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Commission on Crime Prevention and Criminal Justice

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Agenda item 5 (a)

Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice: ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Chile, Honduras, Italy, Mexico and Poland: revised draft resolution

Renewed efforts to ensure the effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto on the tenth anniversary of the entry into force of the Convention

The Commission on Crime Prevention and Criminal Justice,

Recalling General Assembly resolution 54/126 of 17 December 1999, entitled “Draft United Nations Convention against Transnational Organized Crime and the draft Protocols thereto”, General Assembly resolution 55/25 of 15 November 2000, by which the Assembly adopted the United Nations Convention against Transnational Organized Crime,¹ the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,² and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime³ and Assembly resolution 55/255 of 31 May 2001, by which the Assembly adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts

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

² *Ibid.*, vol. 2237, No. 39574.

³ *Ibid.*, vol. 2241, No. 39574.



and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,⁴

Reaffirming the crucial importance of the United Nations Convention against Transnational Organized Crime and the three Protocols thereto as the main tools available to the international community to fight transnational organized crime,

Mindful that 29 September 2013 will mark the tenth anniversary of the entry into force of the Organized Crime Convention,

Aware of the importance of promoting universal adherence to and full implementation of the Convention and the Protocols thereto, 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,

Recalling resolution 5/5 of 22 October 2010 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, resolution 6/1 of 19 October 2012 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, entitled “Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, and General Assembly resolution 67/189 of 20 December 2012, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which, inter alia, the need for the urgent adoption of the mechanism to review the implementation of the Convention and the Protocols thereto was underlined,

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,

Acknowledging the relevance of the implementation of the Convention and the Protocols thereto in the framework of United Nations rule of law activities, also bearing in mind the elaboration of the post-2015 United Nations development agenda,

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,

Underscoring the growing involvement of organized criminal groups at all stages of both licit and illicit activities that can generate huge profits, including through money-laundering,

Noting with concern the emergence of new forms and dimensions of transnational organized crime and reaffirming that the Convention, as a global

⁴ Ibid., vol. 2326, No. 39574.

instrument with wide adherence, offers a unique basis for international cooperation to address existing and emerging forms of transnational organized crime and has, in that regard, a potential that is yet to be fully exploited,

Aware that technical assistance is fundamental to ensuring the effective implementation of the provisions of the Convention and the Protocols thereto, and welcoming the development by the United Nations Office on Drugs and Crime of new tools for criminal justice practitioners, such as the digest of organized crime cases, the practical guide to facilitate the drafting, transmission and execution of requests for extradition and mutual legal assistance, 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,

Mindful of the need for complementary and effective implementation of the Convention and the Protocols thereto, as well as of the United Nations Convention against Corruption,⁵

Taking into account the experiences of States parties participating in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption,

Mindful of the need to use resources in the most effective and efficient manner, and taking into account the fiscal climate faced by Member States globally,

Acknowledging the mandate of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to improve the capacity of States parties to combat transnational organized crime, including by periodically reviewing the implementation of the Convention, pursuant to its article 32,

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

Convinced of the need to continue discussing the establishment of a mechanism for the review of the implementation of the Convention and the Protocols thereto, and acknowledging the work accomplished towards this endeavour by the open-ended intergovernmental working group on the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto⁶ and in the context of the relevant informal consultations,

1. *Notes with appreciation* the increasing level of adherence to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,⁷ which, six months before the tenth anniversary of the entry into force of the Convention, had reached 175 States parties to the Convention, followed by 154 States parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 135 States parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing

⁵ Ibid., vol. 2349, No. 42146.

⁶ CTOC/COP/2012/15.

⁷ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

the United Nations Convention against Transnational Organized Crime, and 97 States parties 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;

2. *Reiterates* its call on Member States that have not yet done so to consider ratifying or acceding to the Convention and the Protocols thereto, and urges States parties to fully implement those instruments;

3. *Requests* the United Nations Office on Drugs and Crime to keep raising awareness of the crucial relevance of the implementation of the Convention and the Protocols thereto in countering organized crime, in the light of the achievements made during the first decade since the entry into force of the Convention, through advocacy campaigns, as well as outreach to and partnerships with civil society and the private sector;

4. *Also requests* the United Nations Office on Drugs and Crime to continue providing legislative and technical assistance in order to promote universal adherence to and implementation of the Convention and the Protocols thereto, supporting and complementing national, regional and thematic programmes and activities based on the needs and priorities of Member States with regard to combating transnational organized crime;

5. *Encourages* the United Nations Office on Drugs and Crime to widely disseminate the technical assistance tools that have been developed, with a view to further improving the capacity of States to implement the Convention and the Protocols thereto, while promoting the exchange of experiences and good practices among practitioners in countering effectively transnational organized crime and in implementing the Convention and the Protocols thereto;

6. *Reiterates* the need for the establishment of, inter alia, a transparent, efficient, non-intrusive, inclusive and impartial mechanism for the review of the implementation of the Convention and the Protocols thereto, aimed at assisting States parties in the full and effective application of those instruments, and, bearing in mind the urgent need to improve the implementation of the Convention and the Protocols thereto, invites Member States to continue the dialogue regarding the establishment of such a mechanism, particularly in view of the holding of the seventh session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in 2014;

7. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations;

8. *Requests* the United Nations Office on Drugs and Crime to report on the implementation of the present resolution to the Commission at its twenty-third session.