



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

Distr.: General  
7 October 2009

Original: English

---

## Open-ended Interim Working Group of Government Experts on Technical Assistance

Vienna, 1-2 October 2009

### Report on the meeting of the Open-ended Interim Working Group of Government Experts on Technical Assistance held in Vienna on 1 and 2 October 2009

#### I. Recommendations

1. The Open-ended Interim Working Group of Government Experts on Technical Assistance was established pursuant to decision 2/6 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. Pursuant to Conference decisions 2/6 and 4/3, the Working Group held a meeting in Vienna on 1 and 2 October 2009 and formulated a number of recommendations for consideration by the Conference at its fifth session. Those recommendations are reproduced below.

2. In the framework of the priority areas identified in Conference decision 3/4, the Working Group recommends to the Conference that technical assistance projects should focus on the following priority activities, with a view, when appropriate, to furthering cooperation at the regional and subregional levels:

(a) Raise awareness among States parties and, where appropriate, non-parties, of all aspects of capacity-building, including education, in the area of international cooperation against transnational organized crime;

(b) Assist States parties and, where appropriate, non-parties, in their efforts to promote cooperation to combat transnational organized crime through implementation of the provisions of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>1</sup> giving particular attention to mutual legal assistance and extradition;

(c) Assist all Member States in their efforts to ratify or accede to the Convention and its Protocols;

---

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



(d) Build capacity, including through education, and raise awareness of officials with the primary responsibility for providing replies to the questionnaires and checklist, and provide assistance in the preparation of reports on the implementation of the Convention and its Protocols;

(e) Assist States parties, and, where appropriate, non-parties, through legal assistance in the formulation and enhancement of national laws and standards for the prevention and prosecution of all forms of transnational organized crime and provide capacity-building for the implementation of such laws and standards;

(f) Build capacity, including through education, and conduct awareness-raising activities, with a view to the following:

(i) The establishment of a competent central authority, giving particular attention to mutual legal assistance;

(ii) The establishment or enhancement of a scheme for coordination among competent governmental entities, including law enforcement officials, experts from scientific laboratories, prosecutors, judges and other responsible officials, in the fight against transnational organized crime;

(g) Assist States parties and, where appropriate, non-parties, in the development of national, bilateral and regional programmes for the protection of witnesses and victims of transnational organized crime;

(h) Assist States parties and, where appropriate, non-parties, in their efforts to promote law enforcement cooperation in accordance with article 27 of the Convention.

3. The Working Group invites States parties to identify and communicate to the Secretariat the names of experts, and the corresponding institutions to which they are affiliated, with expertise in the implementation of the Convention and its Protocols, including expertise in specific fields of technical assistance, in order to facilitate the provision of such assistance to requesting States. The Working Group recommends that the Conference should consider the establishment and maintenance of a roster of experts.

4. The Working Group requests the Secretariat to complete the software-based comprehensive self-assessment checklist, and to supplement it, if necessary, with questions on the use of the Convention and its Protocols.

5. The Working Group also requests the Secretariat to prepare, for submission to the Working Group at its next meeting, to be held during the fifth session of the Conference, a report on the current technical assistance programmes and the programmes envisaged for the future, with an evaluation of the outcome of those programmes.

6. The Working Group further requests the Secretariat to prepare for submission to the Working Group at its next meeting, to be held during the fifth session of the Conference, a report on the proposals for implementing the priority activities contained in paragraph 2 above.

7. The Working Group encourages providers of technical assistance for the implementation of the Convention and its Protocols, to coordinate, together with the United Nations Office on Drugs and Crime (UNODC), for the better efficiency of

the process, noting in this regard the principles laid out in the Paris Declaration on Aid Effectiveness.

## **II. Introduction**

8. In its decision 4/3, the Conference requested the Open-ended Interim Working Group of Government Experts on Technical Assistance, taking as a basis the recommendations contained in that decision as well as the proposals contained in the working paper prepared by the Secretariat on proposals for technical assistance activities designed to meet the needs identified in the five priority areas determined by the Conference at its third session (CTOC/COP/2008/16), to further reflect on ways and means to strengthen and better coordinate the scheme of technical assistance for the implementation of the Convention and its Protocols, and submit recommendations in that regard to the Conference at its fifth session. In that decision, the Conference also requested the Secretariat to organize an intersessional meeting of the Working Group before the end of 2009.

## **III. Organization of the meeting**

### **A. Adoption of the agenda and organization of work**

9. On 1 October, the Working Group adopted the following agenda:
1. Organizational matters:
    - (a) Opening of the meeting;
    - (b) Adoption of the agenda and organization of work.
  2. Review of technical assistance needs.
  3. Coordination among technical assistance providers for the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.
  4. Mobilization of resources.
  5. Adoption of the report.

### **B. Opening of the meeting**

10. In his opening statement, the Chairman, Eugenio Curia (Argentina), recalled the mandate of the Working Group and noted that that meeting of the Working Group would be the last opportunity for the Working Group to discuss the scheme of technical cooperation for the implementation of the Convention and its Protocols before the fifth session of the Conference, to be held in October 2010. Therefore, the Working Group needed to elaborate recommendations to be submitted to the Conference.

11. The Chairman noted that it was essential for the Working Group to devote time to thoroughly examining the proposals for technical assistance activities contained

in the working paper prepared by the Secretariat (CTOC/COP/2008/16). The Chairman also noted the current development by the Secretariat of the comprehensive software through which information gathered in the context of the implementation of the United Nations Convention against Corruption<sup>2</sup> could be used in the context of the implementation of the Organized Crime Convention and vice versa. The Chairman deemed such efforts very useful for the Conference in making progress both in the review of implementation of the Organized Crime Convention and its Protocols and in the delivery of technical.

### **C. Attendance**

12. The following States parties to the Convention were represented at the meeting of the Working Group: Afghanistan, Algeria, Argentina, Austria, Belarus, Belgium, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Croatia, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Guatemala, Hungary, Indonesia, Iraq, Italy, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Mexico, Montenegro, Morocco, Namibia, Netherlands, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Slovakia, South Africa, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela (Bolivarian Republic of) and Zimbabwe.

13. The European Community, a regional economic integration organization that is a party to the Convention, was represented at the meeting.

14. The following States signatories to the Convention were represented by observers: Angola, Czech Republic, Iran (Islamic Republic of), Ireland, Japan, Pakistan, Republic of Korea and Yemen.

15. Palestine, an entity maintaining a permanent observer mission, was also represented by an observer.

16. The following United Nations bodies and institutes were represented by observers: Office of the United Nations High Commissioner for Refugees, United Nations Commission on International Trade Law and United Nations Interregional Crime and Justice Research Institute.

17. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office, was represented by an observer.

18. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, International Organization for Migration, Organization for Security and Cooperation in Europe and Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

---

<sup>2</sup> Ibid., vol. 2349, No. 42146.

#### IV. Review of technical assistance needs

19. For its consideration of agenda item 2, the Working Group had before it a working paper prepared by the Secretariat containing proposals for technical assistance activities designed to meet the needs identified in the priority areas determined by the Conference (CTOC/COP/2008/16). The Conference was informed of ongoing technical assistance activities undertaken by UNODC in various areas of implementation of the Organized Crime Convention and its Protocols through oral presentations made by the Secretariat on the following topics: “UNODC regional programmes”, “Technical assistance for strengthening the rule of law and criminal justice reform”, “International cooperation and legal assistance”, “Technical assistance activities in the framework of the Organized Crime Convention”, “Technical assistance for the collection of data on organized crime”, “Technical assistance in the areas of trafficking in persons and the smuggling of migrants”, “Technical assistance in the framework of the Firearms Protocol” and “UNODC activities to combat cybercrime”.

20. The Working Group recognized that UNODC was carrying out significant good work in technical assistance to combat organized crime and welcomed the regional approach adopted. One speaker stressed that some types of technical assistance needs, such as assistance for capacity-building to counter cybercrime, did not lend themselves to a regional approach. A representative of the Secretariat, noting that the Secretariat recognized that point of view, emphasized that the regional approach was not to be used exclusively.

21. Some speakers recommended that UNODC submit to the Conference a regular written report on technical assistance activities carried out by UNODC to implement the Convention and its Protocols. Those speakers envisioned a cyclical process whereby technical assistance needs would first be identified, assistance responding to such needs would be provided and an evaluation of the assistance provided would then be carried out in order to, finally, redefine needs and priorities. The information used in that system would have to be continually updated, and the system would require transparent, two-way communication between the Secretariat and Member States.

22. The Working Group also had before it notes by the Secretariat providing an overview of technical assistance needs identified by States in their responses to the questionnaires/checklist on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/WG.2/2009/2 and CTOC/COP/WG.2/2009/3).

23. In presenting those documents, the Secretary of the Conference noted that the overview of technical assistance needs was based on the more than 600 responses to questionnaires and checklist received by the Secretariat from States parties or signatories to the Convention and its Protocols in the two reporting cycles. She noted that, in spite of the huge volume of reports received, in certain regions the rate of reporting did not exceed 50 per cent and that many States in greatest need of technical assistance, in particular basic assistance to strengthen their criminal justice system, had not complied with their reporting obligations.

24. Many speakers commended the overview and analysis of technical assistance needs prepared by the Secretariat, which were helpful for the work of the Working

Group. One speaker drew attention to the four areas in which the most needs had been reported: training and capacity-building, legal assistance, strengthening of international cooperation and assistance in complying with reporting requirements. One participant noted that it would be useful to record the level of urgency of the various needs indicated so that quick remedial action could be taken.

25. Several speakers were of the view that the Working Group should reflect on mechanisms to ensure that providers of technical assistance were identified to address the technical assistance needs indicated. Rosters of experts could be of help in that endeavour. Moreover, some speakers emphasized that, although their State was not a donor, it had expertise in specific areas of the fight against transnational organized crime that could be made available in response to technical assistance requests.

26. One speaker stressed the importance of ensuring ownership of the process by the beneficiaries when assistance was provided, while many speakers emphasized the need to fully take into consideration the priorities of the recipient countries, in line with the principles set out in the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action (A/63/539, annex).

27. Several speakers noted that identification of technical assistance needs by region was necessary, as countries in the same region often suffered common forms of transnational organized crime. In that respect, it was noted that it would be useful for UNODC to hold regional workshops to pinpoint difficulties in the implementation of the Convention.

28. The Working Group considered the working paper prepared by the Secretariat on proposals for technical assistance activities designed to meet the needs identified in the five priority areas determined by the Conference at its third session (CTOC/COP/2008/16). The five priority areas were: (a) gathering information on the implementation of the Convention and the Protocols thereto; (b) strengthening criminal justice responses to organized crime based on the Convention and the Protocols thereto; (c) international cooperation and establishment or strengthening of central authorities for mutual legal assistance and extradition; (d) data collection; and (e) implementation of the Protocols to the Convention.

29. With respect to information-gathering (the first of the priority areas), several representatives noted that the interim self-assessment checklist on the implementation of the Convention and its Protocols was a welcome step forward and was helpful in the identification of technical assistance needs. They noted that many States had indicated a need for assistance in complying with their reporting obligations. Such requests should be followed up on, and assistance should be provided within the framework of the various meetings and workshops organized by UNODC.

30. Several speakers noted that it would be useful to gather additional information on the extent to which the provisions of the Convention were being used in practice. Such information could include the number of arrests, prosecutions and convictions for offences covered by the Convention and its Protocols, as well as information on cases in which the Convention was used as a basis for extradition. It was further noted that gathering information was essential to highlight and take stock of best practices and would also be instrumental in establishing a review mechanism. In that regard, several speakers supported the establishment of a strong and effective

review mechanism, which should provide reliable and consistent information concerning the implementation of the Convention, with a view to identifying gaps and highlighting successful experiences and practices. Such a mechanism would also serve as an important tool in the identification of technical assistance needs.

31. With respect to strengthening criminal justice responses to organized crime based on the Convention and the Protocols thereto (the second priority area), one speaker expressed the concern that many States had not yet adopted provisions criminalizing the offences covered by the Convention and its Protocols. Therefore, the criminalization under national legislation of the four basic offences under the Convention was a priority that required the greatest attention. Another speaker stressed the need to amend national legislation to bring it in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

32. Many speakers recalled the importance of promoting international cooperation (the third priority area). Several speakers commented on the relevance and usefulness of the Convention in addressing, under the concept of “serious crime”, the challenges of emerging crimes, in particular cybercrime. In that respect, one speaker underscored the relevance of the Convention as a legal basis for proceedings initiated with respect to cybercrime. Another speaker expressed the opinion that caution was needed in extending the application of the Convention to crimes for which no specific criminalization provision existed in the Convention. He foresaw difficulties in applying the international cooperation regime to non-specified offences.

33. The organization by UNODC of regional seminars on international cooperation was seen as instrumental to fostering interaction between central authorities in charge of extradition and mutual legal assistance and to facilitating problem-solving. Such seminars and workshops were key to building trust and enhancing cooperation among practitioners. One speaker called for the organization of interregional seminars on international cooperation. The initiative of setting up a global network of central authorities was, in that context, welcome.

34. Several speakers reiterated the need for the training of judicial and law enforcement officials. Capacity-building was needed in the areas of joint investigations, special investigations, assistance to victims and protection of witnesses.

35. With regard to the implementation of the Protocols (the fifth priority area), States supported the proposals for technical assistance activities put forward by the Secretariat concerning implementation of the Trafficking in Persons Protocol. Several speakers underlined that information-sharing needed to be improved to counter transnational organized criminal groups. Several speakers also stressed the need for a comprehensive, programmatic approach covering the whole phenomenon of trafficking as it extended to origin, transit and destination countries.

36. Finally, one speaker underlined the need to organize in States of origin public awareness campaigns about the dangers of trafficking in persons.

## **V. Coordination among technical assistance providers for the implementation of the Convention and the Protocols thereto**

37. Several speakers recalled the importance of coordinating technical assistance through existing channels, involving all concerned parties in order to avoid overlap and misuse of resources. In that respect, some speakers emphasized that the most important discussions were those taking place at the operational level to ensure that resources were used effectively and avoid duplication of efforts. It was recalled that UNODC field offices had an essential role to play in that respect.

## **VI. Mobilization of resources**

38. Some speakers emphasized that there should be a clear link between the identification of priority areas and the allocation of financial and other resources. However, priorities defined by the Conference might not correspond to the priorities for technical assistance as determined by providers and donors. That inconsistency was a serious limitation to the role and impact of the Conference and needed to be brought to its attention.

39. It was highlighted that, in order for the Convention and its Protocols to be universally and effectively applied and for the review of the implementation to be carried out in a meaningful way, it was crucial to respond to technical assistance needs and allocate sufficient resources for the provision of assistance. Speakers underlined the role of UNODC in mobilizing resources and the importance of strategic alliances with the private sector.

## **VII. Adoption of the report**

40. On 2 October, the Working Group adopted the report on its meeting (CTOC/COP/WG.2/2009/L.1).

## **VIII. Closure of the meeting**

41. On 2 October, the Working Group decided to transmit its recommendations to the Conference at its fifth session for consideration and action.