



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

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Item 5 of the provisional agenda\*

### Technical assistance

#### **Draft resolution submitted by the Co-Chairs of the Working Group of Government Experts on Technical Assistance**

#### **Implementation of the provisions on technical assistance of the United Nations Convention against Transnational Organized Crime**

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

*Reaffirming* that the United Nations Convention against Transnational  
Organized Crime,<sup>1</sup> as a global instrument with wide adherence, offers a broad scope  
for cooperation to address existing and emerging forms of transnational organized  
crime,

*Welcoming* the work of the Working Group of Government Experts on Technical  
Assistance,

*Reaffirming* the importance of the Mechanism for the Review of the  
Implementation of the United Nations Convention against Transnational Organized  
Crime and the Protocols thereto to the effective implementation of the Convention  
and its Protocols,

*Recalling* its resolution 9/1 of 19 October 2018, entitled “Establishment of the  
Mechanism for the Review of the Implementation of the United Nations Convention  
against Transnational Organized Crime and the Protocols thereto”, through which it  
established the Review Mechanism,

*Recalling also* its resolution 10/1 of 16 October 2020, entitled “Launch of the  
review process of the Mechanism for the Review of the Implementation of the United  
Nations Convention against Transnational Organized Crime and the Protocols  
thereto”, through which it launched the first phase of the review process,

*Recalling further* its resolutions 10/6 of 16 October 2020, entitled “Preventing  
and combating crimes that affect the environment falling within the scope of the  
United Nations Convention against Transnational Organized Crime”, and 11/3 of  
21 October 2022, entitled “Outcomes of the joint thematic discussion of the Working  
Group of Government Experts on Technical Assistance and the Working Group on  
International Cooperation on the application of the United Nations Convention

\* CTOC/COP/2024/1.

<sup>1</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.



against Transnational Organized Crime for preventing and combating transnational organized crimes that affect the environment”,

1. *Endorses* the recommendations adopted by the Working Group of Government Experts on Technical Assistance at its fourteenth meeting, held on 29 and 30 May 2023, which are set out in annex I to the present resolution;

2. *Also endorses* the recommendations adopted by the Working Group of Government Experts on Technical Assistance at its fifteenth meeting, held on 3 and 4 June 2024, which are set out in annex II to the present resolution.

## **Annex I**

### **Recommendations adopted by the Working Group of Government Experts on Technical Assistance at its fourteenth meeting, held on 29 and 30 May 2023**

The Working Group of Government Experts on Technical Assistance adopted the following recommendations<sup>2</sup> for endorsement by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime:

#### **General recommendations**

(a) Parties are encouraged to provide the United Nations Office on Drugs and Crime (UNODC) with extrabudgetary resources for the implementation of the technical assistance activities outlined in the dissemination plan for the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal, developed pursuant to resolution 11/2, entitled “Implementation of the provisions on technical assistance of the United Nations Convention against Transnational Organized Crime”, of the Conference of the Parties to the Convention;

#### **Recommendations on matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: challenges, lessons learned and identified technical assistance needs**

(b) Parties are encouraged to make voluntary contributions to UNODC in order to ensure that the secretariat of the Review Mechanism has adequate financial, technical and human resources to effectively support the participation of all parties in the Mechanism;

(c) Parties are encouraged to consider paragraph 51 of the procedures and rules for the functioning of the Review Mechanism in order to address challenges relating to multilingualism and translation in the review process;

(d) Parties should consider providing extrabudgetary resources to UNODC to support the further development of the secure module of SHERLOC known as “RevMod” to improve its functionalities in order to facilitate the timely and smooth conduct of country reviews online, including through automated notifications of missed deadlines and other key communications;

(e) Parties should consider providing extrabudgetary resources to UNODC in order to enable it to respond to requests for legislative assistance to prevent and combat organized crime, including with regard to observations emanating from the Review Mechanism and through information gathering and dissemination by way of SHERLOC;

(f) Parties that have not yet done so are strongly encouraged to nominate a national focal point for the Review Mechanism and keep that information up to date. Parties are also encouraged to identify the relevant national experts to ensure the

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<sup>2</sup> CTOC/COP/WG.2/2023/4, paras. 7–9.

effectiveness and consistency of responses to the self-assessment questionnaires. Parties are further encouraged to make every possible effort in the preparation of their answers to the questionnaires to consult relevant governmental stakeholders and, where appropriate, all relevant stakeholders, including the private sector, individuals and groups outside the public sector, non-governmental organizations and academia. Parties and UNODC are invited to consider using bilateral and multilateral forums to encourage those Parties that have not yet done so to nominate focal points;

(g) Parties should endeavour to adhere to the timelines contained in the procedures and rules for the functioning of the Review Mechanism to the extent possible, including by ensuring their timely participation in the country reviews in line with the multi-year workplan and by mutually sharing, on a voluntary basis, their experiences to overcome the common challenges identified in the process;

**Recommendations on technical assistance needs in the prevention of organized crime, including data collection and analytical processes to support the mainstreaming of a gender perspective and human rights, as well as the development of national strategies to address transnational organized crime**

(h) Parties should consider collecting and analysing quantitative and qualitative data on organized crime, including on perpetrators and victims, disaggregated by age, gender and other relevant factors, including, if applicable, data from all relevant sources, while respecting human rights and applicable privacy rights. Parties should appropriately strengthen the capacity of their statistical authorities, including for measuring progress in this regard;

(i) Parties should consider developing and regularly updating organized crime threat assessments and other strategic analysis products that are able to identify drivers and enablers of organized crime, evolving illicit markets and trends and the criminal infiltration of legitimate markets, and assess vulnerabilities and risk factors. Parties may consider benefiting from data, threat assessments and other strategic analyses developed by other intergovernmental entities;

(j) Parties should consider enhancing, and providing appropriate resources for, the training of law enforcement and criminal justice authorities on collecting and disseminating disaggregated data on organized crime, while respecting human rights and applicable privacy rights;

(k) Parties may wish to request technical assistance from UNODC in the formulation of organized crime analyses and strategies, as well as in the mainstreaming of a gender perspective and human rights in the relevant normative, policy and operational responses, and provide extrabudgetary resources to this end.

## **Annex II**

### **Recommendations adopted by the Working Group of Government Experts on Technical Assistance at its fifteenth meeting, held on 3 and 4 June 2024**

The Working Group of Government Experts on Technical Assistance adopted the following recommendations<sup>3</sup> for endorsement by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime:

#### **Recommendations on the criminalization of crimes that affect the environment**

(a) Parties are encouraged to consider, in accordance with their national legislation, in appropriate cases, treating crimes that affect the environment as predicate offences for money-laundering purposes and to enhance financial

<sup>3</sup> CTOC/COP/WG.2/2024/5, paras. 8–10.

investigations in order to detect the involvement of organized criminal groups and seize and confiscate assets derived from those crimes;

(b) As crimes that affect the environment are not victimless crimes and may cause damage to ecosystems, Indigenous Peoples, local communities and individuals, parties are encouraged to consider: (a) identifying victims of crimes that affect the environment and providing appropriate and effective assistance and protection to such victims, as well as to witnesses and reporting persons, in accordance with their domestic law, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption; (b) adopting appropriate measures within their jurisdiction for the seizure and confiscation of proceeds of crimes that affect the environment; and (c) using such proceeds, in a transparent manner, to restore the damage caused to the environment and to victims, in accordance with their domestic law;

(c) Parties are encouraged to make effective use of existing international legal frameworks to prevent and combat various forms of crimes that affect the environment, including multilateral environmental agreements to which they are party, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;

(d) Parties are encouraged to continue to discuss measures to close gaps in the criminalization of crimes that affect the environment and to expand the reach of international cooperation and technical assistance in relation to such crimes;

(e) Parties are encouraged, in accordance with their domestic law, to consider conducting comprehensive inter-agency reviews to identify applicable treaties, laws and regulations, as well as administrative provisions, that can be used to prevent and combat crimes that affect the environment;

(f) States parties are encouraged, as appropriate, to consider strengthening their cooperation with relevant stakeholders to raise awareness regarding crimes that affect the environment, and to consider taking the views of such stakeholders into account in the process of developing national strategies to counter such crimes;

(g) Parties are encouraged to provide specialized training on a regular basis to those in charge of detecting, investigating, prosecuting or adjudicating crimes that affect the environment and, where appropriate, to request technical assistance to build the capacity of relevant officials and judges and strengthen the parties' legislative and policy frameworks to prevent and combat such crimes, including, where appropriate, through the support of the United Nations Office on Drugs and Crime (UNODC), within its mandate and subject to the availability of extrabudgetary resources;

(h) Parties are encouraged to explore options to strengthen their criminal justice responses to crimes that affect the environment, including by utilizing specialized investigators and prosecutors, when appropriate and in accordance with their domestic law;

(i) Parties are encouraged to prioritize the investigation and prosecution of crimes that affect the environment that have strong links to transnational organized crime, including, inter alia, the crime of waste trafficking;

#### **Recommendations on organized fraud**

(j) Parties are encouraged to consider organized fraud as a serious crime, as defined in article 2 (b) of the Organized Crime Convention, in accordance with their national legislation, in order to ensure that, where the offence is transnational in nature and involves an organized criminal group, effective international cooperation can be afforded under the Convention;

(k) Parties are encouraged to take measures, consistent with their legal principles, to ensure that legal persons involved in organized fraud are held accountable and are subject to effective, proportionate and dissuasive criminal and

non-criminal sanctions, including monetary sanctions, in accordance with article 10 of the Organized Crime Convention;

(l) Parties are encouraged to make effective use of the provisions of the Organized Crime Convention to detect and prosecute those involved in organized fraud and scam operations, including such operations carried out by means of illegal call centres;

(m) Parties should consider, in accordance with articles 24 and 25 of the Organized Crime Convention and consistent with their domestic legislation, taking appropriate measures within their means to provide effective assistance and protection to witnesses and victims of organized fraud, and to establish appropriate procedures to provide access to compensation and restitution for victims of organized fraud;

(n) In order to prevent and combat organized fraud, parties are encouraged to strengthen their cooperation with relevant stakeholders, including the private sector, in particular communication and financial service providers, at both the national and international levels;

(o) Parties are encouraged to enhance and provide appropriate resources for the training of their law enforcement and criminal justice practitioners, as well as of relevant stakeholders, on the basis of their needs and priorities in relation to organized fraud;

(p) Parties are encouraged to consider initiating financial investigations in organized fraud cases, including in order to seize and confiscate assets derived from such fraud;

(q) UNODC should expand the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal to include information on organized fraud, subject to the availability of extrabudgetary resources for that purpose;

(r) Parties are encouraged to consider collecting and analysing their quantitative and qualitative data on organized fraud, including on recent trends, and sharing the relevant information through UNODC, in order to enhance the global understanding of the threat posed by organized fraud. Parties may also wish to consider sharing their relevant legislation, case law and strategies for countering organized fraud with UNODC for publication on SHERLOC;

(s) Parties are encouraged to fully consider gender, age, disability, vulnerability and other relevant factors relating to potential victims in the development and implementation of legislation, policies, programmes or initiatives to combat organized fraud;

(t) UNODC should continue to develop technical assistance tools and to provide technical assistance, including capacity-building, for the purposes of supporting parties in their efforts to effectively prevent and combat organized fraud in line with the Organized Crime Convention and the Protocols thereto, and States should consider providing resources to that end;

#### **Recommendations on matters pertaining to the review of the implementation of the Organized Crime Convention**

(u) Parties that have not yet done so are urged to nominate national focal points for the Review Mechanism. In cases where such nominations are pending, parties are to implement paragraph 18 of the procedures and rules for the functioning of the Mechanism, which provides that permanent representatives are to act as temporary focal points for the review process in such cases;

(v) UNODC should continue facilitating communication and the exchange of good practices, challenges and lessons learned throughout the review process, and to that end should explore the possible establishment of a network of designated focal points for the Review Mechanism;

(w) Parties are encouraged to enhance the participation of women in the Review Mechanism;

(x) Parties are encouraged to make voluntary contributions to UNODC in order to ensure that the secretariat of the Review Mechanism has adequate, predictable, transparent and stable financial, technical and human resources to effectively support the participation of all parties in the Mechanism.

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