



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

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Technical assistance

Technical assistance requested for the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Note by the Secretariat

I. Introduction

1. Pursuant to articles 29 and 30 of the United Nations Convention against Transnational Organized Crime,¹ States parties have the obligation to promote technical assistance and training in order to further the objectives of the Convention. Technical assistance is essential to ensure effective implementation of the Convention and the Protocols thereto.² The purpose of the present note by the Secretariat is to facilitate the deliberations of the Conference by providing an overview and analysis of the technical assistance needs and priorities identified by States in their responses to the questionnaires and the checklist used to gather information and assess implementation of the Convention.³

2. Among the 117 States that had responded to the questionnaires or the checklist by 16 July 2010, 54 States indicated that they needed technical assistance to better implement the Organized Crime Convention and the Protocols thereto. Many States provided details about the kind of technical assistance that they required. The comprehensive self-assessment software program (the “omnibus survey”), developed pursuant to decision 4/1 of the Conference of the Parties to the

* CTOC/COP/2010/1.

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

² *Ibid.*, vols. 2237, 2241 and 2326, No. 39574.

³ The status of responses of States to the questionnaires and the checklist on the implementation of the Organized Crime Convention and the Protocols thereto is contained in conference room paper CTOC/COP/2010/CRP.6.



Convention, will make the analysis of technical assistance easier in the future.⁴ The software will contain a specific section on the evaluation of technical assistance needs, making it possible to generate more information on both demand for and supply of technical assistance.

3. The present note deals with specific issues faced by States that need assistance to comply with reporting requirements under the Organized Crime Convention and the Protocols thereto. A table containing all technical and legal assistance requests made by States is contained in the annex to the present note.

II. Analysis of needs identified by States

A. Assistance needed to comply with reporting requirements on the implementation of the Organized Crime Convention and the Protocols thereto

4. Seventeen States responding to the questionnaires and checklist on the implementation of the Organized Crime Convention and the Protocols thereto indicated that they needed assistance to review national legislation and coordinate with relevant authorities in order to fulfil their reporting requirements under the Convention and the Protocols thereto. Forty-six States parties to the Convention, many of them least developed countries, have not provided any information to the secretariat on the implementation of the Convention.⁵ Reporting on implementation remains a burden for a number of States that lack sufficient human, administrative or technical capacity for the task. The secretariat proposes to offer individual assistance to States to prepare their self-assessment reports by funding the participation of a junior staff member in the United Nations Office on Drugs and Crime (UNODC) training sessions and workshops in order to facilitate ad hoc sessions on reporting requirements. A structured review mechanism would also assist in gathering information on implementation challenges and ensuring that the technical assistance needs identified are addressed.

B. Specific technical and legal assistance needs

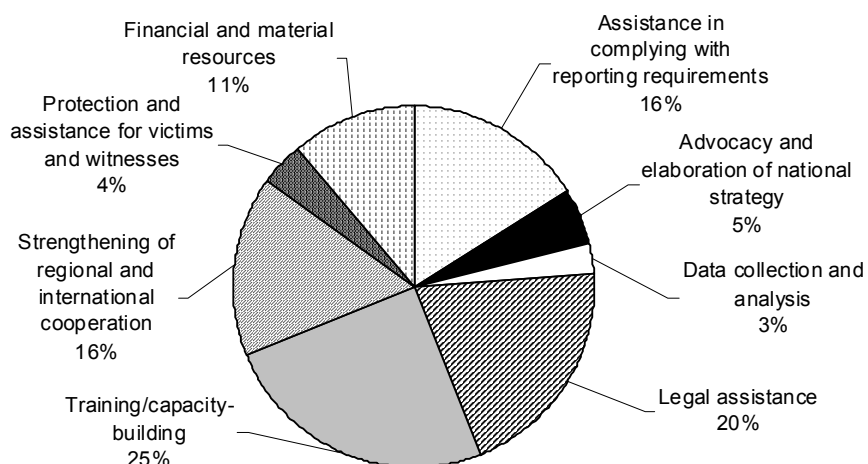
1. Overview

5. The different requests for assistance made by States through the questionnaires and the checklist may be broadly grouped into eight types of technical assistance. Figure 1 shows the types of technical assistance needs, including legal assistance, identified by the responding States.

⁴ For more information, see document CTOC/COP/2010/10.

⁵ See CTOC/COP/2010/CRP.6.

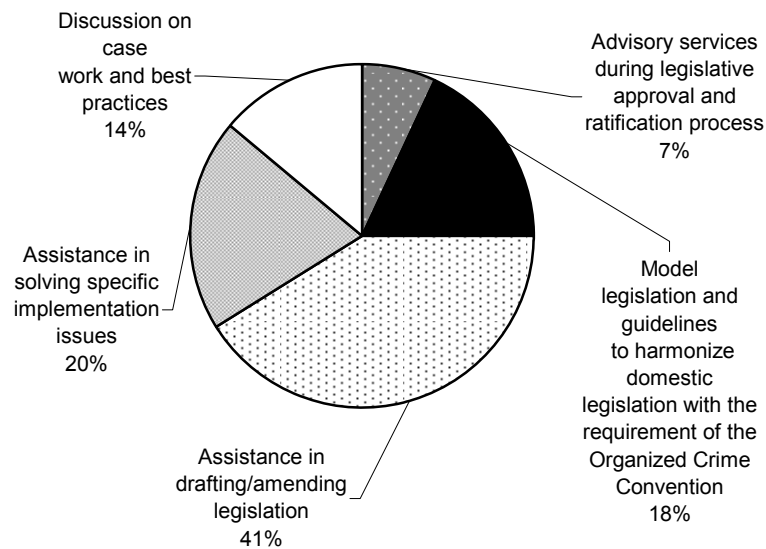
Figure 1
Technical assistance needs identified by responding States, by type



6. As an example of specific assistance needs in a given category, requests for technical assistance in the area of training and capacity-building comprised training of central authorities, prosecutors, judges and other criminal justice officials; training of law enforcement officers; training of social service providers; and institution-building. More details about requests within each category are given below.

7. Figure 2 shows the diversity of legal assistance needs identified by responding States.

Figure 2
Legal assistance needs identified by responding States, by type



2. Specific needs related to the United Nations Convention against Transnational Organized Crime

8. Thirty States responding to the questionnaires and the checklist indicated that they needed assistance to implement the Organized Crime Convention. Specifically, States requested legal training and capacity-building assistance, as well as material and financial assistance.

9. In terms of legal assistance, responding States indicated that they needed assistance to draft legislation and carry out the required legal reforms (Comoros and Guatemala) and assistance to review and amend legislation currently in force (Cameroon, Congo, Costa Rica, Ecuador, Madagascar and Mauritius). States emphasized the need to incorporate or review provisions on international cooperation (Congo, Costa Rica, Guatemala and Madagascar) and the need to improve the legal framework for the protection of victims and witnesses (Guatemala and Madagascar).

10. States indicated a specific need to discuss casework and best practices in the disposal of confiscated proceeds of crime or property (Madagascar) or in the area of mutual legal assistance and in relation to the establishment of jurisdiction as foreseen in article 15 of the Convention (Algeria). Mauritius stated that it would find it useful to have model laws for the incorporation of the Convention's requirements, while China referred to the need to gain knowledge of other States' legislation and practice in areas such as extradition, mutual legal assistance, measures to combat money-laundering, confiscation and the sharing of assets.

11. A significant number of reporting States identified the need for assistance relating to training and capacity-building. Many States indicated that technical assistance was needed for the training of officials involved in the implementation of the Convention, in particular members of the judiciary and law enforcement officers

(Algeria, Benin, Burundi, Congo, El Salvador, Gabon, Guatemala, Honduras, Indonesia, Madagascar, Malaysia, Mali, Myanmar and Niger). Costa Rica indicated that the training of government officials on the implementation of the Convention and its Protocols was required to reinforce international cooperation. Some States referred to the need to raise awareness about the Convention (El Salvador and Guatemala) and about the potential that the Convention holds for criminal justice practitioners. Tajikistan mentioned the need to create a database for all crimes committed in the country, while Guatemala reported a need for assistance in defining a national approach on the use of special investigative techniques.

12. A number of States requested material and financial assistance (Benin, Burundi, Gabon, Indonesia, Mali, Niger, Senegal and Togo). Several developing countries indicated that they were encountering obstacles owing to the scarce resources and inadequate staffing of offices responsible for preparing new legislation. Requests for material assistance concerned, inter alia, the use of modern technologies, the provision of equipment to establish reliable communications systems, equipment to process data and equipment for videoconferences. Some States referred to the need for assistance in publishing, printing and disseminating new laws (Cameroon, Central African Republic and Madagascar).

13. Cambodia, Chad, Egypt, Namibia, the Philippines, Sao Tome and Principe and Togo referred in general terms to the need for assistance in implementing the Convention.

3. Specific needs related to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

14. In their responses to the questionnaires and checklist, a number of States made reference to specific difficulties in the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Such difficulties included the lack of experienced staff and policies to accord high priority to the issue (Mauritius), the lack of financial resources to draft adequate laws (Benin), the lack of experience concerning the impact of and the challenges posed by trafficking in persons (Jamaica) and the vast size of a country's territory and the length of its coastline (Indonesia).

15. Several States specified that a key component of potential technical assistance programmes should be support in drafting or amending legislation in a way that reflected international standards while remaining in line with domestic needs (Cameroon, Ecuador, El Salvador, Jamaica, Madagascar, Mauritius and Panama). The Dominican Republic mentioned the lack of regulations to carry out implementation of its newly adopted law on trafficking in persons. Chile noted the importance of receiving technical assistance from countries that had more experience and resources in this field.

16. Many responses indicated the need for technical assistance focused on enhancing the capacity of domestic criminal justice officials and law enforcement officers to fight trafficking in persons. In that respect, a number of States stressed the importance of training programmes, in particular for criminal justice officials, including law enforcement officers, investigators and judges, and for specialized

psychologists, social workers and tax administrators (Algeria, Burkina Faso, Cameroon, Chad, Ecuador, El Salvador and Niger).

17. Many States made specific reference to strengthening the framework for the protection of victims and witnesses. Algeria, for example, indicated that it would find it useful to receive training and discuss casework best practices in order to enable the victims' views to be considered in criminal proceedings while protecting their identity. Madagascar and Thailand expressed a need for assistance in solving specific issues related to assistance to victims. El Salvador referred to the need to support victim protection schemes, such as the creation of safe houses and assistance in repatriation, while the United Republic of Tanzania discussed its concerns about the availability of funds, in particular for organizing the return of victims of trafficking.

18. Sri Lanka pointed to the need to strengthen cooperation schemes to share data and information concerning traffickers and the vessels used by them. Togo expressed the desire to form partnerships for developing its technical capacities. Egypt and Guinea referred in general terms to assistance in implementing the Protocol.

4. Specific needs related to the Protocol against the Smuggling of Migrants by Land, Sea and Air

19. In their responses to the questionnaires and the checklist relating to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, several States highlighted the lack of the necessary capacity, technical expertise and financial and human resources to effectively address the smuggling of migrants, which constituted the main obstacle to the adoption of national legislation in that field. In that connection, a number of States reported that they needed technical assistance in order to overcome difficulties and practical problems in adapting national legislation to the requirements of the Smuggling of Migrants Protocol. A priority area was the provision of technical assistance in developing appropriate legislation (Cameroon, Guatemala, Jamaica, South Africa and Zimbabwe). In that respect, Guatemala and Indonesia stated that they would find it useful to have model legislation on the smuggling of migrants. Guatemala also indicated that assistance during the legislative approval process was needed, while Ecuador mentioned constitutional obstacles to the adoption of a law on the smuggling of migrants and stressed the need for strengthened dialogue with parliamentarians.

20. Some States indicated that discussions on casework best practices would facilitate implementation of the Smuggling of Migrants Protocol. Responding States also identified training programmes for improving skills for drafting legislation and the upgrading of legal expertise as key components of such assistance (Chad and Maldives). El Salvador stressed the importance of disseminating best practices and practical experience in the areas of investigation, operations and mutual legal assistance. That Government also highlighted the need to establish a protection scheme for victims and witnesses and procedural mechanisms to enable the confiscation of property derived from the smuggling of migrants, as well as the need to conclude further bilateral agreements or arrangements in that regard.

21. Some States referred to a need for capacity-building and training. Egypt, for example, stated that technical assistance should focus on upgrading equipment to detect the falsification of documents used in the smuggling of migrants and on training for law enforcement officers and administration staff to enhance their knowledge of relevant legislation. The Congo made reference to the need to train employees and promote the computerization of services. Djibouti underlined that, although appropriate measures were in place, resources to effectively address the smuggling of migrants were often inadequate. The Central African Republic noted that printing and disseminating its penal code and code on criminal procedure would help to more effectively implement the Smuggling of Migrants Protocol.

5. Specific needs related to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition

22. In their responses to the questionnaires and checklist relating to 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, Ecuador and Grenada indicated that they required technical assistance to develop appropriate legislation. St. Kitts and Nevis highlighted the need to identify specific gaps and weaknesses in existing legislation in order to develop recommendations for bringing that legislation in line with the Firearms Protocol. Costa Rica noted the constitutional obstacles in adopting a law on trafficking in firearms.

23. A number of responding States indicated the need for assistance in capacity-building and the training of relevant authorities in order to fill the significant gaps in implementing the provisions of the Firearms Protocol. Some responding States stressed the importance of training legal experts and law enforcement officers on the requirements of the Protocol in order to assist in implementing the new legislation. Algeria and Guatemala highlighted the need to share expertise and experience in order to better comprehend how the system of ammunitions and weapons control is applied.

24. A key difficulty for States was the lack of adequate firearm-marking instruments. Honduras, the United Republic of Tanzania and Zimbabwe mentioned the need for a more effective firearm identification system. In addition, Zimbabwe requested assistance in the tracing and destruction of firearms and related record-keeping. Paraguay mentioned the need for material assistance in developing such a system, which involves specific technology, training in how to search for weapons, the development of a database for storing evidence, simplified access to the database and better access to the Internet in order to improve communication among its domestic institutions. The usefulness of introducing programmes to raise public awareness about combating the illicit manufacturing of and trafficking in firearms was also highlighted.

III. Conclusion

25. Responses by States indicate that the areas where technical assistance is most needed are the following: training and capacity-building (25 per cent of respondents), legal assistance (20 per cent of respondents), strengthening of

international cooperation (16 per cent of respondents) and assistance in complying with reporting requirements (16 per cent of respondents). The Conference may wish to further consider ways and means of addressing the individual needs of States. A working paper prepared by the Secretariat on technical assistance programmes, proposals and future programmes envisaged in the priority areas determined by the Conference and the Working Group of Government Experts on Technical Assistance is before the Conference in document CTOC/COP/2010/4.

Annex

Technical assistance requests received from States parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Through the checklist and questionnaires, the following States parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto made the following requests for technical assistance (see the table below).

Table

Technical assistance requests received from States parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto

	<i>Assistance in complying with reporting requirements</i>	<i>Advocacy and elaboration of a national strategy</i>	<i>Data collection and analysis</i>	<i>Legal assistance</i>	<i>Training/capacity-building</i>	<i>Strengthening of regional and international cooperation</i>	<i>Protection and assistance for victims and witnesses</i>	<i>Financial and material resources</i>	<i>Comments on areas in which specific assistance is needed</i>
Organized Crime Convention									
<i>Group of African States</i>									
Algeria				X	X	X	X		
Benin					X			X	
Burundi	X				X			X	Financial resources to enable the participation of delegates in the sessions of the Conference
Cameroon	X	X		X					
Central African Republic								X	Printing of legislation
Chad	X			X					
Comoros				X					
Congo					X	X			
Egypt					X				
Gabon	X				X	X		X	Equipment needed for a reliable communication system

	<i>Assistance in complying with reporting requirements</i>	<i>Advocacy and elaboration of a national strategy</i>	<i>Data collection and analysis</i>	<i>Legal assistance</i>	<i>Training/capacity-building</i>	<i>Strengthening of regional and international cooperation</i>	<i>Protection and assistance for victims and witnesses</i>	<i>Financial and material resources</i>	<i>Comments on areas in which specific assistance is needed</i>
Madagascar	X	X		X	X	X		X	Assessment of national legislation and operational capacities; assistance in printing and disseminating new laws
Mali	X				X			X	Need for adequate equipment
Mauritius				X					
Namibia	X				X	X			
Niger	X				X	X		X	
Sao Tome and Principe	X			X	X				
Senegal								X	Assistance needed to finance the work of the Committee in charge of the reform of the penal code and the code of criminal procedure
Togo								X	
<i>Group of Asian States</i>									
Cambodia	X								
Indonesia	X				X			X	Lack of resources and access to modern technology
Malaysia					X	X			
Myanmar					X	X			
Philippines				X	X				
Tajikistan	X		X						Need to establish a database of crimes committed in the country
<i>Group of Latin American and Caribbean States</i>									
Costa Rica				X					
Ecuador	X			X	X				
El Salvador		X			X	X			
Guatemala		X		X	X	X			
Honduras					X				
Nicaragua				X					

	<i>Assistance in complying with reporting requirements</i>	<i>Advocacy and elaboration of a national strategy</i>	<i>Data collection and analysis</i>	<i>Legal assistance</i>	<i>Training/capacity-building</i>	<i>Strengthening of regional and international cooperation</i>	<i>Protection and assistance for victims and witnesses</i>	<i>Financial and material resources</i>	<i>Comments on areas in which specific assistance is needed</i>
Trafficking in Persons Protocol									
<i>Group of African States</i>									
Algeria				X	X	X	X		
Benin								X	
Burkina Faso					X				
Cameroon	X			X	X				
Chad	X				X				
Egypt					X				
Guinea	X								
Madagascar				X					
Mauritius				X					
Niger	X				X	X			
Nigeria						X			
Togo								X	
United Republic of Tanzania							X	X	
<i>Group of Asian States</i>									
Indonesia					X			X	
Philippines	X								
Sri Lanka			X			X			Sharing of data and information concerning persons taking part in trafficking in persons and the vessels used for that purpose
Thailand							X		Stressed the importance of prevention
<i>Group of Latin American and Caribbean States</i>									
Brazil						X			
Chile					X	X			
Dominican Republic				X					
Ecuador				X	X				
El Salvador					X		X		
Jamaica		X		X					

	<i>Assistance in complying with reporting requirements</i>	<i>Advocacy and elaboration of a national strategy</i>	<i>Data collection and analysis</i>	<i>Legal assistance</i>	<i>Training/capacity-building</i>	<i>Strengthening of regional and international cooperation</i>	<i>Protection and assistance for victims and witnesses</i>	<i>Financial and material resources</i>	<i>Comments on areas in which specific assistance is needed</i>
Panama		X							Need to promote a national discussion on the establishment of specific offences related to trafficking in persons
<i>Group of Eastern European States</i>									
Latvia						X			
Republic of Moldova	X								
Smuggling of Migrants Protocol									
<i>Group of African States</i>									
Algeria	X								
Burkina Faso					X				
Cameroon	X			X					
Central African Republic				X				X	Printing and dissemination of the penal code and the code of criminal procedure
Chad	X								
Congo					X				
Djibouti								X	
Egypt					X	X	X		Need for adequate equipment to uncover paper falsifications, especially concerning passports
Guinea	X								
Madagascar				X					
Namibia	X								
South Africa				X					
Togo								X	
Zimbabwe				X					
<i>Group of Asian States</i>									
Indonesia				X					
Malaysia						X			Intelligence-sharing
Maldives				X	X	X			
Tajikistan	X								

	<i>Assistance in complying with reporting requirements</i>	<i>Advocacy and elaboration of a national strategy</i>	<i>Data collection and analysis</i>	<i>Legal assistance</i>	<i>Training/capacity-building</i>	<i>Strengthening of regional and international cooperation</i>	<i>Protection and assistance for victims and witnesses</i>	<i>Financial and material resources</i>	<i>Comments on areas in which specific assistance is needed</i>
Thailand					X	X		X	
<i>Group of Latin American and Caribbean States</i>									
Ecuador	X	X		X	X	X			
El Salvador				X	X	X	X		
Guatemala		X		X	X	X			
Jamaica				X					
Panama			X						
Firearms Protocol									
<i>Group of African States</i>									
Algeria				X	X	X			
Chad	X			X					
United Republic of Tanzania					X			X	Need of assistance in marking of firearms
Zimbabwe			X		X				Public-awareness programmes; assistance needed in record-keeping on and marking, tracing and destruction of firearms
<i>Group of Latin American and Caribbean States</i>									
Costa Rica		X		X	X	X			
Ecuador	X			X		X			
Grenada				X	X				
Guatemala						X			
Honduras					X				Need for a more effective firearms identification system
Paraguay			X		X			X	
Saint Kitts and Nevis				X					
<i>Group of Eastern European States</i>									
Croatia								X	