



## Economic and Social Council

Distr.: Limited  
27 April 2006

Original: English

---

### Commission on Crime Prevention and Criminal Justice

Fifteenth session  
Vienna, 24-28 April 2006

### Draft report

*Rapporteur:* Carmen Lidia **Richter Ribeiro Moura** (Brazil)

#### Addendum

### International cooperation in combating transnational crime

1. At its 5th and 6th meetings, on 26 April 2006, the Commission on Crime Prevention and Criminal Justice considered agenda item 6, entitled “International cooperation in combating transnational crime”. For its consideration of the item, the Commission had before it the following documents:

(a) Report of the Secretary-General on the United Nations Convention against Transnational Organized Crime and the Protocols thereto (E/CN.15/2006/8);

(b) Report of the Secretary-General on the United Nations Convention against Corruption (E/CN.15/2006/9);

(c) Report of the Secretary-General on preventing, combating and punishing trafficking in human organs (E/CN.15/2006/10);

(d) Report of the Secretary-General on the study on fraud, the criminal misuse and falsification of identity and related crimes (E/CN.15/2006/11 and Corr.1);

(e) Note by the Secretariat transmitting the recommendations of the Second World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice, held in Doha from 14 to 16 November 2005 (E/CN.15/2006/17);

(f) Note by the Secretary-General on the report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its second session, held in Vienna from 10 to 21 October 2005 (E/CN.15/2006/19).



2. The Director of the Division for Treaty Affairs and the Deputy Executive Director, Director of the Division for Operations of UNODC made a joint audio-visual introductory statement. The Executive Director of UNODC and the Prosecutor General of Colombia also made statements. The Commission heard statements by the representatives of Austria (on behalf of the European Union), and by the observer for Panama (on behalf of the Group of Latin American and Caribbean States). The Commission also heard statements by the Vice-Minister of Justice of Cuba, as well as by the representatives of Germany, Indonesia, the Islamic Republic of Iran, Thailand, the Republic of Korea, Nigeria, Brazil, the Libyan Arab Jamahiriya, the Russian Federation, Bolivia, the United Kingdom and the United States. Statements were also made by the observers for Azerbaijan, Colombia, Croatia, Kuwait, Hungary, the Philippines, Turkey, Australia, Algeria, the Bolivarian Republic of Venezuela and France.

## **Deliberations**

3. The Executive Director of UNODC presented to the Commission the *Counter-Kidnapping Manual* developed by the Office pursuant to General Assembly resolution 59/154 of 20 December 2004 and formally presented copies of the *Manual* to the Prosecutor General of Colombia, Mario Germán Iguarán Arana, whose Government had contributed to the production and funding of the *Manual*. The Prosecutor General made a statement in reply. A number of speakers welcomed the launching of the *Manual* as a practical tool to assist Member States in combating the scourge of kidnapping, as well as a demonstration of effective cooperation between the Office and Member States.

4. Concern was expressed at the continued growth of kidnapping and the need for international cooperation in countering it and for assistance to victims was stressed. In that connection, the work of UNODC on the matter, including the launch of the *Counter-Kidnapping Manual*, was highly appreciated.

### **1. United Nations Convention against Transnational Organized Crime**

5. The Director of the Division for Treaty Affairs of UNODC highlighted progress made with regard to the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) over the past year, including the significant increase in the number of States parties and the 2005 World Summit Outcome (see General Assembly resolution 60/1).

6. Most speakers expressed their concern that transnational organized crime continued to pose serious threats to the international community and had multifaceted implications at the national, regional and international levels. With a view to effectively countering transnational organized crime, the need to strengthen international cooperation, as well as to address its root causes, was stressed.

7. Recognizing that the number of States parties to the Organized Crime Convention and its Protocols had grown significantly, an appeal was reiterated to States that had not yet done so to expeditiously ratify or accede to the Convention and its Protocols with a view to promoting the universal ratification of the instruments. In that connection, several speakers informed the Commission of progress made towards ratification.

8. Many speakers also shared their experience in the fight against organized crime at the national and regional levels and reported on efforts made to bring their national legislation into compliance with the provisions of the Convention and its Protocols.

9. Noting the critical importance of providing technical assistance and building institutional capacity to enable developing countries and countries with economies in transition to ratify and implement fully the Organized Crime Convention and its Protocols, many speakers called for increased technical assistance in those areas. The representatives of some donor countries informed the Commission of technical assistance programmes that were already in place.

10. Several speakers expressed their appreciation for the work of UNODC in promoting the ratification and implementation of the Organized Crime Convention and its Protocols, in particular the tools developed by the Office. UNODC was requested to continue to provide, as a matter of priority, technical assistance with a particular emphasis on long-term capacity-building assistance. In that endeavour, further coordination with other intergovernmental and non-governmental organizations should be sought.

11. A number of speakers informed the Commission of action taken by their Governments to prevent and combat trafficking in persons, including the adoption of national strategies, programmes and policies, the establishment of national mechanisms and the development of bilateral and regional frameworks and agreements against trafficking in persons. The need to address trafficking in persons from both the demand side and the supply side was also emphasized. In that connection, several speakers expressed their appreciation for the work of UNODC in promoting the ratification and implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Organized Crime Convention (General Assembly resolution 55/25, annex II), and also welcomed the publication in April 2006 of the report entitled *Trafficking in Persons: Global Patterns*.

12. One speaker stated that illegal logging and trafficking in timber had been detrimental to his country's ecology, people and economy and thus deserved serious consideration in connection with the implementation of the Organized Crime Convention. Concern was further expressed at the increase in drug trafficking by organized criminal groups and the need to strengthen international cooperation, including the provision of assistance to transit States, was stressed. With the alarming increase in trafficking in cultural property, one speaker called for the international community to prioritize the fight against trafficking in cultural property, recalling Economic and Social Council resolution 2004/34 of 21 July 2004, in which the Council requested the Secretary-General to convene an expert group meeting on protection against trafficking in cultural property, subject to the availability of extrabudgetary resources.

13. With a view to strengthening the role of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime as the review mechanism of the Convention and its Protocols, States were strongly encouraged to facilitate the participation of experts and practitioners in the forthcoming session of the Conference of the Parties, to be held from 9 to 18 October 2006. Several speakers also welcomed the decision of the Conference of the Parties in its

decision 2/6 to establish an open-ended interim working group on technical assistance activities.

14. With regard to the relationship between the Commission on Crime Prevention and Criminal Justice and the Conference of the Parties, the view was expressed that each body had well-defined and specific mandates without duplication of work. Other speakers, however, stated that that was a matter requiring further consideration by the Commission, as well as by the Conference of the States Parties to the United Nations Convention against Corruption at its first session, to be held in December 2006.

## **2. United Nations Convention against Corruption**

15. All speakers welcomed the entry into force of the United Nations Convention against Corruption (General Assembly resolution 58/4, annex) on 14 December 2005 and stated their confidence that implementation of the Convention would enable the international community to more effectively prevent corruption and detect, investigate and prosecute corruption-related offences, as well as recover and return assets derived from such offences. In that context, many speakers encouraged States that had not yet done so to ratify or accede to the Convention and comply with it without delay.

16. A number of speakers announced that their States had taken internal steps to ratify the Convention and, in the near future, would join the ranks of States parties to the Convention.

17. The importance of the first session of the Conference of the States Parties to the United Nations Convention against Corruption, to be held in December 2006, was underlined by several speakers. Some speakers recommended that extensive consultations be held in preparation of that first session. It was emphasized that, from its inception, the Conference should give priority to the establishment of a review mechanism pursuant to article 63 of the Convention, as well as to the related issue of technical assistance required by States in implementing the Convention. It was also stressed that the review of the implementation of the Convention by the Conference should be supportive of States and focus primarily on international cooperation. In view of the technical nature of the Convention's provisions, experts should be involved in the Conference, which should provide, among other things, a forum for the exchange of experience among bodies working to combat corruption. Noting the links between corruption and trafficking in persons, one speaker suggested that the matter be further explored by both the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption.

18. A number of speakers elaborated on implementing measures adopted or in the process of adoption at the national level: comprehensive laws to combat corruption, the introduction of new corruption-related criminal offences and the increase of the corresponding sanctions as well as measures to enhance the effectiveness and transparency of governance, such as measures to reform land registries, improve citizens' access to information, monitor the assets of certain categories of public official and exercise specific vigilance with regard to politically exposed persons.

19. Several speakers referred to the establishment of national bodies to combat corruption entrusted with preventive, investigative or prosecution functions or a combination of those functions, and to the enhancement of the role of financial intelligence units in detecting suspicious transactions involving the proceeds of corruption offences. Other speakers noted that, within their national systems, combating corruption was already part of the activities of various government offices and that the establishment of additional unified national bodies to combat corruption might not be the most efficient way of tackling the issue. The importance of coordination among such bodies was emphasized, and reference was made in that respect to the coordination mechanism established by the anti-corruption agencies of four ASEAN countries.

20. Several speakers reported on national programmes to combat corruption and action plans adopted in their countries, in some instances with the support of UNODC.

21. References were made to regional initiatives and activities in the anti-corruption field, such as research on the scope of corruption and measures to combat it in South-Eastern Europe. Speakers also referred to the adoption of regional and bilateral agreements to strengthen extradition and mutual legal assistance in South-East Asia and to efforts to harmonize national legislation through the development of the Arab model law against corruption. Initiatives of the European Union to combat corruption and financial crime were also reported on, such as the establishment of the European Anti-Fraud Office (OLAF), responsible for internal and external administrative investigations into illegal activities affecting the Union's financial interests.

22. Some speakers emphasized the need for all States to strengthen domestic and international mechanisms to prevent the laundering of the proceeds of crime and to track, trace and recover such proceeds, including those derived from corruption and related offences.

23. Several speakers commended UNODC for its activities to promote the ratification and implementation of the Convention and invited the Office to continue to provide legal and technical assistance to requesting developing countries and countries with economies in transition, with a view to upgrading their legislation and building their capacity to implement the Convention. In that context, it was emphasized that, in order for technical assistance to have an impact, it needed to follow a long-term strategy and required sufficient financial support. Attention was also drawn to bilateral cooperation activities. One speaker highlighted the efforts of his country to support other countries, upon request, in strengthening democratic governance and countering corruption. Such support included capacity-building for economic and financial institutions as well as the training of law enforcement authorities.

24. Several speakers called for appropriate preparations for the first session of the Conference of the States Parties to the United Nations Convention against Corruption, which would examine the most appropriate mechanisms to put in place to ensure the effective implementation of the Convention. The Secretariat was invited to arrange a timely process of open-ended consultations involving all Member States in the preparations for the upcoming session of the Conference of the States Parties.

### **3. Preventing, combating and punishing trafficking in human organs**

25. With regard to illicit trafficking in human organs, it was noted that such activities posed a significant threat to the health of human beings and infringed human rights. Mention was made of the report of the Secretary-General on the subject (E/CN.15/2006/10), which provided information on efforts to implement General Assembly resolution 59/156 of 20 December 2004, as well as information on relevant statistics, national legislation, practical experience and measures taken. It was noted that further work remained to be done in that area.

26. Speakers highlighted the fact that the increasing gap between high demand and limited supply was a principal reason for the considerable expansion of trafficking in human organs and international black markets. Given its clandestine nature, determination of the extent, the investigation and the detection of trafficking in human organs remained difficult tasks for Member States. It was reported that the severe imbalance between the availability of and the demand for human organs underlined the need to establish an effective organ donation system that both protected citizens and promoted the lawful provision of organs for transplantation.

27. It was emphasized that there was a need for a more comprehensive approach to dealing with trafficking in human organs, including awareness-raising and education on the risks connected with trafficking, and the need to protect victims and witnesses. In particular, effective international cooperation, including efficient mutual legal assistance and extradition, was seen as crucial in combating and preventing illegal activities. It was further noted that the Trafficking in Persons Protocol fell short of addressing the transfer of illegally removed human organs and tissues.

28. A number of speakers emphasized that there was a need to convene an expert group meeting to discuss further the issue of trafficking in human organs, including the possibility of drafting a model law to make trafficking in human organs a criminal offence and address related legal issues. In that context, one speaker noted that in all expert group meetings UNODC should concentrate on the criminal aspects of the problem, which lay within the mandate of the Office.

### **4. Fraud, the criminal misuse and falsification of identity and related crimes**

29. In her introductory statement, the Director of the Division for Treaty Affairs referred to the ongoing process for conducting a study on fraud and the criminal misuse and falsification of identity (identity fraud), in accordance with Economic and Social Council resolution 2004/26, of 21 July 2004. The Director noted that the interim report of the Secretary-General submitted to the Commission (E/CN.15/2006/11 and Corr.1) presented the progress made over the past year in collecting the necessary information for the study and that the substantive report, containing the results and findings of the study, would be presented at the sixteenth session of the Commission, in accordance with the Council resolution.

30. Commenting on that issue, several representatives expressed their appreciation for the report and noted that the expected submission of more national responses to the relevant questionnaire drawn up by the Secretariat would ensure the availability of comprehensive material allowing a wide-ranging overview of the problems dealt with in the study. It was also stressed that the forthcoming third session of the Conference of the Parties to the United Nations Convention against Transnational

Organized Crime could assist in achieving the objectives of the study, as the responses to be provided by Member States within the framework of the reporting mechanism established by the Conference could provide an additional source of information on the subject areas of the study, in particular on aspects related to identity fraud.

31. One representative expressed concern about the increasing impact of identity crime and noted that the use of false and stolen identities provided a means of committing a wide range of crimes, including smuggling of persons, fraud, money-laundering and terrorism. She referred to national initiatives aimed at developing and implementing an identity security strategy to combat the fraudulent use of stolen and assumed identities. Another speaker referred to ongoing efforts geared towards developing inter-agency and cross-sectoral coordination mechanisms at the national level to deal with issues related to fraud in a more concerted and effective manner.

32. One representative highlighted that the questionnaire disseminated to Member States was very detailed and that the time needed to complete it in full was probably too lengthy for those responding. In that connection, it was suggested that the research and the analysis of the national responses received should be more tightly focused on specific key issues.

---