

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

Third session

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Items 2, 3 and 4 of the provisional agenda*

**Review of the implementation of the United Nations
Convention against Transnational Organized Crime, 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**

**Implementation of the United Nations Convention against
Transnational Organized Crime, 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**

**Report of the OSCE-UNODC Workshop on the “Information-
gathering mechanism to support and facilitate the work of the
Conference of the Parties to the United Nations Convention
against Transnational Organized Crime” (Vienna, 2-3 March
2006)¹**

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¹ Issued in English only.



I. Background

A. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime: Legal mandate and reporting mechanism

1. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime was established by the Convention to be its implementation mechanism. The Conference was convened so far twice with the task to determine priority areas for consideration and then proceed with reviewing the compliance of the domestic legislation of States parties with the requirements of the United Nations Convention against Transnational Organized Crime (hereinafter referred to as the “Convention”) and its supplementary Protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter referred to as the “Trafficking Protocol”); the Protocol against the Smuggling of Migrants by Land, Sea and Air (hereinafter referred to as the “Migrants Protocol”); and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (hereinafter referred to as the “Firearms Protocol”).

2. At its first session (Vienna, 28 June-8 July 2004), the Conference of the Parties decided to adopt a knowledge-based approach and approved its programme of work specifying priority areas for consideration, including:

(a) The basic adaptation of national legislation to the requirements of the Convention and the Protocols;

(b) Examination of criminalization legislation and difficulties encountered in the implementation of such legislation; and

(c) Enhancing international cooperation and developing technical assistance to overcome difficulties identified in the implementation of the Convention and the Protocols.

3. In particular, the Conference adopted decisions 1/2, 1/5 and 1/6 on the implementation of the Convention and the Trafficking and Migrants Protocols respectively, as well as decision 1/3 on the basic reporting obligations contained in both the Convention and the Migrants Protocol. In decisions 1/2, 1/5 and 1/6, the Conference requested the Secretariat to collect information on the implementation of the Convention and the Trafficking and Migrants Protocols from States parties and signatories to these instruments, whereas in decision 1/3 the request referred to the submission of information on the basic reporting obligations of the States parties, contained in articles 5, 6, 13, 16, 18 and 31 of the Convention and article 8 of the Migrants Protocol. In all decisions, the Secretariat was requested to use for the information-gathering purposes questionnaires that had been developed in accordance with the programme of work of the Conference and accordingly approved by that body at its first session. In the same decisions, the Conference of the Parties requested States parties to respond promptly to the questionnaires circulated by the Secretariat and further invited signatories to provide the required information.

4. In its decisions 2/1, 2/2, 2/3, 2/4 and 2/5, adopted at its second session (Vienna, 10-21 October 2005), the Conference of the Parties launched its second reporting cycle and requested the Secretariat to continue to collect information on the implementation of the Convention and the Protocols thereto (including the Firearms Protocol which had in the meantime entered into force) using again

questionnaires approved by it at its second session. In the same decisions, the Conference of the Parties requested States parties to respond promptly to the new questionnaires circulated by the Secretariat and further invited signatories to do likewise.

B. The problem of under-reporting

5. In the context of the first reporting cycle of the Conference of the Parties and in accordance with guidance provided by the Conference itself, the United Nations Office on Drugs and Crime (hereinafter referred to as “UNODC”), in its capacity as the Secretariat of the Conference, gathered information from States parties and signatories to the Convention and the Trafficking and Migrants Protocols, as well as non-signatory States,¹ and presented the first results and findings regarding their implementation at the second session of the Conference (Vienna, 10-21 October 2005). Unfortunately, not all States managed to comply with their reporting obligations: only 47 per cent of States parties to the Convention, 43 per cent of States parties to the Trafficking Protocol and 45 per cent of States parties to the Migrants Protocol provided timely responses, although many of them failed to meet the initial deadlines. In addition, only 42 per cent of States parties to the Convention provided timely responses to the questionnaire on the basic reporting obligations. As a result, the analytical papers that the Secretariat prepared for consideration by the Conference at its second session² could not be comprehensive or complete, as they reflected the situation in less than half of the States parties.

6. The Conference of the Parties took note of the under-reporting problem at its second session and called upon States that had not yet done so to provide the information requested by the Secretariat, as a crucial element of its ability to perform its mandated functions.

7. It should be recalled, in this connection, that the Convention itself requires States Parties to provide the Conference of the Parties with information on their programmes, plans and practices, as well as legislative and administrative measures to implement both the Convention and its supplementary Protocols (article 32, paragraph 5 of the Convention in conjunction with article 1, paragraph 2 of each Protocol). In addition, the Convention establishes an obligation for States Parties to provide the Conference of the Parties with the necessary knowledge of the measures taken by them in implementing the Convention and the Protocols and the difficulties encountered by them in doing so (article 32, paragraph 4 of the Convention in conjunction with article 1, paragraph 2 of each Protocol).

8. The problem of under-reporting was present also among the States members of the Organization for Security and Cooperation in Europe (hereinafter referred to as “OSCE”) that were either parties or signatories to the Convention and the Trafficking and Migrants Protocols. As reflected in the following table, 15 States out of 55 OSCE Member States³ had not responded to the questionnaire on the implementation of the Convention. Similarly, 18 States had not reported on the implementation of the Trafficking and Migrants Protocols (the asterisk indicates the OSCE Member States that had already become parties to these instruments).

<i>TOC Convention</i>	<i>Trafficking Protocol</i>	<i>Migrants Protocol</i>
Albania*	Albania*	Albania*
Andorra	Andorra	Andorra
Armenia*	Armenia*	Armenia*
Bosnia and Herzegovina*	Bosnia and Herzegovina*	Bosnia and Herzegovina*

<i>TOC Convention</i>	<i>Trafficking Protocol</i>	<i>Migrants Protocol</i>
Denmark*	Denmark*	Denmark
Georgia	Georgia	Georgia
		Greece
Hungary	Hungary	Hungary
Kazakhstan	Kazakhstan	Kazakhstan
Kyrgyzstan*	Kyrgyzstan*	Kyrgyzstan*
Liechtenstein	Liechtenstein	Liechtenstein
Luxemburg	Luxemburg	Luxemburg
Monaco*	Monaco*	Monaco*
	Norway*	Norway*
San Marino	San Marino	San Marino
	Slovenia*	
Tajikistan*	Tajikistan*	Tajikistan*
Turkmenistan*	Turkmenistan*	Turkmenistan*
	Ukraine*	Ukraine*

9. OSCE Partners for Cooperation that had not responded to the questionnaires of the first reporting cycle of the Conference of the Parties are listed in the following table (the asterisk indicates the OSCE Partners for Cooperation that had already become parties to these instruments):

<i>TOC Convention</i>	<i>Trafficking Protocol</i>	<i>Migrants Protocol</i>
	Afghanistan	Afghanistan
	Algeria*	Algeria*
	Egypt*	Egypt*
Israel	Israel	Israel
Japan	Japan	Japan
Jordan	Jordan	Jordan
Republic of Korea	Republic of Korea	Republic of Korea
Mongolia	Mongolia	Mongolia
	Morocco	Morocco
Thailand	Thailand	Thailand

II. UNODC-OSCE Workshop

A. Objective

10. In an effort to facilitate and support the information-gathering mechanism of the Conference of the Parties, UNODC and OSCE decided to join forces and organize a workshop aiming at raising awareness about the under-reporting problem among States members of OSCE, as well as exploring the reasons behind this under-reporting problem and helping non-responding States in providing timely replies to the relevant questionnaires.⁴

11. The convening of the workshop was also a follow-up to Decision No. 3/05 on “Combating Transnational Organized Crime” of the 13th OSCE Ministerial Council (Ljubljana, Slovenia, 5-6 December 2005). In this Decision, the Council invited, inter alia, “the OSCE participating States that have not yet done so to consider becoming parties to the United Nations Convention against Transnational Organized

Crime and its Protocols, adopted by the General Assembly of the United Nations on 15 November 2000 in New York, and to fully implement their obligations under these instruments thereafter". By the same Decision, the Council tasked the OSCE Secretary-General with "providing the requesting participating States with support for the mobilization of technical assistance, including the necessary expertise and resources, from relevant competent international organizations for the implementation of the United Nations Convention against Transnational Organized Crime and its Protocols in support of and in close consultation with the Conference of Parties and the UNODC".

12. The workshop was further envisaged as a means of offering guidance for appropriate national action in future reporting cycles of the Conference. For that purpose, the second set of questionnaires approved by the Conference of the Parties (see para. 4), was presented to the participants with a view to enhancing their knowledge on the nature of the information requested.

B. Proceedings

13. The workshop was held in Vienna on 2-3 March 2006 and hosted by OSCE at the Hofburg Palace. It was attended by representatives from 38 OSCE participating States, including participants from 4 OSCE Partners for Cooperation. The event also attracted experts identified as national contact points for reporting on matters related to the Convention and the Protocols.

14. At the opening session of the workshop, Mr. Arnout Pauwels, representative of the OSCE Chairman-in-Office (CiO), welcomed the participants and provided information on the initiatives of the Belgian OSCE Chairmanship for 2006. He stressed that the Chairmanship accorded high priority to the fight against transnational organized crime and further noted that the organization of the workshop demonstrated the commitment of OSCE to the establishment of close cooperation with UNODC with a view to further promoting adherence to and implementation of the Convention and its Protocols.

15. Ms. Kuniko Ozaki, Director of the Division for Treaty Affairs, UNODC, expressed her sincere thanks to OSCE for its offer to work closely with UNODC and host the event, as well as provide the necessary facilities and logistics for its organization. She referred to the work of the Conference of the Parties and put emphasis on the under-reporting problem during its first reporting cycle. In this connection, she pointed out that without adequate data regarding implementation, the Conference could not discharge its functions and make concrete recommendations to promote adherence of national legal systems to the Convention and its Protocols. She therefore underlined the importance of the workshop as an opportune forum to raise awareness about the need to support the reporting mechanism of the Conference.

16. Mr. Didier Fau, Director, Office of the Secretary-General, OSCE, underscored that the Convention and its Protocols were a big step forward in establishing a framework for the promotion of international cooperation in the fight against transnational organized crime and its manifestations. He further stressed the need for ensuring effective implementation of the instruments at the national level and supporting the work of the Conference of the Parties to that effect. In that context, he reiterated the mandate of the Ljubljana Ministerial Decision on Combating Transnational Organized Crime (see above under para. 13) and further stated that the workshop provided an excellent opportunity to review and further promote the

contribution of the OSCE participating States to the information-gathering system of the Conference.

17. Mr. Tim Del Vecchio, Police Affairs Officer, OSCE, in his capacity as the moderator of the workshop, provided a brief introductory overview of the topics under discussion and made a series of preliminary remarks and explanatory comments on the structure of the workshop's agenda.

18. The opening session of the workshop also included a brief presentation of the reporting mechanism of the Conference of the Parties. Information was provided about the two reporting cycles of the Conference and the relevant questionnaires disseminated to Member States (see above under paras. 2-4), as well as the timeframe for the submission of national responses. Explanations were given with regard to the note verbales sent to the Permanent Missions of OSCE participating States as a follow-up to the second session of the Conference of the Parties.

19. It was clarified, in this connection, that there were three separate categories of such note verbales, of which the first two were related to the first reporting cycle of the Conference, asking:

(a) Countries that had not responded to the questionnaires on the Convention and the Trafficking and Migrants Protocols to do so by end of March 2006;

(b) Countries that had responded to the questionnaires to update, if they wish, the information provided.

In addition, it was noted that, pursuant to the decisions of the Conference, UNODC had prepared and sent to some of the responding Governments (see the following table) individual letters seeking clarification on certain issues for which national legislation or practices had been reported to depart from, or not to be in full compliance with, the requirements of the Convention and the Protocols. On the basis of the responses to be received, the Secretariat would report to the Conference of the Parties at its third session. The list of OSCE participating States (including OSCE Partners for Cooperation) to which such individual letters were sent is as follows:

<i>TOC Convention</i>	<i>Trafficking Protocol</i>	<i>Trafficking + Migrants Protocols</i>
Algeria	Azerbaijan	Bulgaria
Belarus	Belarus	
Morocco	Egypt	
	Estonia	
	France	
	Latvia	
	Moldova	
	Portugal	
	Romania	
	Tunisia	
	Turkey	

20. The third category of note verbales was related to the second reporting cycle of the Conference and the new questionnaires that the Secretariat prepared, focusing on additional or more specific thematic fields beyond the general criminalization and international cooperation requirements. National responses to this second set of questionnaires had to be submitted by 15 April 2006.

21. Emphasis was given to the need for compliance with the timeframe mentioned above for responding to the questionnaires of both the first and the second reporting

cycles of the Conference of the Parties. It was stressed that such compliance would be for the benefit of the work of the Conference in reviewing the implementation of the Convention and the Protocols, as it would be important to utilize information from as many countries as possible with a view to establishing a comprehensive and reliable database on the general legal framework in place at the national level. Moreover, the fact that the forthcoming third session of the Conference (Vienna, 9-18 October 2006) would be the last one to be held on an annual basis was an additional factor for increasing efforts to receive detailed informative material on existing national legislation before proceeding in future sessions of that body with the gathering of information on the policies and measures to implement domestic laws.

22. Thematically structured along the lines of the priority areas for national implementation of the Convention and the Protocols, as approved by the Conference of the Parties at its first session (see above under para. 2), the workshop was used as a platform to take stock of the progress made by the OSCE participating States in meeting their reporting requirements.

23. Working session I was devoted to the basic adaptation of national legislation and the criminalization requirements of the Convention and focused on the following specific issues: the analysis of responses received with regard to the legislative adjustments made (or about to be made), for fulfilling the criminalization requirements of the Convention; criminal offences that needed to be established in national legislation pursuant to the Convention (participation in an organized criminal group, money-laundering, corruption, obstruction of justice); procedural and other legislative amendments to ensure effective implementation (jurisdiction over offences, liability of legal persons, confiscation and seizure).

24. Working session II focused on the analysis of the national responses received with regard to the implementation of the relevant provisions of the Convention regulating extradition (legal bases, conditions for granting an extradition request, grounds for refusal, alternatives when extradition is denied), mutual legal assistance (legal bases, conditions for granting assistance, grounds for refusal, bank secrecy, central authorities) and international cooperation for purposes of confiscation (direct and indirect enforcement of a request, grounds for refusal, disposal of confiscated proceeds of crime or property). At the same session, Mr. Karl Wycoff, Head, Action against Terrorism Unit, OSCE, provided information on joint OSCE-UNODC training workshops on enhancing international cooperation in criminal matters, in particular those related to transnational organized crime and terrorism.

25. Working session III was used to recapitulate the main implementation issues in the thematic fields mentioned above, as well as shed light on the difficulties reported by States with regard to compliance with the Convention requirements and the assistance that could be provided to overcome such difficulties. In addition, the new questionnaire on the implementation of the Convention (second reporting cycle of the Conference of the Parties) was presented with a view to increasing awareness of the areas for consideration mentioned therein and the information requested.

26. Working session IV dealt with the definition and criminalization requirements of the Trafficking Protocol. In this context, an analysis was made of the national responses received with regard to the definition of trafficking in persons and the criminalization of trafficking and associated offences.

29. In working session V, consideration was given to the difficulties reported in the national replies regarding the enactment of national legislation to ensure adherence to the requirements of the Trafficking Protocol. Further attention was paid to responses identifying priority areas where assistance was needed to bolster

national action against trafficking in persons. For informative purposes, the new questionnaire on the implementation of the Trafficking Protocol (second reporting cycle of the Conference of the Parties) was presented. At the same session, Ms. Vera Gracheva, Senior Adviser, Anti-Trafficking Assistance Unit, OSCE, briefed the participants on the OSCE initiatives in the field of counter-trafficking policies and highlighted the need for adopting measures at the national level to ensure effective protection of the victims of trafficking.

27. Working session VI was devoted to the definition and criminalization requirements of the Migrants Protocol and the relevant presentations focused, *inter alia*, on: the analysis of the responses received referring to the definition of the smuggling of migrants and the distinction between this offence and the trafficking in persons; the analysis of the responses received with regard to the criminalization of the smuggling of migrants and associated offences; the difficulties reported in the responses with regard to the adoption of legislation to ensure compliance with the Protocol requirements; and the technical assistance that could be provided accordingly. In consistency with the working sessions on the Convention and the Trafficking Protocol, the new questionnaire on the implementation of the Migrants Protocol (second reporting cycle of the Conference of the Parties) was presented to ensure familiarity with the information requested.

28. During the workshop, the Legislative Guide for the implementation of the Convention and its Protocols was made available in five of the United Nations official languages (English, French, Spanish, Russian and Arabic, the latter for Arabic speaking OSCE Partners for Cooperation). This Guide had been drafted mainly for policy makers and legislators in countries preparing for the ratification and implementation of these instruments, laying out the basic requirements as well as the main issues that each State party should address, and furnishing a range of options and examples that national drafters may wish to consider as they try to implement the instruments. It can also be used as a tool to provide a helpful basis for bilateral technical assistance projects and other initiatives that can be undertaken as part of international efforts to promote the broad ratification and implementation of the instruments.

29. Other material that was made available to the participants included the analytical reports on the implementation of the Convention and the Trafficking and Migrants Protocols, which were elaborated by the Secretariat in order to facilitate the work of the Conference of the Parties at its second session (see footnote 1 above). This initiative was taken in view of the fact that the Conference had asked States parties and signatories to the abovementioned instruments to review these reports and be guided by them in preparing their responses to the questionnaires or their updates.

30. Throughout the workshop, the participants were involved in an open and interactive dialogue regarding national experiences in responding to the questionnaires of the first reporting cycle of the Conference of the Parties, including any problems or difficulties encountered in the process of collecting the material or coordinating the action of competent national authorities involved, or even potential problems caused by some of the questions. The fact that many of the participants were from countries that had already responded to the questionnaires further facilitated the constructive exchange of views, as the representatives from non-responding countries had the opportunity to learn from other national experiences and practices.

31. The under-reporting problem was thoroughly discussed and various views were expressed proposing possible ways to address it. A number of participants

argued that the questionnaires under discussion were too complicated and detailed and that efforts had to be made to shorten and simplify them. It was acknowledged, however, that the content and structure of the questionnaires reflected the lines of the programme of work of the Conference of the Parties and were approved by that body. For that reason, any proposal geared towards revising these information-gathering tools had to be brought before the Conference for its consideration and further action, where necessary. Other participants stated that the setbacks or even failures to meet the reporting needs of the Conference in the proscribed time limits were due to the involvement of different national authorities in the process of gathering and submitting the relevant responses. In this connection, a proposal was made to re-arrange in future the content of the questionnaires using as a criterion the officers or units in charge of providing the replies. The counter-argument also raised in this regard was that such an alternative approach would not be functional in view of the multiple aspects for which information is requested and, consequently, the various offices to be involved in providing such information. Nevertheless, it was emphasized that more efforts should be made at the national level to enhance coordination among the competent responding officers or authorities and establish open inter-agency channels of communication to that effect with a view to avoiding delays in future. One participant also argued that a possible reason behind the under-reporting problem could have been the multiplicity of questionnaires that might have discouraged many of the Governments to engage in the reporting process and therefore proposed the merging of all the questionnaires in one single information-gathering tool. That proposal was not broadly supported because of the insuperable difficulties it entailed, mainly in view of the miscellaneous areas of national action that need to be reported and, thus, the different authorities that need to be involved in the process of collecting and submitting the information required. Other participants highlighted the need for provision of tailor-made technical assistance to States lacking the capacity, both in terms of infrastructure and human and financial resources, to provide the information requested in a reliable and consistent manner. All the views and proposals, as presented above, were taken into account and will be brought before the Conference of the Parties at its third session for its consideration.

32. The workshop also served as a forum for a more general discussion on national legislative and administrative measures that were needed for the speedy ratification and/or effective implementation of the Convention and the Trafficking and Migrants Protocols. In this context, many participants reported on the progress made by their countries in this field.

C. Outcome

33. The following OSCE participating States (including OSCE Partners for Cooperation) responded after the Workshop to the questionnaire of the first reporting cycle of the Conference regarding the implementation of the Convention: Bulgaria, Kazakhstan, Tajikistan and Thailand.

34. The following OSCE participating States (including OSCE Partners for Cooperation) responded after the Workshop to the questionnaire of the first reporting cycle of the Conference regarding the implementation of the Trafficking Protocol: Albania, Algeria, Bulgaria, Egypt, Kazakhstan, Tajikistan, Thailand and the former Yugoslav Republic of Macedonia.

35. The following OSCE participating States (including OSCE Partners for Cooperation) responded after the Workshop to the questionnaire of the first reporting cycle of the Conference regarding the implementation of the Migrants

Protocol: Algeria, Bulgaria, Egypt, Kazakhstan, Tajikistan, Thailand and the former Yugoslav Republic of Macedonia.

36. The following OSCE participating States provided updated information (see above under para. 19) on the issues dealt with in the questionnaires of the first reporting cycle of the Conference of the Parties: Azerbaijan, Latvia, Poland, Sweden and Turkey.

37. The following OSCE participating States (including OSCE Partners for Cooperation) responded to the individual letters sent out by the Secretariat (see above under para. 19) and provided clarifications on reported issues of non-compliance with the requirements of the Trafficking Protocol: Algeria, Bulgaria, Estonia, Latvia, Portugal and Turkey.

38. The following OSCE participating States (including OSCE Partners for Cooperation) replied to the questionnaire of the second reporting cycle of the Conference regarding the implementation of the Convention: Afghanistan, Algeria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Croatia, Egypt, Estonia, Finland, Georgia, Germany, Italy, Latvia, Morocco, Netherlands, Norway, Poland, Portugal, Romania, Serbia and Montenegro,⁵ Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, Turkey and United States of America.

39. The following OSCE participating States (including OSCE Partners for Cooperation) replied to the questionnaire of the second reporting cycle of the Conference regarding the implementation of the Trafficking Protocol: Algeria, Azerbaijan, Belarus, Bulgaria, Canada, Croatia, Czech Republic, Egypt, Estonia, Finland, Germany, Italy, Latvia, Morocco, Poland, Portugal, Romania, Serbia and Montenegro,⁶ Slovakia, Slovenia, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, United Kingdom and United States of America.

40. The following OSCE participating States (including OSCE Partners for Cooperation) replied to the questionnaire of the second reporting cycle of the Conference regarding the implementation of the Migrants Protocol: Algeria, Azerbaijan, Bulgaria, Canada, Croatia, Czech Republic, Estonia, Finland, Germany, Italy, Latvia, Morocco, Netherlands, Norway, Poland, Romania, Serbia and Montenegro,⁷ Slovakia, Slovenia, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Turkmenistan, United Kingdom and United States of America.

41. The following OSCE participating States (including OSCE Partners for Cooperation) replied to the questionnaire of the second reporting cycle of the Conference regarding the implementation of the Firearms Protocol: Algeria, Azerbaijan, Belarus, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Germany, Italy, Latvia, Morocco, Norway, Poland, Portugal, Romania, Serbia and Montenegro,⁸ Slovakia, Slovenia, Spain, Sweden, Thailand, Tunisia, Turkey, Turkmenistan and United Kingdom.

42. The following OSCE participating States (including OSCE Partners for Cooperation) provided information on their national competent authorities dealing with international cooperation in criminal matters (implementation of the international cooperation provisions of the Convention and the Migrants Protocol): Azerbaijan, Belarus, Croatia, Finland, Latvia, Morocco, Norway, Poland, Portugal, Slovakia, Slovenia, Sweden, Turkey and Turkmenistan.

III. General conclusion

43. The cooperation between UNODC and OSCE in organizing the workshop is a very good example of joint initiatives that can be taken with a view to supporting the work and reporting mechanism of the Conference of the Parties. The workshop managed to fulfil its objective to raise awareness about the under-reporting problem encountered at the first reporting cycle of the Conference and related to the OSCE participating States, as well as provide a platform for seeking practical ways to overcome this problem. In view of the fact that the same under-reporting problem was encountered in relation to other groups of States, the lessons learnt from the UNODC-OSCE workshop could be used in future for similar activities in cooperation with other regional organizations.

Notes

- ¹ The Secretariat considered it appropriate to disseminate the questionnaires not only to States parties and signatories to the Convention and the Protocols, but also to non-signatory States. The Secretariat was of the view that such dissemination would be in line, first of all, with the spirit of inclusiveness that characterized the negotiation process of the Convention and its Protocols, but also with the already stated objective of the General Assembly and the Conference of the Parties of promoting the universal nature of the instruments and striving to achieve universal adherence to them. The Secretariat believed that encouraging non-signatory States to participate in the information-gathering system of the Conference of the Parties would be a way to assist them in gaining experience on how States that were already parties to the instruments had adjusted their legal and institutional framework in order to respond to the challenges posed by the crimes concerned. Such an experience could be constructive in the context of future discussions at the national level in the process of the ratification of or accession to the Convention and the Protocols.
 - ² See CTOC/COP/2005/2 on the implementation of the Convention; CTOC/COP/2005/3 on the implementation of the Trafficking Protocol; and CTOC/COP/2005/4 on the implementation of the Migrants Protocol. All analytical reports can be found in the following website: http://www.unodc.org/unodc/en/organized_crime_untoc_2005.html.
 - ³ On 22 June 2006, Montenegro became the 56th State to take its seat as an independent country at the OSCE Permanent Council. This development followed the dissolution of the former State Union of Serbia and Montenegro as a result of the independence referendum in Montenegro and the formal Declaration of Independence adopted by the National Assembly of Montenegro on 3 June 2006. On 28 June 2006, the General Assembly adopted resolution 60/264 to admit the Republic of Montenegro as the 192nd Member of the United Nations.
 - ⁴ The joint organization of the workshop was included in the checklist of the agreed-upon actions resulting from the meeting between Mr. Antonio Maria Costa, Executive Director, UNODC, and Mr. Marc Perrin de Brichambaut, Secretary-General, OSCE, which took place at UNODC Headquarters in Vienna on 7 February 2006.
 - ⁵ See endnote 3 above. The response from Serbia and Montenegro was received before the dissolution of the State Union.
 - ⁶ Ibid.
 - ⁷ Ibid.
 - ⁸ Ibid.
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