



**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**

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Review of technical assistance needs

**Overview of technical assistance needs identified by States
in their responses to the questionnaires/checklist on the
implementation of the United Nations Convention against
Transnational Organized Crime and the Protocols thereto**

Note by the Secretariat

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* Reissued for technical reasons.

** CTOC/COP/WG.2/2009/1.



I. Introduction

1. The Open-ended Interim Working Group of Government Experts on Technical Assistance was established with the purpose of reviewing the needs of States for technical assistance. Pursuant to articles 29 and 30 of the United Nations Convention against Transnational Organized Crime,¹ States parties have the obligation to promote technical assistance and training in order to further the objectives of the Convention.

2. The purpose of the present note is to facilitate the deliberations of the Working Group by providing an overview and analysis of technical assistance needs. This analysis is based on the needs and priorities outlined by more than 100 States in their responses to the questionnaires and the checklist used to gather information and assess implementation of the Convention.²

3. In the future, it will be easier for States parties to fulfil their reporting obligations under the Convention thanks to the development of a comprehensive self-assessment checklist in the form of a computer-based application. In particular, a specific section on the evaluation of technical assistance needs will be included, making it possible to generate more information on both the demand for and the supply of technical assistance.³

4. The analysis contained in the present note has been divided into three parts. The first part provides an overview of the technical assistance needs identified by responding States, including by region. A table containing information on the needs identified has also been included in order to make reading easier. The second part deals with the specific issues faced by States that need assistance to comply with reporting requirements under the Organized Crime Convention. The third part of the note examines the needs for technical assistance under the Convention and each of its Protocols.⁴

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

² For more information, see the overview of technical assistance requests made by States through the questionnaires/checklist on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/WG.2/2009/3). Updated information on the status of responses to the questionnaires/checklist can be found at http://www.unodc.org/documents/treaties/UNTOC/STATUS_of_responses_to_the_questionnaires_Update20Aug09.doc.

³ The software will be presented to the Conference of the States Parties to the United Nations Convention against Corruption at its third session and to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fifth session. For more information about reporting tools, please consult the report of the Secretariat on the development of tools to gather information from States on the implementation of the United Nations Convention against Transnational Organized Crime and each of the Protocols thereto (CTOC/COP/2008/2).

⁴ United Nations, *Treaty Series*, vols. 2237, 2241 and 2326, No. 39574.

II. Analysis of needs identified

A. Overview of technical assistance needs and priorities

1. Technical assistance needs

5. Figure 1 shows the technical assistance needs identified by responding States, by type of technical assistance, including legal assistance. Figure 2 contains information specifically on legal assistance needs identified by responding States, by type of legal assistance.

Figure 1

Technical assistance needs identified by responding States, by type

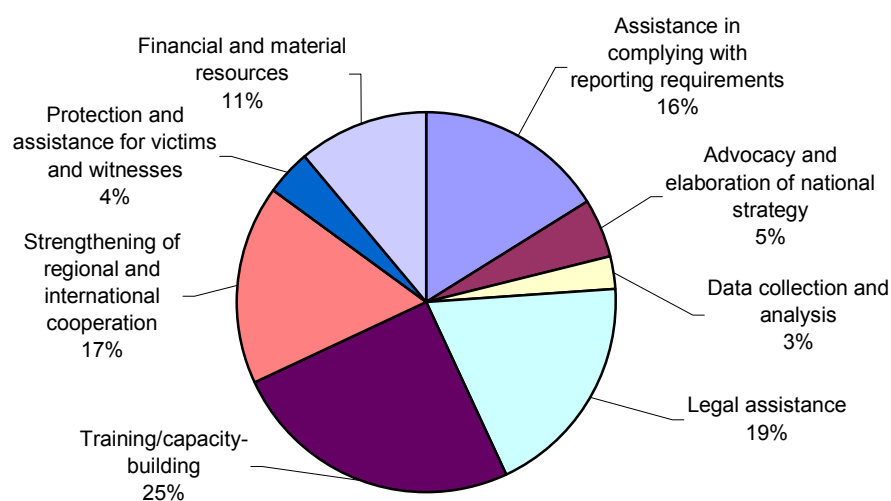
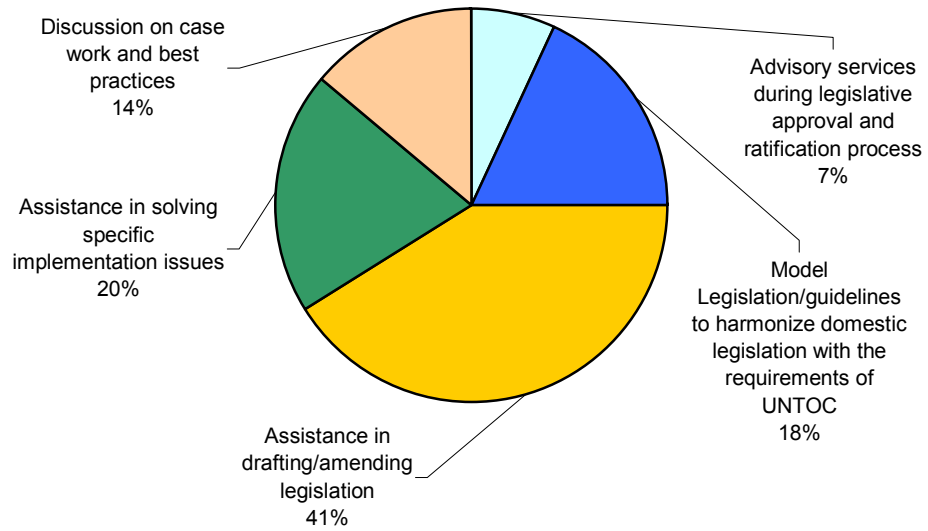


Figure 2
Legal assistance needs identified by responding States, by type

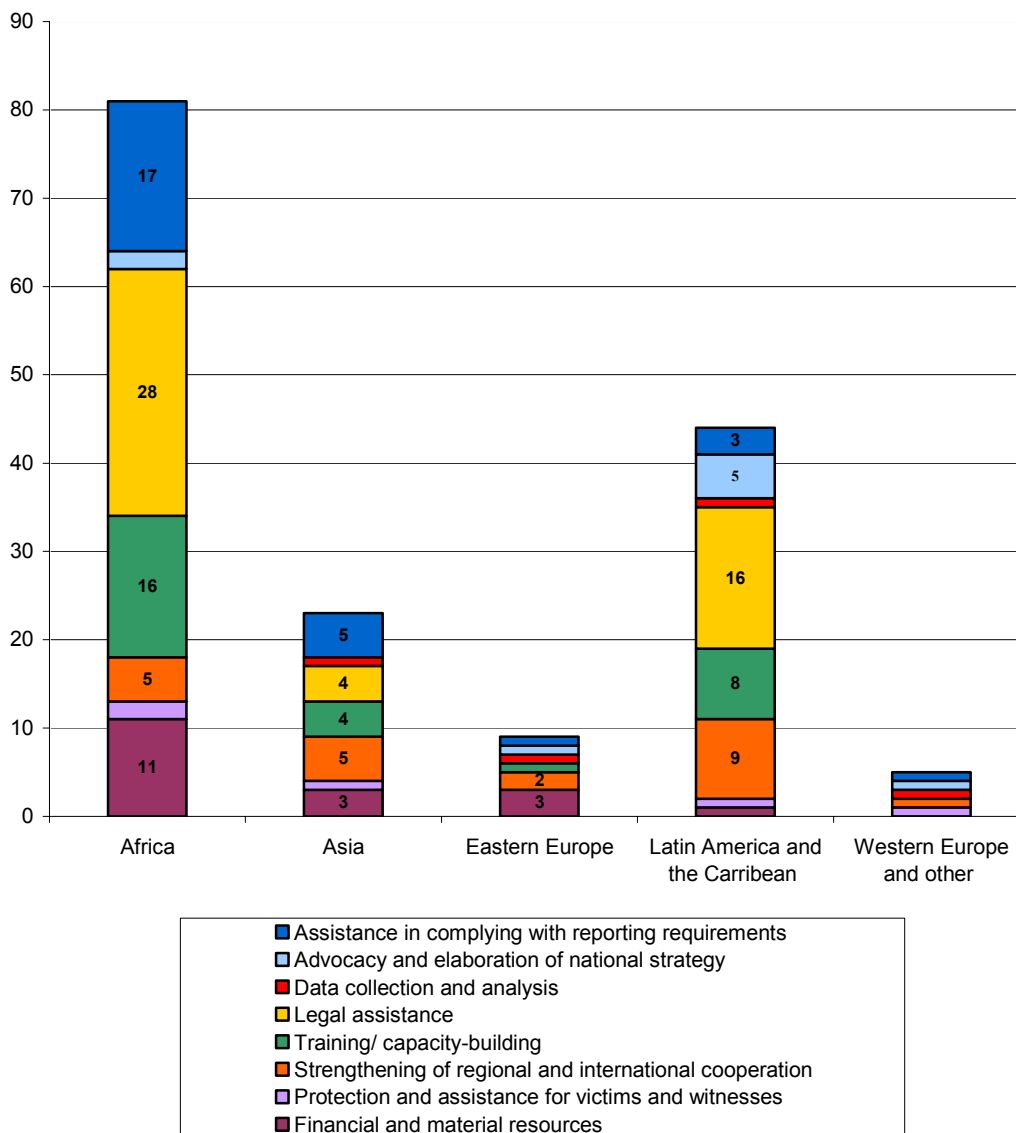


2. Overview of technical assistance needs, by area

6. Figure 3 provides an overview of technical assistance needs, by area.

Figure 3

Technical assistance needs identified by States, by area



Note: Needs are expressed in number of technical assistance requests received through the reporting tools. Needs appear on the graph in the same order as they appear in the legend.

3. Types of technical assistance needed by States

7. The table below summarizes the information gathered through the questionnaire on the types of technical assistance needed by States.

Types and subtypes of technical assistance needed by States

<i>Types of technical assistance needed by States</i>	<i>Subtypes</i>
Assistance in complying with reporting requirements on the implementation of the Organized Crime Convention	- Assistance in reviewing legislation and coordinating with relevant authorities for the purpose of fulfilling reporting requirements
Advocacy and elaboration of a national strategy	- Awareness-raising about the Organized Crime Convention - Elaboration of a national strategy/action plan - Promotion of dialogue with parliamentarians - Dissemination of relevant legislation
Data collection and analysis	- Establishment of a database - Research and studies
Legal assistance	- Advisory services during ratification and legislative approval process to harmonize domestic legislation with the Organized Crime Convention - Model legislation/guidelines to harmonize domestic legislation with the requirements of the Organized Crime Convention - Assistance in drafting/amending legislation - Assistance in solving specific implementation issues - Discussion on casework and best practices
Training/capacity-building	- Training of central authorities, prosecutors, judges and other criminal justice officials - Training of law enforcement officers - Training of social service providers (Trafficking in Persons Protocol) - Institution-building/capacity-building/promoting inter-institutional coordination at the national level - Technical support to establish a marking system (Firearms Protocol)
Strengthening of regional and international cooperation	- Regional exchange of experience and expertise - Information-sharing - Training in international cooperation in criminal matters/cross-border cooperation (mutual legal assistance, extradition, law enforcement cooperation, joint investigations, confiscation and recovery of proceeds of crime) - Promotion of the Organized Crime Convention as a legal basis for extradition
Protection and assistance for victims and witnesses	- Identification and protection of victims - General assistance to victims and witnesses - Assisting in the return of victims - Promotion of international cooperation
Financial and material resources	- Financial support - Provision of equipment - Publication, printing and dissemination of laws and codes

B. Assistance needed to comply with reporting requirements on the implementation of the Organized Crime Convention and its Protocols

8. The response rates, which varied greatly between regions,⁵ were as follows:

(a) Share of States parties responding to the questionnaires/checklist on the Organized Crime Convention: 66 per cent (first reporting cycle) and 55 per cent (second reporting cycle);

(b) Share of States parties responding to the questionnaires/checklist on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: 62 per cent (first reporting cycle) and 56 per cent (second reporting cycle);

(c) Share of States parties responding to the questionnaires/checklist on the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: 59 per cent (first reporting cycle) and 53 per cent (second reporting cycle);

(d) Share of States parties responding to the questionnaires/checklist on 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: 59 per cent.

9. Several States responding to the questionnaires/checklist on the implementation of the Organized Crime Convention and its Protocols indicated that they needed assistance to review national legislation and to coordinate with relevant authorities for the purpose of fulfilling reporting requirements on the implementation of the Convention. Those States were: Albania, Algeria, Burundi, Cambodia, Cameroon, Chad, Ecuador, Gabon, Guinea, Indonesia, Namibia, Niger, Philippines, Republic of Moldova, Sao Tome and Principe and Tajikistan.

10. Moreover, it can be noted that a number of States parties did not provide any information to the Secretariat on the implementation of the Convention and its Protocols. Those States were: Antigua and Barbuda, Armenia, Belize, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Cook Islands, Cuba, Denmark, Equatorial Guinea, Ethiopia, Gambia, Grenada, Guyana, Hungary, Iraq, Israel, Kenya, Kiribati, Lao People's Democratic Republic, Lesotho, Liberia, Liechtenstein, Luxembourg, Malawi, Mauritania, Micronesia (Federated States of), Mozambique, Qatar, Rwanda, Saudi Arabia, Seychelles, Sri Lanka, Sudan, Suriname, Uganda, United Arab Emirates, Vanuatu, Venezuela (Bolivarian Republic of), Yemen and Zambia. It can be assumed that most of those States would also need assistance to comply with reporting requirements.

⁵ More information, including graphical representations by region, can be found in the conference room paper, prepared for the Conference of the Parties to the Organized Crime Convention at its fourth session, entitled "Status of responses of States to the checklist/questionnaires on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto" (CTOC/COP/2008/CRP.6).

C. Specific needs identified

1. Needs related to the Organized Crime Convention

11. Many States responding to the questionnaires/checklist specifically indicated that they needed assistance to implement the Organized Crime Convention. Specifically, States requested legal training and capacity-building assistance, as well as material and financial assistance.

12. In terms of legal assistance, responding States indicated the need for assistance to draft legislation and to carry out the required legal reforms (Comoros and Guatemala), as well as assistance to review and amend legislation currently in force (Cameroon, Congo, Costa Rica, Ecuador, Madagascar and Mauritius). States underlined the need to incorporate, or review, provisions on international cooperation (Congo, Costa Rica, Guatemala and Madagascar), as well as the need to improve the legal framework for the protection of victims and witnesses (Guatemala and Madagascar).

13. Some States indicated a specific need to discuss casework and best practices in the disposal of confiscated proceeds of crime or property (Madagascar) and in the area of mutual legal assistance and the establishment of jurisdiction as foreseen in article 15 of the Convention (Algeria). Mauritius stated that it would find it useful to have model laws for the incorporation of the Convention's requirements, while China referred to the need to gain knowledge on other States' legislation and practice in areas such as extradition, mutual legal assistance, measures to combat money-laundering, confiscation and asset-sharing.

14. An important number of States identified the need for assistance with training and capacity-building. Many States indicated that technical assistance was needed for training officials involved in the implementation of the Convention, in particular members of the judiciary and law enforcement officers (Algeria, Benin, Burundi, Congo, El Salvador, Gabon, Guatemala, Honduras, Indonesia, Madagascar, Malaysia, Mali, Myanmar, Niger and Romania). Costa Rica remarked that the training of government officials on the implementation of the Convention and its Protocols was much needed in order to reinforce international cooperation. Some States referred to the need to raise awareness about the Convention (El Salvador and Guatemala) and about the potential it holds for criminal justice practitioners. Tajikistan specifically mentioned the need to build a database for all crimes committed in the country, while Guatemala expressed the need for assistance in defining a national approach to the use of special investigative techniques.

15. A number of States requested material and financial assistance (Benin, Burundi, Gabon, Indonesia, Mali, Niger, Senegal and Togo). Several of them indicated that they were encountering obstacles related to the constraints faced by developing countries in terms of scarce resources and the inadequate staffing of the office in charge of preparing new legislation. Requests for material assistance concerned, inter alia, the use of modern technologies, the provision of necessary equipment to establish reliable communications systems, equipment to process data and equipment for videoconferences. In addition, some States referred to the need for assistance to publish, print and disseminate new laws (Cameroon, Central African Republic and Madagascar). Cambodia, Chad, Egypt, Namibia, the

Philippines, Sao Tome and Principe and Togo referred in general terms to assistance in implementing the Convention.

2. Needs related to the Trafficking in Persons Protocol

16. In their responses to the questionnaires/checklist, a number of States made reference to specific difficulties hampering the implementation of the Trafficking in Persons Protocol. Such difficulties included the lack of experienced staff and policies to accord high priority to the issue (Mauritius), the lack of financial resources to draft adequate laws (Benin), the lack of experience concerning the impact of and the challenges posed by trafficking in persons (Jamaica) and the vast size of a country and the length of its coastline (Indonesia).

17. Several States specified as a key component of potential technical assistance programmes support in drafting or amending legislation in a way that would both reflect international standards and be in line with domestic needs (Cameroon, Ecuador, El Salvador, Jamaica, Madagascar, Mauritius and Panama). The Dominican Republic mentioned the lack of regulations for implementing the newly adopted law on trafficking in persons. Chile noted the importance of receiving technical assistance from countries that had more experience and resources in this field. Spain highlighted the necessity of countries of origin and transit to become Parties to the Trafficking in Persons Protocol.

18. Many of the responses indicated the need for technical assistance focused on enhancing the capability of domestic criminal justice and law enforcement officers to fight trafficking in persons. In that respect, a number of States stressed the importance of training programmes, in particular for criminal justice officials, including law enforcement officers, investigators and judges, as well as for specialized psychologists, social workers and tax administrators (Algeria, Burkina Faso, Cameroon, Chad, Ecuador, El Salvador and Niger).

19. Many States made specific reference to strengthening the framework for the protection of victims and witnesses. Algeria, for example, indicated that it would find it useful to have training and discuss casework best practices in order to enable the victims' views to be considered in criminal proceedings while protecting the victims' identity. Madagascar and Thailand expressed a need for assistance in solving specific issues related to assistance to victims. El Salvador referred to the need to support victim protection schemes, such as the creation of safe houses and assistance in repatriation, while the United Republic of Tanzania discussed the issue of availability of funds, especially when it came to organizing the return of victims of trafficking.

20. Sri Lanka pointed to the need to strengthen cooperation schemes to share data and information concerning traffickers and the vessels they use. Spain stated that it would also find it useful to carry out a study or maintain information about trafficking routes. Togo expressed the desire to form partnerships for developing its technical capacities. Egypt and Guinea referred in general terms to assistance in implementing the Protocol.

3. Needs related to the Migrants Protocol

21. As for the Migrants Protocol, several States highlighted the lack of the necessary capacity, technical expertise and financial and human resources to address

smuggling of migrants effectively, which were identified as the main obstacles hampering the adoption of national legislation in that field. In that connection, a number of States reported that they needed technical assistance in order to overcome difficulties and practical problems in adapting their legislation to the requirements of the Protocol. It was emphasized that a priority area would be the provision of technical assistance in developing appropriate legislation (Cameroon, Guatemala, Jamaica, South Africa and Zimbabwe). In that respect, Guatemala and Indonesia stated that they would find it useful to have model legislation on the smuggling of migrants. Guatemala also indicated that assistance during the legislative approval process would be needed, while Ecuador mentioned constitutional obstacles to the adoption of a law on smuggling of migrants and stressed the need for strengthened dialogue with parliamentarians.

22. Some States indicated that discussions on casework best practices would facilitate implementation of the Migrants Protocol. Responding States also identified training programmes for improving skills for drafting legislation and upgrading legal expertise as key components of such assistance (Chad and Maldives). El Salvador stressed the importance of disseminating best practices and practical experience in the areas of investigation, operations and mutual legal assistance. It also highlighted the need for establishing a protection scheme for victims and witnesses, as well as procedural mechanisms to enable the confiscation of property derived from smuggling of migrants, and for further concluding bilateral agreements or arrangements to that effect.

23. Some States referred to a need for capacity-building and training. Egypt, for example, stated that appropriate technical assistance should focus on upgrading equipment to detect the falsification of documents used in the smuggling of migrants and on promoting training for law enforcement officers and administration to enhance knowledge on relevant legislation. The Congo made specific reference to the need to train employees and promote the computerization of services. The Central African Republic noted that printing and disseminating its Penal Code and Code on Criminal Procedure would help in better implementing the Migrants Protocol.

4. Needs related to the Firearms Protocol

24. In their responses to the questionnaires/checklist on the Firearms Protocol, Ecuador and Grenada indicated that they needed technical assistance in developing appropriate legislation. St. Kitts and Nevis highlighted the need for identifying specific gaps and weaknesses in existing legislation in order to provide subsequent recommendations for bringing the legislation in line with the Protocol. Costa Rica evoked constitutional obstacles in adopting a law on the trafficking in firearms.

25. A number of responding States indicated the need for assistance in capacity-building and training of relevant authorities in order to bridge the significant gaps in implementing the provisions of the Firearms Protocol. Some of the responding States stressed the importance of training legal experts and law enforcement officers on the requirements of the Protocol in order to assist in implementing the new legislation. Algeria and Guatemala also highlighted the need to share expertise and experience in order to better comprehend how the system of ammunitions and weapons control is applied.

26. It was indicated that a key difficulty faced by States concerned the lack of an adequate firearm marking instrument. Honduras, Tanzania (United Republic of) and Zimbabwe also mentioned the need for a more effective firearms identification system. In addition, Zimbabwe requested assistance in record-keeping, tracing and destruction of firearms. Paraguay mentioned the need for material assistance in developing such a system, which involves specific technology, training in how to search for weapons, the development of a database for storing evidence, an update and easier access of the database as well as better access to the Internet in order to improve communication between domestic institutions. It also highlighted the usefulness of introducing public awareness-raising programmes in order to combat the illicit manufacturing of and trafficking in firearms.

III. Conclusions and recommendations

27. Responses by States suggest that the areas where technical assistance is most needed are the following: training and capacity-building (25 per cent), legal assistance (20 per cent), strengthening of international cooperation (16 per cent) and assistance in complying with reporting requirements (16 per cent). The Conference and, in particular, the Open-ended Interim Working Group of Government Experts on Technical Assistance may wish to further consider ways and means of addressing the individual needs of States.
