



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

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Addendum

VII. Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime

1. At its 4th and 5th meetings, on 17 and 18 October 2012, the Conference considered agenda item 3, entitled “Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime”. For its consideration of the item, the Conference had before it the following:

(a) Report of the Secretariat on technical assistance provided to States in the application of the United Nations Convention against Transnational Organized Crime to new forms and dimensions of transnational organized crime (CTOC/COP/2012/7);

(b) Note by the Secretariat on the notion of serious crime in the United Nations (CTOC/COP/2012/CRP.4).

2. A representative of the secretariat made an introductory statement.

3. Statements were made by the representatives of Lebanon, Norway, Algeria, Austria, China, Italy, the Russian Federation, the United States, Nigeria, South Africa, Turkey and Kazakhstan.

4. The observer for Thailand also made a statement.

5. The observer for the World Wildlife Fund for Nature-International also made a statement.



Deliberations

6. Several speakers highlighted the challenge presented by new forms and dimensions of transnational organized crime and noted that the Organized Crime Convention represented an appropriate framework for addressing such crime, in particular through the notion of “serious crime”. That standard enabled the Convention to cover not only currently emerging crime, but also serious crime that might emerge in the future. Speakers noted that it was important to strengthen efforts to prevent and combat new forms and dimensions of organized crime, including cybercrime, environmental crime, maritime piracy, trafficking in fauna and flora, fraudulent medicines and cultural property. Many forms of organized crime, including cigarette smuggling, had been recognized for a number of years. Despite the information available, progress in combating some of those forms of crime had been relatively limited.

7. Many speakers referred to cybercrime as a significant concern because of recent advances in global Internet connectivity and the fact that groups engaged in transnational organized crime were making use of progressively more sophisticated technology. Combating cybercrime required not only specific criminal laws, but also capacity-building, intersectoral coordination, effective international cooperation, knowledge-building and education. Strategies should be closely coordinated with approaches to enhancing cybersecurity. Speakers highlighted national initiatives, including the establishment of competence centres and intragovernmental working groups. Several speakers welcomed the work of the Expert Group to Conduct a Comprehensive Study on Cybercrime and looked forward to the results of its comprehensive study. Some speakers emphasized the need for the outcome of the work of the Expert Group to be presented to the Commission on Crime Prevention and Criminal Justice at its twenty-second session.

8. In the area of cooperation against cybercrime, speakers referred to multilateral and bilateral mechanisms, as well as cooperation through the International Criminal Police Organization (INTERPOL) and regional coordination groups. Some speakers referred to existing legal instruments, such as the Council of Europe Convention on Cybercrime. Some speakers noted a need for an international legal instrument on cybercrime to be negotiated within the framework of the United Nations.

9. Several speakers emphasized the need for concerted international action to prevent and combat trafficking in cultural property and the continued need to protect cultural heritage. Speakers welcomed the efforts in that area of the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation, as well as the work of the expert group on protection against trafficking in cultural property, established by the Commission on Crime Prevention and Criminal Justice. Speakers encouraged Member States and UNODC to continue the work on the development of guidelines on crime prevention and criminal justice responses to trafficking in cultural property.

10. Many speakers referred to the link between environmental crime and transnational organized crime and noted that trafficking in wild fauna and flora, illegal fishing and the dumping of hazardous and electronic waste were highly detrimental to ecosystems and endangered species. Speakers welcomed the study published in 2011 by UNODC on transnational organized crime in the fishing industry and looked forward to the expert group meeting to be held in

November 2012. Some speakers recommended that States parties to the Organized Crime Convention should urgently examine means of collectively addressing the problem of trafficking in hazardous waste.

11. Some speakers drew attention to specific forms of environmental crime, including rhinoceros poaching and illegal mining, noting that such forms of crime were linked to corruption and developmental inequalities. Speakers reported that the laundering of proceeds derived from such crime often involved the use of informal banking systems. A core strategy for addressing the problem involved legislative review, monitoring of the compliance of industry and international cooperation, including mechanisms for the recovery of assets.

12. On maritime piracy, speakers drew attention to the importance of building sustainable criminal justice capacity and prison infrastructure, as well as the need for international cooperation, including through the Contact Group on Piracy off the Coast of Somalia. It was noted that the modalities of maritime piracy were becoming progressively more sophisticated, and piracy was increasing in areas such as the Gulf of Guinea. The response should be a collective effort of the international community to address the root causes and to dismantle the criminal networks involved, as well as the sources of financing and proceeds.

13. Speakers also noted that crime involving fraudulent medicines or trafficking in human organs was increasing because of the limited national capacities to control such crime and the huge profits to be gained by such illegal activity. Noting the particular vulnerability of persons in developing countries to illegal organ removal, speakers stated that there was an urgent need to strengthen the international response, including through the development of appropriate standards and norms. Some speakers referred to fraudulent medicines as a problem that posed a global threat to the credibility and effectiveness of health-care systems. Speakers highlighted the role of regional cooperation, including the Economic Community of West African States (ECOWAS) committee against counterfeit medicines, as well as the use of new technologies, including handheld scanners for the identification of counterfeit medicines.