



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

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Agenda item 2

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

Italy: revised 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 promoting universal ratification 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,

Stressing the need for full and effective implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons² and expressing the view that the Plan of Action will, inter alia, enhance cooperation and better coordination of efforts to fight trafficking in persons and to fully implement the Organized Crime

* The present document has not been edited.

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

² General Assembly resolution 64/293.



Convention and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing that Convention,

Noting with appreciation 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 within the United Nations system an effective and comprehensive approach to transnational organized crime and drug trafficking, and reaffirming the crucial role of Member States as reflected in the Charter of the United Nations,

Noting the relevance, as a further common effort by the international community to tackle transnational organized crime, of the high-level briefing for Member States 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 a broad 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 expanded opportunities 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 fully explored,

Recognizing also that technical assistance is essential in order to achieve universal and effective implementation 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,

Taking note with appreciation of 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”),

Welcoming the development by the United Nations Office on Drugs and Crime, in accordance with Conference resolutions 5/1 and 5/8 of 22 October 2010,

of the digest of organized crime cases, 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,

1. *Notes with appreciation* that the number of parties to the United Nations Convention against Transnational Organized Crime³ 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 thereto⁴ and urges States parties to fully implement the Convention and the Protocols thereto;

2. *Encourages* the United Nations Office on Drugs and Crime, in consultation with Member States, to continue to promote the use of the Convention and the Protocols thereto 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 Member States;

3. *[Welcomes* the adoption at its sixth session of the Mechanism for the Review of 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];

4. *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 continue its activities 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;

5. *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 other measures, including 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;

6. *Further requests* the United Nations Office on Drugs and Crime to brief Member States on the activities carried out by the United Nations system task force on transnational organized crime and drug trafficking as threats to security and stability;

7. *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 and priorities of Member States in combating transnational organized crime;

³ Ibid., vol. 2225, No. 39574.

⁴ Ibid., vols. 2237, 2241 and 2326, No. 39574.

8. *Encourages* the United Nations Office on Drugs and Crime to make use of the technical assistance tools that have been developed, such as handbooks, digests and legal tools, and continue developing new tools, as appropriate, with a view to improving the capacity of States to implement the Convention and the Protocols thereto, and requests the Office to promote and disseminate such tools and to continue facilitating the exchange of experiences and good practices among practitioners, including through the Sharing Electronic Resources and Laws against Organized Crime knowledge management portal and an online digest newsletter;

9. *Acknowledges* the ongoing efforts made by the United Nations Office on Drugs and Crime, in consultation with Member States, to develop an integrated programme approach comprising thematic and regional programmes for the fulfilment of its normative and technical assistance mandate, 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;

10. *Welcomes* the activities carried out by the Working Group on International Cooperation and requests the United Nations Office on Drugs and Crime, in conjunction with Member States, 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 and the Working Group;

11. *Also welcomes* the substantive debate and activities carried out by the Working Group on Trafficking in Persons, the Working Group on the Smuggling of Migrants and the Working Group on Firearms and underlines their contribution to facilitating the full implementation of the three Protocols supplementing the United Nations Convention against Transnational Organized Crime;

12. *Decides* that the mandates for the Working Group on Trafficking in Persons should be continued and that its areas for future work should reflect, as appropriate, the recommendations contained in the report of the Working Group,⁵ 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 and requests the Secretariat to continue its work on the analysis of key concepts of the Trafficking in Persons Protocol with similar technical papers;

13. *Requests* the United Nations Office on Drugs and Crime to increase its inter-agency coordination work concerning efforts to combat trafficking in persons, especially regarding the work of the Inter-Agency Coordination Group against Trafficking in Persons, and to promote the use of new technologies to raise awareness of the issue of trafficking in persons, through activities such as virtual teaching and the involvement of adolescents and young people in the development of prevention strategies in order to keep them mindful of the responsible use of information and communication technologies;

14. *Welcomes* the outcomes of the joint discussion on trafficking in cultural property of the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation, held at its sixth session, subject to

⁵ CTOC/COP/WG.4/2011/8, paras. 46-51.

the conditions noted in the report by the co-chairs, endorses the recommendations of the joint discussion of the two working groups,⁶ encourages Member States and the Secretariat to conduct further work on the matter, and requests the Secretariat to bring the specific guidelines on crime prevention and criminal justice responses with respect to trafficking in cultural property, after their finalization, to the attention of the Conference of the Parties for the purposes of the implementation of the Convention;

15. *Decides* to continue to exchange information on experiences and practices with regard to the application of the Convention to existing and new forms and dimensions of transnational organized crime within the scope of the Convention or raising cross-cutting legal issues 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;

16. *Welcomes* the report on technical assistance provided to States in the application of the Convention to new forms and dimensions of transnational organized crime,⁷ concerning cybercrime, maritime piracy, environmental crime, trafficking in cultural property, trafficking in organs and fraudulent medicines, encourages States parties to further strengthen their domestic laws, as appropriate, to prevent and combat new forms and dimensions of transnational organized crime, including when committed at sea, 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;

17. *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;

18. *Encourages* relevant international and regional organizations and civil society, including non-governmental organizations and the private sector, to strengthen their cooperation and work with States parties to the Convention and the Protocols thereto in order to achieve their full implementation;

19. *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;

20. *Also 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 submit to the Conference, at its seventh session, a report on measures taken to implement the present resolution and to mainstream responses to transnational organized crime into the work of the United Nations system;

21. *Invites* Member States and other donors to provide extrabudgetary resources in accordance with the rules and procedures of the United Nations.

⁶ To be issued as CTOC/COP/WG.3/2012/6-CTOC/COP/WG.2/2012/5.

⁷ CTOC/COP/2012/7.