



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

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Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Italy: draft resolution

Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

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

Recalling its resolution 5/1 of 22 October 2010, entitled “Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”,

Mindful of the importance of ensuring universal adherence to and full implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,¹

Reaffirming the importance of the Convention and the Protocols thereto as the main tools available to the international community to fight transnational organized crime,

Acknowledging the efforts made by States parties in implementing the Convention and the Protocols thereto, and recognizing that more efforts are necessary to make full and effective use of those instruments,

Welcoming the establishment by the Secretary-General of the United Nations system task force on transnational organized crime and drug trafficking as threats to security and stability, for the purpose of developing an effective, comprehensive and coordinated response to such challenges,

* CTOC/COP/2012/1.

¹ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.



Noting the relevance, as a further common effort by the international community to tackle transnational organized crime, of the high-level briefing on challenges in the fight against transnational organized crime and drug trafficking, held in New York on 7 February 2012,

Recalling that the theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice will be “Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation”,

Acknowledging the relevance of the implementation of the Convention and the Protocols thereto in the framework of United Nations rule of law activities, as well as in view of the elaboration of the United Nations development agenda beyond 2015,

Noting with concern the emergence of new forms and dimensions of transnational organized crime and reaffirming that the Convention, as a global instrument with wide adherence, offers the broadest scope of cooperation to address existing and emerging forms of transnational organized crime,

Greatly concerned by the negative impact of organized crime on human rights, the rule of law, security and development, as well as by the sophistication, diversity and transnational aspects of organized crime and its links with other criminal and, in some cases, terrorist activities,

Recognizing that the Convention offers a unique basis for international cooperation in various areas of the fight against transnational organized crime and has in this regard a potential that is yet to be exploited,

Recognizing also that technical assistance is fundamental to ensuring the effective implementation of the provisions of the Convention and the Protocols thereto,

Recognizing further the need for accurate information on global crime trends and patterns, including on new and emerging forms of organized crime, and the need to improve the quality, scope and completeness of data relating to organized crime,

Welcoming the results of the pilot review programme, which involved a group of volunteer States parties from different regional groups, the evaluation of that exercise and the completion of the comprehensive self-assessment checklist (“omnibus tool”),

1. *Notes with appreciation* that the number of parties to the United Nations Convention against Transnational Organized Crime² has reached one hundred and seventy-two, reiterates its call to Member States that have not yet done so to consider ratifying or acceding to the Convention and the Protocols thereto³ and encourages States parties to fully implement the Convention and the Protocols thereto;

² Ibid., vol. 2225, No. 39574.

³ Ibid., vols. 2237, 2241 and 2326, No. 39574.

2. *Encourages* the United Nations Office on Drugs and Crime, in consultation with Member States, to continue its work to address the threats posed by transnational organized crime, particularly with respect to the various forms of crime within the scope of the Convention that are of common concern to the States parties;

3. *Requests* the United Nations Office on Drugs and Crime, in consultation with Member States and in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, to strengthen the collection, analysis and reporting of accurate, reliable and comparable data on organized crime trends and patterns, in accordance with article 28 of the Convention;

4. *Also requests* the United Nations Office on Drugs and Crime to continue raising awareness of the negative impact of organized crime through advocacy campaigns and outreach to and partnerships with civil society and the private sector, commends the Office for its public service announcement on organized crime and ongoing media campaign and encourages States parties to support that campaign, as appropriate;

5. *Further requests* the United Nations Office on Drugs and Crime to continue providing technical assistance in order to support and complement national, regional and thematic programmes and activities based on the needs of Member States in combating transnational organized crime;

6. *Welcomes* the adoption at its sixth session of the mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, aimed at assisting States parties in the implementation of the Convention and the Protocols thereto, and calls upon States parties to actively engage in the activities of the Palermo Implementation Review Group, including with respect to trends, emerging implementation issues and technical assistance needs, within the framework of the agreed terms of reference of the review mechanism;

7. *Requests* the United Nations Office on Drugs and Crime to continue developing technical assistance tools with a high degree of added value, such as handbooks and legal and policy commentaries, with regard to the instruments as a whole, to cross-cutting issues such as criminal intelligence and witness protection, and to particular issues, including those addressed under the first cycle of the mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, as may be requested or identified as useful by the Conference or one of its working groups;

8. *Also requests* the United Nations Office on Drugs and Crime to deliver technical assistance on the dissemination and application of such good practices, with a view to improving the capacity of States to implement and utilize the Convention and the Protocols thereto and to increasing the effectiveness of the technical assistance activities of the Office to combat transnational organized crime;

9. *Welcomes* the development by the United Nations Office on Drugs Crime, in accordance with Conference resolutions 5/1 and 5/8, of new tools for criminal justice practitioners aimed at disseminating good practices and lessons learned and fostering the effective implementation of the Convention and the

Protocols thereto, such as the digest of organized crime cases covering a wide range of organized crime offences and related national legislation, the practical guide to facilitate the drafting, transmission and execution of requests for extradition and mutual legal assistance pursuant to articles 16 and 18 of the Convention, and the practical guide to facilitate international and interregional cooperation for the purposes of confiscation in the framework of the fight against transnational organized crime, and therefore requests the United Nations Office on Drugs and Crime to promote and disseminate the above-mentioned tools, including through an online digest newsletter and through its knowledge management portal, and to make use of those tools for its technical assistance activities;

10. *Acknowledges* the ongoing efforts made to develop an integrated programme approach comprising thematic and regional programmes for the fulfilment of the normative and technical assistance mandates of the United Nations Office on Drugs and Crime, and encourages States parties to draw on technical assistance activities included in the Office's regional programmes to increase regional cooperation in combating transnational organized crime;

11. *Urges* States parties to make adequate voluntary contributions to the account established in accordance with article 30, paragraph 2 (c), of the Convention for the provision of technical assistance, and invites Member States and other donors to provide extrabudgetary resources in accordance with the rules and procedures of the United Nations;

12. *Draws* the attention of States parties to article 31 of the Convention and encourages them to develop appropriate strategies, policies and measures aimed at the prevention of transnational organized crime;

13. *Welcomes* the activities carried out by the Working Group on International Cooperation and requests the United Nations Office on Drugs and Crime to continue to establish networks and other mechanisms to facilitate formal and informal cooperation, including through regional and interregional meetings and exchanges of experience among practitioners, with a view to taking stock of and sharing knowledge acquired through the above-mentioned instruments and mechanisms;

14. *Also welcomes* the activities carried out by the Working Group on Trafficking in Persons, decides that the mandates for the Working Group should be extended and that its areas for future work should reflect the recommendations contained in the report of the Working Group,⁴ welcomes the United Nations Office on Drugs and Crime issue paper on abuse of a position of vulnerability and other means within the definition of trafficking in persons, requests the Secretariat to continue its work on the analysis of key concepts of the Trafficking in Persons Protocol with similar technical papers and also requests the United Nations Office on Drugs and Crime to increase its inter-agency coordination work concerning the effort to combat trafficking in persons, especially regarding the work of the Inter-Agency Coordination Group against Trafficking in Persons;

15. *Further welcomes* the substantive debates and the activities carried out by the Working Group on the Smuggling of Migrants and decides that the mandate

⁴ CTOC/COP/WG.4/2011/8, paras. 5-51.

of the Working Group should be extended and that its areas for future work should reflect the recommendations contained in the report of the Working Group;⁵

16. *Welcomes* the substantive debates and the activities carried out by the Working Group on Firearms and decides that the mandate of the Working Group should be extended and that its areas for future work should reflect the recommendations contained in the report of the Working Group;⁶

17. *Encourages* the expert group on protection against trafficking in cultural property to continue its activities in a constructive manner, underlining the importance of developing guidelines on crime prevention and criminal justice responses in respect of combating and preventing the involvement of transnational organized crime in this form of trafficking;

18. *Decides* to continue to exchange information on experiences and practices with regard to the application of the Convention to new forms and dimensions of transnational organized crime within the scope of the Convention that are of common concern to States parties and, to that end, requests the Working Group on International Cooperation to exchange information on experiences and practices in this field;

19. *Welcomes* the report on technical assistance provided to States in the application of the Organized Crime Convention to new forms and dimensions of transnational organized crime,⁷ such as cybercrime, maritime piracy, environmental crime, cultural property, trafficking in organs and fraudulent medicines, and encourages States parties to further strengthen their legal frameworks to prevent and combat new forms and dimensions of transnational organized crime in a manner consistent with the Convention and requests the United Nations Office on Drugs and Crime to support States parties with the relevant technical assistance;

20. *Urges* States parties to promote, within the United Nations system, a strategic, proactive and holistic response to transnational organized crime, and requests the Secretariat to apprise the Conference, at its seventh session, of measures taken to mainstream responses to transnational organized crime into the work of the United Nations system, in particular in the context of human rights, the rule of law, security and development.

⁵ CTOC/COP/WG.7/2012/6, paras. 3-58.

⁶ CTOC/COP/2012/6, paras. 4-43.

⁷ CTOC/COP/2012/7.