



Economic and Social Council

Distr.: General
7 February 2012

Original: English

Commission on Crime Prevention and Criminal Justice

Twenty-first session

Vienna, 23-27 April 2012

Item 5 of the provisional agenda*

**Integration and coordination of efforts by the United
Nations Office on Drugs and Crime and Member States in
the field of crime prevention and criminal justice**

International cooperation in combating transnational organized crime and corruption

Report of the Secretary-General

Summary

The present report, prepared pursuant to Economic and Social Council decision 2011/257 provides an overview of the activities of the United Nations Office on Drugs and Crime in the fight against transnational organized crime and corruption. The report complements the reports of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its fifth session and of the Conference of the States Parties to the United Nations Convention against Corruption on its fourth session, as well as of the working groups established by the Conferences. The report also provides information on the work of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and on the activities related to the establishment of a possible review mechanism or mechanisms for the review of implementation of the Organized Crime Convention and the Protocols thereto, as well as on technical assistance activities.

* E/CN.15/2012/1.



I. Introduction

1. The present report is submitted to the Commission on Crime Prevention and Criminal Justice at its twenty-first session pursuant to Economic and Social Council decision 2011/257. It provides information on the activities of the United Nations Office on Drugs and Crime (UNODC) in the fight against transnational organized crime and corruption with reference to Council resolutions 2005/17, entitled “International cooperation in the fight against transnational organized crime”, and 2006/24, entitled “International cooperation in the fight against corruption”, as well as General Assembly resolution 66/181, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”.

II. Transnational organized crime

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

2. In its resolution 66/181, the General Assembly called upon Member States to strengthen their efforts to cooperate, as appropriate, at the bilateral, subregional, regional and international levels to counter transnational organized crime effectively and urged UNODC to continue to provide technical assistance to Member States. Also in the resolution, the Assembly reaffirmed the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime; and 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) as the main tools of the international community to fight transnational organized crime.

3. The sixth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime will be held in October 2012. The Conference has established five working groups. The Working Group on International Cooperation and the Open-ended Interim Working Group of Government Experts on Technical Assistance, established by the Conference at its second session, were made a constant element of the Conference at its third and fourth sessions, respectively. The Conference established the Working Group on Trafficking in Persons in 2008; at its meeting held in October 2011, it was recommended that the Working Group should continue its work in advising and assisting the Conference in the implementation of its mandate with regard to the Trafficking in Persons Protocol. The open-ended intergovernmental interim working group on the smuggling of migrants and the open-ended intergovernmental working group on firearms were created pursuant to Conference resolutions 5/3 and 5/4 respectively.

B. Possible mechanisms to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

4. In its resolution 5/5, the Conference decided to establish an open-ended intergovernmental working group to consider and explore options and make proposals for the establishment of a mechanism or mechanisms to assist the Conference in the review of the implementation of the Convention and the Protocols thereto and to prepare terms of reference for such proposed review mechanism or mechanisms, for consideration and possible adoption at its sixth session.

5. The open-ended intergovernmental working group on the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto considered the draft terms of reference and the comprehensive self-assessment software (“omnibus survey software”) at its first session, held in Vienna from 17 to 19 May 2011. A series of informal consultations on the possible review mechanism or mechanisms and the “omnibus survey” were conducted by the Chair of the working group in the second half of 2011. The second session of the working group was held in Vienna from 23 to 26 January 2012.

6. In its resolution 5/5, the Conference decided that the software-based comprehensive self-assessment checklist (“omnibus tool”) should be used to facilitate the gathering of information on implementation of the Convention and the Protocols thereto and requested the Secretariat to further improve it, including by making it available in the six official languages of the United Nations. During the period under review, the Secretariat, in close coordination with Member States, sought to finalize the software and make it available in the six official languages. To this end, an expert group meeting on the omnibus survey software was held in Vienna in November 2011.

C. Promoting ratification and implementation of the United Nations Convention against Transnational Organized Crime

7. The Organized Crime Convention and its Protocols have continued to attract adherence by States. In 2011, 7 States ratified the Convention (bringing the total number of parties to 165), 5 States ratified the Trafficking in Persons Protocol (bringing the total number of parties to 147), 3 States ratified the Smuggling of Migrants Protocol (bringing the total number of parties to 129) and 7 States ratified the Firearms Protocol (bringing the total number of parties to 90).

8. UNODC has continued to provide technical assistance for the ratification and implementation of the Convention and its Protocols, including legal drafting support and advice, training and tools for criminal justice practitioners, support in implementation and the development of national policy and coordination. As emerging forms of crime can often be considered serious crimes, as defined by article 2 of the Convention, UNODC has also continued to provide assistance to States that is specific to emerging forms of crime that are within its purview. The delivery of technical assistance is greatly facilitated by tools developed by UNODC, such as model laws and legislative guides to assist in the implementation of the Convention and its Protocols.

1. Implementation of the provisions on international cooperation of the Organized Crime Convention

9. In its resolution 5/8 on the implementation of the provisions on international cooperation of the Organized Crime Convention, the Conference requested the Secretariat to continue to enhance the activities mentioned in its decision 4/2 by, *inter alia*, providing the technical assistance needed to ensure the effectiveness of mutual legal assistance and extradition requests based on the Convention and the Protocols thereto, drafting a practical guide for practitioners to facilitate international cooperation, and facilitating the development of regional networks active in the field of cooperation in the fight against transnational organized crime.

10. In 2011, UNODC continued to develop and promote the use of tools to facilitate international cooperation. The Mutual Legal Assistance Request Writer Tool, which is available in 10 languages,¹ is being revised and expanded. UNODC promoted the use of this tool at training sessions, conferences and seminars for central authorities and Government representatives. By December 2011, 566 online users had requested and received copies of the tool.

11. UNODC further developed its online directory of competent national authorities designated to receive, respond to and process requests for mutual legal assistance in criminal matters, extradition and the transfer of sentenced persons under the Convention or its Protocols. At the time of writing, the directory contained the contact details and other information (such as preferred channels of communication and acceptable forms of request) of 475 authorities designated by 84 Member States. The Secretariat has distributed 610 copies of the directory to all Member States and their competent national authorities.

12. To further the information-sharing necessary for effective international cooperation, UNODC also hosts an online legal library that provides access to legislation adopted by 190 States to implement the Convention and its Protocols. UNODC also developed a database of trafficking in persons case law to provide immediate, public access to officially documented instances of the crime. The database, launched in October 2011, contains details of the nationalities of victims and perpetrators, trafficking routes, verdicts and other information related to prosecuted cases from around the world.

13. In accordance with Conference resolution 5/8 and decision 4/2, UNODC continued promoting the use of legislative guides, model laws and the provisions on international cooperation in the Convention, compiling a case catalogue and providing technical assistance to enhance international cooperation. In the reporting period, UNODC developed a handbook on mutual legal assistance and extradition, which benefited from the input of an informal expert group meeting, held in Vienna in September 2011. In addition, UNODC developed a draft handbook to facilitate international cooperation for the purposes of confiscation in the framework of the fight against transnational organized crime. UNODC also provided national and regional training sessions in Botswana, Lesotho, Kazakhstan and Pakistan on international cooperation and the tools developed by UNODC. UNODC developed draft legislative provisions on the Organized Crime Convention and, in

¹ Arabic, Bosnian, Croatian, English, French, Montenegrin, Portuguese, Russian, Serbian and Spanish.

January 2012, it organized an informal expert group meeting, held in Vienna, in order to gather comments from experts for the finalization of the model provisions.

14. With a view to promoting the sharing of good practices and pursuant to Conference decision 4/2 and resolution 5/8, UNODC continued to actively seek out examples of successful cases. Furthermore, in 2011, UNODC started the development of a digest of cases on organized crime, in cooperation with the Governments of Colombia and Italy and the International Criminal Police Organization (INTERPOL). The aim of the digest is to promote and facilitate understanding and effective implementation of the Organized Crime Convention through a compilation of illustrative cases and good practices in the investigation and prosecution of cases on organized crime. Two meetings of experts were held: one in Rome from 23 to 26 May 2011, and the other in Cartagena, Colombia, from 28 November to 2 December 2011. The third and final meeting will be held in Palermo, Italy, in May 2012. The digest of cases will be presented to the Conference at its sixth session.

15. Pursuant to its mandate to support interregional networking, UNODC, at the request of the States concerned, launched a justice platform in 2010 to bring together focal points for extradition and mutual legal assistance in Burkina Faso, Mali, Mauritania and the Niger. UNODC continues to work on the establishment of an asset recovery network in South America under the Financial Action Task Force of South America against Money-Laundering. (GAFISUD). UNODC also continues to support the Asset Recovery Inter-Agency Network of Southern Africa through its Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism, through which it provides technical assistance and capacity-building to assist Member States to track illicit financial flows and seize the proceeds derived from trafficking in persons, smuggling of migrants, illicit trade in firearms and other types of organized criminal activities.

16. UNODC continues to maintain an international cooperation network web page, which includes links to regional cooperation networks and a list of relevant contact points in its online directory in order to enable authorities to make direct contact with one another. UNODC also continues to support previously established international cooperation networks for the Indian Ocean Commission and the Sahel countries.

17. In its decision 4/2 and resolution 5/8, the Conference requested the Secretariat to hold regional, subregional and interregional workshops for practitioners responsible for extradition and mutual legal assistance. During the period under review, UNODC organized a series of “train-the-trainer” workshops in Bangladesh and Morocco on issues relating to combating money-laundering and countering the financing of terrorism.

18. In March 2011, a Central American Network of Organized Crime Prosecutors was launched under the Central American Integration System (SICA)-UNODC Mechanism, which supports the capacity-building of prosecutors and facilitates intraregional and extraregional cooperation, including for mutual legal assistance and extradition. Over 200 prosecutors have participated in training on different issues related to organized crime, drug trafficking and money-laundering. The Network is in the process of establishing links with other networks, such as Eurojust.

2. Technical assistance activities related to the Organized Crime Convention

19. In its resolution 5/6, the Conference endorsed the recommendations of the meeting of the Open-ended Interim Working Group of Government Experts on Technical Assistance held in Vienna on 19 and 20 October 2010. In those recommendations, the Working Group endorsed, *inter alia*, the strategic and comprehensive approach to technical assistance adopted by UNODC, requested the Office 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, and requested the Secretariat to report to the Conference at its sixth session.

20. To assist States in strengthening their criminal justice responses to organized crime under the Convention and its Protocols, UNODC provides technical assistance to establish fair, humane and efficient criminal justice institutions, in line with international norms and within a sound rule-of-law framework. UNODC has published tools and provided technical assistance through 44 programmes in 39 developing countries, countries with economies in transition and countries in post-conflict situations, focusing on penal reform, alternatives to imprisonment, conflict resolution and prevention, and responses to tackle organized crime and trafficking. In West Africa, UNODC is part of a joint programme to support the Economic Community of West African States in developing an action plan to address the growing problems of drug trafficking and organized crime in that subregion. In Guinea-Bissau, UNODC is working with police, prosecutors and judges to build specialized expertise to combat trafficking and prosecute and sentence traffickers. UNODC provided training to prosecutors and judicial authorities in Ghana in the form of a mock trial to build capacity for the successful conduct of cases involving money-laundering and financial crime.

21. As part of a larger international response to piracy off the coast of Somalia, UNODC has also been providing targeted support and capacity-building to Somalia and other countries in the region that agree to undertake piracy prosecutions to ensure that the trials and detention are fair, humane and efficient and take place within a sound rule-of-law framework. UNODC is also providing support to Governments in the Horn of Africa to identify, track and halt illicit financial flows resulting from piracy off the coast of Somalia.

22. With regard to crime and criminal justice statistics and data on organized crime trends, UNODC supports States in building their capabilities for gathering and analysing the data necessary for policy formulation and operational responses. In 2011, in the framework of a joint initiative of UNODC and the National Institute of Statistics and Geography of Mexico, the Centre of Excellence for Statistical Information on Governance, Victims of Crime, Public Security and Justice was inaugurated in Mexico City. The Centre will support countries of the region in producing statistical data on crime, develop training curricula on crime statistics for national officers and foster research activities on crime, victimization and criminal justice. In close collaboration with the Organization of American States, UNODC continued to provide training on crime and criminal justice statistics to countries in Latin America and the Caribbean. In 2011, UNODC also completed two projects in the western Balkans to enhance crime and criminal justice statistics and to conduct a large-scale survey and assessment on administrative corruption (bribery).

23. UNODC continues to build knowledge and skills in law enforcement institutions through its computer-based training, which was recently updated with 11 new modules, as well as through specialized training on topics such as special investigative techniques; evolving *modi operandi* of organized crime; the identification of drugs, precursors and containers at high risk of being used for illegal purposes; and the conduct of financial investigations. Assistance in establishing financial intelligence units and training financial intelligence unit analysts, pursuant to article 7 of the Convention, will remain a technical assistance priority for UNODC within the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism. A new course on addressing the issues of cash couriers and the cross-border transportation of cash and bearer-negotiable instruments was piloted in Indonesia and the Philippines in 2011, with further training sessions scheduled throughout 2012.

24. UNODC has worked to strengthen inter-institutional coordination and law enforcement cooperation by establishing regional inter-agency port control units, regional information coordination centres and regional networks of prosecutors of organized crime and drug-related offences. UNODC has also supported the development of informal asset seizure networks and has provided training to regional financial intelligence units and to prosecutors and law enforcement officials dealing with money-laundering issues and asset recovery.

25. To assist Member States in developing strategic responses to serious and organized crime and to cooperate at the regional and international levels, States should have the capacity within their own law enforcement structures to collect, collate, evaluate, analyse and disseminate information on criminals and their organizations. UNODC is supporting criminal intelligence capabilities through the provision of policy advice, assessment and gap analysis; and the training of criminal analysts (including in using specialist analytical software), front-line law enforcement and policymakers, including through the use of a set of recently published criminal intelligence training manuals. UNODC supports the criminal intelligence capabilities of a growing number of subregional coordination centres, such as the Central Asian Regional Information and Coordination Centre (CARICC); the joint planning cell of the Triangular Initiative; the transnational crime units of the West Africa Coast Initiative; and the Gulf Centre for Criminal Intelligence, based in Doha.

26. UNODC representatives participated in an expert group meeting organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and provided input for the development of a manual on gender issues relating to witness protection. During the reporting period, an assessment was conducted in Ethiopia and UNODC provided expertise to the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders for a residential seminar on securing the protection and cooperation of witnesses and whistle-blowers and at an inter-agency conference hosted by the witness protection unit of the Government of Malaysia.

27. With regard to cybercrime, UNODC, together with the expert group on cybercrime, continued work on the comprehensive study of cybercrime and responses to it, the mandate for which was given by General Assembly in its resolution 65/230. UNODC has developed a questionnaire for completion by Member States, private sector organizations, intergovernmental organizations and

academia that was sent to Member States early in 2012. In addition to work on the comprehensive study, UNODC was also requested by the Economic and Social Council, in its resolution 2011/33, to carry out a study to facilitate the identification, description and evaluation of the effects of new information technologies on the abuse and exploitation of children, as well as to design and carry out an assessment of the needs of States for training in the investigation of offences against children committed by using those new technologies. Literature reviews, background research and the design of data collection instruments have commenced in respect of both requests and UNODC will continue work on the study and needs assessment throughout the course of 2012. During the reporting period, UNODC also carried out technical support work to address cybercrime, including the development and piloting of a comprehensive cybercrime assessment tool for use at the national level, the delivery of support to a review of national cybercrime legislation, and the conduct of an assessment mission to a developing country for the purposes of designing a programme of ongoing technical assistance and capacity-building.

28. In March 2011, UNODC, together with the United Nations Development Programme (UNDP), conducted a joint assessment mission, focused on organized crime and impunity, in El Salvador. An exploratory mission on the same topic was conducted in Honduras in December 2011.

29. In 2011, the crime prevention and criminal justice technical assistance portfolio of UNODC continued to grow and it now comprises 49 projects in 26 countries, with a total pledged budget of \$106 million. Notable developments occurred in the areas of penal reform and alternatives to imprisonment in Latin America and the Caribbean, Africa and Asia; juvenile justice in the Middle East and North Africa; access to justice and legal aid in Africa; police reform in East Africa; and crime and violence prevention in Latin America and the Caribbean.

30. UNODC has also undertaken the drafting of specific guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property, based on the provisions of the Organized Crime Convention, with a view to assisting States in better ensuring the protection of cultural property against trafficking. In November 2011, UNODC convened an informal expert group meeting in Vienna to discuss the draft guidelines.

D. Promoting ratification and implementation of the Protocols to the United Nations Convention against Transnational Organized Crime

1. Trafficking in Persons Protocol

31. UNODC is helping Member States to implement the Trafficking in Persons Protocol, as well as to prevent and prosecute trafficking and to protect victims by using tools, providing capacity-building and promoting international cooperation.

32. In December 2011, UNODC was engaged in 19 technical assistance projects related to the Trafficking in Persons Protocol. Projects are tailored to the specific needs of the recipient country or region and reflect the underlying principle of the Protocol, which advocates a balance between criminal justice and the protection of

victims of such trafficking. The programmes are aimed at developing national legislation, national strategies and local capacity and expertise.

33. UNODC continues to develop and disseminate tools to assist criminal justice practitioners in responding to trafficking in persons. Those tools incorporate good practices and recommendations inspired by the victim-centred approach. In 2011, UNODC launched the “Human trafficking first-aid kit for law enforcement agencies” and the Victim Translation Assistance Tool. They are designed to support front-line officers who may come into contact with cases of trafficking in persons in providing basic assistance to victims of such trafficking. Several technical reports and issue papers were published, including, for example, a paper on transnational organized crime in the fishing industry, which focuses on trafficking in persons, smuggling of migrants and drug trafficking.

34. UNODC promoted the increase in capacity of criminal justice practitioners to combat trafficking in persons through the global training initiative on trafficking in persons. Under this initiative, criminal justice practitioners were trained in Fiji, Mali, Portugal and Ukraine to deal effectively with victims of trafficking in persons and to undertake investigations, prosecutions and international cooperation. Training sessions were also organized in Kyrgyzstan and Egypt.

35. Pursuant to General Assembly resolution 61/180, the Executive Director of UNODC is charged with coordinating the activities of the Inter-Agency Coordination Group against Trafficking in Persons. A policy paper, to be published in 2012, is being currently drafted by the Working Group of the Coordination Group. The United Nations Children’s Fund (UNICEF) will be the Chair of the Coordination Group in 2012, as per the terms of the rotating Chair agreed upon by the Coordination Group.

36. UNODC also manages the Global Initiative to Fight Human Trafficking (UN.GIFT), in cooperation with the International Organization for Migration, OHCHR, the International Labour Organization, UNICEF and the Organization for Security and Cooperation in Europe. Based on the overall recommendation of the UN.GIFT independent evaluation, a strategic plan for the new phase of UN.GIFT (2012-2014) was developed by a team of experts and all the Steering Committee members. The plan was finalized following the 25th Steering Committee meeting, which was held in September 2011.

2. Smuggling of Migrants Protocol

37. UNODC is also assisting Member States in the implementation of the Smuggling of Migrants Protocol to prevent and prosecute this crime and to protect the rights of smuggled migrants, in particular through 11 technical assistance projects. Several technical reports and issue papers were published on matters such as the role of organized crime in the smuggling of migrants from West Africa to the European Union and a legal policy review on responses to trafficking in persons in Bangladesh, India, Nepal and Sri Lanka.

38. During the reporting period, UNODC conducted training programmes in Egypt, Ghana and Morocco and continued implementing a significant programme to assist States in East and South-East Asia in establishing a coordination and analysis unit on data collected on the smuggling of migrants. In carrying out its work, UNODC collaborates with international, regional and subregional organizations

involved in addressing the smuggling of migrants. UNODC is part of the Global Migration Group and works with law enforcement organizations and initiatives, such as INTERPOL, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.

39. In its resolution 5/3, the Conference decided to establish an open-ended intergovernmental interim working group to advise and assist it in the implementation of its mandate with regard to the Smuggling of Migrants Protocol. In that resolution, the Conference requested the Secretariat to convene an expert group meeting to prepare an issue paper on the smuggling of migrants by sea, as well as to develop tools to assist States parties seeking to strengthen the integrity and security of travel and identity documents and promote cooperation among States with the goal of stemming the misuse of such documents. The expert group meeting was held in Vienna in September 2011. The issue paper was published on 18 December 2011, on the occasion of International Migrants Day.

3. Firearms Protocol

40. In its decision 4/6 and resolution 5/4, the Conference invited States that had not yet done so to consider becoming parties to the Firearms Protocol and urged States parties to the Protocol to harmonize their national legislation in a manner consistent with the Protocol. In its resolution 5/4, the Conference requested UNODC to develop technical assistance tools in order to support the implementation of the Protocol as well as to finalize and disseminate the model law on firearms and to develop other technical assistance tools, including a study of the transnational nature of and routes used in trafficking in firearms. Furthermore, the Conference decided to establish an open-ended intergovernmental working group on firearms that should hold at least one intersessional meeting, if possible, in the framework of the Commission on Crime Prevention and Criminal Justice.

41. Furthermore, UNODC carried out activities aimed at raising knowledge and awareness and promoting greater adherence to the Firearms Protocol. In its *Global Study on Homicide*, published in 2011, UNODC addressed the link between firearms availability and homicide rates, contributing to improved evidence-based knowledge with respect to firearms and armed violence.

42. Under its global programme on firearms, UNODC has started a project with 15 countries in West Africa, Latin America and the Caribbean. The project is funded by the European Union and UNODC provides legislative assistance and technical support on firearms control matters, such as marking, record-keeping, tracing, collection and disposal of firearms, as well as training to strengthen capacities for investigating and prosecuting offences involving firearms and their links to organized criminal groups. During the reporting period, several States requested assistance in ratifying and implementing the Firearms Protocol and UNODC is seeking additional resources to provide such assistance.

43. UNODC continued to develop and disseminate technical assistance tools. The model law on firearms was published in English and disseminated in 2011. The model law is currently being translated into the official languages of the United Nations and efforts are being made to secure the funds to disseminate it. In the

framework of its firearms project, funded by the European Union, UNODC has started to develop a comprehensive training curriculum on firearms control, which will provide the basis for a more standardized approach to technical assistance on firearms. In addition to regulatory and preventive aspects, the curriculum will focus on investigation and prosecution of offences involving firearms and their links to organized criminal groups. A meeting of experts was held in Vienna in October 2011 to discuss and support the development of the modules.

44. Through the United Nations Coordinating Action on Small Arms mechanism, UNODC supports the development of international small arms control standards and contributed to a study on the impact of the unregulated arms trade. UNODC cooperates with several other United Nations entities, entities not affiliated with the United Nations, Member States, civil society and the private sector in carrying out its activities related to the Firearms Protocol.

45. UNODC representatives attended a meeting of the contact group on firearms established under European Union directive 2008/51/EC, held in Brussels on 21 March 2011. In November 2011, UNODC representatives attended a meeting of the Common Market of the South (MERCOSUR) working group on firearms and explosives in Uruguay to discuss a possible partnership under its global programme on firearms. UNODC is a member of the INTERPOL advisory group for the development of a stolen and lost firearms database. In addition, INTERPOL is a partner in the implementation of the UNODC global programme on firearms.

III. Corruption

A. Conference of the States Parties to the United Nations Convention against Corruption

1. Outcome of the fourth session of the Conference

46. At the time of reporting, there were 159 States parties to the United Nations Convention against Corruption. At the fourth session of the Conference of the States Parties to the United Nations Convention against Corruption, held in Marrakech, Morocco, from 24 to 28 October 2011, 125 States were represented.

47. In its resolution 4/1, entitled “Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, the Conference requested the Secretariat to prepare an executive summary template for the country reports and took note of the thematic reports on implementation. The Conference recognized the importance of effectively addressing technical assistance within the Mechanism, recommended that all States parties identified technical assistance requirements in their responses to the comprehensive self-assessment checklists and in the country reports and continued to provide UNODC with information on ongoing technical assistance projects, and encouraged States parties to share experiences on technical assistance. With regard to the funding of the Review Mechanism, the Conference requested the Secretariat to further examine the shortfall identified in the resource requirements, and decided that the Implementation Review Group should engage with the Secretariat during its intersessional period in that regard.

48. The Conference adopted resolution 4/5, entitled “Participation of signatories, non-signatories, entities and intergovernmental organizations in the work of the Implementation Review Group”, and resolution 4/6, entitled “Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption”. Pursuant to those resolutions, signatories and entities and intergovernmental organizations with a standing invitation from the General Assembly to participate in the work of the United Nations may attend sessions of the Implementation Review Group, deliver statements at the invitation of the Chair, receive documents and submit their views in writing. Non-signatories may apply for observer status. For non-governmental organizations, briefings should be conducted on the outcomes of the review process at the margins of the sessions of the Implementation Review Group. Such briefings are meant to continue constructive dialogue on the contribution of non-governmental organizations to the Review Mechanism.

49. The Conference also adopted resolution 4/2, in which it decided to convene open-ended intergovernmental expert meetings on international cooperation to advise and assist the Conference with respect to extradition and mutual legal assistance.

50. In its resolution 4/3, the Conference further adopted the Marrakech declaration on the prevention of corruption, in which it requested the Secretariat to continue to perform the functions of an international observatory gathering existing information on good practices in preventing corruption. The Conference also requested the Secretariat to continue to assist in promoting awareness of the principles of the Convention among the business community, and to further collect and disseminate information on good practices in promoting responsible, professional reporting by journalists on corruption. Member States were requested to promote relevant bilateral, regional and international activities to prevent corruption, to develop initiatives to promote and implement anti-corruption measures within public procurement, to devote special attention to the creation of opportunities to involve young people and to promote educational programmes that instil concepts and principles of integrity.

51. In its resolution 4/4, entitled “International cooperation in asset recovery”, the Conference urged States parties that had not already done so to designate a central authority and, where appropriate, focal points. The Conference called upon States parties to give timely consideration to the execution of mutual legal assistance requests and to ensure that procedures allowed for the seizure and restraint of assets for a sufficient time period. The Conference urged States parties and signatories to the Convention to strengthen their capacity in asset recovery, and decided that the Open-ended Intergovernmental Working Group on Asset Recovery should continue to consider the issue of establishing a global network of asset recovery focal points.

52. In its decision 4/1, the Conference welcomed the offer of the Government of the Russian Federation to act as host to the sixth session of the Conference, and decided that its sixth session would be held in the Russian Federation in 2015.

2. Mechanism for the Review of the Implementation of the Convention

53. At its third session, held in Doha from 9 to 13 November 2009, the Conference adopted resolution 3/1, entitled “Review mechanism”, which contained the terms of

reference of the Mechanism for the Review of Implementation of the Convention. The Implementation Review Group held its second session in Vienna from 30 May to 2 June 2011 and its resumed second session in Vienna from 7 to 9 September 2011 and in Marrakech, Morocco, on 25 October 2011. The Group considered the review of implementation of the Convention, technical assistance, financial and budgetary matters and other matters, including the issue of participation of observers in its meetings.

54. Following the drawing of lots carried out to select the States parties that would be under review in each year of the first review cycle, 27 States parties were under review in the first year. All States parties under review have submitted their final responses to the self-assessment checklist and have engaged in active dialogue with the reviewing States: 22 forms of direct dialogue had been held at the time of reporting, including 21 country visits and one joint meeting held in Vienna. Two country visits and one joint meeting in Vienna were due to be held at the time of reporting and another country visit was under consideration. Nine executive summaries had been agreed to by the States parties under review and the reviewing States parties, and the rest of the reviews for the first year were in their final stages. Thematic implementation reports on chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention were submitted to the Conference at its fourth session, identifying trends in implementation and highlighting good practices and technical assistance needs that had emerged from the review process to date. A background paper on lessons learned from the first year of the review process was also submitted to the Conference.

55. At its second session, the Implementation Review Group launched the second year of reviews, with a total of 41 States parties under review, and drew lots for their reviewing States parties. An updated version of the comprehensive self-assessment checklist was rolled out for the second review year and it addressed some technical issues. The question flow was simplified and redundancies were eliminated, while preserving the consistency and coherence of the self-assessment reports with regard to those of the first year of reviews. Eleven training sessions in five of the official languages of the United Nations were held for focal points of States under review and governmental experts of reviewing States. Assistance was provided at the national level to requesting States parties under review. At the time of reporting, approximately half of the States under review had submitted their responses to the comprehensive self-assessment checklist and several of those had begun engaging in active dialogue with their reviewing States.

3. Open-ended Intergovernmental Working Group on the Prevention of Corruption

56. At its second intersessional meeting, held in Vienna from 22 to 24 August 2011, the Open-ended Intergovernmental Working Group on the Prevention of Corruption recommended that the Secretariat conduct analyses of good practices reported by States parties and collect information on existing expertise within the United Nations system and other organizations in that regard. The Group decided that at its next meeting it should focus on, among other things, conflicts of interest, reporting acts of corruption and asset declarations, particularly in the context of articles 7-9 of the Convention. In addition, the Working Group reaffirmed that States parties should continue to strengthen awareness-raising and education and that special attention be devoted to work with young people and children. The

Secretariat should continue to assist in promoting the implementation of the Convention among the business community.

4. Open-ended Intergovernmental Working Group on Asset Recovery

57. At its fifth intersessional meeting, held in Vienna on 25 and 26 August 2011, the Open-ended Intergovernmental Working Group on Asset Recovery stressed the importance of preparing States for the review of the implementation of chapter V of the Convention in the second phase of the Review Mechanism and encouraged States parties to use the self-assessment checklist as a way to assess their efforts. It requested the Secretariat to continue its work on collecting and systematizing information on asset recovery cases, and called on States to provide relevant information to the Secretariat. The Working Group recommended that further discussion should take place to determine the modalities for establishing a global network of asset recovery focal points. It urged States parties that had not yet done so to designate and communicate to the Secretariat their asset recovery focal points, and requested the Secretariat to send another note verbale to that effect.

B. Promoting ratification and implementation of the United Nations Convention against Corruption

1. Tools and knowledge-building

58. On 1 September 2011, UNODC launched the anti-corruption portal called Tools and Resources for Anti-Corruption Knowledge (TRACK). TRACK is a Web-based platform containing the United Nations Convention against Corruption Legal Library, an electronic repository of legislation, jurisprudence, anti-corruption strategies and institutional data from 178 States. Developed and administered by UNODC and supported by the joint World Bank/UNODC Stolen Asset Recovery (StAR) Initiative, the Legal Library collects the information and disseminates it, indexed and searchable according to each provision of the Convention, and thus provides a detailed analytical breakdown of how States have implemented the Convention. The TRACK portal is also a search engine that enables States, the anti-corruption community, the general public and the private sector to access the knowledge generated by UNODC and its partner organizations. Recognizing the challenges inherent in cross-border communication among practitioners, TRACK also provides a community of practice for registered members of anti-corruption authorities, central authorities for mutual legal assistance and asset recovery focal points.

59. UNODC provided continuing support to countries in their efforts to assess the nature and extent of corruption. UNODC conducted a programme of surveys on corruption and crime in the western Balkans. In Afghanistan, UNODC and UNDP have continued their joint programme of surveys, and field work on the assessments of the law enforcement, judiciary, education and public administration sectors has started. In Iraq, UNODC and UNDP continued their joint programme of surveys aimed at providing a comprehensive assessment of the integrity and working conditions of civil servants, in close collaboration with the central statistical office and the Kurdistan Region Statistical Office. The final report will be published during the first half of 2012.

60. During the fourth session of the Conference, UNODC launched the study *Estimating Illicit Financial Flows Resulting from Drug Trafficking and Other Transnational Organized Crimes*. According to the report, the total amount of criminal proceeds generated in 2009, excluding those derived from tax evasion, was approximately \$2.1 trillion, or 3.6 per cent of GDP in that year. Currently, less than 1 per cent of global illicit financial flows was estimated to be seized and frozen.

61. In December 2011, UNODC finalized and published the *Resource Guide on Strengthening Judicial Integrity and Capacity*, with a view to supporting the reform and strengthening of justice systems. Work on the *Guide* began pursuant to Economic and Social Council resolution 2006/23, in which the Council invited Member States, consistent with their domestic legal systems, to encourage their judiciaries to take into consideration the Bangalore Principles of Judicial Conduct when reviewing or developing rules with respect to the professional and ethical conduct of members of the judiciary, and requested UNODC to develop a technical guide to be used in providing relevant technical assistance aimed at strengthening judicial integrity and capacity. The *Guide* draws together ideas, recommendations and strategies developed by experts on judicial and legal reform and includes references to successful measures taken in a number of countries.

62. The *Handbook on Identity-related Crime* was developed and published by UNODC in 2011 with a view to increasing expert knowledge to address related legal, institutional and operational issues. The *Handbook* was produced pursuant to Economic and Social Council resolutions 2004/26, 2007/20 and 2009/22, in which the Council called for the development of useful practices and guidelines or other material on identity-related crime. The *Handbook* benefited from the work of a core group of experts on a multi-stakeholder basis from Member States, international organizations, the private sector and academia to exchange views on the best course of strategic, policy and legal action to take against such crime.

63. UNODC is currently developing an expanded and revised version of the UNODC Mutual Legal Assistance Request Writer Tool in relation to asset recovery, which is due to be finalized during the first half of 2012.

2. Provision of technical assistance for the implementation of the Convention

64. In the period 2010-2011, UNODC provided expertise and technical assistance in line with the Convention to Afghanistan, Albania, Bolivia (Plurinational State of), Botswana, Brazil, Cape Verde, Central African Republic, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Ghana, India, Indonesia, Iraq, Jordan, Kazakhstan, Kenya, Lebanon, Liberia, Libya,² Maldives, Mali, Mauritania, Montenegro, Morocco, Namibia, Nepal, Peru, Samoa, Senegal, Serbia, Seychelles, South Sudan, Swaziland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Viet Nam and Yemen. Technical assistance was also provided at the regional level for West Africa, the Arab region, East and Central Africa, Latin America and the western Balkans.

² Since 16 September 2011, “Libya” has replaced “Libyan Arab Jamahiriya” as the short name used in the United Nations.

65. UNODC continued to provide technical assistance at the regional and national level through its global Anti-Corruption Mentor Programme. Starting in the second half of 2011, four anti-corruption mentors provided assistance in the Democratic Republic of the Congo and in East Africa, Central America and the Caribbean and East Asia by developing new projects and providing support to ongoing anti-corruption projects, such as the Regional Anti-Corruption Academy in Panama, through providing advice to anti-corruption institutions, designing and delivering capacity-building and training courses and participating in and promoting awareness-raising activities. Subject to the availability of resources, in the future UNODC intends to place anti-corruption mentors in the Pacific, the Middle East and North Africa, and West and Central Africa.

66. In 2011, UNODC launched two anti-corruption projects in Iraq. One project focuses on providing support to the Commission of Integrity, including the newly established liaison office with national institutions, for strengthening capacity for asset recovery. The other project centres on building the capacity of the Commission and other investigative institutions to conduct financial investigations and collect evidence relating to complex financial criminal cases. UNODC implemented a basic and an advanced training for Iraqi investigators in November and December 2011 and a workshop on crisis communications management is scheduled for early 2012.

67. UNODC is providing assistance to the South Sudan Anti-Corruption Commission by reviewing a proposed anti-corruption bill and providing a broad range of technical support. A desk review of the legislation has been undertaken, a drafting workshop is scheduled and assistance in establishing an investigation team has been provided. Agreement of a technical support package for South Sudan is approaching finalization.

3. Cooperation with other entities

68. UNODC continued to cooperate closely with UNDP, including through joint programmes in Iraq and the Arab region (such as the Programme on Governance in the Arab Region). UNDP provided financial and substantive support to the training workshops for governmental experts participating in the Review Mechanism. A joint anti-corruption training course is being developed, which will be part of the general training on the United Nations Development Assistance Framework process.

69. The StAR Initiative continues to develop practical tools and policy studies on asset recovery, including by supporting the development of TRACK. With regard to policy studies issued in 2011, *Barriers to Asset Recovery* analyses key barriers that impede the recovery of stolen assets; *Illicit Enrichment* examines the legal and policy issues relating to illicit enrichment; and *The Puppet Masters: How the Corrupt Use Legal Structures to Hide Stolen Assets and What to Do About It* describes how legal structures are used to conceal ownership and control of assets. Two publications have been developed in cooperation with the Organization for Economic Cooperation and Development (OECD): *Tracking Anti-Corruption and Asset Recovery Commitments* examines the implementation of the commitments set out in the Accra Agenda for Action by 30 donor countries; and *The Identification and Quantification of Proceeds of Bribery* shows how financial gains from bribery can be calculated and confiscated. A study on the impact of settlements on international cooperation in asset recovery is currently under preparation.

70. At the time of reporting, the Asset Recovery Focal Point Database, established by the StAR Initiative in partnership with INTERPOL, contained the details of focal points from 102 countries. The second meeting of the focal points, held in Lyon, France, from 11 to 13 July 2011, was attended by 113 participants from 55 countries.

71. UNODC has continued to support the International Anti-Corruption Academy in its institutional development, a process that led to the establishment of the Academy as an international organization in March 2011.

72. UNODC has provided support to an informal group of anti-corruption experts in the development of the anti-corruption academic initiative. The initiative aims to develop a comprehensive anti-corruption academic curriculum composed of individual units that universities can integrate into their existing academic programmes. The expert group held its second meeting in Marrakech, Morocco, prior to the fourth session of the Conference, where discussions focused on finalizing the outline of the curriculum.

73. UNODC continued to participate in the work of the Global Compact Working Group on the Tenth Principle. UNODC participated in the 8th and 9th meetings of the Working Group, held in Copenhagen on 17 May and in Marrakech, Morocco, from 23 to 25 October 2011. UNODC and the Global Compact launched an e-learning tool for the private sector on the tenth principle and the Convention against Corruption.

74. In 2011, UNODC established partnerships with private sector entities and launched several projects aimed at promoting the implementation of the Convention against Corruption among actors operating in the business community. The Siemens Integrity Initiative finances three anti-corruption projects aimed at reducing vulnerabilities to corruption in public procurement systems; creating systems of legal incentives to encourage corporate integrity and cooperation, including reporting of internal incidents of corruption; and educating present and future generations of business and public leaders on the Convention. UNODC, together with OECD and the World Bank, has started to develop a practical handbook for businesses to bring together guidelines and related material on private sector anti-corruption compliance. UNODC has also launched a project to identify good practices for preventing corruption in the organization of major public events. In the margins of the fourth session of the Conference, UNODC, together with Transparency International, the World Economic Forum, the International Chamber of Commerce and the Global Compact, organized a high-level forum on the Convention and global competition. UNODC representatives participated in the annual gathering of the World Economic Forum in Davos, Switzerland, in 2011 and 2012. UNODC representatives also attended the World Economic Forum on Europe and Central Asia 2011. In 2011, UNODC co-sponsored and sent representatives to the conference “Joining Forces against Corruption: G20 Business and Government”, organized jointly by the French presidency of the Group of Twenty and OECD.

75. Within the framework of the “Looking Beyond” project, UNODC, in partnership with the UNCAC Coalition, has initiated a series of training sessions that aim to enhance the capacity of non-governmental organizations to understand the Convention and its Review Mechanism.

4. Meetings and special events

76. UNODC contributed substantively to a number of national, regional and international anti-corruption workshops and conferences, raising the profile of the Convention and providing policy guidance and technical advice on its implementation. UNODC also continued to participate in the Group of States against Corruption of the Council of Europe, the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption, the OECD Working Group on Bribery in International Business Transactions, the OECD Development Assistance Committee Network on Governance and the G20 Anti-Corruption Working Group of the Group of Twenty.

77. Since 2009, UNODC and UNDP have marked International Anti-Corruption Day on 9 December with a joint campaign. In 2011, it was launched under the theme “ACT – Against Corruption Today” in an effort to encourage a multisectoral approach involving all stakeholders, including those outside the public sector such as civil society, non-governmental and community-based organizations, and the media. Several countries, such as Brazil, Colombia, Indonesia, Iran, Libya, Nigeria and Viet Nam, some of them supported by UNODC, UNDP and their local partners, organized activities. Communications materials were made available for free download in all official languages of the United Nations from the website www.actagainstcorruption.org.

IV. Recommendations

78. The Commission may wish to urge Member States that have not yet done so to ratify or accede to the Organized Crime Convention and its Protocols and to the Convention against Corruption and to take every step needed to ensure their effective implementation. In particular, the Commission may wish to urge States to provide financial and material contributions for the convening of working groups and workshops for the implementation of both Conventions.

79. The Commission may wish to continue supporting the work of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the work of the Conference of the States Parties to the United Nations Convention against Corruption. In particular, it may wish to reiterate its call upon States to make financial contributions in support of the Conferences, related technical assistance activities and the Review Mechanism of the Convention against Corruption.

80. The Commission may wish to explore further ways to maintain and strengthen the political momentum that is necessary for the Conferences and their working groups to perform their functions.

81. The Commission may wish to consider further the issue of illicit financial flows and identity-related crime after the publication of *Estimating Illicit Financial Flows Resulting from Drug Trafficking and Other Transnational Organized Crimes* and the *Handbook on Identity-related Crime*, and provide appropriate policy guidance to UNODC.