requests for extradition or mutual legal assistance, links to national laws and relevant websites, a list of treaties on bilateral and regional cooperation concluded by those States or any alternative arrangement available in respect of extradition or mutual legal assistance;

(iv) To include under the online directory links to useful resources such as the mutual legal assistance request writer tool developed by the United Nations Office on Drugs and Crime, reports of workshops organized by the United Nations Office on Drugs and Crime on best practices in the area of international cooperation, United Nations model treaties, manuals and model laws;

¹ CTOC/COP/2006/12.

² General Assembly resolution 55/25, annex III.

(v) To reconsider limitation of user access to the directory, possibly by allowing each State party to decide whether information provided by that State party should be made freely accessible or whether access should be limited to authorized users;

(vi) To ensure that information in the directory is kept up to date by regularly reminding States parties of their duty to update it and including a feature indicating the last update by each State party;

(vii) To consider the practicability of consolidating the online directory under the Convention with existing or future directories under other international instruments, such as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988³ and the United Nations Convention against Corruption;⁴

(h) Notes that only a few States parties have provided to the Secretariat information on their authorities designated pursuant to the Convention, and urges all States parties that have not yet done so, and encourages all signatories, to accord high priority to the provision of such information;

(i) Welcomes the development by the United Nations Office on Drugs and Crime of the mutual legal assistance request writer tool to assist criminal justice practitioners in drafting correct and effective requests, thereby enhancing cooperation between States, and encourages the use of the tool, when appropriate, for requests for mutual legal assistance pursuant to the Convention and the Protocols thereto;

(j) Also welcomes the preliminary work done by the United Nations Office on Drugs and Crime to develop a tool for writing requests for extradition that is similar to the mutual legal assistance request writer tool;

(k) Urges States parties that have not yet done so to develop effective central authorities designated pursuant to article 18 of the Convention and competent authorities for requests for extradition that exercise, among other functions and within their competences, the screening and quality control of requests for extradition and mutual legal assistance, including control of the quality of translation;

(l) Recommends that central authorities designated pursuant to article 18 of the Convention and competent authorities for requests for extradition seek and provide assistance in the preparation of requests and encourages States to follow other best practices developed by the United Nations Office on Drugs and Crime in international cooperation, which are currently available on the website of the United Nations Office on Drugs and Crime;

(m) Underlines the obligation of States parties under the Convention to provide the reasons for the refusal of any request for mutual legal assistance and to consult with the requesting State party,

³ United Nations, *Treaty Series*, vol. 1582, No. 27627.

⁴ General Assembly resolution 58/4, annex.

where appropriate, before refusing a request for extradition or mutual legal assistance;

(n) Underlines the obligation of States parties under the Convention to endeavour to expedite extradition procedures;

(o) Urges States parties to expeditiously execute requests for freezing, seizure and confiscation made pursuant to article 13 (International cooperation for the purposes of confiscation) of the Convention;

(p) Urges States parties to use channels of cooperation provided for in article 27 of the Convention, wherever possible and appropriate and without prejudice to article 18 of the Convention;

(q) Encourages central authorities to coordinate, within their competences, direct contact between prosecutors and magistrates involved in the daily handling of cases involving mutual legal assistance and confiscation, where appropriate;

(r) Decides to discuss at its fourth session the issue of confiscation in the context of articles 12, 13 and 18 of the Convention, including non-conviction-based confiscation;

(s) Decides to discuss at its fourth session issues relating to the successful implementation of article 16 (Extradition) of the Convention;

(t) Noting that close working contacts between central authorities designated under article 18, as well as between authorities competent for extradition requests, are crucial to the efficient granting of international legal cooperation pursuant to the Convention, requests its secretariat to organize, whenever possible and in conjunction with other activities, subject to the availability of extrabudgetary resources, workshops with interpretation for those authorities, liaison magistrates and judges, prosecutors and practitioners in charge of handling cases for which cooperation is required, with a view to facilitating exchanges among counterparts and promoting awareness and knowledge of the mechanisms for international cooperation provided for under the Convention;

(u) Requests its secretariat to provide its support to the building up of a virtual network of central authorities designated pursuant to article 18 of the Convention and competent authorities for extradition requests and to facilitate communication and problem-solving among such authorities, by considering the setting up of a discussion forum on a secure network, and encourages those authorities to make use of existing regional networks;

(v) Requests its secretariat to compile a catalogue of examples of cases of extradition, mutual legal assistance and other forms of international legal cooperation on the basis of the Convention in order to encourage States parties to improve their implementation of the Convention and the Protocols thereto;

(w) Encourages States parties to provide the secretariat with data concerning their reliance on provisions of the Convention and its Protocols to effect extradition, mutual legal assistance or other forms

of international legal cooperation, including the examples referred to in paragraph (v) above;

(x) Recommends that extradition and mutual legal assistance be considered priorities in providing technical assistance to requesting States.

Decision 3/3

Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, recalling the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime⁵ and welcoming the results of the consultations of government experts held during its third session:

(a) Welcomes the fact that the majority of States parties that had provided national implementation information to the Secretariat have adopted legislative and institutional frameworks to ensure 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,⁶ and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;⁷

(b) Urges those States parties which have not yet done so to submit information on their national implementation efforts and milestones in response to the first two reporting cycles;

(c) Urges States parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air to review their policies, legislation and regulatory regimes, especially with regard to the travel and identity documents referred to in article 12 of each of those Protocols, in order to ensure consistent and effective application of the obligations contained in the relevant articles of those Protocols;

(d) Urges States parties to provide, strengthen or facilitate, as appropriate, training in the areas of trafficking in persons and smuggling of migrants for judges, prosecutors and other lawyers, law enforcement, immigration, and other relevant officials, including providers of services for victims of trafficking in persons, with the support of technical assistance as may be required;

⁵ General Assembly resolution 55/25, annex I.

⁶ General Assembly resolution 55/25, annex II.

⁷ General Assembly resolution 55/25, annex III.

(e) Also urges States parties to identify and communicate to the secretariat their needs in technical assistance in order to assist it in developing proposals for effective and multidisciplinary anti-trafficking strategies and for effective anti-smuggling strategies;

(f) Further urges States parties to take or strengthen measures, including through bilateral or multilateral cooperation, to improve the ability of law enforcement agencies to cooperate in investigations of trafficking in persons and smuggling of migrants;

(g) Further urges States parties to take or strengthen measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that lead to trafficking;

(h) Reminds States parties of their obligations under article 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and article 18 of the Protocol against the Smuggling of Migrants by Land, Sea and Air;

(i) Requests its secretariat to intensify cooperation, subject to the availability of extrabudgetary resources, with the International Labour Organization, the International Organization for Migration and other relevant international organizations, in accordance with article 33, paragraph 2 (c), of the Convention, with a view to developing practical guidelines for the identification by national competent authorities for victims of trafficking in persons for the purpose of labour exploitation, and to submit the guidelines to the Conference of the Parties at its fourth session, for discussion by States parties;

(j) Also requests its secretariat, subject to the availability of extrabudgetary resources, to collect and make available to States parties successful practices with respect to investigations of offences covered by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the provision of protection and assistance measures to victims of trafficking in persons, as well as measures related to the repatriation of victims of trafficking in persons;

(k) Further requests its secretariat, subject to the availability of extrabudgetary resources, to collect and make available to States parties successful practices with respect to investigations of offences covered by the Protocol against the Smuggling of Migrants by Land, Sea and Air and the provision of protection and assistance measures to persons who have been the object of conduct set forth in article 6 of that Protocol;

(l) Further requests its secretariat, subject to the availability of extrabudgetary resources, in cooperation with States parties and other relevant international organizations, to make available successful practices in the areas of training and capacity-building, as well as awareness-raising strategies and campaigns, with a view to enhancing efforts to identify and assist victims of trafficking in persons or persons who have been the object of conduct set forth in article 6 of the Protocol against the Smuggling of Migrants by Land, Sea and Air;

(m) Further requests its secretariat, subject to the availability of extrabudgetary resources, to identify opportunities to mainstream its work related to the furtherance and objectives of the Protocol to

Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, into relevant United Nations agencies that are lead agencies in humanitarian crises or emergency situations.

Decision 3/4

Recommendations of the open-ended interim working group of government experts on technical assistance

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, recalling its decision 2/6, by which it established the open-ended interim working group on technical assistance:

(a) Endorses the recommendations of the working group made during the third session of the Conference of the Parties, which are set out below;

(b) Requests States parties to be guided by those recommendations in the development and delivery of technical assistance activities for the implementation of the Convention⁸ and the Protocols thereto;⁹

(c) Requests its secretariat to develop proposals for technical assistance activities designed to meet the needs identified by the working group in the priority areas determined by it in its recommendations and submit such proposals to the working group for consideration at its meeting to be held before the fourth session of the Conference;

(d) Also requests its secretariat prior to, and with a view to better preparing for, the meeting of the working group to be held before the fourth session of the Conference, to consult with relevant departments or agencies of the United Nations, other international organizations, regional organizations and financial institutions such as the World Bank and other multilateral development banks in order to exchange information on and promote technical assistance related to the implementation of the Convention and the Protocols thereto and to identify ways to improve coordination in that area, and further requests the secretariat to inform the working group of the results of those consultations;

(e) Requests the working group to include in the agenda of its meeting to be held before the fourth session of the Conference an item on coordination of technical assistance for the implementation of the Convention and the Protocols thereto.

Recommendations

I. Determination of needs for technical assistance

1. The working group stressed that receiving complete and accurate information from the States parties concerned about technical assistance needed for the implementation of the United

⁸ General Assembly resolution 55/25, annex I.

⁹ General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.

Nations Convention against Transnational Organized Crime and the Protocols thereto was the best approach to designing and delivering appropriate and effective technical assistance activities and ensuring the impact of those activities on implementation efforts. The determination of needs should be done on the basis of requests from States parties, using information provided by the requesting States parties in the context of fulfilling their reporting obligations in accordance with article 32, paragraph 5, of the Convention, such as information provided by completing existing questionnaires and supplementary information provided to the Conference of the Parties.

II. Priorities for technical assistance

2. The working group identified the following priority areas for technical assistance to support and promote the implementation of the Convention and the Protocols thereto:

(a) Criminalization of the offences covered by the Convention and its Protocols;

(b) International cooperation in criminal matters and for the purpose of confiscation, with special emphasis on extradition and mutual legal assistance, paying particular attention to raising the awareness and training of criminal justice practitioners and other relevant authorities, especially judges and prosecutors, regarding the forms of international cooperation;

(c) Assistance in the establishment and/or strengthening of central authorities dealing with requests for mutual legal assistance and/or extradition.

3. The working group recognized the need for developing the capacity of States parties to collect data on organized crime and for providing to States parties, at their request, technical assistance to build their capacity to collect and analyse data related to the subject matter of the Convention and the Protocols thereto.

4. The working group was aware that detailed recommendations in the area of implementation of the provisions on international cooperation in the Convention had been formulated by the open-ended working group of government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation (see decision 3/2 of the Conference of the Parties).

5. The working group was also aware of proposals made as a result of the deliberations of the Conference on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention (see decision 3/3 of the Conference of the Parties).

6. The working group emphasized that the provision of information on the implementation of the Convention and the

Protocols thereto was a legal obligation of States parties that should be discharged without further delay. The working group was aware of the provision of article 30, paragraph 2 (c), of the Convention. Recognizing that non-compliance with the obligation to provide information on the implementation of the Convention and the Protocols thereto might be due to insufficient capacity, the working group recommended the provision of assistance to States in need of such assistance either individually, at their request, or through subregional or regional activities undertaken by the secretariat of the Conference, in cooperation with relevant regional organizations. The working group also recommended that the secretariat of the Conference, without prejudice to established official channels of communication with States, explore all ways to simplify and expedite communication with the authorities competent to provide the requested information, including through the use of the Internet. The working group further recommended that States parties appoint focal points for the provision of the information required by the Conference and communicate to the secretariat the contact details of those focal points to facilitate and expedite direct communication.

7. With regard to technical assistance to support and promote the implementation of the Protocols, the working group identified the following areas in which such assistance could be provided:

(a) Assistance in the implementation of the requirements of the Protocols regarding the needs of victims, as well as the requirements related to repatriation of victims of trafficking in persons and return of smuggled migrants;

(b) Assistance related to the implementation of the provisions on witness protection, noting that that was an area covered not only by the Protocols but also by the Convention;

(c) Assistance in the form of subregional or regional workshops involving the countries of origin, transit and destination of victims of trafficking in persons and smuggled migrants, with particular emphasis on law enforcement and judicial personnel.

8. With regard to technical assistance for the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the Convention,¹⁰ the working group identified a particular need for assistance in implementing the requirements of the Protocol on deactivation, record-keeping and marking of firearms and the identification of competent authorities.

III. Information on technical assistance activities

¹⁰ General Assembly resolution 55/255, annex.

9. The working group noted that there was an urgent need to improve information-sharing and coordination regarding technical assistance activities provided by Governments or international organizations and financial institutions, as well as a need to improve coordination among the providers of technical assistance. The working group recommended that the secretariat of the Conference invite relevant departments or agencies of the United Nations, other international and regional organizations and financial institutions, including at the field level, such as the World Bank and other multilateral development banks, to the meeting of the working group to be held before the fourth session of the Conference to exchange information on and promote technical assistance and international cooperation related to the Convention and its Protocols and to identify ways of improving coordination in that area.

10. The working group agreed that at its meeting to be held before the fourth session of the Conference, it would explore the possibility of determining performance indicators for technical assistance and the best way to identify lessons learned from the provision of technical assistance, with a view to developing best practices.

11. The working group recommended that the secretariat of the Conference intensify its coordination efforts, including through mechanisms such as the inter-agency coordination group on trafficking in persons established pursuant to Economic and Social Council resolution 2006/27 of 27 July 2006.

IV. Mobilization of potential resources

12. The working group expressed the view that mobilization of potential resources would be facilitated through the identification of specific needs and the development of activities tailored to meet those needs. The working group was also of the view that for better mobilization of resources it was necessary to demonstrate that technical assistance contributed to the objective of implementation of the Convention and the Protocols thereto and that it met the specific needs identified. The working group stressed the importance of result-based assessments and project evaluation in developing recommendations on mobilizing resources to meet priorities. The working group recommended that mobilization of resources be promoted through partnerships and coordination with other relevant international and regional organizations, as well as through the coordination activities that the proposed national focal points should undertake.