



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

Distr.: General
3 November 2020

Original: English

Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its tenth session, held in Vienna from 12 to 16 October 2020

Contents

	<i>Page</i>
I. Resolutions and decisions adopted by the Conference	3
A. Resolutions	3
10/1. 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.	3
10/2. Strengthening international cooperation against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.	105
10/3. Effective 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	110
10/4. Celebrating the twentieth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime and promoting its effective implementation	116
10/5. Preventing and combating the manufacturing of and trafficking in falsified medical products as forms of transnational organized crime.	120
10/6. Preventing and combating crimes that affect the environment falling within the scope of the United Nations Convention against Transnational Organized Crime	124
10/7. Combating transnational organized crime against cultural property	128
B. Decisions.	133
10/1. Provisional agenda for the eleventh session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime	133
10/2. Organization of the work of the eleventh session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime	134



II.	Organizational matters	134
A.	Opening of the session	134
B.	Election of officers	135
C.	Adoption of the agenda and organization of work	135
D.	Participation	135
E.	Adoption of the report of the Bureau on credentials	136
III.	General discussion	136
	Deliberations	137
IV.	Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto	138
A.	United Nations Convention against Transnational Organized Crime	138
1.	Deliberations	139
2.	Action taken by the Conference	140
B.	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	140
1.	Deliberations	141
2.	Action taken by the Conference	142
C.	Protocol against the Smuggling of Migrants by Land, Sea and Air	142
	Deliberations	142
D.	Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition	143
1.	Deliberations	143
2.	Action taken by the Conference	144
V.	Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime	145
A.	Deliberations	145
B.	Action taken by the Conference	146
VI.	International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities	147
	Deliberations	148
VII.	Technical assistance	148
	Deliberations	149
VIII.	Financial and budgetary matters	149
IX.	Provisional agenda for the eleventh session of the Conference	150
	Action taken by the Conference	150
X.	Other matters	150
	Deliberations	150
XI.	Adoption of the report of the Conference on its tenth session	151

I. Resolutions and decisions adopted by the Conference

A. Resolutions

1. At its tenth session, held in Vienna from 12 to 16 October 2020, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted the following resolutions:

Resolution 10/1

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

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

Reaffirming that the United Nations Convention against Transnational Organized Crime and the Protocols thereto¹ represent the principal worldwide legal instruments to prevent and combat the scourge of transnational organized crime, which affects individuals and societies in all countries, and reaffirming also their importance as the main tools available to the international community for this purpose,

Recalling article 32 of the Convention, pursuant to which the Conference of the Parties to the United Nations Convention against Transnational Organized Crime was established to improve the capacity of States parties to combat transnational organized crime and promote and review the implementation of the Convention,

Recalling also that in article 32 of the Convention it is stated that the Conference shall agree upon mechanisms for achieving, inter alia, the objective of periodically reviewing the implementation of the Convention,

Recalling further, in that regard, its resolutions 5/1 of 22 October 2010, 5/5 of 22 October 2010, 6/1 of 19 October 2012, 7/1 of 10 October 2014 and 8/2 of 21 October 2016,

Reaffirming its resolution 9/1 of 19 October 2018, in which it adopted the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and decided to launch the preparatory phase of the review process,

Taking note of relevant General Assembly resolutions, in particular resolution 74/177 of 18 December 2019, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which the Assembly welcomed the adoption of Conference resolution 9/1 and urged States parties to implement and support the Mechanism,

1. *Takes note with appreciation* of the work carried out during the preparatory phase 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 by the open-ended intergovernmental expert group established in accordance with Conference resolution 9/1;

2. *Adopts* the self-assessment questionnaires for the review of the implementation of the Convention and the Protocols thereto, the guidelines for conducting the country reviews and the blueprint for the lists of observations and the

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

summaries, as finalized by the open-ended intergovernmental expert group and annexed to the present resolution;

3. *Decides* to launch the first review phase of the review process in accordance with the thematic clusters and multi-year workplan contained in the appendix to the procedures and rules for the functioning of the Mechanism, contained in Conference resolution 9/1, and with the guidelines for conducting the country reviews;

4. *Takes note* of the information provided by the United Nations Office on Drugs and Crime on the development of the new secure module of the knowledge management portal known as Sharing Electronic Resources and Laws on Crime, as requested in paragraph 8 of its resolution 9/1, and requests the Office to finalize the development of the module before the beginning of the review process, which will take place immediately after the drawing of lots referred to in paragraph 17 of the procedures and rules;

5. *Requests* the United Nations Office on Drugs and Crime, in accordance with resolution 9/1 and the annex thereto, including paragraph 54, and in accordance with the rules of procedure for the Conference of the Parties, to provide training, including online training, to States parties on the use of the new secure module of the Sharing Electronic Resources and Laws on Crime portal;

6. *Requests* the secretariat to convene, no later than six weeks after the adoption of the present resolution, a joint intersessional meeting of the working groups, without interpretation, to draw lots to select the States parties under review and reviewing States parties, in accordance with paragraphs 17, 28 and 29 of the procedures and rules, and to use the automated system developed by the secretariat for the purpose of the drawing of lots in accordance with the procedures and rules;

7. *Stresses* the importance of ensuring under future budget cycles the efficient, continued and impartial functioning of the Mechanism, in accordance with the provisions of the procedures and rules, and decides to consider taking appropriate measures, including, if necessary, requesting the Secretary-General to take appropriate action;

8. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes set out in the present resolution, in accordance with the rules and procedures of the United Nations and with the procedures and rules for the functioning of the Mechanism, including its paragraph 54.

Annex I

Guidelines for conducting the country reviews

1. During the country reviews, States parties, including their governmental experts, and the secretariat of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime are to be guided by the relevant provisions of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (Conference of the Parties resolution 9/1, annex). Appropriate arrangements should reflect the specific nature and extent of competences of regional organizations that are parties to the Convention and its Protocols.
2. In order to facilitate the efficiency of the Implementation Review Mechanism, States parties and the Secretariat are to use their best efforts to adhere to the indicative timelines contained in the paragraphs and figure below.

I. Beginning of the review process

3. At the beginning of the review process, no later than six weeks after its launch on 16 October 2020, after the tenth session of the Conference of the Parties, a joint intersessional meeting of the working groups shall be held, without interpretation, to draw lots to select the States under review and reviewing States, in accordance with paragraphs 17 and 28 of the procedures and rules for the functioning of the Mechanism.
4. In accordance with paragraph 17 of the procedures and rules, all States are to be divided into three groups to start their reviews. The reviews in the first review phase are to be staggered over three consecutive years, with their start dates as follows: 1 December 2020 for the first group, 1 November 2021 for the second group and 1 November 2022 for the third group.
5. Each State party shall appoint a focal point to coordinate its participation in the review and make this information available on the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal two weeks after the start of its participation in the review process as a reviewing State or a State party under review. States parties are encouraged to provide their focal points' contact information, including email address, office phone number and location and hours of work.
6. States parties should designate governmental experts to carry out the country review four weeks after the start of their participation in the review process as a reviewing State or a State party under review.
7. The Secretariat will provide instructions to States parties on how their focal points, governmental experts and permanent missions can create an account in the secure module of SHERLOC.

II. Preparation by governmental experts

8. The governmental experts are encouraged to prepare themselves by:
 - (a) Thoroughly studying the Convention and the relevant Protocols, as well as the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the present guidelines for conducting the country reviews;

(b) Familiarizing themselves with the official records of the negotiation of the Convention and the relevant Protocols, particularly those parts pertaining to the articles that are the subject of the relevant review phase. The Secretariat will make available on the web page of the Implementation Review Mechanism and on the secure module of SHERLOC a list of useful publications and tools² to support governmental experts in the review process;

(c) Familiarizing themselves with the legal system of the State party under review, including, where applicable, relevant judicial decisions issued by higher national courts of that State. For this purpose, the governmental experts conducting the review may seek support from the State party under review in enhancing their understanding of the legal system of that State;

(d) Familiarizing themselves with any reservation to or declaration on the Convention and its Protocols formulated by the State party under review.

III. Country review

9. Bearing in mind the full text of the relevant questionnaires on the Convention and its three Protocols, during each of the four review phases, as described in the procedures and rules, the State party under review will provide responses to the part of the self-assessment questionnaire pertaining to the cluster being reviewed in that specific phase.

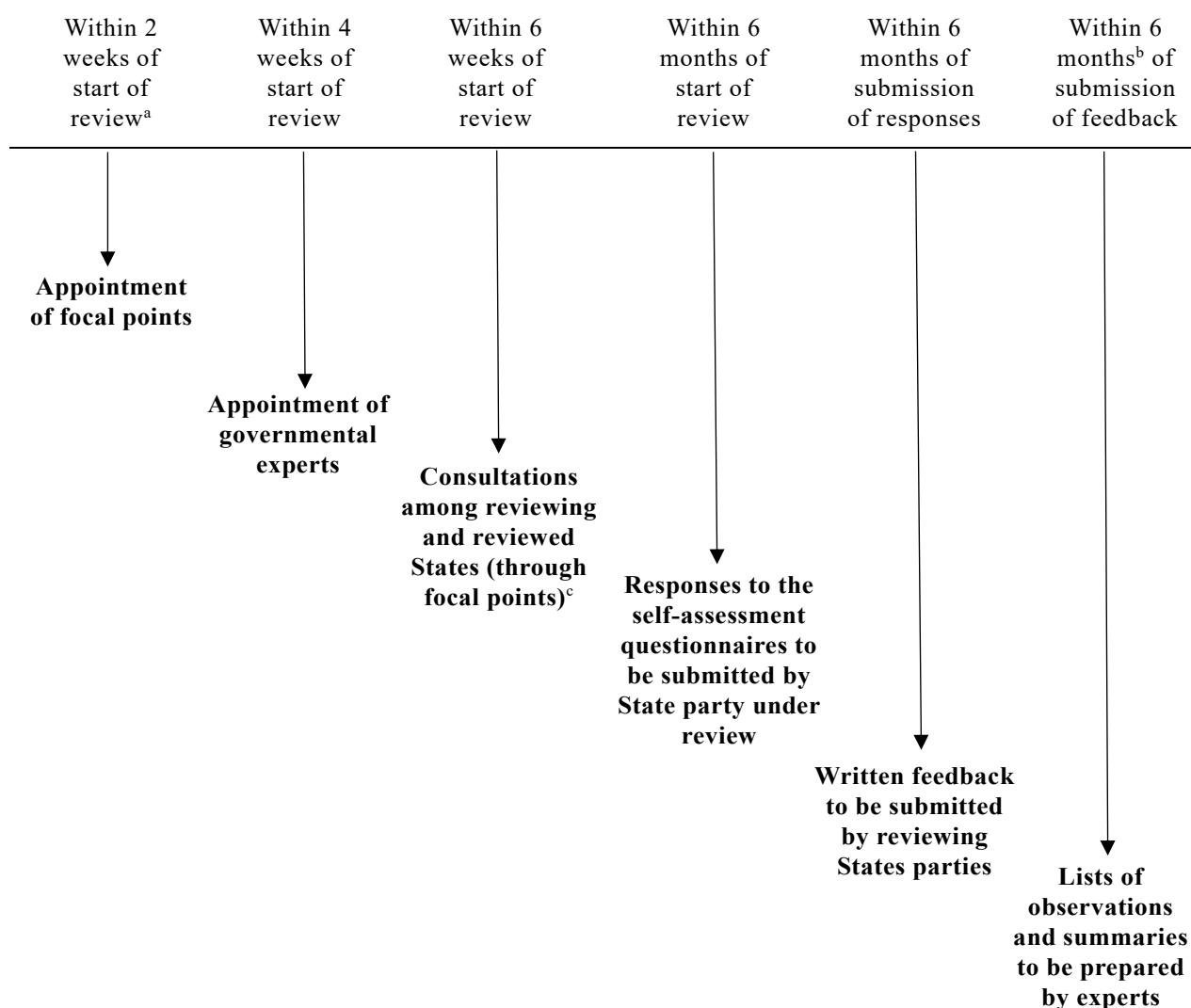
10. Each phase of the country review will comprise the elements contained in the procedures and rules, including: (a) the responses to the relevant part of the self-assessment questionnaire; (b) the written feedback (in the drafting of which States parties are encouraged not to exceed 10,500 words), prepared by the reviewing States, and the constructive dialogue between governmental experts in accordance with paragraph 35 of the procedures and rules; and (c) the preparation and finalization of the lists of observations by the reviewing States parties, in close collaboration and coordination with the State party under review and with the assistance of the Secretariat, as well as summaries of those lists, in accordance with paragraph 38 of the procedures and rules.

11. The State party under review is to undertake consultations with the reviewing States parties within six weeks of the start of its review, through their focal points and with the assistance of the Secretariat, on the establishment of time frames and the requirements of the country review, in accordance with the present guidelines for conducting the country reviews. The States parties should select the one, two or, in exceptional circumstances, three working language or languages to be used during the review, in accordance with chapter VII of the procedures and rules.

12. When preparing the lists of observations and the summaries thereof, objective and impersonal language will aid understanding. Any abbreviations and acronyms are to be defined upon their first use.

13. If there are grounds for believing that the guiding principles set forth in the procedures and rules have not been respected, the States parties concerned are encouraged to engage in consultations, including on possible action, bearing in mind the provision contained in paragraph 30 of the procedures and rules.

² The list will include the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*.

Timeline of a review process

^a The drawing of lots for all States parties will take place no later than six weeks after 16 October 2020; each year, one third of the States parties will be reviewed. The reviews are to be staggered over three consecutive years, with the start date for each group as follows: 1 December 2020, 1 November 2021 and 1 November 2022.

^b To allow for processing of documentation.

^c The country review process may be conducted in any one or two of the working languages of the Mechanism that may be decided upon by the State party under review and the reviewing States parties. In exceptional circumstances, the review process may be conducted in three working languages.

Annex II

Blueprint for the list of observations for country reviews³

Review by [names of reviewing States parties] of the implementation by [name of State party under review] of article[s] [number(s) of articles; cluster one/two/three/four] of the [United Nations Convention against Transnational Organized Crime] [Protocol supplementing the United Nations Convention against Transnational Organized Crime] in years [...] of review phase [one/two/three/four] of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

I. Introduction

1. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime was established in accordance with article 32 of the Convention to, inter alia, promote and review the implementation of the Convention and the Protocols thereto.
2. In accordance with article 32, paragraph 4, of the Convention, the Conference established, at its ninth session, held in Vienna from 15 to 19 October 2018, the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.
3. The Implementation Review Mechanism is an intergovernmental process, the overall goal of which is to assist States parties in implementing the Convention and the Protocols thereto.
4. The country review is undertaken on the basis of articles 32 and 34 of the Convention, as well as the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (Conference of the Parties resolution 9/1, annex).

II. Process

5. The following review of the implementation by [name of State party under review] of [the Convention] [Protocol supplementing the Convention] is based on the completed responses to the self-assessment questionnaire received from [name of State party under review] and any supplementary information provided in accordance with paragraph 19 of the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, as well as the outcome of the constructive dialogue between the governmental experts from [States parties participating in the review], as foreseen in paragraph 35 of the procedures and rules, by means of [communications archived in the designated confidential module in the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal and other available technological tools, such as virtual networks, conference calls and videoconferences,] and involving [names of experts involved]. The supplementary information provided by the State party under review consisted of the following: [links to reports and relevant pages and titles of other sources]. Those links and electronic copies of those sources are to be made available on SHERLOC.

³ Prepared in accordance with paragraph 15 of the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

III. List of observations for the review of [name of the State party under review]

6. As described in paragraphs 38 and 39 of the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the State party under review and the reviewing States parties have agreed on the following list of observations regarding the review of [name of State party under review]:

- (a) Gaps and challenges in the implementation of the provisions under review;
- (b) Best practices;
- (c) Suggestions;
- (d) Any technical assistance needs identified to improve the implementation of the [Convention] [Protocol].

Blueprint for the summary of the list of observations for the review of [State party under review]⁴

I. Ratification of the [Convention] [Protocol]

1. [Name of State party under review] deposited its instrument of ratification with the Secretary-General on [date].

II. Implementation of the articles of the [Convention] [Protocol] under review

Articles [numbers of articles]

Observations

- A. [Observations of the governmental experts with regard to gaps and challenges in the implementation of the articles under review.]
- B. [Observations of the governmental experts with regard to best practices in the implementation of the articles under review.]
- C. [Suggestions identified by the governmental experts to improve the implementation of the articles under review.]
- D. [Technical assistance needs identified by the governmental experts to improve the implementation of the articles under review, where applicable.]

⁴ Prepared in accordance with paragraph 15 of the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. The summaries of the lists of observations are not to exceed 1,500 words in length.

Annex III

Self-assessment questionnaire for the United Nations Convention against Transnational Organized Crime and the Protocols thereto – Cluster I

General guidance for replying to the questionnaire

- States will be reviewed on the basis of the information that they have provided to the reviewing States parties, in accordance with section V of the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. If they have not yet provided the relevant documents to the Secretariat, States are called upon to upload either any laws, regulations, cases and other documents or brief descriptions of them that are of relevance for responding to the questionnaire to the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC).
- Links to the information uploaded to SHERLOC can be then provided as part of the replies to each question.
- In addition to providing links to the information uploaded to SHERLOC, States are called upon to specify the applicable legislation and relevant provisions under each question to which the answer is “Yes” and, where appropriate, under any other questions.
- States are requested to refrain from attaching any annexes, including hard copies of documentation, to the completed questionnaires.
- When responding to the self-assessment questionnaires, States parties may also refer to information provided in the context of other relevant review mechanisms of instruments to which they are parties. States parties shall bear in mind that any update since previous submissions of information under other review mechanisms should be appropriately reflected in the responses. In particular, when reviewing the same legislation for obligations that are identical or similar to those under the United Nations Convention against Corruption, a State party under review may refer to responses and additional documentation that it has submitted under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
- The provisions of the Organized Crime Convention and the Protocols thereto contain various degrees of requirements. In accordance with the procedures and rules, the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto shall progressively address all articles of the Convention and the Protocols thereto. The different nature of each provision should therefore be taken into account in formulating the responses to the related questions and when reviewing them in the following phases of the country review.
- Article 1, paragraph 2, of each of the Protocols states that the provisions of the Convention shall apply *mutatis mutandis* to the Protocols unless otherwise provided therein. Paragraph 19 of the procedures and rules for the functioning of the Mechanism states that provisions of the Convention that apply to the Protocols, *mutatis mutandis*, will be reviewed under the Convention only. In answering the questions related to the implementation of the Convention, States are requested to take into account the application of the relevant provisions of the Convention, as appropriate, to the subject matter of each Protocol to which they are a party. Governmental experts are therefore reminded to include in their answers reference to the application of such provisions of the Convention to the Protocols to which their country is a party. For example, in answering the questions on the scope of application of article 10 on the liability of legal persons, governmental experts

should take into account the applicability of article 10 to the offences covered by the three Protocols and answer accordingly.

- In the questionnaire, some questions are introduced by the words “States are invited”. In such cases, governmental experts may provide information on a voluntary basis, and no inference is to be drawn from the lack of such information.

I. United Nations Convention against Transnational Organized Crime

Cluster I: criminalization and jurisdiction (arts. 2, 5, 6, 8, 9, 10, 15 and 23 of the Convention)

Article 2. Use of terms

1. Does your country’s legal framework include the definitions set forth in article 2?

☐ Yes ☐ Yes, in part ☐ No

(a) Please explain.

2. Does your country’s legal framework permit it to implement the Convention without adopting the specific definitions set forth in article 2?

☐ Yes ☐ Yes, in part ☐ No

(a) Please explain.

Article 5. Criminalization of participation in an organized criminal group

3. Is participation in an organized criminal group criminalized under your country’s legal framework, in accordance with article 5?

☐ Yes ☐ No

(a) If the answer to question 3 is “Yes”, does participation in an organized criminal group consist of agreeing with one or more other persons to commit a serious crime in order to obtain, directly or indirectly, a financial or other material benefit (art. 5, para. 1 (a) (i))?

☐ Yes ☐ Yes, in part ☐ No

(i) If the answer to question 3 (a) is “Yes”, does the criminal offence as provided in your domestic law require an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group (art. 5, para. 1 (a) (i))?

☐ Yes ☐ Yes, in part ☐ No

(b) If the answer to question 3 is “Yes”, does participation in an organized criminal group consist of taking an active part in the criminal activities of an organized criminal group with knowledge of either the aim and general criminal activity of that group or its intention to commit the crimes concerned, or taking an active part in other activities of an organized criminal group in the knowledge that such participation will contribute to the achievement of the criminal aim of that group (art. 5, para. 1 (a) (ii))?

☐ Yes ☐ Yes, in part ☐ No

(c) If the answer to question 3 (a) is “Yes”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

(d) If the answer to question 3 (a) is “Yes in part” or “No”, please specify how participation in a criminal group is treated under your country’s framework.

4. If your domestic law requires an act in furtherance of the agreement, has your country so informed the Secretary-General of the United Nations, as required under article 5, paragraph 3?

☐ Yes ☐ No

5. Does your country’s legal framework establish as criminal offences the acts of organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group (art. 5, para. 1 (b))?

☐ Yes ☐ Yes, in part ☐ No

(a) Please explain, if needed.

Article 6. Criminalization of the laundering of proceeds of crime

6. Is the laundering of proceeds of crime criminalized under your country’s legal framework, in accordance with article 6, paragraph 1 (a), of the Convention (art. 6, paras. 1 (a) (i)–(ii))?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes, in part”, please specify the manner in which the laundering of proceeds of crime is criminalized under your country’s legal framework.

7. Are the acquisition, possession and use of property known at the time of receipt to be the proceeds of crime criminalized under your country’s legal framework (art. 6, para. 1 (b) (i))?

☐ Yes ☐ Yes, in part ☐ No

(a) Please explain briefly.

8. Are participation in, association with and conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of a money-laundering offence criminalized under your country’s legal framework (art. 6, para. 1 (b) (ii))?

☐ Yes ☐ Yes, in part ☐ No

(a) Please explain briefly.

9. If the answer to question 6, 7 or 8 is “Yes”, are all serious crimes and the offences covered by the Convention and the Protocols to which your State is a party predicate offences under your domestic law to the offence of money-laundering (art. 6, paras. 2 (a) and (b))?

☐ Yes ☐ No

(a) If the answer is “No”, please specify which of the offences covered by the Convention and the Protocols to which your State is a party are not predicate offences under your domestic law to the offence of money-laundering (art. 6, para. 2 (b)).

10. Please provide information on the scope of predicate offences set out in your domestic law, including any list of specific predicate offences that may be set out by your domestic law; indicate, for example, the relevant acts and article numbers (art. 6, para. 2 (b)).

11. Does your country’s legal framework include predicate offences committed outside your country’s jurisdiction (art. 6, para. 2 (c))?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please describe the circumstances under which a predicate offence committed in a foreign jurisdiction may be recognized pursuant to your domestic law.

12. Has your country furnished copies of its laws that give effect to article 6 and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations (art. 6, para. 2 (d))?

(a) If yes, please provide a link.

(b) If not, please provide this information.

Article 8. Criminalization of corruption

The review of articles 8 and 9 of the Convention is only for those States parties to the Organized Crime Convention that are not parties to the United Nations Convention against Corruption.

13. Is the conduct described in article 8, paragraph 1 (a), criminalized in your country’s legal framework?

☐ Yes ☐ Yes, in part ☐ No

(a) Please explain briefly.

14. Is the conduct described in article 8, paragraph 1 (b), criminalized in your country’s legal framework?

☐ Yes ☐ Yes, in part ☐ No

(a) Please explain briefly.

15. Is the form of corruption described in article 8, paragraph 1, involving a foreign public official or international civil servant criminalized in your country’s legal framework (art. 8, para. 2)?

☐ Yes ☐ Yes, in part ☐ No

(a) If appropriate, please explain briefly.

16. Is any other form of corruption established as a criminal offence in your country's legal framework (art. 8, para. 2)?

☐ Yes ☐ Yes, in part ☐ No

(a) If appropriate, please explain briefly.

17. Is participation as an accomplice in offences established in accordance with article 8 criminalized under your country's legal framework (art. 8, para. 3)?

☐ Yes ☐ No

Article 9. Measures against corruption

The review of articles 8 and 9 of the Convention is only for those States parties to the Organized Crime Convention that are not parties to the Convention against Corruption.

18. Has your country adopted measures to promote integrity and to prevent, detect and punish the corruption of public officials (art. 9, para. 1)?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify the measures implemented to promote integrity and to prevent, detect and punish the corruption of public officials.

19. Has your country taken measures to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions (art. 9, para. 2)?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify the measures implemented to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions.

Article 10. Liability of legal persons

20. Is the liability of legal persons for participation in serious crimes involving an organized criminal group and for the offences covered by the Convention and the Protocols to which your State is a party established under your country's legal framework (art. 10)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is "Yes, in part" or "No", please explain.

21. If the answer is "Yes", is this liability:

(a) Criminal?

☐ Yes ☐ No

(b) Civil?

☐ Yes ☐ No

(c) Administrative?

☐ Yes ☐ No

22. What kind of sanctions are provided for in your country's legal framework to implement article 10, paragraph 4, bearing in mind article 11, paragraph 6, of the Convention?

Article 15. Jurisdiction

23. Are there any circumstances under which your country does not have jurisdiction over offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which it is a party committed in its territory (art. 15, para. 1 (a))?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify the circumstance(s) under which your country does not have jurisdiction over offences committed in its territory.

24. Does your country have jurisdiction to prosecute the offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which it is a party when the offences are committed on board a vessel flying its flag or an aircraft registered under its laws (art. 15, para. 1 (b))?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is "Yes" or "Yes, in part", please specify the manner in which your country has jurisdiction to prosecute the offences covered by the Convention and the Protocols to which it is a party, in accordance with article 15, paragraph 1 (b).

25. Does your country's legal framework allow for the following extraterritorial jurisdictional bases:

(a) Jurisdiction to prosecute the offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which your country is a party when committed outside its territory by its nationals (or stateless persons who have habitual residence in the country) (art. 15, para. 2 (b))?

☐ Yes ☐ No

(b) Jurisdiction to prosecute the offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which your country is a party when committed outside its territory against its nationals (art. 15, para. 2 (a))?

☐ Yes ☐ No

(c) Jurisdiction to prosecute participation in an organized criminal group that occurred outside its territory with a view to the commission of a serious crime (art. 2, para. (b)) within its territory (art. 15, para. 2 (c) (i))?

☐ Yes ☐ No

(d) Jurisdiction to prosecute ancillary offences related to money-laundering offences committed outside its territory with a view to the commission of the laundering of proceeds of crime in its territory (art. 15, para. 2 (c) (ii))?

☐ Yes ☐ No

Article 23. Criminalization of obstruction of justice

26. Is obstruction of justice in relation to offences covered by the Convention and the Protocols to which your country is a party criminalized under your country's legal framework, in accordance with article 23 of the Convention?

☐ Yes ☐ Yes, in part ☐ No

(a) Please explain briefly.

Criminalization: cases and judgments

27. States are invited to provide examples, relevant cases or judgments relating to successful implementation and enforcement for each of the criminal offences reviewed above.

Difficulties encountered

28. Has your country encountered any difficulties or challenges in implementing the Convention?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify:

- ☐ Problems with the formulation of legislation
- ☐ Need for further implementing legislation (laws, regulations, decrees, etc.)
- ☐ Reluctance of practitioners to use existing legislation
- ☐ Insufficient dissemination of existing legislation
- ☐ Limited inter-agency coordination
- ☐ Specificities of the legal system
- ☐ Competing priorities for the national authorities
- ☐ Limited resources for the implementation of existing legislation
- ☐ Limited cooperation with other States
- ☐ Lack of awareness of the existing legislation
- ☐ Other issues (please specify)

Need for technical assistance

29. Does your country require technical assistance to overcome difficulties in implementing the Convention?

☐ Yes ☐ No

30. If the answer is "Yes", please specify the type of technical assistance needed.

31. Which of the following forms of technical assistance, if available, would assist your country in fully implementing the provisions of the Convention? In identifying the forms of technical assistance as listed below, please also indicate for which provisions of the Convention such assistance would be needed.

- ☐ Legal advice

- ☐ Legislative drafting support
- ☐ Model legislation or regulations
- ☐ Model agreements
- ☐ Standard operating procedures
- ☐ Development of strategies, policies or action plans
- ☐ Dissemination of good practices or lessons learned
- ☐ Capacity-building through the training of practitioners or trainers
- ☐ On-site assistance by a mentor or relevant expert
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Prevention and awareness-raising
- ☐ Technological assistance
- ☐ Establishment or development of information technology infrastructure, such as databases or communication tools
- ☐ Measures to enhance regional cooperation
- ☐ Measures to enhance international cooperation
- ☐ Other assistance (please specify)

32. Please provide any other information that you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Convention other than those mentioned above.

II. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Cluster I: criminalization and jurisdiction (arts. 3 and 5 of the Protocol)

Article 3, Use of terms, and article 5, Criminalization

33. Is trafficking in persons, when committed intentionally, criminalized under your country's legal framework (art. 5, para. 1, in conjunction with art. 3)?

☐ Yes ☐ Yes, in part ☐ No

(a) If yes, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

34. If the answer to question 33 is "Yes, in part" or "No", please specify how trafficking in persons is treated under your country's legal framework.

35. If the answer to question 33 is “Yes”, is trafficking in persons treated as a criminal offence in your country, in accordance with article 3, paragraph (a), of the Protocol (combination of three elements: action, means and purpose of exploitation)?

☐ Yes ☐ No

(a) Please explain.

36. If the answer to question 33 is “Yes”, are the following actions of trafficking in persons criminalized in your country (art. 3, para. (a))?

(a) Recruitment

☐ Yes ☐ No

(b) Transportation

☐ Yes ☐ No

(c) Transfer

☐ Yes ☐ No

(d) Harboursing

☐ Yes ☐ No

(e) Receipt of persons

☐ Yes ☐ No

(f) Other actions, please specify.

(g) Please provide further detail, if needed.

37. If the answer to question 33 is “Yes”, do the means of trafficking in persons consist of any of the following (art. 3, para. (a))?

(a) Threat or the use of force or other forms of coercion

☐ Yes ☐ No

(b) Abduction

☐ Yes ☐ No

(c) Fraud

☐ Yes ☐ No

(d) Deception

☐ Yes ☐ No

(e) Abuse of power

☐ Yes ☐ No

(f) Abuse of position of vulnerability

☐ Yes ☐ No

(g) The giving or receiving of payments or benefits to achieve the consent of a person having control over another person

☐ Yes ☐ No

(h) Other means, please specify.

(i) Please provide further details, if needed.

38. If the answer to question 33 is “Yes”, does the purpose of exploitation include, at a minimum, any of the following (art. 3, para. (a))?

(a) The exploitation of the prostitution of others or other forms of sexual exploitation

☐ Yes ☐ No

(b) Forced labour or services

☐ Yes ☐ No

(c) Slavery or practices similar to slavery

☐ Yes ☐ No

(d) Servitude

☐ Yes ☐ No

(e) The removal of organs

☐ Yes ☐ No

(f) Other purpose, please specify.

(g) Please provide further details, if needed.

39. Does your country ensure that, when the means set forth in article 3, paragraph (a), of the Protocol have been established, the consent of the victim to the intended exploitation is irrelevant (art. 3, para. (b))?

☐ Yes ☐ No

(a) Please explain.

40. Does your country’s legal framework criminalize trafficking in children (recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation) even where it does not involve any of the means set forth in article 3, paragraph (a), of the Protocol (art. 3, para. (c))?

☐ Yes ☐ No

(a) If yes, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

41. Who is considered to be a “child” under your country’s legal framework (art. 3, para. (d)):

☐ “Child” means any person under 18 years of age (art. 3, para. (d))?

☐ Other? Please specify.

42. Subject to the basic concepts of your legal framework, does your country criminalize attempting to commit trafficking in persons (art. 5, para. 2 (a), in conjunction with art. 3)?

☐ Yes ☐ Yes, in part ☐ No

(a) Please explain. If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

(b) If your answer is “No”, do the basic concepts of your legal framework prevent the adoption of measures to criminalize attempting to commit trafficking in persons?

43. Does your country criminalize participating as an accomplice in trafficking in persons (art. 5, para. 2 (b), in conjunction with art. 3)?

☐ Yes ☐ Yes, in part ☐ No

(a) Please provide further details, if needed.

(b) If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

44. Does your country criminalize organizing or directing other persons to commit trafficking in persons (art. 5, para. 2 (c), in conjunction with art. 3)?

☐ Yes ☐ Yes, in part ☐ No

(a) If your answer is “Yes” or “Yes, in part”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

Criminalization: cases and judgments

45. States are invited to provide examples, relevant cases or judgments relating to successful implementation and enforcement for each of the criminal offences reviewed above.

Difficulties encountered

46. Does your country encounter difficulties or challenges in implementing any provisions of the Trafficking in Persons Protocol relevant to cluster I?

☐ Yes ☐ No

(a) If the answer is “Yes”, please explain.

Need for technical assistance

47. Does your country require technical assistance to implement the Protocol?

☐ Yes ☐ No

(a) If the answer is “Yes”, please indicate the type of assistance required:

- ☐ Assessment of criminal justice response to trafficking in persons
- ☐ Legal advice or legislative drafting support
- ☐ Model legislation, regulations or agreements
- ☐ Development of strategies, policies or action plans
- ☐ Good practices or lessons learned
- ☐ Capacity-building through the training of criminal justice practitioners and/or the training of trainers
- ☐ Capacity-building through awareness-raising among the judiciary
- ☐ On-site assistance by a relevant expert
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Prevention and awareness-raising
- ☐ Technological assistance and equipment

(b) Please be specific.

- ☐ Development of data collection or databases
- ☐ Workshops or platforms to enhance regional and international cooperation
- ☐ Specialized tools, such as e-learning modules, manuals, guidelines and standard operating procedures
- ☐ Other (please specify)

48. Is your country already receiving technical assistance in those areas?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify the area of assistance and who is providing it.

49. Please provide any other information that you believe is useful to understand your implementation of the Trafficking in Persons Protocol and information that is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Protocol.

III. Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

Cluster I: criminalization and jurisdiction (arts. 3, 5 and 6 of the Protocol)

Article 3, Use of terms, article 5, Criminal liability of migrants, and article 6, Criminalization

50. Is the smuggling of migrants criminalized under your domestic legal framework (art. 6, para. 1)?

☐ Yes ☐ No

(a) If the answer is “No”, please explain.

(b) If the answer is “Yes”, is the smuggling of migrants defined in your country as a criminal offence, in accordance with article 3, paragraph (a)?

51. Is in particular the purpose of obtaining a “financial or other material benefit” a constituent element of the offence, in accordance with article 6, paragraph 1, in conjunction with article 3, paragraph (a), of the Protocol?

☐ Yes ☐ No

52. Can the presence of a “financial or other material benefit”, when appropriate, constitute an aggravating circumstance of the crime?

☐ Yes ☐ No

(a) Please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

53. Does your country’s legal framework make a distinction between the smuggling of migrants and trafficking in persons?

☐ Yes ☐ No

(a) If the answer is “No”, please explain.

54. Is producing, procuring, providing or possessing a fraudulent travel or identity document (as defined in art. 3, para. (c)) for the purpose of smuggling migrants criminalized under your country’s legal framework (art. 6, para. 1 (b)), or as a related offence or offences?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify.

55. Is enabling a person who is not a national of or a permanent resident in your country to remain in its territory without complying with the necessary requirements for legally remaining, by using the means referred to in question 54 or any other illegal means, criminalized under your domestic legislation (art. 6, para. 1 (c))?

☐ Yes ☐ No

56. Does your country's legal framework establish as a criminal offence the attempt to commit the offences referred to in questions 50, 54 and 55 (art. 6, para. 2 (a), in conjunction with art. 6, para. 1)?

☐ Yes ☐ No

(a) If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions.

57. Is participating as an accomplice in the offences referred to in questions 50, 54 and 55 criminalized under your country's legal framework (art. 6, para. 2 (b), in conjunction with art. 6, para. 1)?

☐ Yes ☐ No

(a) If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions.

58. Is organizing or directing other persons to commit the offences referred to in questions 50, 54 and 55 criminalized under your country's legal framework (art. 6, para. 2 (c), in conjunction with art. 6, para. 1)?

☐ Yes ☐ No

(a) If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions.

59. Does your country adopt such legislative and other measures as might be necessary to establish as aggravating circumstances to any of the offences referred to in questions 50, 54, 55, 57 and 58, conduct that endangers, or is likely to endanger, the lives or safety of the smuggled migrants or that subjects them to inhuman or degrading treatment, including for exploitation (art. 6, para. 3, in conjunction with art. 6, paras. 1 and 2)?

☐ Yes ☐ No

(a) If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions.

Criminalization: cases and judgments

60. States are invited to provide examples, relevant cases or judgments relating to successful implementation and enforcement for each of the criminal offences reviewed above.

Difficulties encountered

61. Does your country encounter difficulties or challenges in implementing any provisions of the Smuggling of Migrants Protocol relevant to cluster I?

☐ Yes ☐ No

(a) If the answer is "Yes", please explain.

62. If domestic legislation has not been adapted to the Protocol requirements, what steps remain to be taken? Please specify.

Need for technical assistance

63. Does your country require additional measures, resources or technical assistance to implement the Protocol effectively?

☐ Yes ☐ No

(a) If the answer is “Yes”, please indicate the type of assistance required to implement the Protocol:

- ☐ Assessment of criminal justice response to the smuggling of migrants
- ☐ Legal advice or legislative drafting support
- ☐ Model legislation, regulations or agreements
- ☐ Development of strategies, policies or action plans
- ☐ Good practices or lessons learned
- ☐ Capacity-building through the training of criminal justice practitioners and/or the training of trainers
- ☐ Capacity-building through awareness-raising among the judiciary
- ☐ On-site assistance by a relevant expert
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Prevention and awareness-raising
- ☐ Technological assistance and equipment (please be specific)
- ☐ Development of data collection or databases
- ☐ Workshops or platforms to enhance regional and international cooperation
- ☐ Specialized tools, such as e-learning modules, manuals, guidelines and standard operating procedures
- ☐ Other (please specify)

64. In which areas would border, immigration and law enforcement officials in your country need more capacity-building?

65. In which areas would criminal justice institutions in your country need more capacity-building?

66. Is your country already receiving technical assistance in those areas?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify the area of assistance and who is providing it.

IV. 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

Cluster I: criminalization and jurisdiction (arts. 3, 5 and 8 of the Protocol)

General information

67. States are invited to list other multilateral, regional or bilateral international firearms control regimes to which they are a party.

Article 3. Use of terms

68. Does your country's legal framework permit your country to implement the Firearms Protocol without adopting the specific definitions set forth in article 3 of the Firearms Protocol?

☐ Yes ☐ Yes, in part ☐ No

(a) Please explain.

69. Does your country's legal framework include definitions for the following terms?

(a) Firearms (art. 3, para. (a))

☐ Yes ☐ Yes, in part ☐ No

(i) If the answer is "Yes" or "Yes, in part", are antique firearms and their replicas excluded from the definition of firearms?

☐ Yes ☐ No

– Please indicate any method or threshold used to exclude antique firearms and describe any criterion used to exclude replicas from the scope of application of your country's national laws on firearms.

(ii) If the answer to question 69 (a) is "Yes" or "Yes, in part", do weapons that may be readily converted to expel a shot, bullet or projectile by the action of an explosive⁵ fall under the definition of firearms in your country's legal framework (art. 3, para. (a))?

☐ Yes ☐ No

(b) Parts and components of firearms (art. 3, para. (b))

☐ Yes ☐ No

⁵ A convertible weapon is a device capable of being converted to expel a shot, bullet or projectile which has the appearance of a firearm, and, as a result of its construction or the material from which it is made, it can be so converted. Explanation: these weapons primarily include short-barrelled weapons (firearms such as pistols and revolvers) built to fire irritant gas ammunition and blank-firing weapons variously referred to as signal, starting and alarm guns, as well as some partially deactivated firearms used as props, for example in film production. Another example is air guns, which can be converted to fire cartridges.

(c) Ammunition (art. 3, para. (c))

☐ Yes ☐ No

(i) If the answer is “Yes”, please indicate which of the components of ammunition referred to in article 3, paragraph (c), are themselves subject to authorization in your country.

(d) Tracing (art. 3, para. (f))

☐ Yes ☐ No

(e) Other definitions relevant to the implementation of the Firearms Protocol (please cite them).

(f) If the answer to any of the follow-up questions 69 (a) to (e) is “Yes”, please cite the relevant laws or regulations and definitions.

Article 5. Criminalization

70. Is the illicit manufacturing or assembly of firearms, their parts and components, and ammunition, when committed intentionally, a criminal offence under your country’s legal framework, according to article 5, paragraph 1 (a), in conjunction with article 3, paragraph (d)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes, in part” or “No”, please explain, if needed.

(b) If the answer is “Yes” or “Yes, in part”, are the following conducts, when committed intentionally, included in the criminal offence of the illicit manufacturing or assembly of firearms, their parts and components, and ammunition?

(i) The manufacturing or assembly of firearms from illicitly trafficked parts and components (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (i))

☐ Yes ☐ Yes, in part ☐ No

(ii) The manufacturing or assembly of firearms, their parts and components and ammunition without a licence or authorization from a competent national authority (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (ii))

☐ Yes ☐ Yes, in part ☐ No

(iii) The reactivation of deactivated firearms or essential parts thereof without a licence or authorization from a competent national authority (art. 5, para. 1 (a), and art. 3, para. (d) (ii), in conjunction with art. 9 (1))

☐ Yes ☐ Yes, in part ☐ No

(iv) The conversion of weapons into a firearm without a licence or authorization from a competent national authority (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (ii))

☐ Yes ☐ Yes, in part ☐ No

(v) The manufacturing or assembly of firearms, without marking them at the time of manufacture or with markings that do not meet the requirements of

article 8 of the Firearms Protocol (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (iii))

☐ Yes ☐ Yes, in part ☐ No

(c) If the answer to any of these questions is “Yes” or “Yes, in part”, please cite for each of these modalities the applicable laws and regulations and/or other measures, including the applicable sanctions.

(d) If the answer to any of these questions is “Yes, in part” or “No”, please explain how the modalities of the illicit manufacturing or assembly of firearms, their parts and components and ammunition are treated under your country’s legal framework.

71. Is the offence of illicit trafficking in firearms, their parts and components and ammunition, when committed intentionally, criminalized under your country’s legal framework, in accordance with article 5, paragraph 1 (b), in conjunction with article 3, paragraph (e), of the Firearms Protocol?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes, in part” or “No”, please explain, if needed.

(b) If the answer is “Yes” or “Yes, in part”, are the following conducts, when committed intentionally, included in the criminal offence of illicit trafficking in firearms, their parts and components and ammunition?

(i) The import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components or ammunition from or across the territory of one State to that of another State without authorization of any of the countries concerned (art. 5, para. 1 (b), in conjunction with art. 3, para. (e), and art. 10)

☐ Yes ☐ Yes, in part ☐ No

(ii) The import, export, acquisition, sale, delivery, movement or transfer of firearms from or across the territory of one State to that of another State without appropriate marking, in accordance with article 8 of the Firearms Protocol (art. 5, para. 1 (b), in conjunction with art. 3, para. (e), and art. 8)

☐ Yes ☐ Yes, in part ☐ No

(c) If the answer to any of the questions above is “Yes” or “Yes, in part”, please cite for each of the modalities the applicable laws and regulations and/or other measures, including the applicable sanctions.

(d) If the answer to any of the questions above is “Yes, in part” or “No”, please explain how these modalities of the illicit transfer of firearms, their parts and components and ammunition are treated under your country’s legal framework.

72. If the answer to question 71 is “Yes” or “Yes, in part”, are any of the following actions included in the offence(s) of illicit trafficking established under your country’s legal framework (art. 5, para. 1 (b), in conjunction with art. 3, para. (e))?

☐ Import

☐ Export

- ☐ Acquisition
- ☐ Sale
- ☐ Delivery
- ☐ Movement
- ☐ Transfer
- ☐ Other, if any

(a) Please provide further details, if needed.

73. If the answer to question 71 is “Yes” or “Yes, in part”, does the offence of illicit trafficking established under your country’s legal framework require a transnational transfer of the items between at least two States to qualify as illicit trafficking under your country’s legal framework (art. 5, para. 1 (b), in conjunction with art. 3, para. (c))?

☐ Yes ☐ Yes, in part ☐ No

(a) If your answer is “Yes, in part” or “No”, please explain, on a voluntary basis, and cite the applicable laws and regulations and/or other measures.

74. Is the act of falsifying or illicitly obliterating, removing or altering the marking(s) on firearms, when committed intentionally, criminalized under your country’s legal framework according to article 5, paragraph 1 (c), in conjunction with article 8 of the Firearms Protocol?⁶

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and regulations and/or other measures, including the applicable sanctions for this offence(s).

(b) If the answer is “Yes, in part” or “No”, please explain how the falsifying, obliterating, removing or altering of required marking(s) on firearms is treated under your country’s legal framework.

75. Subject to the basic concepts of its legal system, does your country’s legal framework criminalize the following ancillary offences:

– Attempting to commit any of the offences covered by article 5, paragraph 1 (art. 5, para. 2 (a))?

☐ Yes ☐ Yes, in part ☐ No

– Participating as an accomplice in any of the offences covered by article 5, paragraph 1 (art. 5, para. 2 (a))?

☐ Yes ☐ Yes, in part ☐ No

⁶ The answers to question 74 should be prepared in conjunction with the answers to the relevant questions on the marking of firearms in cluster I.

- Organizing, directing, aiding, abetting, facilitating or counselling the commission of any of the offences covered by article 5, paragraph 1 (art. 5, para. 2 (b))?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer to any of the questions above is “Yes” or “Yes, in part”, please cite for each of these offences the applicable laws and regulations and/or other measures, including the applicable sanctions.

(b) If the answer to any of the questions above is “Yes, in part” or “No”, please explain how these conducts are treated under your country’s legal framework.

76. States are invited to provide any information on any additional criminal offences that may be established under their country’s legal framework to enforce the provisions of the Firearms Protocol (art. 34, para. 3, of the Convention, in conjunction with art. 1, para. 2, of the Firearms Protocol):

- ☐ Acts related to the failure to keep records of firearms and, where appropriate and feasible, their parts and components and ammunition, and the falsification and destruction of such records, when committed intentionally (art. 7 of the Firearms Protocol)
- ☐ Criminalization of acts of intentionally giving false or misleading information likely to unduly influence the issuance of the required licence or authorization for either the manufacture or assembly of firearms, their parts and components or ammunition or for actions referred to under article 3, paragraph (e), of the Firearms Protocol, including, when requested by law, end use or end user certificates
- ☐ Criminalization of acts related to the intentional falsification or misuse of documents for the purpose of achieving the issuance of the required licence or authorization for either the manufacture or assembly of firearms, their parts and components or ammunition or for actions referred to under article 3, paragraph (e), of the Firearms Protocol, including, when requested by law, end use or end user certificates
- ☐ Criminalization of acts related to the intentional possession or use of fraudulent licences or authorizations in relation to the manufacture or assembly of firearms, their parts and components or ammunition or for actions referred to under article 3, paragraph (e), of the Firearms Protocol, including, when requested by law, fraudulent end use or end user certificates
- ☐ Criminalization of intentional acts related to the illicit reactivation of deactivated firearms, consistent with article 9, paragraphs (a) to (c), of the Firearms Protocol
- ☐ Criminalization of the illicit brokering of firearms, their parts and components or ammunition and failure to provide required information about brokering activities (see also art. 15)
- ☐ Other(s) (please specify)

(a) Please explain and cite the applicable laws and regulations and/or other measures, including the applicable sanctions.

Criminalization: cases and judgments

77. If possible, provide examples, relevant cases or judgments of successful implementation and enforcement for each of the criminal offences reviewed above.

Difficulties encountered

78. Does your country encounter difficulties in implementing the provisions of the Firearms Protocol?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please explain.

79. Has your country assessed the effectiveness of its measures against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition?

☐ Yes ☐ No

(a) If the answer is “Yes”, please explain and cite any relevant document(s) (e.g., assessments, gap analysis, reports of other international and regional review mechanisms, policy studies, etc.).

80. Does your country have a national strategy or action plan to counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition or to implement relevant regional or international instruments in this field?

☐ Yes ☐ No

(a) If the answer is “Yes”, please cite the relevant strategy or action plan, providing a short explanation of their scope, and/or other measure(s).

81. If your country’s domestic legal framework has not been adapted to the Protocol requirements, please specify what steps remain to be taken.

(a) Are there any difficulties with regard to the adoption of new national legislation or the implementation of national legislation?

☐ Yes ☐ No

(i) If the answer is “Yes”, does any of the below apply?

- ☐ Problems with the formulation of legislation
- ☐ Need for institutional reforms or the establishment of new institutions
- ☐ Need for further implementing legislation (laws, regulations, decrees, etc.)
- ☐ Difficulties encountered by practitioners in using legislation
- ☐ Lack of awareness
- ☐ Lack of inter-agency coordination
- ☐ Specificities of the legal framework
- ☐ Lack of technical knowledge and skills

- ☐ Limited or no cooperation from other States
- ☐ Limited resources for implementation
- ☐ Other issues (please specify)

Need for technical assistance

82. Does your country require technical assistance to overcome difficulties in implementing the Protocol?

☐ Yes ☐ No

(a) If the answer is “Yes”, please indicate the type of assistance required:

- ☐ Assessment of criminal justice response to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and its links to other serious crimes
- ☐ Legal advice or legislative reforms and regulations
- ☐ Model legislation, regulations or agreements
- ☐ Establishment of competent authorities, national focal points or points of contacts on firearms
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Development of strategies, policies or action plans
- ☐ Dissemination of good practices or lessons learned
- ☐ Capacity-building through the training of criminal justice practitioners and/or the training of trainers
- ☐ Prevention and awareness-raising
- ☐ On-site assistance by a mentor or relevant expert
- ☐ Border control and risk assessment
- ☐ Standard operating procedures
- ☐ Detection of illicit trafficking flows at border crossings, by postal services or by means of the Internet
- ☐ Information exchange
- ☐ Investigation and prosecution
- ☐ Measures to enhance regional and international cooperation
- ☐ Establishment or development of information technology infrastructure, such as record-keeping systems, digital templates and tools, databases or communication tools
- ☐ Collection and analysis of firearms trafficking data
- ☐ Other areas (please specify). Please prioritize the technical assistance needs and refer to the specific provisions of the Protocol when providing information.

(b) Technological assistance and equipment:

- ☐ Marking
- ☐ Record-keeping systems
- ☐ Identification and tracing of firearms

- ☐ Transfer controls
- ☐ Collection campaigns
- ☐ Deactivation and destruction
- ☐ Stockpile management

(c) Is your country already receiving technical assistance in those areas?

☐ Yes ☐ No

(i) If the answer is “Yes”, please specify the area of assistance and who is providing it.

(d) Please describe practices in your country that you consider to be good practices in relation to the control of firearms and to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, which might be of interest to other States in their efforts to implement the Firearms Protocol.

(e) Please provide any other information that you believe is important to consider regarding aspects of, or difficulties in, the implementation of the Protocol other than those mentioned above.

Annex IV

Self-assessment questionnaire for the United Nations Convention against Transnational Organized Crime and the Protocols thereto – Cluster II

General guidance for replying to the questionnaire

- States will be reviewed on the basis of the information that they have provided to the reviewing States parties, in accordance with section V of the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. If they have not yet provided the relevant documents to the Secretariat, States are called upon to upload either any laws, regulations, cases and other documents or brief descriptions of them that are of relevance for responding to the questionnaire to the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC).
- Links to the information uploaded to SHERLOC can be then provided as part of the replies to each question.
- In addition to providing links to the information uploaded to SHERLOC, States are called upon to specify the applicable legislation and relevant provisions under each question to which the answer is “Yes” and, where appropriate, under any other questions.
- States are requested to refrain from attaching any annexes, including hard copies of documentation, to the completed questionnaires.
- When responding to the self-assessment questionnaires, States parties may also refer to information provided in the context of other relevant review mechanisms of instruments to which they are parties. States parties shall bear in mind that any update since previous submissions of information under other review mechanisms should be appropriately reflected in the responses. In particular, when reviewing the same legislation for obligations that are identical or similar to those under the United Nations Convention against Corruption, a State party under review may refer to responses and additional documentation that it has submitted under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
- The provisions of the Organized Crime Convention and the Protocols thereto contain various degrees of requirements. In accordance with the procedures and rules, the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto shall progressively address all articles of the Convention and the Protocols thereto. The different nature of each provision should therefore be taken into account in formulating the responses to the related questions and when reviewing them in the following phases of the country review.
- Article 1, paragraph 2, of each of the Protocols states that the provisions of the Convention shall apply *mutatis mutandis* to the Protocols unless otherwise provided therein. Paragraph 19 of the procedures and rules for the functioning of the Mechanism states that provisions of the Convention that apply to the Protocols, *mutatis mutandis*, will be reviewed under the Convention only. In answering the questions related to the implementation of the Convention, States are requested to take into account the application of the relevant provisions of the Convention, as appropriate, to the subject matter of each Protocol to which they are a party. Governmental experts are therefore reminded to include in their answers reference to the application of such provisions of the Convention to the Protocols to which their country is a party. For example, in answering the

questions on the scope of application of article 10 on the liability of legal persons, governmental experts should take into account the applicability of article 10 to the offences covered by the three Protocols and answer accordingly.

- In the questionnaire, some questions are introduced by the words “States are invited”. In such cases, governmental experts may provide information on a voluntary basis, and no inference is to be drawn from the lack of such information.

I. United Nations Convention against Transnational Organized Crime

Cluster II: prevention, technical assistance, protection measures and other measures (arts. 24, 25, 29, 30 and 31 of the Convention)

Article 24. Protection of witnesses

1. Does your country take appropriate measures within its means to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by the Convention and the Protocols to which it is a party (art. 24, para. 1)?

☐ Yes ☐ No

2. If the answer to question 1 is “Yes”, do such measures, without prejudice to the rights of the defendant, include the following?

(a) The establishment of procedures for the physical protection of witnesses, for example their relocation and the non-disclosure or limitations on the disclosure of information concerning their identity and whereabouts (art. 24, para. 2 (a))

☐ Yes ☐ No

(b) The provision of domestic evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witness, such as through the use of communications technology (art. 24, para. 2 (b))

☐ Yes ☐ No

(c) Other measures, please specify.

3. If the answer to question 1 is “Yes”, do such measures extend protection, as appropriate, to relatives of witnesses and other persons close to them?

☐ Yes ☐ No

(a) If the answer is “Yes”, please explain.

4. Has your country entered into agreements or arrangements with other States for the relocation of witnesses and/or victims insofar as they are witnesses and, as appropriate, for their relatives and other persons close to them in order to ensure their physical protection from potential retaliation or intimidation (art. 24, para. 3)?

☐ Yes ☐ No

Article 25. Assistance to and protection of victims

5. Has your country taken appropriate measures within its means to provide assistance and protection to victims of offences covered by the Convention and the

Protocols to which it is a party, in particular in cases of threat of retaliation or intimidation (art. 25, para. 1)?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify.

6. Has your country established appropriate procedures to provide access to compensation and restitution for victims of offences covered by the Convention and the Protocols to which it is a party (art. 25, para. 2)?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify.

7. Does your country enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders involved in organized criminal activities in a manner not prejudicial to the rights of the defence (art. 25, para. 3)?

☐ Yes ☐ No

(a) Please explain as appropriate.

Article 29. Training and technical assistance

8. Has your country initiated, developed or improved training programmes for its law enforcement personnel, including prosecutors, investigating magistrates and customs personnel, as well as other personnel charged with the prevention, detection and control of the offences covered by the Convention and the Protocols to which it is a party (art. 29, para. 1)?

☐ Yes ☐ No

(a) If the answer is "Yes", please provide examples.

(b) Please also specify whether the following are included in such training programmes:

(i) Secondment and exchange of staff

☐ Yes ☐ No

(ii) Methods used in the prevention, detection and control of the offences covered by the Convention

☐ Yes ☐ No

(iii) Routes and techniques used by persons suspected of involvement in offences covered by the Convention, including in transit States, and appropriate countermeasures

☐ Yes ☐ No

(iv) Monitoring of the movement of contraband

☐ Yes ☐ No

(v) Detection and monitoring of the movements of proceeds of crime, property, equipment or other instrumentalities and methods used for the transfer, concealment or disguise of such proceeds, property, equipment or other

instrumentalities, as well as methods used in combating money-laundering and other financial crimes

☐ Yes ☐ No

(vi) Collection of evidence

☐ Yes ☐ No

(vii) Control techniques in free trade zones and free ports

☐ Yes ☐ No

(viii) Modern law enforcement equipment and techniques, including electronic surveillance, controlled deliveries and undercover operations

☐ Yes ☐ No

(ix) Methods used in combating transnational organized crime committed through the use of computers, telecommunications networks or other forms of modern technology

☐ Yes ☐ No

(x) Methods used in the protection of victims and witnesses

☐ Yes ☐ No

9. Has your country assisted other States parties in planning and implementing research and training programmes designed to share expertise in the areas referred to article 29, paragraph 1, of the Convention (art. 29, para. 2)?

☐ Yes ☐ No

(a) If the answer is "Yes", please provide examples.

10. Has your country promoted training and technical assistance to facilitate extradition and mutual legal assistance (art. 29, para. 3)?

☐ Yes ☐ No

(a) If the answer is "Yes", please provide examples and describe best practices and/or challenges with regard to the promotion of training.

(b) If the answer is "Yes", please provide examples and describe best practices and/or challenges with regard to technical assistance.

(c) Please also specify whether the following are included in such training and technical assistance:

(i) Language training

☐ Yes ☐ No

(ii) Secondments and exchange among personnel in central authorities or agencies with relevant responsibilities

☐ Yes ☐ No

11. Has your country been involved in efforts to maximize operational and training activities within international and regional organizations and within other relevant bilateral and multilateral agreements or arrangements (art. 29, para. 4)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide examples.

Article 30. Other measures: implementation of the Convention through economic development and technical assistance

12. Has your country cooperated with developing countries with a view to developing the capacity of the latter to prevent and combat transnational organized crime (art. 30, para. 2 (a))?

☐ Yes ☐ No ☐ Not applicable

(a) If the answer is “Yes”, please provide examples and describe best practices.

13. Has your country provided financial or material assistance to support the efforts of developing countries to fight transnational organized crime effectively and help them to implement the Convention successfully (art. 30, para. 2 (b))?

☐ Yes ☐ No ☐ Not applicable

(a) If the answer is “Yes”, please provide examples and describe best practices.

14. Has your country cooperated with developing countries and countries with economies in transition to strengthen their capacity to prevent and combat transnational organized crime, as well as in providing them with technical assistance in order to assist them in meeting their needs for implementation of the Convention (art. 30, para. 2 (c))?

☐ Yes ☐ No ☐ Not applicable

(a) If the answer is “Yes”, please provide examples and describe best practices.

15. Has your country concluded any bilateral or multilateral agreement or arrangement on material and logistical assistance for the prevention, detection and control of transnational organized crime (art. 30, para. 4)?

☐ Yes ☐ No

(a) Please provide details.

Article 31. Prevention

16. Has your country developed any national projects or established and promoted best practices and policies aimed at the prevention of transnational organized crime (art. 31, para. 1)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide some examples.

17. In accordance with the fundamental principles of its domestic law, has your country adopted measures to reduce existing or future opportunities for organized criminal groups to participate in lawful markets with proceeds of crime (art. 31, para. 2), including any of the following?

(a) The strengthening of cooperation between law enforcement agencies or prosecutors and relevant private entities, including industry

☐ Yes ☐ No

(b) The promotion of the development of standards and procedures designed to safeguard the integrity of public and relevant private entities, as well as codes of conduct for relevant professions, in particular lawyers, notaries public, tax consultants and accountants

☐ Yes ☐ No

(c) The prevention of the misuse of legal persons by organized criminal groups, in particular by:

(i) The establishment of public records on legal and natural persons involved in the establishment, management and funding of legal persons and the exchange of information contained therein

☐ Yes ☐ No

(ii) The introduction of the possibility of disqualifying by court order or any appropriate means for a reasonable period of time persons convicted of offences covered by the Convention and the Protocols to which your country is a party from acting as directors of legal persons incorporated within the jurisdiction of your country

☐ Yes ☐ No

(iii) The establishment of national records of persons disqualified from acting as directors of legal persons and the exchange of information contained therein

☐ Yes ☐ No

(d) If the answer to any of the questions 17 (a)–(c) is “Yes”, States parties are invited to share their experiences, on a voluntary basis.

18. Does your country promote the reintegration into society of persons convicted of offences covered by the Convention and the Protocols to which it is a party (art. 31, para. 3)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify the manner in which your country promotes the reintegration into society of persons convicted of offences covered by the Convention and the Protocols to which it is a party.

19. Has your country taken any action to evaluate periodically existing relevant legal instruments and administrative practices with a view to detecting their vulnerability to misuse by organized criminal groups (art. 31, para. 4)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide examples.

20. Has your country taken any action to promote public awareness regarding the existence, causes and gravity of and the threat posed by transnational organized crime, as well as public participation in preventing and combating such crime (art. 31, para. 5)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide examples.

21. Has your country informed the Secretary-General of the United Nations of the name and address of the authority or authorities that could assist other State parties in developing measures to prevent transnational organized crime (art. 31, para. 6)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide any available information related to the name and address of such authority or authorities.

22. Has your country been involved in collaboration frameworks, projects and/or measures with other States parties or relevant international and regional organizations in order to promote and develop measures to prevent transnational organized crime and, in particular, to alleviate the circumstances that render socially marginalized groups vulnerable to the action of such crime (art. 31, para. 7)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide examples of collaboration frameworks, projects and/or measures with other States parties or relevant international and regional organizations.

Difficulties encountered

23. Has your country encountered any difficulties or challenges in implementing the Convention?

☐ Yes ☐ No

(a) If the answer is “yes”, please specify:

- ☐ Problems with the formulation of legislation
- ☐ Need for further implementing legislation (laws, regulations, decrees, etc.)
- ☐ Reluctance of practitioners to use existing legislation
- ☐ Insufficient dissemination of existing legislation
- ☐ Limited inter-agency coordination
- ☐ Specificities of the legal system
- ☐ Competing priorities for the national authorities
- ☐ Limited resources for the implementation of existing legislation
- ☐ Limited cooperation with other States
- ☐ Lack of awareness of the existing legislation
- ☐ Other issues (please specify)

Need for technical assistance

24. Does your country require technical assistance to overcome difficulties in implementing the Convention?

☐ Yes ☐ No

25. If the answer is “Yes”, please specify the type of technical assistance needed.

26. Which of the following forms of technical assistance, if available, would assist your country in fully implementing the provisions of the Convention? In identifying the forms of technical assistance as listed below, please also indicate for which provisions of the Convention such assistance would be needed.

- ☐ Legal advice
- ☐ Legislative drafting support
- ☐ Model legislation or regulations
- ☐ Model agreements
- ☐ Standard operating procedures
- ☐ Development of strategies, policies or action plans
- ☐ Dissemination of good practices or lessons learned
- ☐ Capacity-building through the training of practitioners or trainers
- ☐ On-site assistance by a mentor or relevant expert
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Prevention and awareness-raising
- ☐ Technological assistance
- ☐ Establishment or development of information technology infrastructure, such as databases or communication tools
- ☐ Measures to enhance regional cooperation
- ☐ Measures to enhance international cooperation
- ☐ Other assistance (please specify)

27. Please provide any other information that you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Convention other than those mentioned above.

II. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Cluster II: prevention, technical assistance, protection measures and other measures (arts. 6, 7 and 9 of the Protocol)

Article 6. Assistance to and protection of victims of trafficking in persons

28. Under your country’s legal framework, are there measures to protect the privacy and identity of victims of trafficking in persons, in appropriate cases and to the extent possible (art. 6, para. 1)?

☐ Yes ☐ No

(a) If yes, please provide examples or links to published policy or guidance, such as specific measures under your legal framework regarding the identity and protection of and assistance to victims of trafficking in persons, including making legal proceedings relating to such trafficking confidential.

29. Does your country's legal or administrative system, contain measures to provide victims of trafficking in persons, in appropriate cases, with the following (art. 6, para. 2)?

(a) Information on relevant court and administrative proceedings (art. 6, para. 2 (a))

☐ Yes ☐ No

(b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence (art. 6, para. 2 (b))

☐ Yes ☐ No

(c) Please provide further details on such measures, if needed.

30. Has your country taken any of the following measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, as addressed in article 6, paragraph 3, of the Protocol?

(a) Appropriate housing for victims of trafficking in persons (art. 6, para. 3 (a))

☐ Yes ☐ No

(b) Counselling and information in a language that they can understand, in particular with respect to their legal rights (art. 6, para. 3 (b))

☐ Yes ☐ No

(c) Medical, psychological and material assistance (art. 6, para. 3 (c))

☐ Yes ☐ No

(d) Employment, educational and training opportunities (art. 6, para. 3 (d))

☐ Yes ☐ No

(e) If the answer to any of the questions 30 (a)–(d) is “Yes”, please provide information on such measures, if needed.

(f) If the answer to any of questions 30 (a)–(d) is “Yes”, States parties are invited to specify and provide, on a voluntary basis, information on cooperation with non-governmental or other relevant organizations and other elements of civil society, in appropriate cases, in the provision of the relevant measures (art. 6, para. 3).

31. In implementing protective measures for victims of trafficking in persons, does your country take into account the age, gender and special needs of such victims, in particular the special needs of children, including appropriate housing, education and care (art. 6, para. 4)?

☐ Yes ☐ No

(a) If the answer is “No”, please explain.

(b) If the answer is “Yes”, please specify.

32. Has your country taken any measures to provide for the physical safety of victims of trafficking in persons while they are within its territory (art. 6, para. 5)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify.

33. Does your country’s domestic legal framework contain measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered (art. 6, para. 6)?

☐ Yes ☐ No

(a) If the answer is “No”, please explain.

(b) If the answer is “Yes”, please specify.

Article 7. Status of victims of trafficking in persons in receiving States

34. Has your country adopted legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory temporarily or permanently, in appropriate cases, while giving appropriate consideration to humanitarian and compassionate factors (art. 7, paras. 1 and 2)?

☐ Yes ☐ No

(a) Please elaborate.

Article 9. Prevention of trafficking in persons

35. Has your country established comprehensive policies, programmes and other measures to prevent and combat trafficking in persons (art. 9, para. 1 (a))?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please cite the relevant law or policy or provide links to published policy or guidance.

36. Has your country established comprehensive policies, programmes and other measures to protect victims of trafficking in persons, especially women and children, from revictimization (art. 9, para. 1 (b))?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please cite the relevant law or policy or provide links to published policy or guidance.

37. Has your country undertaken measures, such as research, information and mass media campaigns and social and economic initiatives, to prevent and combat trafficking in persons (art. 9, para. 2)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please cite the relevant law or policy or provide links to published policy or guidance.

38. Do the policies, programmes and other measures undertaken by your country include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society (art. 9, para. 3)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please cite the relevant law or policy or provide links to published policy or guidance.

39. Has your country taken or strengthened measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking in persons, such as poverty, underdevelopment and lack of equal opportunity (art. 9, para. 4)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please explain.

40. Has your country adopted or strengthened legislative or other measures, such as educational, social or cultural measures, including through bilateral or multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking in persons (art. 9, para. 5)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please cite the relevant law or policy or provide links to published policy or guidance.

41. States are invited to share examples of their experiences and challenges, in preventing and combating trafficking in persons related to identifying, protecting and assisting persons vulnerable to trafficking and victims of such trafficking, including for the purposes of facilitating the referral of potential cases of trafficking to competent authorities and promoting cooperation with regard to all of the above.

42. States parties are invited to provide information on contact details of focal points/coordinator/authorities for the purposes of the implementation of the Trafficking in Persons Protocol.

Difficulties encountered

43. Does your country encounter difficulties or challenges in implementing any provisions of the Trafficking in Persons Protocol relevant to cluster II?

☐ Yes ☐ No

- (a) If the answer is “Yes”, please explain.

Need for technical assistance

44. Does your country require technical assistance to implement the Protocol?

☐ Yes ☐ No

- (a) If the answer is “Yes”, please indicate the type of assistance required:

- ☐ Assessment of criminal justice response to trafficking in persons
- ☐ Legal advice or legislative drafting support
- ☐ Model legislation, regulations or agreements
- ☐ Development of strategies, policies or action plans
- ☐ Good practices or lessons learned
- ☐ Capacity-building through the training of criminal justice practitioners and/or the training of trainers
- ☐ Capacity-building through awareness-raising among the judiciary
- ☐ On-site assistance by a relevant expert
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Prevention and awareness-raising
- ☐ Technological assistance and equipment

- (b) Please be specific.

- ☐ Development of data collection or databases
- ☐ Workshops or platforms to enhance regional and international cooperation
- ☐ Specialized tools, such as e-learning modules, manuals, guidelines and standard operating procedures
- ☐ Other (please specify)

45. Is your country already receiving technical assistance in those areas?

☐ Yes ☐ No

- (a) If the answer is “Yes”, please specify the area of assistance and who is providing it.

46. Please provide any other information that you believe is useful to understand your implementation of the Trafficking in Persons Protocol and information that is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Protocol.

III. Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

Cluster II: prevention, technical assistance, protection measures and other measures (arts. 8, 9, 14, 15 and 16 of the Protocol)

Article 8, Measures against the smuggling of migrants by sea, and article 9, Safeguard clauses

47. Has your country adopted specific legislative, administrative and other measures against smuggling of migrants at sea (art. 8, in conjunction with arts. 7 and 9)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify. Please also include information on operational challenges, successes and best practice.

48. Which of the measures below are applied by your country to enable the provision of assistance to migrants smuggled by sea whose lives are in imminent danger (art. 8, para. 5)?

- ☐ Review of or amendment to legislation, strategies or national action plans to provide basic assistance to smuggled migrants
- ☐ Review of or amendment to legislation to ensure that the provision of humanitarian assistance to smuggled migrants is not criminalized
- ☐ Allocation of resources to support the provision of basic assistance to smuggled migrants whose lives and safety are endangered, ensuring that the State covers the full cost of assistance and that the migrants do not bear it
- ☐ Establishment of procedures to provide urgently required medical care, access to health facilities, food, water and sanitation, as well as other necessary goods and services
- ☐ Investigation and prosecution of all allegations of failure to assist smuggled migrants whose lives and safety are endangered
- ☐ Other measure (please specify)

49. With particular regard to the smuggling of migrants by sea, has your country notified the Secretary-General of the United Nations of the authority designated to receive and respond to requests for assistance (art. 8, para. 6)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please include relevant information.

Article 14. Training and technical cooperation

50. Has your country built the capacity of border, immigration and law enforcement officials, and diplomatic and consular representatives, to prevent, combat and eradicate the smuggling of migrants while respecting the rights of smuggled migrants as set forth in article 14, paragraphs 1 and 2, of the Protocol?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify which of the topics below were covered by the capacity-building activities:

- ☐ International and domestic legal framework to combat the smuggling of migrants
- ☐ Protecting and assisting smuggled migrants
- ☐ Assisting and rescuing smuggled migrants whose lives are in imminent danger
- ☐ Preventing the smuggling of migrants
- ☐ International law enforcement cooperation (e.g., joint investigation teams and information-sharing)
- ☐ Other topics (please specify)

(b) Please also provide details on the following types of capacity-building activities:

- ☐ Improving the security and quality of travel documents (art. 14, para. 2 (a))
- ☐ Recognizing and detecting travel or identity documents that have been produced fraudulently (art. 14, para. 2 (b))
- ☐ Gathering criminal intelligence, relating in particular to the identification of organized criminal groups known to be or suspected of being engaged in the smuggling of migrants, the methods used to transport smuggled migrants and the means of concealment (art. 14, para. 2 (c))
- ☐ Improving procedures for detecting smuggled migrants at conventional and non-conventional points of entry and exit ((art. 14, para. 2 (d))
- ☐ The humane treatment of migrants and the protection of their rights (art. 14, para. 2 (e))

(c) Please provide more details on the aforementioned types of capacity-building activities that are provided and their frequency.

51. Has your country built the capacity of criminal justice institutions to prevent, combat and eradicate the smuggling of migrants while protecting the rights of smuggled migrants?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify which of the topics below were covered by the capacity-building activities:

- ☐ International and domestic legal framework to combat the smuggling of migrants
- ☐ Investigation methods and techniques in migrant smuggling cases
- ☐ The prosecuting and sentencing of migrant smuggling cases
- ☐ Financial investigations and prosecutions
- ☐ Witness protection
- ☐ The humane treatment of migrants and the protection of their rights (art. 14, para. 2 (e))
- ☐ Improving judicial cooperation and mutual legal assistance

☐ Other topics (please specify)

(b) Please provide more details on the type of capacity-building activities provided and their frequency.

52. In which areas would diplomatic and consular representatives need more capacity-building?

53. Does your country cooperate, as appropriate, with international and regional organizations, civil society and other relevant stakeholders to develop and deliver training on combating the smuggling of migrants and protecting the rights of migrants who have been smuggled (art. 14, para. 2)?

☐ Yes ☐ No

Article 15. Other prevention measures

54. Has your country carried out awareness-raising campaigns on the dangers of migrant smuggling (art. 15, para. 1)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please indicate below for which target audience they were:

- ☐ Law enforcement officials, such as the police, immigration and border officials
- ☐ Navy and military personnel
- ☐ Magistrates
- ☐ Parliamentarians
- ☐ Commercial carriers
- ☐ Media
- ☐ Schools and universities
- ☐ Diaspora communities
- ☐ Civil society at large
- ☐ Potential migrants
- ☐ Other (please specify)

55. Has your country taken measures to reduce the vulnerability of communities to the smuggling of migrants by combating the root socioeconomic causes of such smuggling (art. 15, para. 3)?

(a) If the answer is “No”, please explain.

(b) If the answer is “Yes”, please specify.

Article 16. Protection and assistance measures

56. Has your country taken any legislative or other appropriate measures to preserve and protect the rights of smuggled migrants, in particular the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 16, para. 1, and art. 19, para. 1)?

☐ Yes ☐ No

(a) If the answer is "No", please explain.

(b) If the answer is "Yes", please specify.

57. Has your country taken any appropriate measures to afford smuggled migrants protection against violence that may be inflicted upon them by individuals or groups, by reason of being the object of conduct set forth in article 6 of the Protocol (art. 16, para. 2)?

☐ Yes ☐ No

(a) If the answer is "No", please explain.

(b) If the answer is "Yes", please specify.

58. Has your country taken any measures to enable the provision of assistance to smuggled migrants whose lives or safety are endangered (art. 16, para. 3)?

☐ Yes ☐ No

(a) If the answer is "No", please explain.

(b) If the answer is "Yes", please specify.

59. In implementing protection and assistance measures for smuggled migrants, do your country's laws, regulations, national strategies and policies take into account the special needs of women and children, with particular regard to access to education for children (art. 16, para. 4)?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify the measures taken by your country to address the special needs of women and children who have been smuggled.

60. In the case of detention of smuggled migrants, do your country's competent authorities comply with the obligation under the Vienna Convention on Consular Relations to inform those persons without delay about the provisions of the Convention concerning notification to and communication with consular officers (art. 16, para. 5)?

☐ Yes ☐ No

Difficulties encountered

61. Does your country encounter difficulties or challenges in implementing any provisions of the Smuggling of Migrants Protocol relevant to cluster II?

☐ Yes ☐ No

(a) If the answer is “Yes”, please explain.

Need for technical assistance

62. Does your country require additional measures, resources or technical assistance to implement the Protocol effectively?

☐ Yes ☐ No

(a) If the answer is “Yes”, please indicate the type of assistance required to implement the Protocol:

- ☐ Assessment of criminal justice response to the smuggling of migrants
- ☐ Legal advice or legislative drafting support
- ☐ Model legislation, regulations or agreements
- ☐ Development of strategies, policies or action plans
- ☐ Good practices or lessons learned
- ☐ Capacity-building through the training of criminal justice practitioners and/or the training of trainers
- ☐ Capacity-building through awareness-raising among the judiciary
- ☐ On-site assistance by a relevant expert
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Prevention and awareness-raising
- ☐ Technological assistance and equipment (please be specific)
- ☐ Development of data collection or databases
- ☐ Workshops or platforms to enhance regional and international cooperation
- ☐ Specialized tools, such as e-learning modules, manuals, guidelines and standard operating procedures
- ☐ Other (please specify)

63. In which areas would border, immigration and law enforcement officials in your country need more capacity-building?

64. In which areas would criminal justice institutions in your country need more capacity-building?

65. Is your country already receiving technical assistance in those areas?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify the area of assistance and who is providing it.

IV. 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

Cluster II: prevention, technical assistance, protection measures and other measures (arts. 7, 9, 10, 11, 14 and 15 of the Protocol)

Article 7. Record-keeping

66. Has your country’s legal framework established measures requiring the recording and maintenance of information in relation to firearms and, where appropriate and feasible, their parts and components and ammunition for the purpose of tracing and identifying those items, in accordance with article 7 of the Firearms Protocol?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, does your country’s record-keeping requirements relate to:

- ☐ Firearms
- ☐ Parts and components
- ☐ Ammunition
- ☐ Other (please specify)

(b) If the answer to question 66 is “Yes” or “Yes, in part”, please cite the applicable laws and regulations and/or other measures in place.

(c) If the answer to question 66 is “Yes, in part” or “No”, please explain how information and records related to firearms, their parts and components and ammunition are treated under your country’s legal framework.

(d) If the answer to question 66 is “Yes” or “Yes, in part”, please specify if your country’s legal framework establishes any minimum duration for this information to be kept (art. 7):

- ☐ Less than 10 years
- ☐ At least 10 years
- ☐ Other

(i) Please explain, if needed.

(e) If the answer to question 66 is “Yes” or “Yes, in part”, does the recorded information allow for the identification and tracing of firearms and, where appropriate

and feasible, their parts and components and ammunition that are illicitly manufactured or trafficked, and the prevention and detection of such activities (art. 7)?

☐ Yes ☐ Yes, in part ☐ No

(i) Please provide details.

(f) Please specify whether the required records also provide for the following information (art. 7, paras. (a)–(b), and art. 15, para. 1 (c)):

(i) Marking of firearms, as required under article 8 of the Firearms Protocol

☐ Yes ☐ Yes, in part ☐ No

(ii) Information related to the transfer of these items, including the issuance and expiration date of the transfer licence or authorization

☐ Yes ☐ Yes, in part ☐ No

(iii) Countries, where appropriate, involved in a transfer (export, import and transit countries)

☐ Yes ☐ Yes, in part ☐ No

(iv) Final recipient of the transferred items

☐ Yes ☐ Yes, in part ☐ No

(v) Name and location of brokers involved in the transaction (art. 15)

☐ Yes ☐ Yes, in part ☐ No

(vi) Description and quantity of transferred items

☐ Yes ☐ Yes, in part ☐ No

(vii) Other relevant information, please specify below.

(g) If the answer to any of the questions 66 (f) (i)–(vi) is “Yes, in part” or “No”, please explain.

(h) States are invited to provide, on a voluntary basis, additional details on their domestic record-keeping system, such as (i) on how information is maintained (e.g., manually or digitalized and in a centralized system or divided among different institutions); and (ii) which entity or entities have the legal obligation to ensure that information on firearms and, where possible and feasible, their parts and components and ammunition is maintained.

Article 8. Marking of firearms

67. Does your country’s legal framework require the unique marking of firearms at the time of manufacturing, in accordance with article 8, paragraph 1 (a), of the Firearms Protocol?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please specify whether the marking applied in your country provide for the following information:

☐ Name of manufacturer

☐ Country or place of manufacture

- ☐ Serial number
- ☐ Simple geometric symbols in combination with numeric or alphanumeric codes
- ☐ Other, such as model and calibre (please specify)

(b) If the answer to question 67 is “Yes” or “Yes, in part”, please cite the applicable, laws and regulations and/or other measures.

(c) If the answer to question 67 is “Yes, in part” or “No”, please explain how the marking of firearms is treated under your country’s legal framework.

(d) States are invited to describe, on a voluntary basis, the method(s) and criteria applied for marking and which parts of the firearms have to be marked, and to provide examples and pictures of such marking(s).

(e) States are invited to describe, on a voluntary basis, their experience, lessons learned and examples of implementation of this provision.

68. Does your country’s legal framework require a simple marking on each imported firearm in order to enable competent authorities to identify and trace the firearm (art. 8, para. 1 (b))?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please specify whether the import markings applied in your country provide for the following information:

- ☐ Country of import
- ☐ Year of import, where possible
- ☐ Unique marking (if the firearm does not already bear such marking)
- ☐ Other (please specify)

(b) If the answer to question 68 is “Yes” or “Yes, in part”, please cite the applicable laws and regulations and/or other measures.

(c) If the answer to question 68 is “Yes, in part” or “No”, please explain.

(d) States are invited to describe, on a voluntary basis, their experience, lessons learned and examples of implementation of this provision and, where possible, provide pictures of such import marking(s).

69. Recognizing that the requirements of import marking need not be applied to temporary imports of firearms for verifiable lawful purposes, States are invited to

indicate whether import marking is also required for temporarily imported firearms (art. 8, para. 1 (b), in conjunction with art. 10, para. 6).

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and regulations and/or other measures and provide details of the marking applied for such temporarily imported firearms.

(b) If the answer is “Yes, in part” or “No”, please explain how the temporary imports of firearms are treated under your country’s legal framework.

70. Does your country’s legal framework require the marking of firearms that are transferred from government stocks to permanent civilian use (art. 8, para. 1 (c))?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and regulations and/or other measures.

(b) If the answer is “Yes, in part” or “No”, please explain how transfers of firearms from government stock to permanent civilian use are treated under your country’s legal framework.

(c) If the answer is “Yes” or “Yes, in part”, States are invited to provide, on a voluntary basis, details on the marking applied for firearms that are transferred from government stock to permanent civilian use and to describe their experience, lessons learned and examples of successful implementation of this provision.

71. How has your country encouraged the manufacturing industry to develop measures against the removal or alteration of firearm marking (art. 8, para. 2)?

(a) Please describe the steps taken by your country and provide examples of their implementation, on a voluntary basis.

72. States are invited to indicate, on a voluntary basis, whether their legal framework stipulates more strict or severe measures with regard to marking (in accordance with art. 1, para. 2, of the Firearms Protocol and art. 34, para. 3, of the Organized Crime Convention), such as:

- ☐ Requirement to apply additional markings (e.g., security markings or proof marks)
- ☐ Requirement to mark parts and components
- ☐ Requirement to mark ammunition

(a) If yes, please specify whether the offences referred to in questions 70 (b) (v), 71 (b) (ii) and 74 of cluster I also apply to the cases mentioned above (art. 34, para. 3, of the Convention, and art. 1, para. 2, of the Firearms Protocol).

☐ Yes ☐ Yes, in part ☐ No

- (i) If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and regulations and/or other measures, including the applicable sanctions for those offences.

Article 9. Deactivation of firearms

73. Has your country taken legislative or other measures to prevent the illicit reactivation of deactivated firearms consistent with the general principle of deactivation (art. 9, paras. (a)–(c))?

☐ Yes ☐ Yes, in part ☐ No

(a) Does your country’s legal framework recognize deactivated firearms as firearms?

☐ Yes ☐ Yes, in part ☐ No

(b) If the answer to question 73 is “Yes”, or “Yes, in part”, please cite the applicable laws and regulations and/or other measures.

(c) If the answer to question 73 is “Yes, in part” or “No”, please explain how deactivated firearms are treated under your country’s legal framework.

74. If the answer to question 73 is “Yes” or “Yes, in part”, does your country’s legal framework require that deactivated firearms be rendered permanently inoperable and incapable of removal, replacement or modification, in a manner that would permit the firearm to be reactivated in any way (art. 9, para. (a))?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and regulations and/or other measures, and describe the specific criteria adopted by your country to regulate the deactivation of firearms and to prevent their illicit reactivation.

(b) If the answer is “Yes, in part” or “No”, please explain how the deactivation of firearms is treated under your national legal framework.

75. If the answer to question 73 is “Yes” or “Yes, in part”, does your country’s legal framework require a verification of the deactivation process by a competent authority (art. 9, para. (b))?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and regulations and/or other measures.

(b) Please describe the specific criteria adopted under your country’s legal framework to verify the deactivation process and identify the responsible competent authority. Please provide examples of the successful implementation of this provision and attach an example of a certificate or record issued by the competent authority upon successful verification of the deactivation (art. 9, para. (c)).

(c) If the answer to question 75 is “Yes, in part” or “No”, please explain how non-compliance with the deactivation requirements and illicit reactivation of deactivated firearms are treated under your country’s legal framework.

General requirements for the manufacturing of firearms, their parts and components, and ammunition

76. Does your country’s legal framework require manufacturers to hold a licence or other authorization to manufacture the following items (art. 5, para. 1 (a), and art. 3, para. (d))?

(a) Firearms;

☐ Yes ☐ Yes, in part ☐ No

(b) Ammunition;

☐ Yes ☐ Yes, in part ☐ No

(c) The parts and components of firearms;

☐ Yes ☐ Yes, in part ☐ No

(i) If the answer to question 76 (a) and (b) is “Yes” or “Yes, in part”, please provide additional information about the licensing or authorization framework, including any applicable laws or regulations and examples of implementation.

(ii) If the answer to question 76 (c) is “Yes” or “Yes, in part”, States are invited to provide additional information about the licensing or authorization framework, including any applicable laws or regulations and examples of implementation.

77. States are invited to indicate whether their legal framework allows for new and emerging forms of illicit manufacturing, such as additive manufacturing or similar forms of manufacturing, to be addressed.

☐ Yes ☐ Yes, in part ☐ No

(a) States are invited to provide additional information, including any applicable laws or regulations and examples of implementation.

Article 10. General requirements for export, import and transit licensing or authorization systems

78. Has your country established a system of export and import licensing or authorization and measures on international transit for the transfer of firearms, their parts and components or ammunition (art. 10, para. 1)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, States parties are invited to provide copies of their applicable laws and regulations and/or other measures and describe the requirements in place for the issuance of licences or authorizations.

(b) If the answer is “Yes” or “Yes, in part”, do these licensing or authorization requirements apply to:

- ☐ Firearms?
- ☐ Parts and components?
- ☐ Ammunition?

Please explain, if needed.

(c) If the answer is “Yes, in part” or “No”, please explain how the aforementioned conducts are regulated under your country’s legal framework.

(d) If your country is part of any other international regime with common measures for import, export and transit licensing procedures, based on a customs union and an area without internal frontiers in which the free movement of goods is ensured, you are invited to explain how the transfer of firearms, their parts and components and ammunition are regulated within this space by your country’s legal framework.

79. If the answer to question 78 is “Yes” or “Yes, in part”, does the issuance of export licences or authorizations for shipments of firearms, their parts and components and ammunition require the prior verification that:

(a) The importing States have issued import licences or authorizations (art. 10, para. 2 (a))?

☐ Yes ☐ No

(b) The transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit (art. 10, para. 2 (b))?

☐ Yes ☐ No

(c) States parties are invited to provide copies of their applicable laws and regulations and/or other measures and explain, if needed.

80. If the answer to question 78 is “Yes” or “Yes, in part”, does the import or export licence or authorization and accompanying documentation together include the following type of information (art. 10, para. 3)?

- ☐ Place and date of issuance
- ☐ Date of expiration
- ☐ Country of export
- ☐ Country of import
- ☐ Country of transit (if applicable)
- ☐ Final recipient
- ☐ Description of the items
- ☐ Quantity of firearms, their parts and components and ammunition

- ☐ Other (such as export licence authorization, end user certificate and marking data and name and location of involved brokers), please specify:

81. What kind of measures and procedures has your country adopted to ensure the security of the licensing or authorization procedures and that the authenticity of the licensing or authorization documents can be verified or validated (art. 10, para. 5)?

- ☐ Requirement to provide the information contained in the import licence in advance to the transit country (art. 10, para. 3)
- ☐ Requirement for importing countries upon request to inform the exporting country of the receipt of the dispatched shipment (art. 10, para. 4)
- ☐ Use of end use and end user certificates or other means of verification to ensure the security of transfers

(a) States may also wish to indicate, on a voluntary basis, any other security measure or procedure in place.

(b) Please cite the applicable, laws and regulations and/or other measures and provide examples of the successful implementation of such measures.

82. Please explain, on a voluntary basis, whether your country's legal framework has adopted simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes (art. 10, para. 6).

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is "No", please explain how temporary imports, exports and transits are treated under your country's legal framework.

(b) If the answer is "Yes" or "Yes, in part", which of the following are considered under your national legal framework as verifiable lawful purposes?

- ☐ Hunting
- ☐ Sport shooting
- ☐ Repairs
- ☐ Evaluation
- ☐ Exhibitions
- ☐ Other

Please explain, if needed.

(c) Please cite the applicable laws and regulations and/or other measures and provide examples of the implementation of simplified procedures in your country.

Article 11. Security and preventive measures

83. Has your country taken measures to require the security of firearms, their parts and components and ammunition at the following stages (art. 11, para. (a))?

– At the time of manufacture

☐ Yes ☐ Yes, in part ☐ No

– At the time of import, export or transit through its territory

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer to any of the questions above is “Yes” or “Yes, in part”, please describe the most relevant and successful measures. Please also cite the applicable policies, laws and regulations and provide examples of their successful implementation.

(b) If the answer to any of the questions above is “Yes, in part” or “No”, please explain how your country’s competent authorities detect, prevent and eliminate the theft, loss or diversion of firearms, their parts and components and ammunition.

84. Has your country adopted any measures at the national, bilateral, regional or multilateral level to increase the effectiveness of import, export and transit controls, including border control and/or transborder cooperation, to prevent and combat illicit firearms manufacturing and trafficking offences (art. 11, para. (b))?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “No”, please explain.

(b) If the answer is “Yes” or “Yes, in part”, please explain what measures your country has adopted to increase the effectiveness of import, export and transit controls? Please summarize the measures, cite the relevant laws and regulations or policies and provide examples of their successful implementation.

(c) If the answer is “Yes” or “Yes, in part”, please explain what measures your country has adopted to increase the effectiveness of border controls and the transborder cooperation between your police and customs agencies and that of other States. Please summarize the measures, cite the relevant laws and regulations or policies and provide examples of their successful implementation.

Article 14. Training and technical assistance

85. Has your country provided to or received from other countries and international organizations training and technical assistance necessary to enhance the ability to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition?

☐ Yes ☐ No

(a) If the answer is “Yes”, please describe briefly the type of assistance and to whom it was provided or from whom it was received.

Article 15. Brokers and brokering

86. Has your country established a system for regulating the activities of those who engage in brokering (art. 15, para. 1)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “No”, has your country considered establishing such a system? Please explain.

(b) If the answer is “Yes” or “Yes, in part”, States are invited to explain whether such system includes:

(i) The registration of brokers operating within their territory

☐ Yes ☐ Yes, in part ☐ No

(ii) The licensing or authorization of brokering

☐ Yes ☐ Yes, in part ☐ No

(iii) The disclosure on import and export licences or authorizations, or accompanying documents, of the names and locations of brokers involved in the transaction (art. 15, para. 1 (c), in conjunction with art. 10)

☐ Yes ☐ Yes, in part ☐ No

(c) If the answer to any of these questions is “Yes, in part”, or “No”, States parties are invited to explain.

(d) If the answer to any of these questions is “Yes” or “Yes, in part”, States parties are invited to provide copies of their applicable laws and regulations and/or other measures and to provide examples of the successful implementation of measures adopted to comply with this provision and related court or other cases.

(e) States are invited to highlight, on a voluntary basis, one or more practices that they consider to be good practices in the implementation of broker control regimes, and those that might be consistent with the Firearms Protocol.

87. If your country has established a system of authorization of brokers, is the information on brokers and brokering activities included:

(a) As part of the records retained in accordance with article 7 of the Firearms Protocol (art. 15, para. 2)?

☐ Yes ☐ Yes, in part ☐ No

(b) As part of the exchange of information established under article 12 of the Firearms Protocol⁷ (art. 15, para. 2)?

☐ Yes ☐ Yes, in part ☐ No

(i) If the answer to question 87 (a) or (b) is “Yes, in part”, or “No”, please explain.

⁷ Article 12 is reviewed under cluster IV.

- (ii) Please cite the applicable policies, laws and regulations and/or other measures and provide examples of the successful implementation of measures adopted, related court or other cases, including examples of investigations, prosecutions or convictions or acquittals related to the implementation of article 15.

Other measures to prevent the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

88. States are invited to indicate, on a voluntary basis, whether they have implemented any other measures or programmes to prevent the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, such as:

- ☐ Adoption of more strict or severe measures than those provided for by the Firearms Protocol (art. 34, para. 3, of the Organized Crime Convention)
- ☐ Evaluation of national projects (art. 31, para. 1, of the Convention)
- ☐ Establishment and promotion of best practices and policies (art. 31, para. 1, of the Convention)
- ☐ Periodic evaluation of legal instruments and administrative practices, policies, action plans and other measures relating to firearms control, with a view to detecting their vulnerability to misuse by organized criminal groups (art. 31, para. 4, of the Convention)
- ☐ Promotion of public awareness regarding the existence, causes and gravity of and the threat posed by illicit manufacturing of and trafficking in firearms (art. 31, para. 5, of the Convention)
- ☐ Arms collection or voluntary surrender or buy-back campaigns
- ☐ Public destruction of obsolete, collected and/or confiscated weapons
- ☐ Conducting firearms surveys
- ☐ Collecting, exchanging and analysing data and information on the nature of organized crime and of illicit trafficking flows, their routes and patterns (art. 28 of the Convention)
- ☐ Other measure (please specify)

(a) If one or more of the above have been selected, please describe the concrete measures taken and cite the applicable policies or laws and regulations, and provide examples of their successful implementation.

Difficulties encountered

89. Does your country encounter difficulties in implementing the provisions of the Firearms Protocol?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please explain.

90. Has your country assessed the effectiveness of its measures against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition?

☐ Yes ☐ No

(a) If the answer is “Yes”, please explain and cite any relevant documents (e.g., assessments, gap analysis, reports of other international and regional review mechanisms, policy studies, etc.).

91. Does your country have a national strategy or action plan to counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition or to implement relevant regional or international instruments in this field?

☐ Yes ☐ No

(a) If the answer is “Yes”, please cite the relevant strategy or action plan, providing a short explanation of their scope, and/or other measures.

92. If your country’s domestic legal framework has not been adapted to the Protocol requirements, please specify what steps remain to be taken.

(a) Are there any difficulties with regard to the adoption of new national legislation or the implementation of national legislation?

☐ Yes ☐ No

(i) If the answer is “Yes”, do any of the issues below apply?

- ☐ Problems with the formulation of legislation
- ☐ Need for institutional reforms or the establishment of new institutions
- ☐ Need for further implementing legislation (laws, regulations, decrees, etc.)
- ☐ Difficulties encountered by practitioners in using legislation
- ☐ Lack of awareness
- ☐ Lack of inter-agency coordination
- ☐ Specificities of the legal framework
- ☐ Lack of technical knowledge and skills
- ☐ Limited or no cooperation from other States
- ☐ Limited resources for implementation
- ☐ Other issues (please specify)

Need for technical assistance

93. Does your country require technical assistance to overcome difficulties in implementing the Protocol?

☐ Yes ☐ No

(a) If the answer is “Yes”, please indicate the type of assistance required:

- ☐ Assessment of criminal justice response to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and its links to other serious crimes
- ☐ Legal advice or legislative reforms and regulations
- ☐ Model legislation, regulations or agreements
- ☐ Establishment of competent authorities, national focal points or points of contacts on firearms
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Development of strategies, policies or action plans
- ☐ Dissemination of good practices or lessons learned
- ☐ Capacity-building through the training of criminal justice practitioners and/or the training of trainers
- ☐ Prevention and awareness-raising
- ☐ On-site assistance by a mentor or relevant expert
- ☐ Border control and risk assessment
- ☐ Standard operating procedures
- ☐ Detection of illicit trafficking flows at border crossings and by postal services or by means of the Internet
- ☐ Information exchange
- ☐ Investigation and prosecution
- ☐ Measures to enhance regional and international cooperation
- ☐ Establishment or development of information technology infrastructure, such as record-keeping systems, digital templates and tools, databases or communication tools
- ☐ Collection and analysis of firearms trafficking data
- ☐ Other areas (please specify). Please prioritize the technical assistance needs and refer to the specific provisions of the Protocol when providing information.

(b) Technological assistance and equipment:

- ☐ Marking
- ☐ Record-keeping systems
- ☐ Identification and tracing of firearms
- ☐ Transfer controls
- ☐ Collection campaigns
- ☐ Deactivation and destruction
- ☐ Stockpile management

(c) Is your country already receiving technical assistance in those areas?

☐ Yes ☐ No

- (i) If the answer is “Yes”, please specify the area of assistance and who is providing it.

- (d) Please describe practices in your country that you consider to be good practices in relation to the control of firearms and to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, which might be of interest to other States in their efforts to implement the Firearms Protocol.

- (e) Please provide any other information that you believe is important to consider regarding aspects of, or difficulties in, the implementation of the Protocol other than those mentioned above.

Annex V

Self-assessment questionnaire for the United Nations Convention against Transnational Organized Crime and the Protocols thereto – Cluster III

General guidance for replying to the questionnaire

- States will be reviewed on the basis of the information that they have provided to the reviewing States parties, in accordance with section V of the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. If they have not yet provided the relevant documents to the Secretariat, States are called upon to upload either any laws, regulations, cases and other documents or brief descriptions of them that are of relevance for responding to the questionnaire to the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC).
- Links to the information uploaded to SHERLOC can be then provided as part of the replies to each question.
- In addition to providing links to the information uploaded to SHERLOC, States are called upon to specify the applicable legislation and relevant provisions under each question to which the answer is “Yes” and, where appropriate, under any other questions.
- States are requested to refrain from attaching any annexes, including hard copies of documentation, to the completed questionnaires.
- When responding to the self-assessment questionnaires, States parties may also refer to information provided in the context of other relevant review mechanisms of instruments to which they are parties. States parties shall bear in mind that any update since previous submissions of information under other review mechanisms should be appropriately reflected in the responses. In particular, when reviewing the same legislation for obligations that are identical or similar to those under the United Nations Convention against Corruption, a State party under review may refer to responses and additional documentation that it has submitted under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
- The provisions of the Organized Crime Convention and the Protocols thereto contain various degrees of requirements. In accordance with the procedures and rules, the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto shall progressively address all articles of the Convention and the Protocols thereto. The different nature of each provision should therefore be taken into account in formulating the responses to the related questions and when reviewing them in the following phases of the country review.
- Article 1, paragraph 2, of each of the Protocols states that the provisions of the Convention shall apply mutatis mutandis to the Protocols unless otherwise provided therein. Paragraph 19 of the procedures and rules for the functioning of the Mechanism states that provisions of the Convention that apply to the Protocols, mutatis mutandis, will be reviewed under the Convention only. In answering the questions related to the implementation of the Convention, States are requested to take into account the application of the relevant provisions of the Convention, as appropriate, to the subject matter of each Protocol to which they are a party. Governmental experts are therefore reminded to include in their answers reference to the application of such provisions of the Convention to the Protocols to which their country is a party. For example, in answering the questions on the scope of application of article 10 on the liability of legal persons,

governmental experts should take into account the applicability of article 10 to the offences covered by the three Protocols and answer accordingly.

- In the questionnaire, some questions are introduced by the words “States are invited”. In such cases, governmental experts may provide information on a voluntary basis, and no inference is to be drawn from the lack of such information.

I. United Nations Convention against Transnational Organized Crime

Cluster III: law enforcement and the judicial system (arts. 7, 11, 19, 20, 22, 26, 27 and 28 of the Convention)

Article 7. Measures to combat money-laundering

1. Has your country instituted a domestic regulatory and supervisory regime for banks and non-bank financial institutions and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to detect and deter all forms of money-laundering (art. 7, para. 1 (a))?

☐ Yes ☐ No

(a) If the answer is “Yes”, please identify the legal nature of the institutions to which such a regime is applicable.

(b) If the answer to question 1 is “Yes”, does your country’s regime require:

(i) Customer identification?

☐ Yes ☐ No

– If the answer is “Yes”, please specify the customer identification required under your country’s regime.

(ii) Record-keeping?

☐ Yes ☐ No

– If the answer is “Yes”, please specify the record-keeping required under your country’s regime.

(iii) Reporting suspicious transactions?

☐ Yes ☐ No

– If the answer is “Yes”, please provide examples on, inter alia, the criteria used for identifying suspicious transactions or the sanctions imposed for non-compliance with reporting requirements.

(iv) Bearing in mind article 7, States are invited to provide, on a strictly voluntary basis, additional information relating to deterrents to and the detection of money-laundering, such as customer verification, including by providing assessments and other relevant evaluations or links thereto.

2. Does your country enable the administrative, regulatory, law enforcement or, where appropriate, judicial authorities in charge of efforts against money-laundering to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law (art. 7, para. 1 (b))?

☐ Yes ☐ No

(a) If the answer is yes, please describe the channels used for such exchange of information.

(b) If the answer is “Yes”, has a financial intelligence unit been established in your country to serve as a national centre for the collection, analysis and dissemination of information related to money-laundering activities?

☐ Yes ☐ No

(c) If the answer is “Yes”, please provide information on the financial intelligence unit established in your country.

3. Has your country implemented measures to detect and monitor the movement of cash and appropriate negotiable instruments across its borders (art. 7, para. 2)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify and provide, in particular, any available information on safeguards to ensure the proper use of information and the unimpeded movement of legitimate capital.

4. Does your country participate in any global, regional, subregional or bilateral frameworks geared towards promoting cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering (art. 7, para. 4)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide some examples.

Article 11. Prosecution, adjudication and sanctions

5. Does your country make the commission of offences covered by the Convention and the Protocols to which it is a party liable to sanctions that take into account the gravity of those offences (art. 11, para. 1)?

☐ Yes ☐ No

6. Has your country taken measures to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings (art. 11, para. 3)?

☐ Yes ☐ No

7. Has your country established, where appropriate, a long statute of limitations period in which to commence proceedings for any offence covered by the Convention and the Protocols to which it is a party and a longer period where the alleged offender has evaded the administration of justice (art. 11, para. 5)?

☐ Yes ☐ Yes, in part ☐ No

(a) Please explain briefly, including, where appropriate, the length of the statute of limitations period.

Article 19. Joint investigations

8. Has your country or competent authorities entered into any bilateral or multilateral agreement or arrangement whereby, in relation to matters concerning the offences covered by the Convention and the Protocol to which it is a party that are the subject of investigation, prosecution or judicial proceedings in one or more States parties, the competent authorities concerned may establish joint investigative bodies (art. 19)?

☐ Yes ☐ No

9. In the absence of any agreement or arrangement of the sort referred to in question 8, does your country permit joint investigations to be undertaken by agreement on a case-by-case basis (art. 19)?

☐ Yes ☐ No

10. States are invited to share examples of their positive experiences, good practices and/or challenges in applying the Convention regarding bilateral or multilateral agreements or arrangements for the establishment of joint investigative bodies.

Article 20. Special investigative techniques

11. Does your country's legal framework allow for the use of special investigative techniques for the purpose of effectively combating organized crime and investigating the offences covered by the Convention and the Protocols to which your State is a party (art. 20, para. 1)?

☐ Yes ☐ No

12. If your answer to question 11 is "Yes", does your country take measures to allow the use of special investigative techniques, such as:

(a) Controlled delivery?

☐ Yes ☐ No

(b) Electronic or other forms of surveillance?

☐ Yes ☐ No

(c) Undercover operations?

☐ Yes ☐ No

(d) Other techniques?

☐ Yes ☐ No

(i) Please explain.

13. If the answer to question 12 (b) is "Yes", please provide, if possible, information on electronic surveillance in your country, in particular as it relates to the sharing of information or evidence obtained with foreign law enforcement and judicial authorities.

14. States are invited to provide, on a voluntary basis, any available information on the conditions prescribed by its domestic law applicable to the aforementioned special investigative techniques (art. 20, para. 1).

15. States are invited to provide, where appropriate, information concerning whether they have concluded any bilateral or acceded to any multilateral agreement or arrangement for using special investigative techniques in the context of international cooperation to combat transnational organized crime (art. 20, para. 2)?

16. States are invited to share information about whether, in accordance with their domestic legal framework and in the absence of any agreement or arrangement of the sort referred to in question 15, they permit the use of special investigative techniques at the international level on a case-by-case basis (art. 20, para. 3).

Article 22. Establishment of criminal record

17. If your country has adopted legislative or other measures to take into consideration, where appropriate, any previous conviction in another country of an alleged offender for the purpose of using such information in criminal proceedings relating to offences covered by the Convention and the Protocols to which it is a party, it is invited to provide information on such legislation or other measures (art. 22).

Article 26. Measures to enhance cooperation with law enforcement authorities

18. Does your country take measures to encourage persons who participate or have participated in organized criminal groups to provide information useful to competent authorities for investigative and evidentiary purposes or any other concrete help that may contribute to depriving organized criminal groups of their resources or proceeds of crime (art. 26, para. 1)?

☐ Yes ☐ No

(a) If the answer is "Yes", does your domestic law provide for the possibility of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence or offences covered by the Convention and the Protocols to which your country is a party (art. 26, para. 2)?

☐ Yes ☐ No

(b) If the answer is "Yes", does your domestic law provide for the possibility of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence or offences covered by the Convention and the Protocols to which your country is a party (art. 26, para. 3)?

☐ Yes ☐ No

19. Has your country entered into any bilateral or multilateral agreement or arrangement with other States parties concerning the treatment (mitigating punishment, immunity) of persons who can provide substantial cooperation to the competent authorities of either contracting party (art. 26, para. 5)?

☐ Yes ☐ No

(a) States parties are invited to provide information.

Article 27. Law enforcement cooperation

20. Consistent with domestic legal and administrative systems, have the competent authorities of your country established or enhanced, where necessary, channels of communication with their counterparts in other States parties in order to facilitate the secure and rapid exchange of information concerning all aspects of offences covered by the Convention and the Protocols to which your country is a party, including, where appropriate, links with other criminal activities (art. 27, para. 1 (a))?

☐ Yes ☐ No

21. Consistent with domestic legal and administrative systems, has your country taken any measures to promote law enforcement cooperation with other States parties in conducting inquiries with respect to offences covered by the Convention and the Protocols to which it is a party (art. 27, para. 1 (b)), in particular in relation to:

(a) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned?

☐ Yes ☐ No

(b) The movement of proceeds of crime or property derived from the commission of such offences?

☐ Yes ☐ No

(c) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences?

☐ Yes ☐ No

22. Has your country adopted any measures to provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes (art. 27, para. 1 (c))?

☐ Yes ☐ No

23. Has your country adopted any measures to facilitate effective coordination with competent authorities, agencies and services of other States parties and promote the exchange of personnel or the posting of liaison officers (art. 27, para. 1 (d))?

☐ Yes ☐ No

24. Has your country adopted any measures to promote the exchange of information with other States parties on specific means and methods used by organized criminal groups, including routes and conveyances and the use of false identities, altered or false documents or other means of concealing their activities (art. 27, para. 1 (e))?

☐ Yes ☐ No

25. Has your country adopted any measures to promote the exchange of information and the coordination of administrative measures with other States parties for the purpose of early identification of the offences covered by the Convention and the Protocols to which it is a party (art. 27, para. 1 (f))?

☐ Yes ☐ No

26. Has your country entered into any bilateral or multilateral agreement or arrangement on direct cooperation between law enforcement agencies to give effect to the Convention and the Protocols to which it is a party (art. 27, para. 2)?

☐ Yes ☐ No

(a) If the answer is "Yes", States are invited to share examples of their positive experiences, good practices and/or challenges in applying the Convention regarding bilateral or multilateral agreements or arrangements on direct cooperation between law enforcement agencies.

--

Article 28. Collection, exchange and analysis of information on the nature of organized crime

27. Has your country established a practice of analysing, in consultation with the scientific and academic communities, trends in organized crime within its territory, the circumstances in which organized crime operates, as well as the professional groups and technologies involved (art. 28, para. 1)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide examples of such practice, as related to the offences covered by the Convention and the Protocols of which your State is a party.

28. Has your country developed and shared analytical expertise concerning organized criminal activities with other States parties and through international and regional organizations? If so, were common definitions, standards and methodologies developed and applied (art. 28, para. 2)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide examples of the sharing of expertise that has been developed by your country and shared by it with other States parties and through international and regional organization.

29. Does your country monitor its policies and actual measures to combat organized crime and make assessments of their effectiveness and efficiency (art. 28, para. 3)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify the monitoring and the assessments undertaken by your country.

Difficulties encountered

30. Has your country encountered any difficulties or challenges in implementing the Convention?

☐ Yes ☐ No

(a) If the answer is “yes”, please specify:

- ☐ Problems with the formulation of legislation
- ☐ Need for further implementing legislation (laws, regulations, decrees, etc.)
- ☐ Reluctance of practitioners to use existing legislation
- ☐ Insufficient dissemination of existing legislation
- ☐ Limited inter-agency coordination
- ☐ Specificities of the legal system
- ☐ Competing priorities for the national authorities
- ☐ Limited resources for the implementation of existing legislation
- ☐ Limited cooperation with other States
- ☐ Lack of awareness of the existing legislation

☐ Other issues (please specify)

Need for technical assistance

31. Does your country require technical assistance to overcome difficulties in implementing the Convention?

☐ Yes ☐ No

32. If the answer is “Yes”, please specify the type of technical assistance needed.

33. Which of the following forms of technical assistance, if available, would assist your country in fully implementing the provisions of the Convention? In identifying the forms of technical assistance as listed below, please also indicate for which provisions of the Convention such assistance would be needed.

- ☐ Legal advice
- ☐ Legislative drafting support
- ☐ Model legislation or regulations
- ☐ Model agreements
- ☐ Standard operating procedures
- ☐ Development of strategies, policies or action plans
- ☐ Dissemination of good practices or lessons learned
- ☐ Capacity-building through the training of practitioners or trainers
- ☐ On-site assistance by a mentor or relevant expert
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Prevention and awareness-raising
- ☐ Technological assistance
- ☐ Establishment or development of information technology infrastructure, such as databases or communication tools
- ☐ Measures to enhance regional cooperation
- ☐ Measures to enhance international cooperation
- ☐ Other assistance (please specify)

34. Please provide any other information that you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Convention other than those mentioned above.

II. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Cluster III: law enforcement and the judicial system (arts. 11, 12 and 13 of the Protocol)

Article 11. Border measures

35. Has your country strengthened border controls to prevent and detect trafficking in persons (art. 11, para. 1)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please summarize the measures and cite the relevant law or policy or provide links to published policy or guidance.

36. Has your country adopted legislative or other measures to prevent the means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of the Protocol (art. 11, para. 2)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please summarize the measures and cite the relevant law or policy or provide links to published policy or guidance.

37. Do the measures referred to in question 36 include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State (art. 11, para. 3)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes”, please summarize the measures and cite the relevant law or policy or provide links to published policy or guidance.

38. Has your country taken the measures necessary, in accordance with domestic law, to provide for sanctions in cases of violation of the obligations set forth in article 11, paragraph 3, of the Protocol (art. 11 para. 4)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes”, please summarize the measures and cite the relevant law or policy or provide links to published policy or guidance.

39. Has your country taken measures that permit, in accordance with domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with the Protocol (art. 11, para. 5, in conjunction with art. 5)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please summarize the measures and cite the relevant law or policy or provide links to published policy or guidance.

40. Has your country taken measures to strengthen cooperation between your border control agencies and those of other States parties, such as by establishing and maintaining direct channels of communication (art. 11, para. 6)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please summarize the measures and cite the relevant law or policy or provide links to published policy or guidance.

Article 12. Security and control of documents

41. Has your country taken measures to ensure that travel or identity documents issued by it are of such quality that they cannot be easily misused and readily falsified or unlawfully altered, replicated or issued (art. 12, para. (a))?

☐ Yes ☐ No

(a) If the answer is “Yes”, please summarize the measures and cite the relevant law or policy or provide links to published policy or guidance.

42. Has your country taken measures to ensure the integrity and security of travel or identity documents issued by or on behalf of your country and to prevent their unlawful creation, issuance and use (art. 12, para. (b))?

☐ Yes ☐ No

(a) If the answer is “Yes”, please summarize the measures and cite the relevant law or policy or provide links to published policy or guidance.

Article 13. Legitimacy and validity of documents

43. Has your country taken measures to ensure that requests from another State party to verify the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of having been used for trafficking in persons are responded to, in accordance with your domestic law, within a reasonable time (art. 13)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please summarize the measures and cite the relevant law or policy or provide links to published policy or guidance.

Difficulties encountered

44. Does your country encounter difficulties or challenges in implementing any provisions of the Trafficking in Persons Protocol relevant to cluster III?

☐ Yes ☐ No

(a) If the answer is “Yes”, please explain

Need for technical assistance

45. Does your country require technical assistance to implement the Protocol?

☐ Yes ☐ No

(a) If the answer is “Yes”, please indicate the type of assistance required:

- ☐ Assessment of criminal justice response to trafficking in persons
- ☐ Legal advice or legislative drafting support
- ☐ Model legislation, regulations or agreements
- ☐ Development of strategies, policies or action plans
- ☐ Good practices or lessons learned
- ☐ Capacity-building through the training of criminal justice practitioners and/or the training of trainers
- ☐ Capacity-building through awareness-raising among the judiciary
- ☐ On-site assistance by a relevant expert
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Prevention and awareness-raising
- ☐ Technological assistance and equipment

(b) Please be specific.

- ☐ Development of data collection or databases
- ☐ Workshops or platforms to enhance regional and international cooperation
- ☐ Specialized tools such as e-learning modules, manuals, guidelines and standard operating procedures
- ☐ Other (please specify)

46. Is your country already receiving technical assistance in those areas?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify the area of assistance and who is providing it.

47. Please provide any other information that you believe is useful to understand your implementation of the Trafficking in Persons Protocol and information that is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Protocol.

III. Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

Cluster III: law enforcement and the judicial system (arts. 11, 12 and 13 of the Protocol)

Article 11. Border measures

48. Have your country's competent authorities strengthened border measures in order to prevent and detect the smuggling of migrants (art. 11, para. 1)?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify.

49. Has your country adopted any legislative or other appropriate measures to prevent means of transport operated by commercial carriers from being used in the commission of the offence of smuggling of migrants (art. 11, para. 2)?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify and provide any available information on whether such measures include establishing the obligation of commercial carriers to ascertain that all passengers are in possession of the travel documents required for entry into the country, as well as on any sanctions in cases of violation of such obligation (art. 11, paras. 3–4).

50. Does your country's legal framework provide for any measures that permit the denial of entry or revocation of visas of persons implicated in the commission of offences related to the smuggling of migrants (art. 11, para. 5, in conjunction with art. 6)?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify.

51. Has your country taken any measures to strengthen cooperation with the border control agencies of other States parties by, inter alia, establishing and maintaining direct channels of communication (art. 11, para. 6)?

☐ Yes ☐ No

Article 12. Security and control of documents

52. Has your country taken any measures to ensure the adequacy of the quality and the integrity and security of travel or identity documents issued by its competent authorities (art. 12)?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify which measures have been adopted.

Article 13. Legitimacy and validity of documents

53. Do your country's competent authorities, in accordance with your domestic law, verify at the request of another State party, within a reasonable time, the legitimacy and validity of travel or identity documents issued or purported to have been issued

in your country's name and suspected of being used for the smuggling of migrants (art. 13)?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify.

Difficulties encountered

54. Does your country encounter difficulties or challenges in implementing any provisions of the Smuggling of Migrants Protocol relevant to cluster III?

☐ Yes ☐ No

(a) If the answer is "Yes", please explain

Need for technical assistance

55. Does your country require additional measures, resources, or technical assistance to implement the Protocol effectively?

☐ Yes ☐ No

(a) If the answer is "Yes", please indicate the type of assistance required to implement the Protocol:

- ☐ Assessment of criminal justice response to smuggling of migrants
- ☐ Legal advice or legislative drafting support
- ☐ Model legislation, regulations or agreements
- ☐ Development of strategies, policies or action plans
- ☐ Good practices or lessons learned
- ☐ Capacity-building through the training of criminal justice practitioners and/or the training of trainers
- ☐ Capacity-building through awareness-raising among the judiciary
- ☐ On-site assistance by a relevant expert
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Prevention and awareness-raising
- ☐ Technological assistance and equipment (please be specific)
- ☐ Development of data collection or databases
- ☐ Workshops or platforms to enhance regional and international cooperation
- ☐ Specialized tools, such as e-learning modules, manuals, guidelines and standard operating procedures
- ☐ Other (please specify)

56. In which areas would border, immigration and law enforcement officials in your country need more capacity-building?

57. In which areas would criminal justice institutions in your country need more capacity-building?

58. Is your country already receiving technical assistance in those areas?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify the area of assistance and who is providing it.

Annex VI

Self-assessment questionnaire for the United Nations Convention against Transnational Organized Crime and the Protocols thereto – Cluster IV

General guidance for replying to the questionnaire

- States will be reviewed on the basis of the information that they have provided to the reviewing States parties, in accordance with section V of the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. If they have not yet provided the relevant documents to the Secretariat, States are called upon to upload either any laws, regulations, cases and other documents or brief descriptions of them that are of relevance for responding to the questionnaire to the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC).
- Links to the information uploaded to SHERLOC can be then provided as part of the replies to each question.
- In addition to providing links to the information uploaded to SHERLOC, States are called upon to specify the applicable legislation and relevant provisions under each question to which the answer is “Yes” and, where appropriate, under any other questions.
- States are requested to refrain from attaching any annexes, including hard copies of documentation, to the completed questionnaires.
- When responding to the self-assessment questionnaires, States parties may also refer to information provided in the context of other relevant review mechanisms of instruments to which they are parties. States parties shall bear in mind that any update since previous submissions of information under other review mechanisms should be appropriately reflected in the responses. In particular, when reviewing the same legislation for obligations that are identical or similar to those under the United Nations Convention against Corruption, a State party under review may refer to responses and additional documentation that it has submitted under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
- The provisions of the Organized Crime Convention and the Protocols thereto contain various degrees of requirements. In accordance with the procedures and rules, the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto shall progressively address all articles of the Convention and the Protocols thereto. The different nature of each provision should therefore be taken into account in formulating the responses to the related questions and when reviewing them in the following phases of the country review.
- Article 1, paragraph 2, of each of the Protocols states that the provisions of the Convention shall apply *mutatis mutandis* to the Protocols unless otherwise provided therein. Paragraph 19 of the procedures and rules for the functioning of the Mechanism states that provisions of the Convention that apply to the Protocols, *mutatis mutandis*, will be reviewed under the Convention only. In answering the questions related to the implementation of the Convention, States are requested to take into account the application of the relevant provisions of the Convention, as appropriate, to the subject matter of each Protocol to which they are a party. Governmental experts are therefore reminded to include in their answers reference to the application of such provisions of the Convention to the Protocols to which their country is a party. For example, in answering the

questions on the scope of application of article 10 on the liability of legal persons, governmental experts should take into account the applicability of article 10 to the offences covered by the three Protocols and answer accordingly.

- In the questionnaire, some questions are introduced by the words “States are invited”. In such cases, governmental experts may provide information on a voluntary basis, and no inference is to be drawn from the lack of such information.

I. United Nations Convention against Transnational Organized Crime

Cluster IV: international cooperation, mutual legal assistance and confiscation (arts. 12, 13, 14, 16, 17, 18 and 21 of the Convention)

Article 12. Confiscation and seizure

1. Does your country’s legal framework enable the confiscation of:

(a) Proceeds of crime (as defined in art. 2 (e))⁸ derived from offences covered by the Convention and the Protocols to which your State is a party or property the value of which corresponds to that of such proceeds (art. 12, para. 1 (a))?

☐ Yes ☐ No

(b) Property, equipment or other instrumentalities used in or destined for use in offences covered by the Convention and the Protocols to which your State is a party (art. 12, para. 1 (b))?

☐ Yes ☐ No

(c) Proceeds of crime transformed or converted into other property (art. 12, para. 3)?

☐ Yes ☐ No

(d) Proceeds of crime intermingled with property acquired from legitimate sources (art. 12, para. 4)?

☐ Yes ☐ No

(i) Please explain.

(e) Income or other benefits derived from items described under questions 1 (a), (c) and (d) (art. 12, para. 5)?

☐ Yes ☐ No

(i) Please explain.

2. States are invited to provide information on the pertinent legislative framework and on the required standard of proof.

⁸ “Proceeds of crime” shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence.

3. States are invited to provide, on a voluntary basis, information regarding whether their domestic legal framework allows for non-conviction-based asset confiscation.

4. Does your country's legal framework enable the identification, tracing, freezing or seizure of items described in article 12, paragraph 1, for the purpose of eventual confiscation (art. 12, para. 2)?

☐ Yes ☐ No

(a) If the answer is "Yes", please explain briefly, if needed.

(b) States are invited to specify whether their legal framework enables the identification, tracing, freezing or seizure of items mentioned in question 1 and items other than those described in article 12, paragraph 1.

5. Does your country's legal framework empower courts or other competent authorities to order that bank, financial or commercial records be made available or be seized for (art. 12, para. 6):

(a) Investigation or prosecution of offences committed in your country covered by the Convention and the Protocols to which your State is a party?

☐ Yes ☐ No

(b) Securing confiscation in your country?

☐ Yes ☐ No

(c) Responding to a request for confiscation by another State party in relation to an offence covered by the Convention and the Protocols to which your State is a party?

☐ Yes ☐ No

(d) If the answer to questions 5 (a), (b) or (c) is "Yes", please specify the manner in which your country's legal framework empowers courts or other competent authorities.

6. Does your country's legal framework allow for bank secrecy to be used as grounds to decline to act under the provisions of article 12, paragraph 6?

☐ Yes ☐ No

7. If it is consistent with the principles of your domestic law and with the nature of the judicial and other proceedings, does your country's legal framework permit shifting the burden of proof to the defendant to show that alleged proceeds of crime were derived from legitimate sources (art. 12, para. 7)?

☐ Yes ☐ No

(a) If the answer is "yes", please provide information on the conditions under which your domestic legal framework permits shifting the burden of proof to the defendant.

8. States are invited to share, on a voluntary basis, examples of their experiences and challenges in promoting cooperation to prevent and combat transnational organized crime more effectively, with particular regard to:

(a) The possibility to confiscate companies and corporate assets where proceeds of crime are intermingled with property acquired from legitimate sources

(b) The possibility to confiscate legal rights and interests of an enforceable nature

(c) The use of non-conviction-based confiscation and the related international judicial and legal cooperation

(d) The identification and tracing of property and the management of seized property carried out, including by specialized agencies

(e) Cooperation with regional prosecution bodies

Article 13. International cooperation for purposes of confiscation

9. Does your country's legal framework permit the confiscation of the proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, at the request of another State party (art. 13)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is "Yes" or "Yes, in part":

(i) Is the request submitted to the competent authorities of your country for the purpose of obtaining a domestic order of confiscation (art. 13, para. 1 (a))?

☐ Yes ☐ No

(ii) Is the request submitted to the competent authorities of your country for execution (art. 13, para. 1 (b))?

☐ Yes ☐ No

(b) If the answer to question 9 is "Yes, in part", please specify any challenges encountered in confiscating the proceeds of crime at the request of another State party.

10. Does your country's legal framework enable the competent authorities to identify, trace, freeze and seize the proceeds of crime for the purpose of eventual confiscation at the request of another State party (art. 12, para. 2)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is "Yes, in part", please specify any challenges encountered in identifying, tracing, freezing and seizing the proceeds of crime at the request of another State party.

11. Does your country's legal framework permit the confiscation of proceeds of crime that have been transformed or converted into other property (art. 12, para. 3) or

intermingled with property acquired from legitimate sources (art. 12, para. 4), at the request of another State party?

☐ Yes ☐ Yes, in part ☐ No

12. If any legal grounds for refusal specific to a request for cooperation for the purposes of confiscation are provided for in your country's legal framework, please explain what those grounds are (art. 13, paras. 3 and 7, and art. 18, para. 21).⁹

13. What information does your country's legal framework require for inclusion in a request for cooperation for the purposes of confiscation other than those enumerated in article 13, paragraph 3, and article 18, paragraph 15 (art. 13, para. 3)?¹⁰

14. States are invited to provide, on a voluntary basis, information regarding whether their domestic legal framework allows for non-conviction-based asset forfeiture at the request of another State party.

Article 14. Disposal of confiscated proceeds of crime or property

15. Does your country's legal framework permit the return of confiscated proceeds of crime or property to the requesting State party so that it can give compensation to the victims of the crime or return such proceeds of crime or property to their legitimate owners (art. 14, para. 2)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is "Yes, in part", please explain the manner in which your domestic law permits the return of such confiscated proceeds of crime or property for the purposes stated above.

16. Has your country concluded agreements or arrangements with other States parties on contributing the value of confiscated proceeds of crime or property or funds derived from the sale of such proceeds of crime or property or a part thereof to the account designated in accordance with article 30, paragraph 2 (c), of the Convention and to intergovernmental bodies specializing in the fight against organized crime (art. 14, para. 3 (a))?

☐ Yes ☐ No

17. Has your country concluded agreements or arrangements with other States parties, on a regular or case-by-case basis, on sharing of proceeds of crime or property or funds derived from the sale of such proceeds of crime or property or a part thereof (art. 14, para. 3 (b))?

☐ Yes ☐ No

(a) States parties are invited to share examples of their positive experiences or good practices in applying the Convention regarding bilateral or multilateral agreements or arrangements on the disposal or sharing of confiscated assets.

⁹ The answer to this question should be considered in conjunction with the answer to the relevant questions on article 18 (Mutual legal assistance).

¹⁰ The answer to this question should be considered in conjunction with the answer to the relevant questions on article 18 (Mutual legal assistance).

Article 16. Extradition

18. In your country, is extradition granted:

(a) By statute?

☐ Yes ☐ No

(b) By treaty or other agreement or arrangement (multilateral or bilateral)?

☐ Yes ☐ No

(c) By virtue of reciprocity or comity?

☐ Yes ☐ No

(d) If your answer to question 18 (b) is “Yes”, does your country use the Convention as a legal basis for cooperation on extradition with other States parties to the Convention (art. 16, para. 4)?

☐ Yes ☐ Yes, under conditions ☐ No ☐ Not applicable

(e) Please explain.

(f) Have you communicated this information to the Secretary-General of the United Nations (art. 16, para. 5 (a))?

☐ Yes ☐ No

(g) If your answer to question 18 (a), (b) or (c) is “No”, has your country, in appropriate cases, sought to conclude treaties on extradition (art. 16, para. 5 (b))?

☐ Yes ☐ No

19. Have the offences set out in article 16, paragraph 1, of the Convention and offences established in accordance with the Protocols to the Convention to which your country is a party in practice been deemed by your country to be extraditable offences in the bilateral or multilateral extradition treaties that it has concluded (art. 16, para. 3)?

☐ Yes ☐ Yes, in part ☐ No

(a) Please explain briefly.

20. If your country does not make extradition conditional on the existence of a treaty, does it recognize the offences set out in article 16, paragraph 1, of the Convention and offences established in accordance with the Protocols to the Convention to which it is a party as extraditable offences (art. 16, para. 6)?

☐ Yes ☐ Yes, in part ☐ No ☐ Not applicable

(a) Please explain briefly.

21. What are the conditions provided for in your domestic law for granting extradition, including the minimum penalty requirement (as the threshold to identify extraditable offences) (art. 16, para. 7)?

(a) Please explain briefly.

22. What are the grounds provided for in your domestic law upon which your country may refuse extradition (art. 16, para. 7)?

(a) Please explain briefly.

23. Is the dual criminality requirement established under your domestic legal framework for granting an extradition request (art. 16, para. 1)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes, in part”, please explain how or to what extent dual criminality is required for granting an extradition request.

24. Does your country’s legal framework provide for simplified evidentiary requirements (in relation to any offence covered by the Convention, and the Protocols to which your State is a party, to which article 16 applies) (art. 16, para. 8)?

(a) Please explain.

25. Does your country’s legal framework provide for expedited extradition procedures (in relation to any offence covered by the Convention, and the Protocols to which your State is a party, to which article 16 applies) (art. 16, para. 8)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide information on simplified extradition proceedings available in your country and under which conditions these proceedings apply.

26. Does your country refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters (art. 16, para. 15)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify in which circumstances a request for extradition could be refused on the sole ground that the offence is also considered to involve fiscal matters.

27. If your country does not extradite an alleged offender on the sole ground that the offender is its national, does your country’s legal framework establish jurisdiction over offences covered by the Convention and the Protocols to which it is a party when those offences are committed by its nationals (art. 15, para. 3, and art. 16, para. 10)?

☐ Yes ☐ Yes, in part ☐ No

28. If an alleged offender is present in your country’s territory and your country does not extradite him or her, does your country’s legal framework establish jurisdiction over offences covered by the Convention and the Protocols to which it is a party in the circumstances described in article 15, paragraphs 1 and 2, when those offences are committed by that person (art. 15, para. 4)?

☐ Yes ☐ Yes, in part ☐ No

29. Does your country’s legal framework provide for conditional extradition or surrender, in accordance with article 16, paragraph 11, of the Convention?

☐ Yes ☐ No

30. If your country does not extradite a person because he or she is its national, does your legal framework permit, upon application of the requesting State, enforcing the

sentence that has been imposed to the person sought under the domestic law of the requesting State (art. 16, para. 12)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please explain in which circumstances your country could consider enforcing such sentence.

31. Before refusing extradition, does your country consult, where appropriate, with the requesting State to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation (art. 16, para. 16)?

☐ Yes ☐ No

32. States are invited to share their experiences and challenges in using the Convention with other State parties regarding extraditions matters.

Article 17. Transfer of sentenced persons

33. Has your country concluded any bilateral or multilateral agreements or arrangements on the transfer of sentenced persons for offences covered by the Convention and the Protocols to which it is a party (art. 17)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide an example of such agreements or arrangements.¹¹

(b) States are invited to share examples of their positive experiences or good practices in applying the Convention regarding bilateral or multilateral agreements or arrangements on the transfer of sentenced persons.

Article 18. Mutual legal assistance

34. In your country, is mutual legal assistance afforded:

(a) By statute?

☐ Yes ☐ No

(b) By treaty or other agreement or arrangement (multilateral or bilateral)?

☐ Yes ☐ No

(c) By virtue of reciprocity or comity?

☐ Yes ☐ No

35. Does your country apply the provisions of article 18 of the Convention, including paragraphs 9 to 29 thereof, in order to provide mutual legal assistance to other States parties with which it does not have another mutual legal assistance treaty in force (art. 18, para. 7)?

☐ Yes ☐ Yes, in part ☐ No

¹¹ States are invited to upload relevant agreements or arrangements to SHERLOC.

(a) If the answer is “yes, in part”, please specify which paragraphs would not apply.

36. Has your country designated a central authority pursuant to article 18, paragraph 13 (art. 18, para. 13)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide any available information related to the name and address of such authority or authorities.

37. Does your country afford mutual legal assistance with respect to investigations, prosecutions and judicial proceedings in relation to offences covered under the Convention and the Protocols to which it is a party for which a legal person may be held liable (art. 18, para. 2)?

☐ Yes ☐ No

38. Which of the following types of mutual legal assistance does your country provide (art. 18, para. 3)?

(a) Taking evidence or statements from persons

☐ Yes ☐ No

(b) Effecting service of judicial documents

☐ Yes ☐ No

(c) Executing searches and seizures, and freezing

☐ Yes ☐ No

(d) Examining objects and sites

☐ Yes ☐ No

(e) Providing information, evidentiary items and expert evaluations

☐ Yes ☐ No

(f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records

☐ Yes ☐ No

(g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes

☐ Yes ☐ No

(h) Facilitating the voluntary appearance of persons in the requesting State party

☐ Yes ☐ No

(i) Any other type of assistance that is not contrary to your domestic law

☐ Yes ☐ No

(j) Please specify.

(k) States are invited to share examples of their positive experiences or good practices in applying the Convention regarding any other type of assistance provided under article 18, paragraph 3 (i).

39. Does your country permit conducting a hearing by videoconference at the request of another State party where it is not feasible or desirable for the witness or expert to appear in person before the judicial authorities of the foreign State (art. 18, para. 18)?

☐ Yes ☐ Yes, in part ☐ No

(a) If your answer is “Yes, in part”, please explain.

40. Does your country decline to render mutual legal assistance on the ground of absence of dual criminality (art. 18, para. 9)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes, in part”, States are invited to specify.

41. Is bank secrecy a ground for refusal of a request for mutual legal assistance under your domestic legal framework (art. 18, para. 8)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please explain in which circumstances bank secrecy can be a ground for refusal of a request for mutual legal assistance.

42. Are any of the grounds for refusal of a request for mutual legal assistance provided for in article 18, paragraph 21, of the Convention applicable under your domestic legal framework?

☐ Yes ☐ Yes, in part ☐ No

43. Does your country’s legal framework provide for additional grounds to the ones contained in article 18, paragraphs 21 (a) to (d)?

☐ Yes ☐ No

(a) If “Yes”, please explain briefly.

(b) States are invited to share examples of their positive experiences or good practices in applying the Convention on how the provision of mutual legal assistance can be subject to the dual criminality requirement, especially in relation to mutual legal assistance involving coercive and non-coercive measures.

44. Does your country refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters (art. 18, para. 22)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part” please specify the circumstances under which a request for mutual legal assistance is refused on the sole grounds that the offence is also considered to involve fiscal matters.

45. Are the requirements of your country's legal framework for a request for mutual legal assistance consistent with the requirements of article 18, paragraph 15?

☐ Yes ☐ No

(a) If your country has additional requirements, please briefly explain.

46. Has your country requested or received a request for additional information when it appeared necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution (art. 18, para. 16)?

☐ Yes ☐ No

(a) If yes, States are invited to explain briefly.

47. Does your country respond to reasonable requests by the requesting State party on progress of its handling of the request, in accordance with article 18, paragraph 24?

☐ Yes ☐ Yes, in part ☐ No

(a) Please explain.

48. Is your country generally able to execute a request, in accordance with the procedures specified in such a request (art. 18, para. 17)?

☐ Yes ☐ No

(a) Please explain.

Article 21. Transfer of criminal proceedings

49. Is your country able to receive or transfer criminal proceedings for the prosecution of offences covered by the Convention and the Protocols to which it is a party (art. 21)?

☐ Yes ☐ No

(a) States with experience in transferring criminal proceedings are encouraged to describe their experience and/or give an example of best practices.

Difficulties encountered

50. Has your country encountered any difficulties or challenges in implementing the Convention?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify:

- ☐ Problems with the formulation of legislation
- ☐ Need for further implementing legislation (laws, regulations, decrees, etc.)
- ☐ Reluctance of practitioners to use existing legislation
- ☐ Insufficient dissemination of existing legislation
- ☐ Limited inter-agency coordination
- ☐ Specificities of the legal system

- ☐ Competing priorities for the national authorities
- ☐ Limited resources for the implementation of existing legislation
- ☐ Limited cooperation with other States
- ☐ Lack of awareness of the existing legislation
- ☐ Other issues (please specify)

Need for technical assistance

51. Does your country require technical assistance to overcome difficulties in implementing the Convention?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify the type of technical assistance needed.

52. Which of the following forms of technical assistance, if available, would assist your country in fully implementing the provisions of the Convention? In identifying the forms of technical assistance as listed below, please also indicate for which provisions of the Convention such assistance would be needed.

- ☐ Legal advice
- ☐ Legislative drafting support
- ☐ Model legislation or regulations
- ☐ Model agreements
- ☐ Standard operating procedures
- ☐ Development of strategies, policies or action plans
- ☐ Dissemination of good practices or lessons learned
- ☐ Capacity-building through the training of practitioners or trainers
- ☐ On-site assistance by a mentor or relevant expert
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Prevention and awareness-raising
- ☐ Technological assistance
- ☐ Establishment or development of information technology infrastructure, such as databases or communication tools
- ☐ Measures to enhance regional cooperation
- ☐ Measures to enhance international cooperation
- ☐ Other assistance (please specify)

53. Please provide any other information that you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Convention other than those mentioned above.

II. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Cluster IV: international cooperation, mutual legal assistance and confiscation (arts. 8 and 10 of the Protocol)

Article 8. Repatriation of victims of trafficking in persons

54. Has your country facilitated and accepted the return of victims of trafficking in persons, without undue or unreasonable delay, with due regard for the safety of that person, when the victim was a national of your State or had the right of permanent residence in your State at the time of entry into the country (art. 8, para. 1)?

☐ Yes ☐ No

(a) Please elaborate.

55. Has your country verified, at the request of another State party, whether a person who is a victim of trafficking in persons is a national of your State or has the right of permanent residence in your State, without undue or unreasonable delay (art. 8, para. 3)?

☐ Yes ☐ No

(a) Please elaborate.

56. Has your country given due regard for the safety of victims of trafficking in persons and for the status of any legal proceedings related to the fact that the person is a victim of trafficking in persons and that the return of that person should preferably be voluntary, when returning a victim of trafficking in persons to a State party of which that person is a national or in which he or she has a right of permanent residence (art. 8, para. 2)?

☐ Yes ☐ No

(a) Please elaborate.

57. Has your country issued travel documents or other authorization as may be necessary to enable a victim of trafficking in persons who is a national of your State or has the right of permanent residence in your State, and who is without proper documentation, to travel to and re-enter its territory (art. 8, para. 4)?

☐ Yes ☐ No

(a) Please elaborate.

58. States are invited to provide, on a voluntary basis, any information on agreements or arrangements that govern in whole or in part the return of victims of trafficking in persons (art. 8, para. 6).

Article 10. Information exchange and training

59. Do law enforcement, immigration or other relevant authorities of your country cooperate with other States parties' authorities by exchanging information to enable them to determine (art. 10, para. 1):

- ☐ Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons (art. 10, para. 1 (a))?
- ☐ The types of travel documents that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons (art. 10, para. 1 (b))?
- ☐ The means and methods used by organized criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them (art. 10, para. 1 (c))?

(a) Please provide details.

60. Has your country provided or strengthened training that focuses on methods used in the prevention of trafficking in persons, prosecuting the traffickers or protecting the rights of victims, including protecting them from the traffickers, to the following officials (art. 10, para. 2)?

- ☐ Law enforcement
- ☐ Immigration authorities
- ☐ Other relevant officials (please specify)

61. Does the training referred to in question 60 also take into account the need to consider human rights, child-sensitive issues and gender-sensitive issues (art. 10, para. 2)?

☐ Yes ☐ No

62. Does the training referred to in question 60 encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society (art. 10, para. 2)?

☐ Yes ☐ No

(a) If the answer is yes, please provide, on a voluntary basis, details on the training provided.

63. Does your country comply with any restrictions placed on the use of information transmitted from another State party (art. 10, para. 3)?

☐ Yes ☐ Yes, in part ☐ No

(a) Please briefly explain.

Difficulties encountered

64. Does your country encounter difficulties or challenges in implementing any provisions of the Trafficking in Persons Protocol relevant to cluster IV?

☐ Yes ☐ No

(a) If the answer is “Yes”, please explain.

Need for technical assistance

65. Does your country require technical assistance to implement the Protocol?

☐ Yes ☐ No

(a) If the answer is “Yes”, please indicate the type of assistance required:

- ☐ Assessment of criminal justice response to trafficking in persons
- ☐ Legal advice or legislative drafting support
- ☐ Model legislation, regulations or agreements
- ☐ Development of strategies, policies or action plans
- ☐ Good practices or lessons learned
- ☐ Capacity-building through the training of criminal justice practitioners and/or the training of trainers
- ☐ Capacity-building through awareness-raising among the judiciary
- ☐ On-site assistance by a relevant expert
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Prevention and awareness-raising
- ☐ Technological assistance and equipment

(b) Please be specific:

- ☐ Development of data collection or databases
- ☐ Workshops or platforms to enhance regional and international cooperation
- ☐ Specialized tools, such as e-learning modules, manuals, guidelines and standard operating procedures
- ☐ Other (please specify)

66. Is your country already receiving technical assistance in those areas?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify the area of assistance and who is providing it.

67. Please provide any other information that you believe is useful to understand your implementation of the Trafficking in Persons Protocol and information that is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Protocol.

III. Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

Cluster IV: international cooperation, mutual legal assistance and confiscation (arts. 7, 10, 17 and 18 of the Protocol)

Article 7. Cooperation

68. Does your country provide cooperation to other States with regard to the measures against the smuggling of migrants by sea set forth in article 8 of the Protocol (art. 7)?¹²

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify.

Article 10. Information

69. Has your country adopted measures to promote the secure and rapid exchange of information with other States to implement the provisions set forth in article 10, paragraph 1 of the Protocol?

☐ Yes ☐ No

(a) If the answer is “No”, please explain.

(b) If the answer is “Yes”, please provide more details.

70. Does your country identify information to be restricted in use in the context of international cooperation procedures (art. 10, para. 2)?

☐ Yes ☐ No

(a) If the answer is “No”, please explain.

(b) If the answer is “Yes”, please provide more details.

¹² The answer to this question should be considered in conjunction with the answer to the relevant questions on measures against the smuggling of migrants by sea in questions 47 and 48 in cluster II.

Article 17. Agreements and arrangements

71. Has your country concluded bilateral or regional agreements or operational arrangements or understandings to allow the establishment of the most appropriate and effective international cooperation to prevent and combat the conducts set forth in article 6 of the Protocol and to enhance the provisions of the Protocol among States (art. 17)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please elaborate further on the agreements and arrangements and provide examples of their implementation, and also cite the applicable policies or laws.

Article 18. Return of smuggled migrants

72. Do your country’s competent authorities facilitate and accept, without undue or unreasonable delay, the return of a smuggled migrant who is a national of, or has the right of permanent residence in, your country at the time of his or her return (art. 18, para. 1)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide more details on the procedure.

73. Do your country’s competent authorities facilitate and accept the return of a smuggled migrant who had the right of permanent residence in your country at the time of entry into the receiving State in accordance with its domestic law (art. 18, para. 2)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide more details on the procedure.

74. Do your country’s competent authorities respond without undue or unreasonable delay to the request from other States to verify whether a smuggled migrant is a national of or has the right of permanent residence in your country (art. 18, para. 3)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide more details on the procedure to respond.

75. Do your country’s competent authorities issue, at the request of the receiving State party, such travel documents or other authorization as may be necessary to enable the smuggled migrant, after identification of his or her nationality, to travel and re-enter the territory of your country (art. 18, para. 4)?

☐ Yes ☐ No

(a) If the answer is “Yes”, please provide more details on the procedure.

76. What kind of measures are taken in your country to carry out the return of smuggled migrants in an orderly manner? Please specify and provide any available information on how the need to ensure that the safety and dignity of smuggled migrants is taken into account in the process of their return (art. 18, para. 5).

77. Do your country's competent authorities cooperate with relevant international organizations in implementing measures to carry out the return of smuggled migrants (art. 18, para. 6)?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify with which international organizations your country cooperates.

78. Has your country entered into any bilateral or multilateral agreement or arrangement related to the smuggling of migrants, including any governing, in whole or in part, the return of smuggled migrants (art. 18, para. 8)?

☐ Yes ☐ No

(a) If the answer is "Yes", please specify.

Difficulties encountered

79. Does your country encounter difficulties or challenges in implementing any provisions of the Smuggling of Migrants Protocol relevant to cluster IV?

☐ Yes ☐ No

(a) If the answer is "Yes", please explain.

Need for technical assistance

80. Does your country require additional measures, resources, or technical assistance to implement the Protocol effectively?

☐ Yes ☐ No

(a) If the answer is "Yes", please indicate the type of assistance required to implement the Protocol:

- ☐ Assessment of criminal justice response to the smuggling of migrants
- ☐ Legal advice or legislative drafting support
- ☐ Model legislation, regulations or agreements
- ☐ Development of strategies, policies or action plans
- ☐ Good practices or lessons learned
- ☐ Capacity-building through the training of criminal justice practitioners and/or the training of trainers
- ☐ Capacity-building through awareness-raising among the judiciary
- ☐ On-site assistance by a relevant expert
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Prevention and awareness-raising

- ☐ Technological assistance and equipment (please be specific)
- ☐ Development of data collection or databases
- ☐ Workshops or platforms to enhance regional and international cooperation
- ☐ Specialized tools, such as e-learning modules, manuals, guidelines and standard operating procedures
- ☐ Other (please specify)

81. In which areas would border, immigration and law enforcement officials in your country need more capacity-building?

82. In which areas would criminal justice institutions in your country need more capacity-building?

83. Is your country already receiving technical assistance in those areas?

☐ Yes ☐ No

(a) If the answer is “Yes”, please specify the area of assistance and who is providing it.

IV. 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

Cluster IV: international cooperation, mutual legal assistance and confiscation (arts. 6, 12 and 13 of the Protocol)

Article 6. Confiscation, seizure and disposal¹³

84. Without prejudice to article 12 of the Organized Crime Convention, has your country adopted legislative or other administrative measures to enable the seizure of firearms, their parts and components and ammunition suspected of being illicitly manufactured and trafficked (art. 6, para. 2, of the Firearms Protocol in conjunction with art. 2 (f) of the Organized Crime Convention)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes, in part” or “No”, please explain.

¹³ According to article 2 of the Organized Crime Convention, “freezing” or “seizure” means temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority; and “confiscation”, which includes forfeiture where applicable, means the permanent deprivation of property by order of a court or other competent authority.

(b) If the answer is “Yes” or “Yes, in part”, please cite and attach the applicable laws and regulations and/or other measures.

85. Does your country’s legal framework enable the confiscation of firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked (art. 6, para. 1)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes, in part” or “No”, please explain.

(b) If the answer is “Yes” or “Yes, in part”, please cite and attach the applicable laws and regulations and/or other measures.

86. States are invited to provide, on a voluntary basis, further information as to whether they maintain records of:

– Seized firearms, their parts and components and ammunition

☐ Yes ☐ Yes, in part ☐ No

– Confiscated firearms, their parts and components and ammunition

☐ Yes ☐ Yes, in part ☐ No

(a) If any of the above applies, please explain, on a voluntary basis, if these data are kept centrally, by which authority or authorities, and what type of information is kept.

(b) Please provide, if possible, information on the number and type of cases and on the amount and type of material that was seized and confiscated in the past three years. Please provide figures for each year.

87. Has your country’s legal framework adopted policies or measures to enable the disposal of confiscated firearms, their parts and components and ammunition that have been illicitly trafficked and manufactured (art. 6, para. 2)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and regulations and/or other measures in place with regard to the disposal of such items, and provide, if possible, examples, including recent cases or judgments, of their concrete application.

(b) If the answer is “Yes, in part” or “No”, please explain how your country’s legal framework treats these confiscated items.

88. If the answer to question 87 is “Yes” or “Yes, in part”, does your country’s legal framework provide for the destruction of confiscated firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked (art. 6, para. 2)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, States are invited to provide, on a voluntary basis, additional information on the destruction method(s) that they apply to illicitly manufactured or trafficked firearms, their parts and components and ammunition:

- ☐ Burning
- ☐ Cementing
- ☐ Cutting
- ☐ Deep-sea dumping
- ☐ Shredding
- ☐ Detonating
- ☐ Smelting and recycling
- ☐ Other

(b) Does your country keep records of the destroyed firearms, their parts and components and ammunition?

☐ Yes ☐ Yes, in part ☐ No

(i) If the answer is “Yes” or “Yes, in part”, please provide information on the number and type of firearms, their parts and components and ammunition that have been destroyed in the past three years and by which method. Please provide figures for each year.

(c) If the answer to question 88 is “No” or “Yes, in part”, please explain what other measures your country has taken to prevent confiscated firearms, their parts and components and ammunition from being diverted or falling into the hands of unauthorized persons (art. 6, para. 2).

89. If the answer to question 87 is “Yes” or “Yes, in part”, please specify, on a voluntary basis, what disposal methods, other than destruction, are officially authorized under your country’s legal framework for confiscated firearms, their parts and components and ammunition. Please also explain, if possible, what their respective legal requirements are (art. 6, para. 2):

- ☐ Assigned to national institution(s) (e.g., police force, customs, military, etc.)
 - ☐ Assigned to public officials that are allowed under national legislation to carry a firearm for their personal security
 - ☐ Sale, donation or transfer to another country
 - ☐ Sale or transfer for permanent civilian use
 - ☐ Other
- (i) Please provide details.

(a) If other methods of disposal for confiscated firearms, their parts and components and ammunition are applied, are these subject to any of the requirements below (art. 6, para. 2)?

- ☐ The method of disposal has been officially authorized.

- ☐ The confiscated firearms have been marked.
- ☐ The marking and the method of disposal of those firearms and ammunition have been recorded.
- (i) Please provide details and examples of the successful implementation of those measures, including where possible pictures of the marking applied to those firearms.

Article 12. Information

90. Consistent with its legal framework, has your country adopted measures to exchange information with other States or organizations to implement the provisions set forth in article 12?

☐ Yes ☐ Yes, in part ☐ No

- (a) If the answer is “No” or “Yes, in part”, please explain.

(b) If the answer is “Yes” or “Yes, in part”, does this exchange include relevant information on matters such as the ones below?

- (i) Case-specific information on authorized producers, dealers, importers, exporters, carriers of firearms, their parts and components and ammunition (art. 12, para. 1)

☐ Yes ☐ No

- (ii) Organized criminal groups known to take part or suspected of taking part in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition (art. 12, para. 2 (a))

☐ Yes ☐ No

- (iii) The means of concealment used in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition, and ways of detecting them (art. 12, para. 2 (b))

☐ Yes ☐ No

- (iv) Methods and means, points of dispatch and destination and routes customarily used by organized criminal groups engaged in illicit trafficking in firearms, their parts and components and ammunition (art. 12, para. 2 (c))

☐ Yes ☐ No

- (v) Legislative experiences and practices and measures to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (art. 12, para. 2 (d))

☐ Yes ☐ No

- (c) Please list and describe the most relevant and successful measures and good practices adopted by your country to support the exchange of information with regard to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

(d) Please cite the applicable policies, laws and regulations, arrangements and/or other measures. Please describe your experience, lessons learned and provide some examples of successful implementation of effective information exchange practices.

91. Has your country shared with other parties or organizations relevant scientific and technological information useful to law enforcement authorities for enhancing each other's abilities to prevent, detect and investigate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to prosecute the persons involved in those illicit activities (art. 12, para. 3)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is "No", please explain.

(b) If the answer is "Yes" or "Yes, in part", please provide details, describe the measures and provide examples and cases of their successful implementation.

92. Does your country conduct checks against national and international records of firearms, their parts and components and ammunition that have been seized, found or recovered and that may have been illicitly manufactured or trafficked?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is "No", please explain.

(b) If the answer is "Yes" or "Yes, in part", please indicate the competent authority or authorities and the legal requirements and procedure(s) that apply in your country for domestic and international tracing and give examples of their application.

(c) Does your country maintain records of:

☐ Incoming tracing requests?

☐ Outgoing tracing requests?

(i) Please provide details.

(d) States are invited to provide examples of successful tracing, describe lessons learned, including challenges and difficulties encountered in tracing, and assess the effectiveness of their domestic and international tracing practices.

(e) States are invited to provide, on a voluntary basis, additional information on the number and type of traced firearms, their parts and components and ammunition in their own territory, and in other countries, in the past three years. If available, please provide figures for each year.

93. Has your country adopted measures and arrangements to enable it to receive and send requests for international cooperation for the purpose of tracing firearms, their parts and components and ammunition that may have been illicitly manufactured or

trafficked (art. 18, para. 3 (g), of the Organized Crime Convention and art. 12, para. 4, of the Firearms Protocol)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please cite the applicable policies, laws and regulations and/or other measures adopted to provide for such cooperation and provide examples of its successful implementation.

(b) Has your country adopted measures to ensure the provision of prompt responses to requests for assistance in tracing firearms, their parts and components and ammunition that may have been illicitly manufactured or trafficked? (art. 12, para. 4)?

☐ Yes ☐ Yes, in part ☐ No

(i) If the answer is “Yes” or “Yes, in part”, please cite the applicable policies, laws and regulations and/or other measures and provide examples of their successful implementation.

(c) Has your country taken measures to guarantee the confidentiality of the information received from another State party, or to comply with any restrictions on the use of such information, when requested to do so by the State that provided this information, in accordance with article 12, paragraph 5?

☐ Yes ☐ Yes, in part ☐ No

(i) If the answer is “Yes” or “Yes, in part”, please cite the relevant policies, laws and regulations and/or measures.

(ii) If the answer is “No”, please explain.

(iii) States are invited to provide, on a voluntary basis, additional information on how many requests for assistance for the purpose of tracing of firearms, parts and components and ammunition they have received in the past three years, and how many requests they have submitted to other countries in the past three years.

(iv) If possible, please also provide information about the countries with which your country had the most active or passive tracing cooperation over the past five years. Please also describe the channels of cooperation used.

Article 13. Cooperation

94. Has your country designated a national body or a single point of contact pursuant to article 13, paragraph 2, of the Firearms Protocol, to act as liaison with other States parties on matters relating to the Protocol?

☐ Yes ☐ No

(a) If the answer is “No”, please explain.

(b) If the answer is “Yes”, please provide any available information related to the name, function and address of such designated national body or point of contact.

95. Has your country adopted measures or entered into any bilateral, regional and international arrangement for cooperation to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (art. 13, para. 1)?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “No”, please explain.

(b) If the answer is “Yes” or “Yes, in part”, please describe those measures and arrangements and cite the applicable policies, laws and regulations and/or other measures. Please mention whether your country is part of a regional organization with common measures for import export and transit licensing procedures, based on a customs union and an area without internal frontiers in which the free movement of goods is ensured.

96. In addition to the measures developed against the removal of firearms marking envisaged in article 8, paragraph 2, of the Firearms Protocol, has your country established mechanisms or other measures to seek and benefit from the support and the cooperation of manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition, to prevent, combat and eradicate illicit manufacturing and trafficking (art. 13, paras. 1 and 3)?

☐ Yes ☐ No

(a) If the answer is “No”, please explain.

(b) If the answer is “Yes”, please describe the type of cooperation that your country has established with any of the actors mentioned above and cite the applicable policies, laws and regulations and/or other measures.

Difficulties encountered

97. Does your country encounter difficulties in implementing the provisions of the Firearms Protocol?

☐ Yes ☐ Yes, in part ☐ No

(a) If the answer is “Yes” or “Yes, in part”, please explain.

98. Has your country assessed the effectiveness of its measures against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition?

☐ Yes ☐ No

(a) If the answer is “Yes”, please explain and cite any relevant document(s) (e.g., assessments, gap analysis, reports of other international and regional review mechanisms, policy studies, etc.).

99. Does your country have a national strategy or action plan to counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition or to implement relevant regional or international instruments in this field?

☐ Yes ☐ No

(a) If the answer is “Yes”, please cite the relevant strategy or action plan, providing a short explanation of their scope, and/or other measures.

100. If your country’s domestic legal framework has not been adapted to the Protocol requirements, please specify what steps remain to be taken.

(a) Are there any difficulties with regard to the adoption of new national legislation or the implementation of national legislation?

☐ Yes ☐ No

(i) If the answer is “Yes”, does any of the below apply?

- ☐ Problems with the formulation of legislation
- ☐ Need for institutional reforms or the establishment of new institutions
- ☐ Need for further implementing legislation (laws, regulations, decrees, etc.)
- ☐ Difficulties encountered by practitioners in using legislation
- ☐ Lack of awareness
- ☐ Lack of inter-agency coordination
- ☐ Specificities of the legal framework
- ☐ Lack of technical knowledge and skills
- ☐ Limited or no cooperation from other States
- ☐ Limited resources for implementation
- ☐ Other issues (please specify)

Need for technical assistance

101. Does your country require technical assistance to overcome difficulties in implementing the Protocol?

☐ Yes ☐ No

(a) If the answer is “Yes”, please indicate the type of assistance required:

- ☐ Assessment of criminal justice response to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and its links to other serious crimes
- ☐ Legal advice or legislative reforms and regulations
- ☐ Model legislation, regulations or agreements

- ☐ Establishment of competent authorities, national focal points or points of contacts on firearms
- ☐ Institution-building or the strengthening of existing institutions
- ☐ Development of strategies, policies or action plans
- ☐ Dissemination of good practices or lessons learned
- ☐ Capacity-building through the training of criminal justice practitioners and/or the training of trainers
- ☐ Prevention and awareness-raising
- ☐ On-site assistance by a mentor or relevant expert
- ☐ Border control and risk assessment
- ☐ Standard operating procedures
- ☐ Detection of illicit trafficking flows at border crossings, by postal services or by means of the Internet
- ☐ Information exchange
- ☐ Investigation and prosecution
- ☐ Measures to enhance regional and international cooperation
- ☐ Establishment or development of information technology infrastructure, such as record-keeping systems, digital templates and tools, databases or communication tools
- ☐ Collection and analysis of firearms trafficking data
- ☐ Other areas (please specify). Please prioritize the technical assistance needs and refer to the specific provisions of the Protocol when providing information.

(b) Technological assistance and equipment:

- ☐ Marking and record-keeping
- ☐ Identification and tracing of firearms
- ☐ Transfer controls
- ☐ Collection campaigns
- ☐ Deactivation and destruction
- ☐ Stockpile management

(c) Is your country already receiving technical assistance in those areas?

☐ Yes ☐ No

(i) If the answer is “Yes”, please specify the area of assistance and who is providing it.

(d) Please describe practices in your country that you consider to be good practices in relation to the control of firearms and to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, which might be of interest to other States in their efforts to implement the Firearms Protocol.

(e) Please provide any other information that you believe is important to consider regarding aspects of, or difficulties in, the implementation of the Protocol other than those mentioned above.

Resolution 10/2

Strengthening international cooperation against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

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

Welcoming the twentieth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime,¹⁴ which constitutes a universal framework for international cooperation against transnational organized crime,

Recalling the functions assigned to it in article 32 of the Organized Crime Convention, and reaffirming its resolution 7/1 of 10 October 2014 and its decision 4/6 of 17 October 2008,

Recalling also its resolutions 5/4 of 22 October 2010, entitled “Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition”, 6/2 of 19 October 2012, entitled “Promoting accession to and implementation of 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”, 7/2 of 10 October 2014, entitled “Importance of 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”, 8/3 of 21 October 2016, entitled “Strengthening the implementation of 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”, and 9/2 of 19 October 2018, entitled “Enhancing and ensuring effective implementation of 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”,

Inviting States parties to further advance their efforts to achieve the 2030 Agenda for Sustainable Development¹⁵ and its target 16.4, which includes significantly reducing illicit arms flows, in order to promote peaceful and inclusive societies for sustainable development and provide access to justice for all,

Deeply concerned about the increasing harm caused by illicitly manufactured and trafficked firearms, their parts and components and ammunition and their

¹⁴ United Nations, *Treaty Series*, vol. 2225, No. 39574.

¹⁵ General Assembly resolution [70/1](#).

negative impact on the levels of crime and violence in several regions, and the access to such firearms by criminal organizations and, in some cases, by terrorists,

Recognizing the need to better address the human dimension of this challenge and the importance of considering the needs of the victims of crimes related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Noting that reducing the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition is one of the major components of the efforts to reduce the power of transnational organized criminal groups and the violence that accompanies their activities,

Reiterating the urgent need for States parties to adopt and further implement an integrated and comprehensive approach to address the root causes of transnational organized crime, including the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, acknowledging, where appropriate, economic and social factors that have an impact on firearms-related crime, as well as cross-border criminality and trafficking flows, in particular as related to firearms, and recognizing the urgent need for States parties to consider the gender and age dimensions of such crime,

Remaining concerned about the negative impact of illicit trafficking in firearms on the lives of women, men, girls and boys, and recognizing that preventing, combating and eradicating illicit trafficking in firearms are crucial to combating gender-based violence,

Aware of recent challenges that may have been exacerbated by the coronavirus disease (COVID-19) pandemic, including the increasing criminal exploitation of international commerce such as online trade in firearms, their parts and components and ammunition,

Noting with concern that COVID-19 poses a risk of, among others, an increase in domestic violence and that illicit firearms could be used to commit such violence,

Noting with appreciation the continuous efforts undertaken at the multilateral, regional and subregional levels to strengthen the prevention of and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, while highlighting that the Organized Crime Convention and, in particular, 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,¹⁶ are among the principal global legal instruments to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Noting the common themes, nature and complementary character of other relevant international legal instruments, as well as other relevant regional instruments and global frameworks, such as the Arms Trade Treaty,¹⁷ which provides a framework for its States parties to regulate the international trade in conventional arms, and political commitments such as the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects¹⁸ and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,¹⁹ which are aimed at preventing and combating the illicit manufacturing of and trafficking in firearms and reducing the risk of their theft and diversion,

Acknowledging the importance of the Working Group on Firearms as a substantive and useful network of experts and competent authorities to identify,

¹⁶ United Nations, *Treaty Series*, vol. 2326, No. 39574.

¹⁷ See General Assembly resolution [67/234 B](#).

¹⁸ *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9–20 July 2001 ([A/CONF.192/15](#)), chap. IV, para. 24.

¹⁹ See General Assembly decision [60/519](#), [A/60/88](#) and [A/60/88/Corr.2](#), annex.

address and propose responses to new challenges and trends, improve international cooperation and exchange information and best practices related to preventing and combating illicit trafficking in firearms, and taking note with appreciation of its work and of the recommendations resulting therefrom,

Recalling General Assembly resolution 72/55 of 4 December 2017, in which the Assembly requested the Secretary-General to convene a group of governmental experts on problems arising from the accumulation of conventional ammunition stockpiles in surplus,

Noting with appreciation the assistance provided in this regard to Member States, upon request, by the United Nations Office on Drugs and Crime, including through its Global Programme on Firearms, and the launch in July 2020 of the *Global Study on Firearms Trafficking 2020*,²⁰

Acknowledging the valuable contributions, where appropriate and useful, of academia, the private sector and civil society in addressing some of the challenges posed by and the impact of the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, by raising awareness, analysing trends and exchanging best practices regarding international cooperation in preventing and combating these crimes and identifying technical assistance needs and providing such assistance,

1. *Welcomes with appreciation* the results of the Working Group on Firearms at its seventh meeting, held in Vienna on 16 and 17 July 2020, and invites States parties to take measures, as appropriate and consistent with their domestic laws, to implement the recommendations and discussion points resulting from the Working Group meetings, in order to contribute to the strengthening of international cooperation against firearms-related crimes;

2. *Encourages* States that have not yet done so to consider becoming 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, and to fully implement its provisions;

3. *Urges* States parties to the Firearms Protocol to enhance their efforts to implement the Protocol;

4. *Requests* the United Nations Office on Drugs and Crime, through its Global Programme on Firearms, to continue to assist requesting States in their efforts to ratify, accept, approve or accede to and implement the Firearms Protocol, and encourages those Member States in a position to do so to make available extrabudgetary resources to enable the Office to better implement its mandate in this regard;

5. *Calls upon* States parties to fully engage with the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and to respond comprehensively and in a timely manner to the self-assessment questionnaires;

6. *Urges* States parties to the Firearms Protocol to harmonize their legislation with the Protocol, to develop action plans, programmes or strategies to contribute to the full implementation of the Convention and the Protocol, to address any existing gaps in their legislative frameworks on points such as import and export licensing, marking, tracing and record-keeping, and to consider further measures, as appropriate, to prevent and counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and their diversion, including through online trade and illicit reactivation, which may include measures that allow for their tracing;

7. *Acknowledges* that the full and effective implementation of the Organized Crime Convention and its supplementary Firearms Protocol provides a meaningful

²⁰ United Nations publication, 2020.

basis to put in place a regulatory regime that helps States to address threats related to technological developments and changing *modi operandi* with regard to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and investigate and prosecute these crimes;

8. *Calls upon* States to develop or strengthen their national capacity for the collection and analysis of data on illicit trafficking in firearms, with a view to identifying trends and patterns, fostering the exchange of information and enabling the global monitoring of progress on indicator 16.4.2 of the Sustainable Development Goals, and invites States parties to participate in and contribute to the upcoming data-collection cycle of the United Nations Office on Drugs and Crime by providing quantitative and qualitative data and information;

9. *Invites* States, the United Nations Office on Drugs and Crime and other relevant stakeholders to further analyse and disseminate information on the impacts of arms trafficking as an illicit market and its relation to violence and crime, to facilitate, where appropriate, the production of standardized and comparable data, and to address armed violence against women and hate crimes related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as potential new trends posed by the coronavirus disease (COVID-19) pandemic, and encourages the United Nations Office on Drugs and Crime and other relevant organizations to develop synergies among the distinct reporting obligations of States parties;

10. *Urges* States parties to the Firearms Protocol that import and export parts and components of firearms to reinforce their control measures in line with the Protocol and other relevant international legal instruments to which they are party, with a view to preventing and reducing the risks of their diversion, illicit manufacturing and trafficking;

11. *Encourages* States parties to the Firearms Protocol to strengthen their domestic marking and record-keeping regimes and systematically collect, record and analyse data, including tracing data on recovered, seized, confiscated, collected and found firearms suspected of being connected with an illicit activity, for the purpose, inter alia, of identifying and tracing them and, where appropriate and feasible, as provided for in the Firearms Protocol, their parts and components and ammunition;

12. *Encourages* States parties to provide one another with the broadest possible cooperation in tracing firearms and in investigating and prosecuting their illicit manufacturing and trafficking, including, where appropriate, when related to terrorism and other crimes, such as urban crime committed by gangs, by responding in a timely and effective manner to international cooperation requests relating to tracing and criminal investigations and, in this regard, to consider making use of tracing systems or facilitation mechanisms such as, as appropriate, the International Criminal Police Organization (INTERPOL) Illicit Arms Records and Tracing Management System, among others;

13. *Invites* States parties to the Firearms Protocol to ensure the comprehensive marking of all firearms, including weapons that have been collected, recovered or confiscated and officially authorized for disposal by means other than destruction, and to promote the exchange of best practices and experiences in measures aimed at preventing the falsification or illicit obliteration, removal or alteration of the markings on firearms and, where consistent with their domestic law, their parts, ammunition and components;

14. *Invites* States parties to foster and harmonize, with the support of the United Nations Office on Drugs and Crime, as appropriate, their responses to threats related to technological developments and changing *modi operandi* for the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including with the use of modern technology, such as modular weapons and 3D printing of firearms, the conversion of firearms, trafficking through postal services and the use of the darknet and cryptocurrencies, and to request the United

Nations Office on Drugs and Crime to continue developing, as needed, legislative and operational tools and to collect and share information on trends and effective responses with other States parties and other relevant international organizations and regimes;

15. *Also invites* States parties to provide and/or request specialized training for national law enforcement and regulatory officials on marking, tracing and record-keeping, including training on new technologies, the identification of firearms and the recording and reporting of firearms seizures;

16. *Calls upon* States parties to include in their legal and regulatory regimes record-keeping systems that address the entire life cycle of firearms and, where appropriate and feasible, their parts and components and ammunition, including those aspects that are in the licit realm, such as the manufacturing industry, as well as export, import and transfer information, and the issuance of licences for firearms possession and end-user verifications, consistent with their domestic law, and consider extending the retention period for such records;

17. *Also calls upon* States parties to strengthen their mechanisms and strategies for border control in order to prevent and combat the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, firearms, their parts and components and ammunition, including by strengthening early-detection capacities through the use of technological tools, and by providing specialized training to law enforcement, customs and judicial authorities, as well as to importers and exporters and, as applicable, to other relevant private sector actors such as transporters and postal and package delivery services;

18. *Invites* States parties to consider providing technical assistance, on a voluntary basis and under mutually agreed terms, including through the provision of state-of-the-art equipment such as scanners and other systems for border control required for combating illicit trafficking in firearms, and to consider entering into effective international cooperation arrangements for investigations and prosecutions, as well as to consider establishing joint investigative teams in border regions that share information and intelligence on an ongoing basis and work jointly in border corridors, while ensuring full respect for human rights and fundamental freedoms and consistency with due process, where such mechanisms are consistent with domestic law;

19. *Also invites* States parties to promote investigations of firearms-related crimes that are combined with investigations of illicit assets and money-laundering, in order to dismantle the trafficking networks behind illicit arms transfers and gather intelligence on suspicious transactions, for the achievement of target 16.4 of the Sustainable Development Goals;

20. *Encourages* States parties and the United Nations Office on Drugs and Crime to mainstream gender and age perspectives in firearms policies and programmes, including in the areas of programme design, planning, implementation, monitoring and evaluation, encourages the sharing of national experiences, lessons learned and best practices, and invites States parties to further collect gender- and age-disaggregated data on illicit trafficking in firearms and enhance their understanding of the gender-specific impacts of that illicit trafficking, in particular for the purpose of improving the corresponding national policies and programmes;

21. *Encourages* States parties to promote, whenever possible, the participation in the meetings of the Working Group on Firearms of national experts and competent authorities, subregional and regional organizations and relevant non-governmental organizations, in line with the rules of procedure of the Conference;

22. *Acknowledges* the occurrence in some regions and countries of an increasing amount of illicit trafficking in ammunition, which demonstrates the flow and use of illicit firearms, and the challenges of preventing, intercepting and tracing the illicit trafficking in and diversion of that ammunition, especially at borders and customs control posts;

23. *Invites*, where appropriate, international and regional organizations, the private sector, non-governmental organizations, academia and civil society to strengthen their cooperation and work with States parties to the Firearms Protocol in order to achieve its full implementation and raise awareness of preventing and combating illicit trafficking in firearms, their parts and components and ammunition;

24. *Requests* the United Nations Office on Drugs and Crime to continue to assist States parties, upon request, in their efforts to strengthen their firearms control regimes, in particular in the areas of legislative development, firearms identification, seizure, confiscation and disposal technical support for marking, record-keeping and tracing, and training and capacity-building in the investigation and prosecution of related crimes, with a view to preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

25. *Also requests* the United Nations Office on Drugs and Crime to continue to promote cooperation and coordination among the secretariats and pertinent bodies of related international and regional instruments and mechanisms;

26. *Requests* the Secretariat to continue supporting the Working Group on Firearms in the performance of its functions, and also requests the Secretariat to submit to the Conference at its eleventh session a report on the meetings of the Working Group held prior to that session;

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

Resolution 10/3

Effective 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

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

Recalling the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,²¹ pursuant to which the Conference was established to improve the capacity of States parties to promote and review the implementation of the Convention, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention,²²

Recalling also its decision 4/4 of 17 October 2008 and its resolution 5/2 of 22 October 2010, recalling further General Assembly resolutions [61/144](#) of 19 December 2006, [61/180](#) of 20 December 2006, [63/194](#) of 18 December 2008, [64/178](#) of 18 December 2009, [67/190](#) of 20 December 2012, [68/192](#) of 18 December 2013, [70/179](#) of 17 December 2015, [71/167](#) of 19 December 2016, [72/1](#) of 27 September 2017, [72/195](#) of 19 December 2017, [73/189](#) of 17 December 2018 and [74/176](#) of 18 December 2019, Commission on Crime Prevention and Criminal Justice resolutions 20/3 of 15 April 2011, 23/2 of 16 May 2014, 25/1 of 27 May 2016 and 27/2, 27/3 and 27/4 of 18 May 2018, Economic and Social Council resolutions 2013/41 of 25 July 2013, 2015/23 of 21 July 2015 and 2017/18 of 6 July 2017,²³ and having considered the reports of the Secretariat concerning efforts to prevent and

²¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

²² *Ibid.*, vol. 2237, No. 39574.

²³ Taking note of the pertinent provisions of Security Council resolutions [2331 \(2016\)](#), [2368 \(2017\)](#), [2388 \(2017\)](#) and [2482 \(2019\)](#).

combat trafficking in persons and the reports submitted by the Chair of the Working Group on Trafficking in Persons on the activities of the Working Group,

Welcoming the twentieth anniversary of the adoption of the Organized Crime Convention and the Trafficking in Persons Protocol, which provides an opportunity to reflect on our progress and focus on gaps and implementation challenges that need to be addressed,

Bearing in mind that the Trafficking in Persons Protocol, which enjoys near universal ratification, with 178 parties at present, includes the first internationally agreed definition of trafficking in persons, and provides a comprehensive framework to prevent and combat trafficking in persons, protect and assist the victims and promote cooperation,

Highlighting the impact of the Protocol over the last 20 years on anti-trafficking efforts within the United Nations system, including the establishment of the Special Rapporteur on trafficking in persons, especially women and children, and the Global Programme against Trafficking in Persons of the United Nations Office on Drugs and Crime, the United Nations Global Plan of Action to Combat Trafficking in Persons, the Inter-Agency Coordination Group against Trafficking in Persons and the Blue Heart Campaign against Human Trafficking,

Recalling article 6, paragraph 1, of the Protocol, on the protection of the privacy and identity of victims of trafficking in persons, without prejudice to relevant national laws or bilateral and multilateral agreements that include provisions on the protection of personal data,

Highlighting the role of the Protocol in inspiring anti-trafficking treaties and action plans, such as those of the Association of Southeast Asian Nations, the Economic Community of West African States, the Economic Community of Central African States, the Council of Europe, the Organization of American States, the Organization for Security and Cooperation in Europe, the Commonwealth of Independent States, the European Union and many others, which have enhanced information exchange, technical assistance and public-private partnerships,

Acknowledging with appreciation the central role and work of the United Nations Office on Drugs and Crime in its tireless efforts to promote the effective implementation of the Convention and the Protocol through its Global Programme against Trafficking in Persons, the development of tools, issue papers and training materials, its *Global Report on Trafficking in Persons* and the impact of the *Global Report* on improving the global understanding of the nature, scope and impact of trafficking in persons, its coordination support to the Secretary-General, the Inter-Agency Coordination Group against Trafficking in Persons and the United Nations voluntary trust fund for victims of trafficking in persons, especially women and children, and its Blue Heart Campaign, aimed at fostering greater public awareness of trafficking in persons,

Taking note with appreciation of the issue papers published by the Office containing analysis of the key concepts of the definition of trafficking in persons provided in the Protocol, including abuse of a position of vulnerability, consent and exploitation, which have enhanced the understanding of Member States and informed the recent revisions of the *Model Law against Trafficking in Persons*²⁴ and the *Legislative Guide for 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*,

Recognizing the role and mandates of the United Nations Office on Drugs and Crime in preventing and countering trafficking in persons, including in the light of the progress made towards the implementation of the Mechanism for the Review of

²⁴ United Nations publication, Sales No. E.09.V.11.

the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,

Recalling General Assembly resolution [64/293](#) of 30 July 2010, and the United Nations Global Plan of Action to Combat Trafficking in Persons annexed to that resolution, noting its six objectives, and expressing its view that the Global Plan of Action will promote increased ratification and implementation of the Trafficking in Persons Protocol, and taking note with appreciation of the appraisal of the Global Plan of Action by the General Assembly in 2013 and 2017, and looking forward to the next appraisal, in 2021,

Recalling also that the United Nations Global Plan of Action institutionalized the Inter-Agency Coordination Group and the *Global Report on Trafficking in Persons*, and established the United Nations voluntary trust fund for victims of trafficking in persons, especially women and children,

Taking note of the 2018 *Global Report on Trafficking in Persons*, which found, inter alia, a continued global challenge in holding accountable the perpetrators of the crime, despite progress achieved in other anti-trafficking efforts,

Recognizing the contributions of the Inter-Agency Coordination Group in fostering coordination and cooperation in efforts to prevent and combat trafficking in persons, within the existing mandates of its United Nations and regional organization members and partners, as well as the development of various issue papers on current topics having an impact on global anti-trafficking efforts, and encouraging further engagement on the part of regional organizations in relation to joining and co-chairing the Inter-Agency Coordination Group,

Reaffirming that one of the main purposes of the Conference is to improve the capacity of States parties to prevent and combat trafficking in persons, welcoming the forthcoming launch of the Implementation Review Mechanism, noting with appreciation the efforts of the Working Group on Trafficking in Persons, as well as the Working Group on International Cooperation, the Working Group on Technical Assistance, the Working Group on the Smuggling of Migrants and the Working Group on Firearms, to provide the benefits of their expertise to the development of the self-assessment questionnaires for the Mechanism, and welcoming the outcomes of the open-ended intergovernmental expert group established in accordance with Conference resolution 9/1, with the input of these working groups, in completing and harmonizing the self-assessment questionnaires and the blueprints for the list of observations and the summaries,

Welcoming the work of the Working Group on Trafficking in Persons, and taking note with appreciation of the more than 250 recommendations resulting from its nine meetings held since April 2009 to assist States parties in enhancing the implementation of the Trafficking in Persons Protocol,

Noting the tenth meeting of the Working Group, which was held during the coronavirus disease (COVID-19) pandemic in a hybrid format, and underscoring that the traditional meeting format will resume once the health and safety situation allows,

Recalling the adoption by the General Assembly of resolution [70/1](#) of 25 September 2015, containing the 2030 Agenda for Sustainable Development, including its goals and targets relevant to trafficking in persons,

Recalling also that, according to the 2018 *Global Report on Trafficking in Persons*, more than 70 per cent of the detected victims of trafficking are women and girls, who are particularly vulnerable to and disproportionately affected by trafficking for the purpose of sexual exploitation,

Expressing solidarity with and compassion for individuals who are or have been victims of trafficking in persons by encouraging the integration of a victim-centred approach, which takes into account the age, gender and physical, mental and special needs of victims, and the incorporation of this approach into national responses to

preventing and combating trafficking in persons, with full respect for the human rights of victims of such crime,

Recognizing the multifaceted nature of trafficking in persons and the central role of Governments in effectively preventing and combating this crime and protecting its victims, and recognizing also the importance of States parties fostering partnerships, as appropriate, with all relevant stakeholders, with a view to reviewing, developing and implementing comprehensive anti-trafficking measures, including social and economic initiatives to prevent and combat trafficking in persons, relying upon sound research, whenever possible, to inform such measures,

Recognizing also the fundamental role that effective international cooperation plays in the efforts to prevent and combat trafficking in persons, and to this end underlining the importance of addressing, tackling and effectively responding to international challenges and barriers that undermine the ability of States to cooperate and access the necessary information and other resources to counter this crime,

1. *Urges* Member States that have not yet done so to, as a matter of priority, consider acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

2. *Encourages* Member States, where appropriate and in accordance with domestic law, to adopt an integrated strategy to better address the distinct and very often interrelated components of trafficking in persons and smuggling of migrants, which are recognized as crimes that in some cases may share some features and that in many cases require complementary, legal, operational and/or policy responses, taking into account the important role of States parties to both Protocols in the fight against these crimes;

3. *Calls upon* the United Nations Office on Drugs and Crime to continue to perform its mandate to further support Member States in their implementation of the Trafficking in Persons Protocol, including through the provision of tailor-made, accessible and effective technical assistance, upon request;

4. *Encourages* States to develop or amend, as appropriate, national laws and other measures that criminalize all forms of trafficking in persons, in accordance with article 3 of the Trafficking in Persons Protocol and relevant provisions of the Convention, including article 34, paragraph 2, relating to the implementation thereof;

5. *Urges* Member States to develop or amend, as appropriate, national laws to ensure that trafficking in persons in all its forms is liable to sanctions that take into account the gravity of the offence and, depending on the gravity of the offence, subject to a long statute of limitations period, as appropriate, and to maximize the effectiveness of criminal justice systems in holding traffickers accountable, including legal persons, if applicable, and also those who intentionally obstruct justice or abuse their position of trust, further deterring the commission of trafficking in persons offences;

6. *Requests* the Office to continue its work on the analysis of key concepts of the Trafficking in Persons Protocol through the preparation of issue papers and similar technical tools to assist States' criminal justice response proceedings and identify good practices among States parties;

7. *Encourages* Member States to establish or strengthen prevention efforts as well as activities to support, protect and empower victims with a view to supporting their long-term social inclusion, where appropriate and in accordance with domestic laws, as well as establish or strengthen multidisciplinary cooperation and coordination at the national, regional and international levels among competent authorities, law enforcement agencies and other relevant agencies involved in combating trafficking in persons, including by increasing, where necessary, efforts to cooperate on, investigate and prosecute cases of trafficking in persons as defined in article 3 of the Trafficking in Persons Protocol, including enhancing, in particular, measures in areas

such as mutual legal assistance, law enforcement cooperation and joint investigations, where applicable and in accordance with the provisions of the Organized Crime Convention and their domestic law, and to identify national points of contact to further streamline coordination and cooperation;

8. *Encourages* States parties to make every possible effort to improve the exchange of information, including on the methods used by organized criminal groups involved in trafficking in persons, as set forth in article 10, paragraph 1, of the Trafficking in Persons Protocol, and to consider developing standard operating procedures to allow law enforcement, immigration or other relevant authorities of States parties, as appropriate, to promptly send official information about identified victims to the destination countries, countries of origin and transit countries, including information on the acts and means used for the purpose of trafficking in persons in order to initiate a joint investigation, in accordance with national law;

9. *Invites* Member States to develop, enact or amend, as appropriate, national anti-money-laundering legislation that applies to the widest range of predicate offences and treats trafficking in persons as a predicate offence of money-laundering, consistent with the Organized Crime Convention and the Trafficking in Persons Protocol;

10. *Encourages* Member States to regularly exchange, as appropriate, information and best practices based on national and international experiences on new methods used by traffickers to recruit victims of trafficking in persons or advertise victims to other perpetrators, such as the illicit use of information and communications technologies, in order to monitor trends and develop efficient methods to combat this crime;

11. *Encourages* States to strengthen national laws or take other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, aimed in particular at such new recruitment and advertising methods, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and that leads to trafficking;

12. *Calls upon* States to enhance their capacity to proactively identify, investigate and prosecute all forms of exploitation, including cases of trafficking for the purpose of forced labour, in order to address the consistently low number of prosecutions of such cases, and in this regard requests the United Nations Office on Drugs and Crime to provide technical assistance to Member States, upon request;

13. *Encourages* States, where appropriate, in accordance with domestic law and taking into account best practices or other promising measures developed in response to emerging trends in trafficking in persons, to:

(a) Support, protect and empower victims with a view to promoting their long-term social inclusion, while engaging directly with victims through an inclusive and participatory process, for example by promoting their skills acquisition, including through formal education and professional and vocational training, and by facilitating their access to the labour market and microcredit;

(b) Train and establish specialized investigation and prosecutorial units composed of personnel with advanced expertise in identifying victims and investigating and combating complex cases of trafficking in persons using a victim-centred and human rights-based approach, which takes into account age, gender and physical, mental and special needs, and the impacts of trauma;

(c) Consider taking measures to establish as a criminal offence the use of services which are the object of exploitation as referred to in article 3, paragraph (a), of the Protocol with the knowledge that the person is a victim of trafficking in persons;

(d) Undertake proactive parallel financial investigations, including through collaboration with public and private financial institutions, as a good practice when investigating and prosecuting trafficking in persons, with a view to identifying vulnerabilities with regard to the further tracing, freezing and confiscation of proceeds

acquired through this crime, while considering directing part of such proceeds, where possible, to programmes supporting victims of trafficking, and request the United Nations Office on Drugs and Crime to provide technical assistance to Member States to establish such systems upon request;

(e) Incorporate the voices of individuals who have been victims of trafficking in persons, as defined by national law, into the development and application of victim-centred policies, programmes and other anti-trafficking measures, which take into account age, gender and physical, mental and special needs, including through consultative platforms made up of members of civil society and/or individuals who have been victims of trafficking in persons, as defined by national law;

(f) Establish effective protection mechanisms for the victims' families in their country of origin, transit countries, and/or destination countries, as appropriate under national law;

(g) Consider providing, in accordance with their domestic law, that victims of trafficking in persons are not inappropriately punished or prosecuted for acts they commit as a direct consequence of being trafficked and, where appropriate, provide access to remedies if they are punished or prosecuted for such acts and, accordingly, establish, as appropriate, domestic laws, guidelines or policies that espouse these principles;

(h) In designing, monitoring and evaluating anti-trafficking programmes, incorporate, where possible, rigorous and scientific baseline and end-line data collection, which may include prevalence measurements, to determine if the programmes are having the intended impact, and invite the United Nations Office on Drugs and Crime to support Member States in developing such measurements, as needed and upon request;

(i) Analyse and adapt to technological advancements and new schemes or methods that traffickers use to recruit victims and facilitate their exploitation by advertising them to other perpetrators, and take measures to develop new, or use existing, targeted awareness-raising campaigns and training tools, including for law enforcement agencies, front-line service providers, such as social workers, education staff and health-care providers and at-risk industries, to identify and respond to indicators of trafficking in persons, and to develop or use existing specialized training for law enforcement officers, criminal justice practitioners and other first responders, including civil society service providers, and invite the United Nations Office on Drugs and Crime to consider opportunities to support Member States in these actions, as needed and upon request;

(j) Encourage the private sector to conduct due diligence with respect to their supply chains, including through measures to regulate, license and monitor public and private recruitment and employment agencies, including prohibiting recruitment fees being charged to employees, to help ensure that such agencies are not used to facilitate trafficking in persons;

(k) Develop and implement national policies, in line with their national laws, to prevent trafficking in persons in government procurement and global supply chains, including prohibiting recipients of government funding from engaging in practices known to facilitate trafficking in persons, such as charging workers recruitment fees or confiscating or denying workers access to their identity documents, mandating that recipients of government contracts inform their employees about protections and grievance mechanisms, and providing remedies in government contracts if recipients violate such policies;

14. *Requests* that the Working Group on Trafficking in Persons build upon the experience and outcomes of its tenth meeting and make every possible effort towards agreeing on recommendations during its future meetings, in line with usual practice;

15. *Requests* the secretariat, within existing resources and in consultation with States parties, to prepare and submit to the Conference of the Parties, for consideration

at its eleventh session, a report on effective national criminal justice responses leading to the conviction and sentencing of perpetrators of trafficking in persons, including on specialized investigation and prosecution units, the tracing of illicit financial flows related to proceeds of crime covered by the Convention and concurrent financial investigations, victim-centred approaches, which take into account age, gender and physical, mental and special needs, including restitution and compensation for victims, access to remedies for victims wrongly punished or prosecuted, and other similar measures;

16. *Encourages* States parties to respond to the self-assessment questionnaires for the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto in accordance with the designated timeline and through broad consultations at the national level with all relevant stakeholders, including, where appropriate, the private sector, individuals and groups outside the public sector, non-governmental organizations and academia, taking into consideration the specificities of the Convention and the Protocols thereto and in a manner consistent with the procedures and rules of the Implementation Review Mechanism, and encourages the United Nations Office on Drugs and Crime to facilitate active input and participation across the Secretariat in the course of implementing the Implementation Review Mechanism, within its mandate and as called for in the procedures and rules for the functioning of the Mechanism, including by providing, upon request, advice to States parties during country reviews and, drawing on the specialized technical expertise available within the Office, providing assistance to States parties participating in the review process;

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

Resolution 10/4

Celebrating the twentieth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime and promoting its effective implementation

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

Welcoming the twentieth anniversary of the adoption by the General Assembly, in its resolution [55/25](#) of 15 November 2000, of the United Nations Convention against Transnational Organized Crime,²⁵ and its opening for signature by Member States at a high-level political conference convened for that purpose in Palermo, Italy, from 12 to 15 December 2000,

Stressing that the twentieth anniversary provides a meaningful opportunity to renew the joint commitment of the international community to preventing and combating transnational organized crime through the fully effective implementation of the Convention, as well as to take stock of progress achieved, lessons learned and challenges identified,

Seriously concerned about the negative impact of organized crime on security, stability, the rule of law and sustainable development,

Underscoring that tackling transnational organized crime and its root causes in an effective manner is essential for ensuring that individuals, including women, children and vulnerable members of society, are able to enjoy their human rights and

²⁵ United Nations, *Treaty Series*, vol. 2225, No. 39574.

fundamental freedoms and that the implementation of the Convention and the Protocols thereto provides an important contribution to this objective,

Calling upon all States to recognize the links in some cases between transnational organized crime activities and acts of terrorism, as acknowledged by the General Assembly in its resolution [55/25](#), and to apply the Convention in combating all forms of criminal activity which fall within its scope,

Welcoming that the number of parties to the Convention has reached 190,

Reaffirming the importance of the Convention and the Protocols thereto as the main global tools available to the international community to prevent and fight all forms and manifestations of transnational organized crime, and protect the victims,

Highlighting the impact that the Convention and the Protocols thereto have had over the past 20 years in the fight against transnational organized crime and its manifestations, recognizing the work carried out by the United Nations Office on Drugs and Crime in support of the implementation of the Convention and the Protocols thereto, and stressing in that regard the central role of the United Nations in fostering international efforts to fight against transnational organized crime,

Welcoming the launch of the review process of the Mechanism for the Review of Implementation of the Convention and the Protocols thereto, which will contribute to the due implementation of the Convention, the appropriate identification of needs for technical assistance and the significant reinforcement of international cooperation among States parties,

Recognizing the potential for the Implementation Review Mechanism to serve as a basis for making recommendations to improve the effective implementation of the Convention, as well as to improve the capacity of the States parties to combat transnational organized crime,

Emphasizing the continued relevance of the Convention, including in countering new, emerging and evolving forms of transnational organized crime,

Recalling, in that connection, relevant General Assembly resolutions, in particular resolution [74/177](#) of 18 December 2019, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”,

Commemorating all victims of organized crime, including those who have lost their lives fighting such crime, in particular law enforcement and judicial personnel, and paying special tribute to all those persons, such as Judge Giovanni Falcone, whose work and sacrifice paved the way for the adoption of the Convention, and affirming that their legacy lives on through our global commitment to preventing and combating organized crime,

Recognizing the need for victims of organized crime to be able to restore their dignity, including by enabling their participation in the criminal justice system, in accordance with domestic law, in order to contribute to dismantling organized criminal groups and holding perpetrators accountable for their crimes, and recalling in this regard article 24, paragraph 4, and article 25 of the Convention,

Emphasizing the particular relevance of the Convention as a legal basis for international cooperation in extradition and mutual legal assistance, as well as for other forms of judicial and law enforcement cooperation,

Stressing the importance, in the fight against transnational organized crime, of denying organized criminal groups the proceeds of their crime, and of the need to strengthen efforts, including through international cooperation, to address the economic dimensions and manifestations of transnational organized crime,

Convinced that the rule of law and sustainable development are strongly interrelated and mutually reinforcing and that the fight against transnational organized crime contributes to the achievement by Member States of the 2030 Agenda for

Sustainable Development, adopted by the General Assembly in its resolution 70/1 of 25 September 2015, which includes, inter alia, commitments to ending poverty in all its forms and dimensions and to promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels,

Expressing serious concern that the coronavirus disease (COVID-19) pandemic and its socioeconomic implications create new opportunities for organized criminal groups and bring new challenges to the fight against transnational organized crime, and stressing the importance of finding effective ways to address these challenges, including through the effective implementation of the Convention and the Protocols thereto, during and after the pandemic,

Seriously concerned about the penetration of organized criminal groups into the licit economy and, in this regard, the increasing risks relating to the socioeconomic implications of the COVID-19 pandemic,

Recognizing that technical assistance and economic development are fundamental to ensuring the effective implementation of the provisions of the Convention and the Protocols thereto, and recalling in this regard article 30 of the Convention,

Recalling the important role of central authorities, as provided in article 18 of the Convention, in countering transnational crime, including transnational organized crime, and calling upon States parties to staff, equip and empower them so that they play an effective coordinating role among various government agencies within a State party and with other States parties in order to ensure the effective implementation of the Convention with regard to international cooperation in criminal matters,

Stressing the central coordinating role of relevant State agencies in preventing and combating transnational organized crime,

Recalling the important roles of civil society, non-governmental and community-based organizations, the private sector and academia in the prevention of and fight against transnational organized crime, and the contributions that they can provide to such efforts,

1. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and urges States parties to ensure the fully effective implementation of those instruments in order to prevent and combat transnational organized crime;

2. *Invites* States parties to make full and effective use of the Convention, in particular through the broad scope of application of the definition of “serious crime” enshrined in its article 2, paragraph (b), as well as its provisions on international cooperation, in particular article 16, on extradition, and article 18, on mutual legal assistance, to promote cooperation to prevent and counter new, emerging and evolving forms of transnational organized crime;

3. *Urges* States parties to effectively address challenges, difficulties and obstacles in the spheres of mutual legal assistance and extradition, including by facilitating direct contact and engagement between central authorities;

4. *Calls upon* States parties to effectively address links between organized crime and other serious crimes which fall within the scope of application of the Convention, including corruption and money-laundering, as well as illicit financial flows related to proceeds of crimes covered by the Convention;

5. *Urges* States parties to address, including through multilateral cooperation and partnership, the increasing risks, challenges and impediments in the fight against transnational organized crime, in particular those stemming from the COVID-19 pandemic and its implications on, inter alia, the socioeconomic conditions of States;

6. *Calls upon* States parties, in accordance with the fundamental principles of their domestic legislation and with article 4 of the Convention, to conduct proactive investigations, including by investigating the movements of proceeds of crime and using financial investigative tools, in order to identify and disrupt any possible linkages between existing and emerging manifestations of transnational organized crime, money-laundering and the financing of terrorism, and effectively prosecute those crimes, in accordance with their national legislation;

7. *Encourages* States parties to make use, where appropriate and applicable, of the Convention as a legal basis for effective international cooperation for the purposes of the timely freezing, seizure, confiscation and disposal, including the return, of proceeds of crimes falling within its scope of application, including any property derived from or obtained through, directly or indirectly, the commission of an offence, in conviction-based and, where appropriate and in accordance with their domestic law, non-conviction-based proceedings, including in considering returning such proceeds to their legitimate owners;

8. *Urges* States parties to afford one another the widest measure of cooperation in conducting investigations in relation to offences covered by the Convention and the Protocols thereto concerning the movement of proceeds of crime or property derived from the commission of such offences, bearing in mind article 27 of the Convention;

9. *Encourages* States parties to consider, at the domestic level, and bearing in mind article 14 of the Convention, various possible models of disposal of confiscated proceeds of crimes covered by the Convention and the Protocols thereto, in accordance with their domestic law and administrative procedures, including but not limited to returning the proceeds of crime or property to their legitimate owners, allocating such proceeds to the national revenue fund or the State treasury and giving compensation to the victims of the crime, including through the social reuse of assets for the benefit of communities;

10. *Calls upon* States parties to make concrete efforts, to the extent possible and in coordination with international and regional organizations, to enhance financial and material assistance to support the efforts of developing countries to fight transnational organized crime effectively and help them implement the Convention successfully;

11. *Invites* States parties to consider establishing, in accordance with their domestic law, mechanisms that allow for the most effective and expeditious international cooperation, in particular in the spheres of mutual legal assistance and extradition, in order to tackle transnational organized crime, such as appointing liaison officers, magistrates or prosecutors, enabling the enhanced coordination of cross-border investigations and creating joint investigation bodies that make use of modern technologies, in accordance with applicable international law, including on human rights, as well as the rule of law and domestic legislation;

12. *Encourages* States parties to make effective use of special investigative techniques for the purpose of effectively combating organized crime, in particular for targeting the proceeds and property derived from such crimes, and also encourages States parties to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for the use of such techniques in the context of cooperation at the international level, in accordance with article 20, paragraph 2, of the Convention, in full compliance with the principle of sovereign equality of States;

13. *Invites* States parties, in accordance with their domestic law, to adopt measures to strengthen cooperation between their judicial and law enforcement authorities and the private sector, including communication service providers and the financial sector, in preventing and combating existing and emerging manifestations of transnational organized crime, including through the establishment of the liability of legal persons, consistent with the legal principles of each State, in accordance with article 10 of the Convention;

14. *Encourages* Member States to populate, update and use, as appropriate, the databases, platforms and tools developed by the United Nations Office on Drugs and Crime, including the knowledge management portal known as Sharing Electronic Resources and Laws on Crime, the online Directory of Competent National Authorities and the Mutual Legal Assistance Request Writer Tool, to facilitate international cooperation in criminal matters and promote the sharing of good practices and experiences in the implementation of the Convention and the Protocols thereto;

15. *Requests* the United Nations Office on Drugs and Crime, within its mandate, to continue to provide technical assistance and capacity-building to Member States, upon request, to support their capacity to prevent and combat transnational organized crime, including through the following:

(a) The provision of advisory services or ad hoc legislative assistance, including on the basis of existing model legislative provisions and any future updates to such provisions;

(b) The provision of assistance in the development of national strategies to prevent and fight transnational organized crime;

(c) The promotion of modern types of international judicial and law enforcement cooperation, such as the establishment of specialized judicial and law enforcement units and asset recovery networks, as well as those aimed at expediting procedures for extradition and mutual legal assistance;

(d) The updating, as necessary, of model instruments and publications, such as the guide on current practices in electronic surveillance in the investigation of serious and organized crime developed by the United Nations Office on Drugs and Crime in 2009, the model law on mutual assistance in criminal matters developed by the Office in 2007, and the *Manual on Extradition and Mutual Legal Assistance* published by the Office in 2012, also with a view, as appropriate, to including provisions and updated material on the use of special investigative techniques and the gathering of electronic evidence;

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

Resolution 10/5

Preventing and combating the manufacturing of and trafficking in falsified medical products as forms of transnational organized crime

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

Expressing its concern regarding falsified medical products as a continuing global issue with severe multidimensional consequences, both in terms of risks to public health, including serious health consequences or even death, and in terms of the effects of treatments, the adverse financial repercussions for health systems, a loss of confidence among the general public regarding the quality, safety and efficacy of and access to medical products, and health-care costs,

Recalling General Assembly resolution 74/270 of 2 April 2020 entitled “Global solidarity to fight the coronavirus disease 2019 (COVID-19)”, calling for multilateral cooperation, unity and solidarity, and acknowledging the need for all relevant stakeholders to work together at the national, regional and global levels and to provide assistance, especially to the most vulnerable, to ensure that no one is left behind and deprived of medical help,

Underlining the importance of multilateral action to overcome economic, commercial and financial constraints and reduce cargo travel time in order to facilitate the acquisition of supplies, reagents, medical equipment and medicines necessary for the diagnosis and treatment of the coronavirus disease (COVID-19) and to prevent, at the same time, the manufacturing of and trafficking in falsified medical products,

Recalling General Assembly resolution 74/177 of 18 December 2019, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which the Assembly recognized the progress made by the United Nations Office on Drugs and Crime in the delivery of advisory services and technical assistance to requesting Member States, including in the area of trafficking in falsified medical products,

Taking note of Commission on Crime Prevention and Criminal Justice resolution 20/6 of 15 April 2011, entitled “Countering fraudulent medicines, in particular their trafficking”,²⁶ and taking note also of the subsequent report of the Executive Director of the United Nations Office on Drugs and Crime,²⁷

Recognizing the definition, within its scope of application, of falsified medical products endorsed by the World Health Assembly in 2017,²⁸

Considering that the United Nations Convention against Transnational Organized Crime²⁹ should be fully used for the purpose of combating the manufacturing of and trafficking in falsified medical products, in those cases falling within its scope,

Emphasizing that efforts by States parties to implement the Convention are mutually reinforcing and contribute to their efforts to achieve the 2030 Agenda for Sustainable Development, adopted by the General Assembly in its resolution 70/1 of 25 September 2015,

Emphasizing also that the implementation of the Convention for the combating of falsified medical products may result in improved access to safe, effective, quality and affordable essential medicines and vaccines for all,

Reaffirming the importance of enhancing the most extensive international cooperation possible, including in accordance with relevant international and regional instruments and mechanisms and domestic law, through, inter alia, the use of special investigative techniques, joint investigations and mutual legal assistance, extradition and the seizure, confiscation and disposal of proceeds of crime derived from the manufacturing of and trafficking in falsified medical products, as well as national

²⁶ In the present resolution, however, the definition of falsified medical products used is that endorsed by the World Health Assembly in its decision 70(21).

²⁷ E/CN.15/2013/18.

²⁸ World Health Organization, document WHA70/23, appendix 3, para. 7 (c), as endorsed by the World Health Assembly in its decision 70(21), reads as follows:

Falsified medical products

Medical products that deliberately/fraudulently misrepresent their identity, composition or source.

Any consideration related to intellectual property rights does not fall within this definition.

Such deliberate/fraudulent misrepresentation refers to any substitution, adulteration, reproduction of an authorized medical product or the manufacture of a medical product that is not an authorized product.

“Identity” shall refer to the name, labelling or packaging or to documents that support the authenticity of an authorized medical product.

“Composition” shall refer to any ingredient or component of the medical product in accordance with applicable specifications authorized/recognized by NRRA.

“Source” shall refer to the identification, including name and address, of the marketing authorization holder, manufacturer, importer, exporter, distributor or retailer, as applicable.

Medical products should not be considered as falsified solely on the grounds that they are unauthorized for marketing in any given country.

²⁹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

controls, and reaffirming also the importance of sharing knowledge and experiences in order to deepen cooperation,

Recognizing the need, where appropriate, to establish or strengthen and effectively implement response policies to disrupt and dismantle organized criminal groups involved at all stages of the falsified medical products supply chain, as well as in emerging and evolving methods of distribution and sale, by enhancing the capacities of the entire crime prevention and criminal justice system and by strengthening coordination and collaboration between medicine and health regulatory agencies and law enforcement agencies,

Concerned about the laundering of proceeds derived from the manufacturing of and trafficking in falsified medical products, crimes which may contribute to the financing of other crimes or be funded through the proceeds of other crimes, in accordance with article 6 of the Convention,

Recognizing the increased trafficking in falsified medical products, including those containing narcotic drugs and psychotropic substances,

Acknowledging the importance of verified information and reliable data in developing and supporting public policies and efficient responses and of conducting analysis on the manufacturing of and trafficking in falsified medical products, with a view to assessing the modalities and routes of such manufacturing and trafficking in a timely manner,

Taking note of the research brief entitled “COVID-19-related trafficking of medical products as a threat to public health” by the United Nations Office on Drugs and Crime, as a preliminary assessment in the context of the COVID-19 pandemic,

Aware of the existence of the work of the United Nations Office on Drugs and Crime on combating the manufacturing of and trafficking in falsified medical products,³⁰

Highlighting, in this context, the contributions of intergovernmental organizations and the role of the media, civil society, academia and the private sector in the prevention and detection of and fight against the manufacturing of and trafficking in falsified medical products, recognizing the need to cooperate with relevant international and regional organizations and mechanisms and non-governmental organizations, as appropriate, and recognizing also the contributions made by existing international and regional instruments,

1. *Affirms* that the United Nations Convention against Transnational Organized Crime constitutes a useful tool for international cooperation in preventing and combating the manufacturing of and trafficking in falsified medical products, in those cases falling within its scope;

2. *Urges*, in this regard, all Member States that have not yet done so to consider ratifying or acceding to the Convention as soon as possible;

3. *Calls upon* States parties that have not yet done so to develop and implement, as appropriate, effective and comprehensive legal frameworks to prevent, prosecute and punish the manufacturing of and trafficking in falsified medical products, consistent with the Convention and taking into consideration the relevant resolutions of the World Health Assembly;

4. *Calls upon* States parties to make the manufacturing of and trafficking in falsified medical products, in appropriate cases and in accordance with national legislation, a serious crime as defined in article 2, paragraph (b), of the Organized Crime Convention;

5. *Urges* States parties to criminalize corruption and the laundering of proceeds of crime, in accordance with national legislation, including when related to

³⁰ Including the publication entitled *Combating Falsified Medical Product-Related Crime: A Guide to Good Legislative Practices* (Vienna, 2019).

the manufacturing of and trafficking in falsified medical products, and strengthen international cooperation, including extradition and mutual legal assistance, as well as during seizure, confiscation and disposal of proceeds of crime and property, equipment or other instrumentalities, to ensure that no stage in the manufacturing of and trafficking in falsified medical products is overlooked;

6. *Invites* States parties to review their legal and regulatory frameworks in order to provide effective, improved regulatory mechanisms, including by means of strengthening the capacities and resources of competent regulatory authorities;

7. *Calls upon* States parties to strengthen and fully implement response measures and mechanisms to prevent and combat the manufacturing of and trafficking in falsified medical products, including in cooperation with relevant international and regional organizations;

8. *Invites* States parties to strengthen coordination and cooperation among their national authorities involved in the prevention of and fight against the manufacturing of and trafficking in falsified medical products, including through effective international cooperation, such as mutual legal assistance and extradition mechanisms, and other international cooperation arrangements for investigation and prosecution, including joint investigations, when appropriate and in accordance with national law, making use of best practices such as the effective use of international and regional law enforcement and judicial cooperation networks;

9. *Requests* the United Nations Office on Drugs and Crime, within its mandate and in consultation with States parties, the World Health Organization, the World Customs Organization, the International Criminal Police Organization (INTERPOL) and other relevant international and regional organizations, to continue raising awareness of the negative impact of the manufacturing of and trafficking in falsified medical products, through advocacy campaigns and other measures, including outreach to and partnerships with civil society and the private sector, and encourages States parties to make strong efforts to publicize at the national level the detrimental health, social and economic consequences of falsified medical products and to highlight the risk of using such products from the illicit market, in order to prevent a loss of public confidence in the quality, safety and efficacy of medical products;

10. *Encourages* States parties to provide, on a voluntary basis, the United Nations Office on Drugs and Crime with up-to-date information and statistics on the manufacturing of and trafficking in falsified medical products, taking into consideration the relevant World Health Assembly resolutions;

11. *Invites* States parties to participate in the World Health Organization member State mechanism on substandard and falsified medical products;

12. *Invites* the United Nations Office on Drugs and Crime, in accordance with its mandate and subject to the availability of extrabudgetary resources, in close consultation with States parties and in cooperation with other competent international organizations, to conduct data collection and research on the manufacturing of and trafficking in falsified medical products, and also invites the Office, in accordance with its mandate, in close consultation with States parties and in cooperation with other competent international organizations, to develop guidelines or handbooks so as to provide a better framework of knowledge for effectively preparing evidence-based responses addressing falsified medical products;

13. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, in accordance with its mandate and in close cooperation with other United Nations bodies and international organizations, such as the World Health Organization, the World Customs Organization and INTERPOL, as well as relevant regional organizations and mechanisms, national agencies that regulate medical products and, where appropriate, the private sector, civil society organizations and professional associations, to assist States parties, through technical assistance, upon request, in building capacity to disrupt and dismantle the organized

criminal groups engaged in all stages of the illicit supply chain, in particular manufacturing and trafficking, to better utilize the experiences, technical expertise and resources of each organization and to create synergies with interested partners;

14. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Conference at its eleventh session on the implementation of the present resolution;

15. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

Resolution 10/6

Preventing and combating crimes that affect the environment falling within the scope 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 and the Protocols thereto³¹ represent the principal worldwide legal instruments to prevent and combat the scourge of transnational organized crime, which affects individuals and societies in all countries, and reaffirming also their importance as the main tools available to the international community for this purpose,

Reaffirming also that the Convention, as a global instrument with wide adherence, offers a broad scope for cooperation to address existing and emerging forms of transnational organized crime, including crimes that affect the environment falling within the scope of the Convention,

Affirming that States parties are to carry out their obligations to combat transnational organized crime in a manner consistent with the purposes and principles stated in the Charter of the United Nations, with all the provisions of the Convention, including the purpose and the principles stated in its articles 1 and 4, and with human rights and fundamental freedoms,

Taking note of paragraph 9 (e) of the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,³² in which Member States affirmed their determination to strive to adopt effective measures to prevent and counter the serious problem of crimes that have an impact on the environment, such as trafficking in wildlife, including flora and fauna as protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora,³³ timber and timber products and hazardous waste, as well as poaching, by strengthening legislation, international cooperation, capacity-building, criminal justice responses and law enforcement efforts aimed at, inter alia, dealing with transnational organized crime, corruption and money-laundering linked to such crimes,

Taking note also of Economic and Social Council resolution 2012/19 of 26 July 2012, entitled “Strengthening international cooperation in combating transnational organized crime in all its forms and manifestations”, in which the Council recognized the involvement of transnational criminal organizations in all aspects of crimes that have a significant impact on the environment,

³¹ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

³² General Assembly resolution 70/174, annex.

³³ United Nations, *Treaty Series*, vol. 993, No. 14537.

Taking note further of General Assembly resolution 74/177 of 18 December 2019, in which the Assembly called upon Member States to make illicit trafficking in protected species of wild fauna and flora and other crimes that affect the environment, such as trafficking in timber, precious metals, stones and other minerals, involving organized criminal groups a serious crime in accordance with their national legislation and with article 2, paragraph (b), of the Organized Crime Convention,

Mindful of the need for complementary and fully effective implementation of the Convention and the Protocols thereto, as well as of the United Nations Convention against Corruption,³⁴ and taking note of Conference of the States Parties to the United Nations Convention against Corruption resolution 8/12 of 20 December 2019, entitled “Preventing and combating corruption as it relates to crimes that have an impact on the environment”,

Recognizing that crimes that affect the environment may also have a negative impact on economies, public health, human safety, food security, livelihoods and habitats,

Alarmed by existing research indicating that crimes that affect the environment have become some of the most lucrative transnational criminal activities and are often closely interlinked with different forms of crime and corruption, and that money-laundering and the illicit financial flows derived from them may contribute to the financing of other transnational organized crimes and terrorism,

Deeply concerned about all those killed, injured, threatened or exploited by organized criminal groups involved in or benefiting from crimes that affect the environment and about those whose living environment, safety, health or livelihoods are endangered or put at risk by those crimes, and affirming its resolve to assist and protect those affected, in accordance with national law,

Deeply concerned also that activities of organized criminal groups that affect the environment hinder and undermine efforts undertaken by States to protect the environment, promote the rule of law and achieve sustainable development, including efforts to contribute to the implementation of the 2030 Agenda for Sustainable Development,³⁵

Recognizing the need for a balanced, integrated, comprehensive and multidisciplinary approach and response to address the complex and multifaceted challenges related to crimes that affect the environment, and acknowledging that long-term comprehensive and sustainable development-oriented responses are required to address and overcome those challenges,

Recognizing also the primary role and responsibility of States in defining their policies and strategies to prevent and combat such crimes, consistent with article 4 of the Convention,

Recognizing further that combating transnational organized crimes that affect the environment requires strengthened action to be taken in terms of supply, transit and demand, and emphasizing the importance, in this regard, of effective cooperation among States parties,

Reaffirming that every State has, and shall freely exercise, full and permanent sovereignty over all its natural resources,

Acknowledging the valuable contributions of the United Nations Office on Drugs and Crime, the United Nations Environment Programme, the International Criminal Police Organization (INTERPOL), the World Customs Organization, the United Nations Interregional Crime and Justice Research Institute, the International Union for Conservation of Nature, the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the secretariat of the

³⁴ Ibid., vol. 2349, No. 42146.

³⁵ General Assembly resolution 70/1.

Convention on Biological Diversity,³⁶ the World Bank, the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,³⁷ and other relevant international and regional organizations, within their respective mandates, in supporting States in their efforts to effectively prevent and combat transnational organized crimes that affect the environment, and underscoring in this regard the crucial importance of enhancing inter-agency cooperation and coordination on the matter, as appropriate,

Acknowledging also the important contributions of other relevant stakeholders, including the private sector, individuals and groups outside the public sector, non-governmental organizations, the media, academia and the scientific community, in preventing and combating crimes that affect the environment,

1. *Affirms* that the United Nations Convention against Transnational Organized Crime constitutes an effective tool and an essential part of the legal framework for preventing and combating transnational organized crimes that affect the environment and for strengthening international cooperation in this regard;

2. *Urges* all States that have not yet done so to consider ratifying or acceding to the Organized Crime Convention;

3. *Urges* States parties to implement the Convention, in accordance with fundamental principles of their domestic law, in order to effectively prevent, investigate, prosecute and punish crimes that affect the environment falling within the scope of the Convention, as well as related offences established under the Convention, including by using special investigative techniques, consistent with article 20 of the Convention;

4. *Calls upon* States parties to the Convention to make crimes that affect the environment, in appropriate cases, serious crimes, in accordance with their national legislation, as defined in article 2, paragraph (b), of the Convention, 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;

5. *Urges* States parties to take measures, consistent with their legal principles, to ensure that legal and natural persons involved in transnational organized crimes that affect the environment and related offences covered by the Convention are held accountable, and recalls, in this regard, article 10 of the Convention, under which States parties shall, in particular, ensure that legal persons held liable in accordance with that article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions;

6. *Calls upon* States parties to develop or amend national legislation, as necessary and appropriate, in accordance with fundamental principles of their domestic law, so that crimes that affect the environment falling within the scope of the Convention are treated as predicate offences, as defined in the Convention and as mandated in its article 6, for the purposes of money-laundering offences and are actionable under domestic legislation on proceeds of crime, so that assets derived from transnational organized crimes that affect the environment can be seized, confiscated and disposed of;

7. *Encourages* States parties, consistent with the Convention and the fundamental principles of their legal systems, to take measures to prevent the abuse of national, regional and global financial systems for the purposes of money-laundering related to transnational organized crimes that affect the environment, including through the implementation of effective, risk-based anti-money-laundering frameworks, in line with international standards and initiatives;

8. *Urges* States parties to provide one another with the broadest possible cooperation, including mutual legal assistance, in preventing, investigating and

³⁶ United Nations, *Treaty Series*, vol. 1760, No. 30619.

³⁷ *Ibid.*, vol. 1673, No. 28911.

prosecuting transnational organized crimes that affect the environment and related offences covered by the Convention and its Protocols;

9. *Also urges* States parties, in accordance with the Convention, to investigate and prosecute the laundering of proceeds of crime derived from transnational organized crimes that affect the environment, including by using financial investigation techniques, with a view to identifying, disrupting and dismantling the criminal groups involved, to strive to eliminate incentives for the transfer abroad of the proceeds of crime, thereby denying safe haven to those proceeds, and to recover the proceeds of such crimes;

10. *Calls upon* States parties to assess and mitigate corruption risks and to strengthen anti-corruption measures, consistent with the provisions of the Convention and the United Nations Convention against Corruption, to prevent conflicts of interest, to promote ethical practices and transparency and to ensure integrity throughout the entire crime prevention and criminal justice system, without prejudice to judicial independence;

11. *Encourages* States parties, where appropriate and permitted by their domestic law, to establish integrated and multidisciplinary national responses for preventing and combating crimes that affect the environment;

12. *Calls upon* States parties, consistent with the Convention and in accordance with national legislation, to take all appropriate measures within their means to provide effective assistance to and protection for witnesses and for victims of crimes that affect the environment, and to establish appropriate procedures to provide access to compensation and restitution for victims of the offences covered by the Convention, and, in this regard, encourages States parties to consider providing access to civil compensation and habitat restoration for damage caused to the environment and to victims;

13. *Strongly encourages* States parties to consider analysing, in consultation with other relevant stakeholders, where appropriate, trends in activities of organized criminal groups that affect the environment and in the circumstances in which those crimes are committed on their territories and to share this information and data with the United Nations Office on Drugs and Crime;

14. *Also strongly encourages* State parties to strengthen their cooperation and work with international and regional organizations, as well as, where appropriate, other relevant stakeholders, including the private sector, individuals and groups outside the public sector, non-governmental organizations, the media, academia and the scientific community, in preventing and combating transnational organized crimes that affect the environment, including by enhancing the integrity of legal supply chains, and in raising awareness, consistent with article 31 of the Convention;

15. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, and within its mandate, to provide technical assistance and capacity-building to State parties, upon request, for the purposes of supporting their efforts to effectively implement the Convention in preventing and combating transnational organized crimes that affect the environment;

16. *Also requests* the United Nations Office on Drugs and Crime, within its mandate, to further enhance and expand its cooperation and coordination with the International Criminal Police Organization (INTERPOL), the United Nations Environment Programme, the World Customs Organization, the United Nations Interregional Crime and Justice Research Institute, the International Union for Conservation of Nature, the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the secretariat of the Convention on Biological Diversity, the World Bank, the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and other relevant international and regional organizations, within their respective mandates, in supporting States parties to the Convention, upon request, in their efforts to effectively prevent and combat transnational organized crimes that affect the

environment, including through inter-agency partnerships, such as the International Consortium on Combating Wildlife Crime;

17. *Requests* the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation to hold a joint thematic discussion on the application of the Convention for preventing and combating transnational organized crimes that affect the environment and to make recommendations for consideration by the Conference of the Parties to the Convention at its eleventh session, within their mandates, in order to promote the practical application of the Convention;

18. *Requests* the Secretariat to report, within existing resources, on the implementation of the present resolution to the Conference at its eleventh session;

19. *Encourages* States parties, when responding to the self-assessment questionnaires for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, to provide, on a voluntary basis, any relevant information regarding the implementation of the Convention in preventing and combating transnational organized crimes that affect the environment;

20. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes set out in the present resolution, in accordance with the rules and procedures of the United Nations.

Resolution 10/7

Combating transnational organized crime against cultural property

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

Recalling that the United Nations Convention against Transnational Organized Crime and the Protocols thereto³⁸ represent the principal international legal instruments to combat transnational organized crime, including when related to trafficking in cultural property and other crimes targeting cultural property, which negatively affect societies and economies in all countries, have devastating consequences on cultural heritage and could be an obstacle to understanding between nations, and reaffirming their importance as one of the most effective tools available to the international community for this purpose,

Reaffirming that international cooperation has a prominent place within the overall context of the Convention and the Protocols thereto, and that their purpose is, inter alia, to promote and strengthen cooperation to prevent and combat transnational organized criminal activities more effectively at the national, regional and international levels, and stressing the necessity of enhancing and strengthening actions for achieving that purpose, consistent with domestic law and applicable international law, including relevant legal instruments,

Recalling its decision 4/2 of 17 October 2008, in which it emphasized that the Convention, as a global instrument with wide adherence, offered the broadest scope of cooperation to address existing and emerging forms of transnational organized crime, and asserting that trafficking in cultural property and other crimes targeting cultural property may constitute such crimes,

Reaffirming its resolution 5/7 of 22 October 2010 on combating transnational organized crime against cultural property,

³⁸ Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.

Reaffirming also its resolution 6/1 of 19 October 2012, in which it endorsed the recommendations of the joint discussion on trafficking in cultural property of the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation held at its sixth session,

Taking note of relevant General Assembly resolutions, including resolutions 55/25 of 15 November 2000 on the United Nations Convention against Transnational Organized Crime, 58/17 of 3 December 2003, 61/52 of 4 December 2006 and 64/78 of 7 December 2009 on the return or restitution of cultural property to the countries of origin, 66/180 of 19 December 2011 and 68/186 of 18 December 2013 on strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking, 69/196 of 18 December 2014 on the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences and 70/76 of 9 December 2015 and 73/130 of 13 December 2018 on the return or restitution of cultural property to the countries of origin,

Taking note also of Economic and Social Council resolutions 2003/29 of 22 July 2003 on the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property, 2004/34 of 21 July 2004 and 2008/23 of 24 July 2008 on protection against trafficking in cultural property and 2010/19 of 22 July 2010 on crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking,

Affirming Commission on Crime Prevention and Criminal Justice resolution 27/5 of 18 May 2018, in which the Commission took note of Security Council resolution 2347 (2017) of 24 March 2017, in which the indispensable role of international cooperation in crime prevention and criminal justice responses to counter trafficking in cultural property had been recognized,

Calling upon States parties to raise awareness of and strengthen the global response to any linkages between the financing of terrorism and transnational organized crime, including trafficking and illicit trade in cultural property,

Noting with appreciation the work and recommendations of the open-ended intergovernmental expert group on protection against trafficking in cultural property convened pursuant to Economic and Social Council resolutions 2004/34, 2008/23 and 2010/19 and General Assembly resolution 68/186,

Recalling the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,³⁹ the Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law on 24 June 1995,⁴⁰ and the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted on 14 May 1954,⁴¹ and the two Protocols thereto, adopted on 14 May 1954 and 26 March 1999,⁴²

Recognizing the efforts made by relevant international organizations, including the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL), the World Customs Organization and the International Institute for the Unification of Private Law, for the protection of cultural heritage,

Recognizing also the efforts made so far by the United Nations Office on Drugs and Crime in preventing and countering trafficking in cultural property and other crimes targeting cultural property, and mindful of the Office's potential to further support States in addressing and combating all forms and aspects of these crimes,

³⁹ Ibid., vol. 823, No. 11806.

⁴⁰ Ibid., vol. 2421, No. 43718.

⁴¹ Ibid., vol. 249, No. 3511.

⁴² Ibid., vols. 249 and 2253, No. 3511.

Recalling the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property,⁴³ which was adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and welcomed by the General Assembly in its resolution [45/121](#) of 14 December 1990,

Recalling also the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice,⁴⁴ in particular paragraph 9 (c) thereof, which includes a commitment to strengthening and implementing comprehensive crime prevention and criminal justice responses to illicit trafficking in cultural property, for the purpose of providing the widest possible international cooperation to address such crime, and to reviewing and strengthening domestic legislation to counter trafficking in cultural property,

Noting that the main theme of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Kyoto, Japan, is “Advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda”,

Reiterating the significance of cultural property as a unique and important testimony to the culture and identity of peoples and the necessity of protecting it, and reaffirming in that regard the need to strengthen international cooperation in preventing, prosecuting and punishing all aspects and forms of trafficking in cultural property and other crimes targeting cultural property, in a comprehensive and effective manner, including through mutual legal assistance, within the applicable legal framework, including the Organized Crime Convention, and to continue to strengthen and develop the framework for international cooperation that tackles the challenges that arise in that regard,

Recognizing the illicit nature of trafficking in cultural property, and its transnational dimension, and the importance of strengthening international cooperation, including through mutual legal assistance, in particular with regard to the return or restitution of trafficked cultural property,

Noting the contribution of culture and cultural heritage to sustainable development,

Expressing alarm at the increasing number of acts of deliberate destruction of or damage to cultural property, and the theft, looting and smuggling of cultural property in the context of conflicts all over the world, including by terrorist groups and organized criminal groups, and recalling in this regard the Convention for the Protection of Cultural Property in the Event of Armed Conflict,

Expressing deep concern that cultural property, including religious sites and objects, is increasingly targeted in terrorist attacks, often resulting in damage, theft or complete destruction, and condemning such attacks,

Recalling General Assembly resolution [66/180](#), alarmed at reports of the continuing and growing demand for stolen, looted and illicitly exported or imported cultural property, which fuels further looting, destruction and theft of and trafficking in such property, recognizing that additional international measures, including further cooperation in prevention, investigation and prosecution, return or restitution of such cultural property and exchange of views among experts, are required in order to deter the demand for illicitly exported, imported or transferred cultural property, and calling for further study at the national and international levels on this issue,

⁴³ *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August–7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.1, annex.

⁴⁴ General Assembly resolution [70/174](#), annex.

Recalling also General Assembly resolution [66/180](#), alarmed at the reports of the continuing and growing involvement of organized criminal groups and terrorist groups in all forms and aspects of trafficking in cultural property and related offences, which may have a transnational element, and observing that cultural property is being illicitly excavated, looted and stolen, that illicitly exported imported or transferred cultural property is increasingly sold through markets, including in auctions and over the Internet, and that its proceeds are subject to various forms of laundering,

Alarmed at the increased use of the proceeds of crime derived from trafficking in cultural property and related offences in financing terrorism and other serious crimes,

Noting that the proceeds of crime derived from trafficking in cultural property can be used as an illicit source to fund other criminal activities and yield illicit proceeds that are laundered,

Emphasizing the importance for States to protect and preserve their cultural heritage in accordance with relevant international instruments,

Recalling the adoption, on 13 September 2007, of the United Nations Declaration on the Rights of Indigenous Peoples,⁴⁵ in particular those articles relating to cultural property,

Stressing the urgent need to better implement and review the functioning of the existing international mechanisms for preventing, prosecuting and punishing crimes against cultural property, and tracing their proceeds, and to consider all possible options for a more effective international cooperation framework, as necessary, with a view to achieving consensus in this regard,

Commending Member States, cultural and educational institutions, museums and civil society for their efforts to protect cultural property and to help combat the illicit trade and trafficking in culture property, and welcoming all initiatives, whether by States, institutions or private persons, for the voluntary return of such cultural property,

1. *Notes* that the objective of the Conference is to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the United Nations Convention against Transnational Organized Crime;
2. *Invites* Member States that have not yet done so to criminalize trafficking in cultural property, as well as stealing and looting at archaeological and other cultural sites, in accordance with applicable international instruments, and to make it a serious crime as defined in article 2 of the Organized Crime Convention, where the offence is transnational in nature and involves an organized criminal group;
3. *Underlines* the need to continue to work towards a comprehensive and coordinated approach to address the problem of trafficking in cultural property and other crimes targeting cultural property through the appropriate national, regional and international tools;
4. *Encourages* States to enhance cooperation in the fight against trafficking in cultural property, as well as the illegal removal of such property from countries of origin, including through the investigation and prosecution of persons involved in such activities and mutual legal assistance and extradition, in accordance with the laws of cooperating States and under applicable international law;
5. *Encourages* States parties, in cooperation with relevant regional and international organizations, to share information on their experiences, good practices and challenges, including gaps and any impediments to international cooperation encountered, with regard to crimes against cultural property and related offences, and on their application of the International Guidelines for Crime Prevention and Criminal

⁴⁵ General Assembly resolution [61/295](#), annex.

Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences,⁴⁶ including with a view to evaluating the adequacy of the existing international tools in that regard and considering possible options to enhance the existing international cooperation framework, as necessary, and to bring those experiences and good practices to the attention of the United Nations Office on Drugs and Crime;

6. *Calls upon* States parties to continue to strengthen their national legislation and policies for the implementation of the Organized Crime Convention and applicable international law with regard to the protection of cultural property;

7. *Urges* States parties, in accordance with the Convention, to promote or strengthen, as appropriate, programmes and cooperation at the national, regional and international levels to prevent, combat and punish trafficking in cultural property and other crimes targeting cultural property that fall within the scope of the Convention;

8. *Also urges* States parties to strengthen and facilitate international cooperation, in accordance with domestic law and consistent with their obligations under relevant international law, with regard to trafficking in cultural property and other crimes targeting cultural property, including through extradition, mutual legal assistance, the identification, seizure and confiscation of trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded cultural property and the return or restitution of such cultural property, as well as the investigation and prosecution of these crimes and the recovery of their proceeds, and to make effective use of the Convention as a legal basis for such international cooperation, in applicable cases;

9. *Recommends* that Member States prepare lists or inventories of stolen and/or lost cultural property and consider making them public in order to facilitate the identification of that property, as well as use the tools at their disposal, such as the red lists of the International Council of Museums, the International Criminal Police Organization (INTERPOL) database on stolen works of art and the ARCHEO information exchange network of the World Customs Organization, in order to facilitate the actions of law enforcement agencies and, in that regard, invites Member States to afford one another the widest possible cooperation in preparing such lists or inventories;

10. *Urges* States parties to investigate, prosecute and punish transnational organized crimes relating to the destruction, damage and looting of cultural property by organized criminal groups, in accordance with domestic law and the Convention;

11. *Requests* the United Nations Office on Drugs and Crime to convene at least one open-ended intergovernmental expert meeting before the eleventh session of the Conference to exchange views on experiences, good practices and challenges with regard to trafficking in cultural property and other crimes targeting cultural property, including the use of cultural property as a source of profits to launder the proceeds of crime, as well as the return or restitution of trafficked cultural property to countries of origin, and to submit to the Conference at its eleventh session relevant recommendations in this regard, with a view to considering and exploring all possible options to strengthen the implementation of the existing international legal framework to combat crimes against cultural property and considering any proposals to supplement the existing framework for international cooperation, as necessary;

12. *Invites* States parties to consider establishing dedicated police units, as necessary, with qualified staff to effectively prevent, detect and prosecute trafficking in cultural property and related offences;

13. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Conference, also taking into account information collected pursuant to paragraph 5 of the present resolution, at its eleventh session on the implementation of the present resolution and on the experiences, good practices and

⁴⁶ General Assembly resolution 69/196, annex.

challenges with regard to trafficking in cultural property and related offences as well as measures of mutual legal assistance regarding the return or restitution of such cultural property to countries of origin;

14. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

B. Decisions

2. At its tenth session, held in Vienna from 12 to 16 October 2020, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted the following decisions:

Decision 10/1

Provisional agenda for the eleventh session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime approved the provisional agenda for the eleventh session of the Conference set out below.

Provisional agenda for the eleventh session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime

1. Organizational matters:
 - (a) Opening of the eleventh session of the Conference;
 - (b) Election of officers;
 - (c) Adoption of the agenda and organization of work;
 - (d) Participation;
 - (e) Adoption of the report of the Bureau on credentials;
 - (f) General discussion.
2. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto:
 - (a) United Nations Convention against Transnational Organized Crime;
 - (b) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
 - (c) Protocol against the Smuggling of Migrants by Land, Sea and Air;
 - (d) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.
3. Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime.
4. International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities.
5. Technical assistance.
6. Financial and budgetary matters.
7. Provisional agenda for the twelfth session of the Conference.

8. Other matters.
9. Adoption of the report of the Conference on its eleventh session.

Decision 10/2

Organization of the work of the eleventh session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, taking into account rule 3, paragraph 3, of the rules of procedure for the Conference:

(a) Decided that the eleventh session of the Conference should take place over five working days, that the number of meetings should remain the same as for the previous sessions, that is, 20 meetings, with interpretation in the six official languages of the United Nations, and that a decision should be taken at the end of the eleventh session on the duration of the twelfth session;

(b) Requested that the resources allocated to the Conference should be maintained at the same level, and should be made available for, inter alia, any working groups or committee of the whole established by the Conference.

II. Organizational matters

A. Opening of the session

3. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime held its tenth session in Vienna from 12 to 16 October 2020. During the session, 10 meetings were held, including 4 meetings of the Committee of the Whole.

4. In response to the impact of the coronavirus disease (COVID-19) pandemic, the extended Bureau of the Conference of the Parties agreed, by silence procedure on 7 September 2020, that the session would be held in a hybrid format, whereby the Chair, a limited number of delegates and representatives of the secretariat would be physically present in the meeting room and all other delegates would be connected remotely using an interpretation platform procured by the United Nations.

5. The interpretation platform allowed for the assignment of a speaking role-enabled connection to 300 participants; all other participants had a listening role-enabled connection. The delegations had been requested to notify the secretariat, through a note verbale, of the distribution of roles (speaking roles and listening roles) in their delegations when requesting the registration of delegates.

6. Owing to the hybrid format of the session, the length of each morning and afternoon meeting was reduced, from three hours to two hours. The total meeting time of the session was 20 hours, with interpretation.

7. At the 1st meeting of the session, on 12 October 2020, opening statements were made by the Presidents of the Conference at its ninth and tenth sessions. The Conference viewed a video message from the Secretary-General and opening statements were also made by the Executive Director of the United Nations Office on Drugs and Crime (UNODC) and the representatives of the Philippines (on behalf of the Group of 77 and China), Tunisia (on behalf of the African Group) and the European Union (on behalf of the European Union and its member States; Albania, Armenia, Bosnia and Herzegovina, Georgia, Iceland, Liechtenstein, Montenegro, North Macedonia, Norway, the Republic of Moldova, Serbia, Turkey and Ukraine aligned themselves with the statement).

B. Election of officers

8. At its first session, the Conference had decided that the offices of President and Rapporteur should rotate among the regional groups and that that rotation should take place in alphabetical order. Accordingly, at the tenth session, the President of the Conference was nominated by the African States, while the Rapporteur was nominated by the Western European and other States.

9. At its 1st and 10th meetings, on 12 and 16 October 2020, in accordance with rule 22 of the rules of procedure of the Conference, the Conference elected the following officers by acclamation:

President: Mohamed Hamdy Elmolla (Egypt)

Vice-Presidents: Muhammad Abdul Muhith (Bangladesh)
Jesse Alonso Chacón Escamillo (Bolivarian Republic of Venezuela)
Alessandro Cortese (Italy)
Jasminka Dinic (Croatia)
Lorena Maria Feruta (Romania)
Emmanuel Ikechukwu Nweke (Nigeria)
Loipa Sánchez Lonrenzo (Cuba)
Hikihara Takeshi (Japan)

Rapporteur: Jan Rinzema (Netherlands)

10. The representatives of the United States of America and the Bolivarian Republic of Venezuela made statements. The President informed the Conference that those statements would be reflected in conference room paper CTOC/COP/2020/CRP.7.

C. Adoption of the agenda and organization of work

11. At its 1st meeting, on 12 October 2020, the Conference adopted the provisional agenda contained in document [CTOC/COP/2020/1/Rev.1](#).

12. In its decision 5/2, the Conference had decided to establish the Committee of the Whole, the membership of which would be open to all States parties and signatories to the Organized Crime Convention and which would meet during the sessions of the Conference when the President of the Conference so decided, to perform such functions as may be requested by the Conference in order to assist the Conference in dealing with its agenda and to facilitate its work and to consider specific items of the agenda and submit its comments and recommendations, including draft resolutions and draft decisions, to the Conference for consideration.

13. On 7 September 2020, the extended Bureau approved the organization of work of the tenth session by silence procedure and noted that, in accordance with past practice, the plenary meeting would be suspended for the purpose of convening the Committee of the Whole (see CTOC/COP/2020/CRP.6).

14. In order to make the best use of the time available, introductory statements by the secretariat on the agenda items were not delivered orally; instead, they were made available on the website of the tenth session of the Conference. Delegations that did not have sufficient time to make their full statements on the agenda items and those that were not able to make statements as a result of technical difficulties had the option of sending their statements in writing. The texts of those statements are available on the website of the session.

D. Participation

15. The tenth session of the Conference was attended by representatives of 117 parties to the Convention, including a regional economic integration organization

party to the Convention. Also attending the session were observers for one State signatory to the Convention and one non-signatory observer State, an entity maintaining a permanent observer mission to the United Nations, Secretariat units, United Nations bodies, institutes of the United Nations crime prevention and criminal justice programme network, specialized agencies and other organizations of the United Nations system, intergovernmental organizations, non-governmental organizations having consultative status with the Economic and Social Council and relevant non-governmental organizations not having consultative status with the Economic and Social Council that had applied for observer status.

16. The representatives of Turkey, Japan, Canada, Chile, Germany and Norway made statements, which are reflected in conference room paper CTOC/COP/2020/CRP.7.

17. The list of participants is contained in document [CTOC/COP/2020/INF/2/Rev.2](#).

18. Rules 14 to 17 of the rules of procedure of the Conference, concerning the participation of observers, were brought to the attention of participants in the session.

E. Adoption of the report of the Bureau on credentials

19. Under rule 18 of the rules of procedure, as amended by the Conference in its decision 4/7, the credentials of representatives of each State party are to be issued by the Head of State or Government, by the Minister for Foreign Affairs or by the Permanent Representative to the United Nations of the State party in accordance with its domestic law or, in the case of a regional economic integration organization, by the competent authority of that organization. When the Conference is to consider proposals for amendments to the Convention in accordance with article 39 of the Convention and rule 62 of the rules of procedure for the Conference, the credentials are to be issued either by the Head of State or Government or by the Minister for Foreign Affairs of the State party or, in the case of a regional economic integration organization, by the competent authority of that organization.

20. Under rule 19 of the rules of procedure, the Bureau is to examine the credentials of the representatives of each State party and the names of the persons constituting the State party's delegation and submit its report to the Conference. Under rule 20 of the rules of procedure, pending a decision of the Bureau on their credentials, representatives are entitled to participate provisionally in the session.

21. The Bureau considered the issue of credentials at its 1st, 2nd, 3rd and 4th meetings, on 13, 14, 15 and 16 October 2020. At the time of the adoption of the report, of the 121 States parties represented at the tenth session, 117 had complied with the credentials requirements and 4 had not. Therefore, in accordance with the decision of the extended Bureau of the Conference at its eighth session, the participation of the States parties that had not complied with the credentials requirements would not be reflected in the report of the tenth session of the Conference.

III. General discussion

22. At its 1st, 2nd and 3rd meetings, on 12 and 13 October 2020, the Conference considered agenda item 1 (f), entitled "Organizational matters: general discussion".

23. Owing to the exceptional circumstances brought about by the COVID-19 pandemic, and the reduced interpretation time available, a time limit was imposed for discussions under the item to allow enough time for meetings of the Committee of the Whole.

24. The Conference heard statements by the representatives of Italy, Brazil, the Russian Federation, the Bolivarian Republic of Venezuela, Kyrgyzstan, the Sudan, Egypt, China, France, Turkey, the United States, Kuwait, Germany, El Salvador, Burkina Faso, the Syrian Arab Republic, Jordan, Qatar, Iraq, Poland, Morocco,

Mexico, Belgium, India, the State of Palestine, Indonesia, Norway, Lebanon, Namibia, the Philippines, Slovenia, Canada, Pakistan, Tunisia, Colombia, Malta, Argentina, Peru, Chile, South Africa, Japan, Guatemala, Afghanistan, Paraguay, Bangladesh, Cuba, Bulgaria, Switzerland, Sri Lanka, Kenya, Nigeria, Libya, Algeria, Yemen, Australia, Ecuador, Thailand, Romania, Angola and Saudi Arabia.

25. A statement was made by the observer for the Islamic Republic of Iran, a signatory State.

26. The Conference also heard a statement by the observers for the European Public Law Organization, an intergovernmental organization, and the Global Initiative against Transnational Organized Crime, the Global Alliance Office on Drugs and Crime, Fondazione Falcone, Salesian Missions Inc., the Pio La Torre Centre of Studies and Cultural Initiatives, the Women, Infants and Children Care Initiative and the Alliance of NGOs on Crime Prevention and Criminal Justice, non-governmental organizations.

Deliberations

27. Speakers welcomed the twentieth anniversary of the adoption by the General Assembly of the Organized Crime Convention, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention, which coincided with the tenth session of the Conference. Speakers emphasized that the Convention remained a highly useful and crucial tool to prevent and combat transnational organized crime and other serious crimes. Some speakers stated that, in some respects, the Convention was even more relevant currently than 20 years previously, owing to the increasingly transnational nature of organized crime and the complexity of its *modi operandi*. Several speakers called upon States parties to fully implement the Convention and its Protocols and encouraged non-parties to adhere to the instruments.

28. Speakers shared information on domestic efforts to harmonize their countries' legislation with the provisions of the Convention and the Protocols thereto, as well as on institutional and administrative efforts to implement them. Several speakers stated that their countries had established specialized investigative and/or prosecutorial units focused on specific forms of organized crime, such as trafficking in persons and cybercrime. The importance of technical assistance and capacity-building for effectively implementing the instruments was underscored by many speakers, and the work and support of UNODC in that regard was highlighted and welcomed. Some speakers requested the Office to continue providing such support and invited Member States to provide sufficient resources for that purpose.

29. Several speakers expressed grave concern about the detrimental impact of transnational organized crime on sustainable development, the rule of law, peace, security and stability in their countries and regions and also globally. It was highlighted that several forms of serious crime, including cybercrime, online child sexual abuse and exploitation, wildlife and environmental crime, trafficking in cultural property, falsified medical products, illicit mining, maritime crime, trafficking in persons, illicit firearms trafficking, smuggling of migrants and corruption, posed a serious threat to the prosperity of all countries and regions and to human rights and fundamental freedoms.

30. Many speakers noted that organized criminal groups had taken advantage of the COVID-19 crisis to carry out new and more complex operations against particularly vulnerable individuals and sectors of the population, including children and elderly persons while online, and had increased their illicit activities in the areas of trafficking in persons, smuggling of migrants, wildlife and environmental crime and cybercrime, among others. Several speakers stated that it was necessary for countries to respond in a coordinated and cooperative manner to the challenges posed by transnational organized crime in the context of the COVID-19 pandemic.

31. Several speakers expressed concern about the linkages between organized crime and terrorism, and about the potential use of organized criminal ventures and the proceeds of crime to finance terrorist activities. It was underscored by several speakers that legislation to counter money-laundering and the financing of terrorism and the strengthening of institutional and operational capacities were essential to effectively prevent and combat such illicit activities.

32. Many speakers emphasized that the Convention was an essential tool for international cooperation to address transnational organized crime, including through bilateral, regional and international cooperation among law enforcement, prosecutorial and other relevant authorities, particularly with regard to joint investigations, mutual legal assistance and extradition. Some speakers underlined the significant role played by various multilateral forums, including the Conference, its working groups and various regional bodies, as platforms for sharing relevant information and experiences among practitioners. The importance of multilateralism, partnerships and cooperation among countries, intergovernmental organizations and regional organizations in carrying out effective international cooperation was also underlined.

33. Many speakers welcomed the launch of the first phase of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto by the Conference at its tenth session. Speakers expressed satisfaction with the work carried out during the preparatory phase of the Mechanism, including the outcomes of the work of the open-ended intergovernmental expert group established in accordance with Conference resolution 9/1. Several speakers stated that they would participate proactively in the review process and encouraged others to do so as well. Speakers also stated that they expected the Mechanism to improve the implementation of the Convention and the Protocols by States parties, identify gaps and challenges for its effective implementation and technical assistance needs, and increase information-sharing on expertise and best practices among practitioners. Some speakers stated that regular budget resources, complemented by extrabudgetary voluntary contributions, should be used to fund the Mechanism, to ensure the sustainability, predictability and impartiality of the process.

34. Some speakers welcomed the adoption by the General Assembly of resolution [74/247](#), in which the Assembly had established an ad hoc committee to elaborate a comprehensive international convention on countering the use of information and communications technologies for criminal purposes, and stated that they looked forward to the work of the ad hoc committee.

IV. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

A. United Nations Convention against Transnational Organized Crime

35. At its 4th meeting, on 13 October 2020, the Conference considered agenda item 2 (a), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: United Nations Convention against Transnational Organized Crime”. For its consideration of the item, the Conference had before it the following:

(a) Note by the Secretariat on the reports on the meetings of the subsidiary bodies of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto ([CTOC/COP/2020/5](#));

(b) Note by the Secretariat on the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized

Crime and the Protocols thereto: draft guidelines for conducting the country reviews and blueprints for the list of observations and the summaries ([CTOC/COP/2020/8](#));

(c) Conference room paper entitled “Status of adherence to the United Nations Convention against Transnational Organized Crime and the Protocols thereto as at 12 October 2020” (CTOC/COP/2020/CRP.1).

36. The introductory statement by the secretariat and the statement by the Chair of the open-ended intergovernmental expert group established in accordance with Conference resolution 9/1 were made available on the website of the tenth session of the Conference.

37. Statements were made by the representatives of the European Union (also on behalf of its member States), Italy, Indonesia, Romania, China, Uruguay, the Bolivarian Republic of Venezuela, Mexico, Japan, Nigeria and Honduras.

38. The Conference also heard a statement by the observer for the Islamic Republic of Iran, a signatory State.

39. The observer for the Global Initiative against Transnational Organized Crime also made a statement.

1. Deliberations

40. Speakers referred to the positive global impact of the Convention on the fight against transnational organized crime in all its forms and highlighted that, with 190 States parties, it reflected the recognition by Member States of the seriousness of the problem posed by organized criminal groups, as well as the need to foster and enhance close international cooperation to address the issue.

41. Many speakers referred to the twentieth anniversary of the adoption and opening for signature of the Convention, which was taking place in the context of the international community’s efforts to address the unprecedented crisis caused by the COVID-19 pandemic, which had created new opportunities for organized criminal groups.

42. Many speakers referred to the newly established Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the importance of the launch of the review process in support of States parties’ efforts to enhance the implementation of the provisions of the Convention and its Protocols, including by exchanging good practices and identifying technical assistance needs to address challenges and shortcomings encountered. Some speakers reiterated that the Mechanism should remain non-intrusive and impartial and not produce a ranking. Some States also underscored the importance of the Mechanism in the light of the 2030 Agenda for Sustainable Development.

43. Speakers highlighted the added value of the Convention as a legal basis for international cooperation to combat a wide array of criminal offences and noted, in that regard, the potential to utilize the Convention in conjunction with existing bilateral and regional agreements or arrangements.

44. Some speakers underscored the importance of the provisions of the Convention on confiscation and seizure in harmonizing national legal frameworks and in supporting international cooperation for the purposes of confiscation as a crucial component in the fight against transnational organized crime.

45. Some speakers shared information on national measures for the effective implementation of the Convention and its Protocols at the domestic level, which included legislative action, as well as institutional initiatives and inter-agency coordination.

2. Action taken by the Conference

46. At its 10th meeting, on 16 October 2020, the Conference adopted a draft resolution ([CTOC/COP/2020/L.4/Rev.1](#)). (For the text, see chapter I, section A, resolution 10/1, 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”.) At the time of adoption, the President of the Conference proposed and the Conference accepted that the resolution would be co-sponsored by all States parties present at the time of adoption.

47. Following the adoption of the resolution, the representative of France welcomed the adoption of the Mechanism, which represented more than 10 years of work, congratulated the delegation of Italy for its work and efforts in that regard and paid tribute to Renaud Sorieul, who, over the previous two years, had been chairing the open-ended intergovernmental expert group established in accordance with Conference resolution 9/1. He also expressed the hope that the Mechanism would strengthen the implementation of the Convention.

48. At the same meeting, the Conference adopted a draft resolution ([CTOC/COP/2020/L.7/Rev.1](#)), sponsored by Albania, Algeria, Brazil, Canada, Colombia, Egypt, El Salvador, the European Union (also on behalf of its member States), Guatemala, Honduras, Indonesia, Israel, Japan, Mexico, Montenegro, Morocco, Nigeria, Norway, the Philippines, the State of Palestine, the Sudan, Thailand and the United States. (For the text, see chapter I, section A, resolution 10/4, entitled “Celebrating the twentieth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime and promoting its effective implementation”.)

49. Following the adoption of the resolution, the representative of Italy thanked the President for his chairmanship and the Ambassador of Japan for his leadership of the Committee of the Whole, as well as all delegations for participating in the negotiations of the text in a constructive spirit. He expressed appreciation in particular to those States parties that had decided to co-sponsor the text. The speaker stated that the document was very important for Italy and expressed the hope that it was equally important for all States parties, not only because it allowed them to celebrate the achievements made during the first 20 years of the Convention, but also because it allowed them to look towards the future of the Convention, by reaffirming its modernity, flexibility and broad scope of application. He stated that the Convention offered a toolkit to address the economic dimensions of organized crime, which were even more important in times of COVID-19, and that Italy was particularly glad that the resolution served as an opportunity to commemorate all the victims of transnational organized crime. He expressed thanks and appreciation to the secretariat for its work in holding the Conference and in ensuring that it could be done successfully, despite the challenges and exceptional circumstances.

50. The representatives of Indonesia and the Sudan expressed their appreciation to the delegation of Italy for tabling the resolution, for their hard work drafting it and for working on the text during the informal consultations.

B. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

51. At its 4th meeting, on 13 October 2020, the Conference considered agenda item 2 (b), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children”. For its consideration of the item, the Conference had before it the following:

(a) Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support 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 (CTOC/COP/2020/2);

(b) Note by the Secretariat on the reports on the meetings of the subsidiary bodies of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2020/5);

(c) Conference room paper containing the comments of States parties and observers on the outcome of the tenth meeting of the Working Group on Trafficking in Persons (CTOC/COP/2020/CRP.2).

52. The introductory statement by the secretariat and the statement by the Chair of the Working Group on Trafficking in Persons at its tenth meeting were made available on the website of the tenth session of the Conference.

53. Statements were made by the representatives of the European Union (also on behalf of its member States), Austria, Italy, Brazil, the United States, Bangladesh, the Bolivarian Republic of Venezuela, South Africa, China, Mexico, Montenegro, Panama, El Salvador, Indonesia, Paraguay and Romania.

54. The observers for the non-governmental organizations Institute of the Blessed Virgin Mary and the Women, Infants and Children Care Initiative also made statements.

1. Deliberations

55. Many speakers acknowledged the twentieth anniversary of the Trafficking in Persons Protocol, and it was noted that the instrument had contributed to greater peace and security and that it could also provide support to Member States in meeting commitments related to combating trafficking under the 2030 Agenda.

56. Multiple speakers shared information on actions taken recently at the national level to enhance legislative and institutional frameworks related to trafficking in persons and underlined the crucial importance of regional and international cooperation, including through memorandums of understanding and joint operations, to combat that crime. The importance of enacting policies on sustainable procurement and business transparency to eradicate exploitation in supply chains was emphasized, and the importance of addressing trafficking in persons in the context of migration flows while involving all relevant stakeholders, such as media partners, advocacy groups and local communities, was recalled.

57. Many speakers stressed that the COVID-19 pandemic had increased the existing vulnerability of many people to trafficking in persons, noting the importance of addressing underlying root causes, such as poverty, discrimination and gender-based violence. The key role that multi-stakeholder mechanisms such as the Inter-Agency Coordination Group against Trafficking in Persons could play in strengthening the United Nations response to mitigate the impact of the COVID-19 pandemic was noted.

58. Some speakers highlighted additional challenges linked to the COVID-19 pandemic, such as increased online exploitation, especially of children, and noted the importance of awareness-raising initiatives to counter such practices. Several speakers stated that, although asset recovery was fundamental to ultimately stopping criminals, confiscation rates had been limited, meaning that illegal assets and profits were flowing back into criminal operations. Several speakers noted the need to strengthen related criminal justice capacity and called upon UNODC to provide additional technical assistance relating to, inter alia, data collection and analysis on trafficking in persons, while commending the results achieved so far through partnership with UNODC in the implementation of the Trafficking in Persons Protocol.

59. Many speakers highlighted that trafficking in persons had an impact on the enjoyment of human rights, with some highlighting the need for victim-centred and gender- and age-sensitive approaches. The importance of including survivors' voices

to inform policies and programmes against trafficking in persons was emphasized. The good practice of specialized shelters for victims of trafficking managed by non-governmental organizations and the formalization of cooperation agreements between State and civil society actors were highlighted, and several observers underlined the importance for States of strengthening cooperation with civil society organizations.

2. Action taken by the Conference

60. At its 10th meeting, on 16 October 2020, the Conference adopted a draft resolution ([CTOC/COP/2020/L.6/Rev.1](#)), sponsored by Argentina, Australia, Belarus, Brazil, Canada, Colombia, the Dominican Republic, El Salvador, the European Union (also on behalf of its member States), Honduras, Israel, Japan, Kyrgyzstan, Morocco, Panama, the United Kingdom of Great Britain and Northern Ireland and the United States. (For the text, see chapter I, section A, resolution 10/3, entitled “Effective 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”.)

61. Following the adoption of the resolution, the representative of Belgium stated that his country attached great importance to co-sponsoring the resolution, together with the other members of the European Union. He highlighted his country’s interest in and support for the work done by UNODC in the fight against trafficking in persons. He stated that it was very important that States parties continued to strengthen the legal basis for international cooperation to fight the scourge of such trafficking. He highlighted that his country was therefore delighted to have been elected to the Board of the United Nations voluntary trust fund for victims of trafficking in persons, especially women and children, which, along with the adopted resolution, was extremely important, and wholeheartedly welcomed by Belgium.

C. Protocol against the Smuggling of Migrants by Land, Sea and Air

62. At its 4th meeting, on 13 October 2020, the Conference considered agenda item 2 (c), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol against the Smuggling of Migrants by Land, Sea and Air”. For its consideration of the item, the Conference had before it the following documents:

(a) Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime ([CTOC/COP/2020/3](#));

(b) Note by the Secretariat on the reports on the meetings of the subsidiary bodies of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto ([CTOC/COP/2020/5](#)).

63. The introductory statement by the secretariat and the statement by the Chair of the Working Group on the Smuggling of Migrants at its seventh meeting were made available on the website of the tenth session of the Conference.

64. Statements were made by the representatives of the European Union (also on behalf of its member States), Italy, the United States, Mexico and Indonesia.

65. The observers for INTERPOL and the Women, Infants and Children Care Initiative also made statements.

Deliberations

66. Speakers noted that the Smuggling of Migrants Protocol was critical for responding to the smuggling of migrants and expressed appreciation for the work of

UNODC in supporting States parties to effectively implement the instrument, calling for the continued provision by the Office of expert technical cooperation.

67. Many speakers took note of the need to effectively and fully implement the obligations contained in the Protocol. Several speakers called for the strengthening of international cooperation, including across countries of origin, transit and destination, as an effective response to the smuggling of migrants. It was noted that migration flows were a constant and long-term phenomenon requiring global and systematic responses. Some speakers encouraged greater use of mutual legal assistance, extradition and other forms of cooperation to strengthen the fight against the smuggling of migrants, and promising practices related to the deployment of liaison magistrates were noted.

68. Many speakers noted with concern that the COVID-19 pandemic had heightened existing challenges related to the smuggling of migrants, as criminal networks had quickly adapted to changed circumstances. In that regard, the particular relevance of integrating public health programmes into migration policies was emphasized.

69. The relevance of human rights-based and gender-sensitive approaches in responding to the smuggling of migrants was underscored, as was the importance of upholding the dignity of all smuggled migrants, and their positive contribution to societies was noted. It was also noted that the Global Compact for Safe, Orderly and Regular Migration was a useful instrument in fostering safe, orderly and regular migration.

D. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition

70. At its 5th meeting, on 14 October 2020, the Conference considered agenda item 2 (d), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition”. For its consideration of the item, the Conference had before it the following:

(a) Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support the implementation of 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 (CTOC/COP/2020/4);

(b) Note by the Secretariat on the reports on the meetings of the subsidiary bodies of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2020/5);

(c) Conference room paper containing the comments received on the outcome of the seventh meeting of the Working Group on Firearms (CTOC/COP/2020/CRP.3).

71. The introductory statement by the secretariat and the statement by the Chair of the Working Group on Firearms at its seventh meeting were made available on the website of the tenth session of the Conference.

72. Statements were made by the representatives of the European Union (also on behalf of its member States), Italy, Brazil, Mexico, Paraguay, the Bolivarian Republic of Venezuela, the United States and Nigeria.

73. The observer for INTERPOL also made a statement.

1. Deliberations

74. Several speakers underlined the importance of the Convention and the Firearms Protocol as the principal and only legally binding instruments to counter organized crime and the illicit manufacturing of and trafficking in firearms, their parts and

components and ammunition at the global level, and highlighted the relevance of those instruments in supporting the achievement of the 2030 Agenda. Several speakers called upon States that had not yet done so to become parties to the Protocol and encouraged States parties to harmonize their legal frameworks with the provisions of the instrument and ensure effective implementation.

75. Some speakers highlighted the importance of marking and record-keeping for the purpose of tracing illicitly trafficked firearms and encouraged States to mark and register firearms not only at the time of manufacture but also at the time of import, to make use of the INTERPOL Firearms Reference Table and tracing systems, such as the INTERPOL Illicit Arms Records and Tracing Management System (iARMS), and to design national databases and registries in a manner that allowed for effective information exchange and tracing.

76. Many speakers underlined the links between illicit firearms trafficking and other forms of serious and organized crime, including drug trafficking and trafficking in persons, as well as terrorism, with illicit firearms as the tool of choice for criminals in committing those crimes. Speakers highlighted the negative impact of illicit firearms on human security, peace and development. Furthermore, several speakers expressed concern about the ongoing diversion of firearms from poorly secured government stockpiles and encouraged States to prevent criminal organizations and terrorist groups from acquiring weapons.

77. Many speakers provided an overview of national and regional approaches in areas such as the establishment of investigative and prosecutorial units and courts specialized in organized crime cases, the creation of multidisciplinary joint investigative teams and the development of recovery and tracing protocols and tracing systems allowing for the identification of firearms throughout their life cycle. States were urged to respond to tracing requests in a timely manner and to consider such requests as crime notices. The importance of proactive early and spontaneous information exchange was highlighted.

78. Several speakers underscored the importance of inter-institutional coordination and international cooperation, including mutual legal assistance, and information-sharing, while respecting the Charter of the United Nations, sovereignty and the principle of non-intervention.

79. Several speakers identified specific needs for enhanced action, including the marking of firearms and their parts and components; the use of seized firearms as important evidence to gain strategic knowledge of criminal organizations; more systematic investigations of firearms trafficking as a crime on its own, by initiating investigations on the circumstances and persons suspected of being involved; and enhanced data collection and analysis capacities with regard to seizure data.

80. Several speakers expressed their support for the work of UNODC and its Global Firearms Programme and cooperation with partner organizations, referring in particular to the legislative and technical assistance provided and the efforts made to foster regional and international cooperation. Some speakers were in favour of strengthening the work of the Working Group on Firearms.

2. Action taken by the Conference

81. At its 10th meeting, on 16 October 2020, the Conference adopted a draft resolution ([CTOC/COP/2020/L.5/Rev.1](#)), sponsored by Argentina, Brazil, Canada, El Salvador, the European Union (also on behalf of its member States), Guatemala, Honduras, Mexico and Paraguay. (For the text, see chapter I, section A, resolution 10/2, entitled “Strengthening international cooperation against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition”.)

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

82. At its 5th meeting, on 14 October 2020, the Conference considered agenda item 3, entitled “Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime”.

83. The introductory statement by the secretariat was made available on the website of the tenth session of the Conference.

84. Statements were made by the representatives of the United States, Italy, El Salvador, Canada, Indonesia, China, Egypt, Japan, Nigeria, Armenia, the Sudan and South Africa.

85. The Conference also heard a statement by the observer for the Islamic Republic of Iran, a signatory state.

A. Deliberations

86. Many speakers reiterated that the Organized Crime Convention was a flexible and adaptable instrument for addressing new and emerging forms of crime. It was stated that the Convention was applicable in relation to trafficking in cultural property, organized crime related to falsified medical products, and environmental crime. Several speakers noted that organized criminal groups had taken advantage of the COVID-19 pandemic to expand their criminal activities, which posed a threat to the health, livelihood and security of all persons, and especially of vulnerable communities. Speakers also highlighted that, in view of those new challenges, the Convention remained an important tool to address new and emerging forms of crime and should therefore be utilized to its fullest potential.

87. Several speakers stressed the value of the Organized Crime Convention as a legal basis for international cooperation to combat cybercrime and encouraged increased coordination and awareness-raising activities at the domestic level to address it. Many speakers noted that the increased use of information and communications technologies as a result of the COVID-19 pandemic had resulted in a rise in criminal activities in cyberspace. In that context, the need to protect vulnerable groups such as women and adolescents was underscored. Some speakers expressed support for a new international convention on countering the use of information and communications technologies for criminal purposes through the work of the ad hoc committee established by the General Assembly in its resolution [74/247](#). Some other speakers stated that existing international instruments, including the Organized Crime Convention and the Council of Europe Convention on Cybercrime, already provided a good foundation for addressing cybercrime. Some speakers thanked UNODC for supporting the work of the ad hoc committee.

88. Some speakers referred to the work of the open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime and recalled that the Group would have its stocktaking session in 2021, with a view to bringing its recommendations to the attention of the Commission on Crime Prevention and Criminal Justice for its consideration. The view was expressed that the Group could finalize its work after the stocktaking session; another view, that the Group could continue its work after its session in 2021, was also expressed.

89. Many speakers stressed the linkages between environmental crime and other forms of transnational organized crime. Some speakers noted the need to address fisheries crimes and falsified medical product-related crimes and requested enhanced technical assistance and the exchange of experience, including through the work of UNODC and in coordination with relevant stakeholders. The role of UNODC in

providing support to States to combat transnational organized crime and its links to trafficking in precious metals and illegal mining was noted.

90. Many speakers underscored the need to strengthen efforts aimed at combating trafficking in cultural property, including by introducing dissuasive penalties for related offences. In that regard, several speakers expressed appreciation for the draft resolution on the matter that was being considered by the Conference at its tenth session. Some speakers expressed support for the idea of a new international instrument to complement the Convention that would specifically address cultural property offences. Some speakers noted the increasing linkages between transnational organized crime and other forms of crime, such as corruption and terrorism.

B. Action taken by the Conference

91. At its 10th meeting, on 16 October 2020, the Conference adopted a draft resolution ([CTOC/COP/2020/L.8/Rev.1](#)), sponsored by Canada, the European Union (also on behalf of its member States), Honduras and Libya. (For the text, see chapter I, section A, resolution 10/5, entitled “Preventing and combating the manufacturing of and trafficking in falsified medical products as forms of transnational organized crime”.)

92. Following the adoption of the resolution, the representative of Belgium stated that, as proponents of the resolution, his delegation was extremely grateful to all who had helped to achieve its adoption. He expressed thanks for the work of the secretariat and for the UNODC research that had preceded the resolution, as well as to the Ambassador of Japan, who had effectively chaired the Committee of the Whole, and to the President of the Conference for his patience and effectiveness in achieving the adoption of the resolution. He stated that Belgium was grateful for co-sponsorship and that the delegation welcomed the support given to the resolution. He also stated that preventing and combating the manufacturing of and trafficking in falsified medical products was a new topic that had not yet been the subject of a resolution and that, as had been made clear in the text itself, the resolution was meant to put international cooperation in the fight against the crime on a firmer and stronger footing. He further stated that it was an extremely important achievement of the Conference and that, as had also been made clear in the text, the Convention was a tool in the fight against the manufacturing of and trafficking in falsified medical products. Belgium wished to make the instruments as effective and as strong as possible, which was only possible with the help of all involved.

93. At the same meeting, the Conference adopted a draft resolution ([CTOC/COP/2020/L.9/Rev.1](#)), sponsored by Australia, Canada, the European Union (also on behalf of its member States), Honduras, Mexico, Morocco, Norway, Peru, the State of Palestine, the United Kingdom and the United States. (For the text, see chapter I, section A, resolution 10/6, entitled “Preventing and combating crimes that affect the environment falling within the scope of the United Nations Convention against Transnational Organized Crime”.)

94. Following the adoption of the resolution, the representative of France thanked all delegations that had participated in the negotiations on the text, which was an accomplishment for his country, and thanked them for their flexibility, which had allowed the Conference to adopt the text. He also thanked the delegations that had supported the resolution from the outset. He thanked the secretariat for its support during the various informal consultations and thanked the Ambassador of Japan for successfully chairing the Committee of the Whole and the Executive Director of UNODC for her participation at a side event that his delegation had organized. He paid tribute to the negotiator of the resolution within his delegation.

95. Also at the same meeting, the Conference adopted a draft resolution ([CTOC/COP/2020/L.10/Rev.1](#)), sponsored by Algeria, China, Egypt, El Salvador, the European Union (also on behalf of its member States), Honduras, Iraq, Kuwait, Lebanon, Libya, Mexico, Morocco, Nigeria, Norway, Panama, Peru, the State of

Palestine, the Sudan, Tunisia, the United States, Venezuela (Bolivarian Republic of) and Yemen. (For the text, see chapter I, section A, resolution 10/7, entitled “Combating transnational organized crime against cultural property”.)

96. Following the adoption of the resolution, the representative of Egypt expressed appreciation to all for their participation and for rendering the tenth session of the Conference a success despite the exceptional circumstances the world was going through, and expressed deep appreciation to all other States parties that had decided to co-sponsor the resolution. He thanked all delegations for their constructive spirit, which had led to the adoption of the resolution and to the success of the Conference. The speaker stated that the Organized Crime Convention was an effective tool that allowed the promotion of international cooperation in the areas covered by it and by its Protocols, and had as its purpose the furtherance of cooperation to combat transnational organized crime and other serious crimes. He also stated that the Convention covered all forms and dimensions of new and emerging crimes, which was why Egypt had decided to table the resolution, as crimes against cultural property were not a traditional form of crime but were perpetrated transnationally and were linked to money-laundering and other relevant crimes. He stated that Egypt sought to implement a comprehensive method when it came to countering crimes pertaining to cultural property, through the criminalization of the activities of organized criminal groups, in terms of stealing, infiltrating or transporting national cultural property and exploiting the proceeds thereof, and the financing of other criminal activities, in addition to furthering international cooperation in tracing and returning cultural property and the proceeds of the sale thereof, and employing those proceeds in further countering those crimes. The speaker congratulated all delegations for the success of the Conference despite the exceptional circumstances and expressed appreciation to UNODC for its efforts in organizing the session.

97. The representative of Nigeria thanked the delegation of Egypt for tabling the resolution and thanked the delegations for their constructive participation in the negotiation of the resolution.

VI. International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities

98. At its 5th meeting, on 14 October 2020, the Conference considered agenda item 4, entitled “International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities”. For its consideration of the item, the Conference had before it the following:

(a) Note by the Secretariat on the reports on the meetings of the subsidiary bodies of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2020/5);

(b) Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime (CTOC/COP/2020/6);

(c) Conference room paper containing the comments of States parties on the outcome of the eleventh meeting of the Working Group on International Cooperation (CTOC/COP/2020/CRP.4).

99. The introductory statement by the secretariat was made available on the website of the tenth session of the Conference.

100. Statements were made by the representatives of Italy, Brazil, Thailand, the United States, Indonesia, China, South Africa, Japan and Nigeria.

Deliberations

101. Speakers emphasized that the Organized Crime Convention was a cornerstone for conducting international cooperation in criminal matters and that such cooperation was one of the purposes of the instrument. Many speakers informed the Conference that their authorities had used the Convention as a legal basis for mutual legal assistance and extradition in relation to transnational organized crime, as well as for other serious crimes, especially where such a basis could not be found in the bilateral treaties that they maintained with other countries for that purpose.

102. In addition, several speakers noted the usefulness of the Convention's provisions on confiscation and seizure of proceeds of crime, which had enabled their national authorities to identify, trace, freeze, seize and return such proceeds. The value of the Convention's provisions on joint investigation, special investigative techniques and law enforcement cooperation was also highlighted. Speakers shared information on their domestic laws and legislation that were in line with the Convention's provisions in those areas.

103. Speakers underlined the key role played by central authorities in ensuring the speedy and proper execution or transmission of mutual legal assistance requests and emphasized the importance of those authorities maintaining direct contact and ensuring that their contact information, contained in the directory of competent national authorities, was up to date. Several speakers stated that it was crucial for central authorities to be strengthened, especially in view of the COVID-19 crisis. In that regard, several speakers called upon States to consider increasing their use and acceptance of mutual legal assistance requests in electronic form. It was also noted that international cooperation procedures should be simplified and expedited and that States should afford each other the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings, in accordance with international human rights obligations and bearing in mind the need to respect national sovereignty and the autonomy of national legal systems.

104. Speakers welcomed the work carried out by the Working Group on International Cooperation as a forum for the sharing of information among expert practitioners and for its work in providing recommendations to the Conference to improve the Convention and its implementation. Several speakers welcomed and expressed support for the work of UNODC to promote regional, interregional and international judicial cooperation among States through networks of practitioners. The usefulness of UNODC tools such as the directory of competent national authorities, the Mutual Legal Assistance Request Writer Tool and the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal was noted.

VII. Technical assistance

105. At its 5th meeting, on 14 October 2020, the Conference considered agenda item 5, entitled "Technical assistance". For its consideration of the item, the Conference had before it the following:

(a) Note by the Secretariat on the reports on the meetings of the subsidiary bodies of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2020/5);

(b) Report of the Secretariat on the provision of technical assistance to States in the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2020/7);

(c) Conference room paper containing the comments received on the discussion points for future consideration stemming from the twelfth meeting of the Working Group on Technical Assistance (CTOC/COP/2020/CRP.5).

106. The introductory statement by the secretariat was made available on the website of the tenth session of the Conference.

107. Statements were made by the representatives of China, the United States and Paraguay.

Deliberations

108. Speakers acknowledged that technical assistance was critical to the collective ability of States to achieve the objectives of the Organized Crime Convention and highlighted the potential of the Convention to effectively combat organized crime, when fully implemented. It was emphasized that technical assistance was an urgent priority to ensure the full implementation of the Convention by States parties, which underpinned the safety and security of all Member States. It was also noted that those States that were not yet parties to the Convention, or that had not yet developed sufficient capacity to implement it, could be more vulnerable to organized crime.

109. Speakers acknowledged and expressed appreciation for the technical assistance work of UNODC through its country, regional and global programmes. Some speakers encouraged donors to continue supporting the Office's technical assistance work related to transnational organized crime and to complement that support through technical assistance at the bilateral and regional levels. Some speakers emphasized that effective technical assistance required close partnerships, dialogue and coordination among donors, implementing partners and beneficiary countries, and that it should not be subject to conditions. It was mentioned that the implementation of the UNODC country, regional and global programmes was critical to the achievement of the 2030 Agenda and, in particular, Sustainable Development Goal 16, on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels, as well as Goal 10, on reducing inequalities, and Goal 15, on life on land.

110. Speakers noted that technical assistance had to be based on evidence and on identified needs and priorities in order to be sustainable. Speakers reiterated the need for legislative assistance, recognizing that legislative gaps in the implementation of the Convention and its Protocols persisted. The importance of specialized capacity-building to counter different forms of organized crime, including cybercrime, was highlighted, and the need for national strategies against organized crime to be modelled on national circumstances was emphasized. The use of online platforms for technical assistance activities was welcomed, particularly in the light of the ongoing COVID-19 pandemic.

111. Speakers noted the importance of regional and interregional cooperation in countering organized crime and welcomed the efforts of UNODC to promote such cooperation. Speakers also expressed appreciation for the technical assistance tools developed by UNODC, notably SHERLOC, and called upon States to update their records contained in that database. The need for technical assistance to effectively use those tools was reiterated.

VIII. Financial and budgetary matters

112. At its 10th meeting, on 16 October 2020, the Conference considered agenda item 6, entitled "Financial and budgetary matters". For its consideration of the item, the Conference had before it the report of the Secretariat on the implementation status of the Global Programme to Support the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto ([CTOC/COP/2020/9](#)).

IX. Provisional agenda for the eleventh session of the Conference

113. At its 10th meeting, on 16 October 2020, the Conference considered agenda item 7, entitled “Provisional agenda for the eleventh session of the Conference”. The draft provisional agenda for the eleventh session of the Conference had been drawn up by the secretariat in consultation with the Bureau, pursuant to rule 8 of the rules of procedure.

Action taken by the Conference

114. At its 10th meeting, on 16 October 2020, the Conference adopted the provisional agenda for the eleventh session of the Conference. (For the text, see chapter I, section B, decision 10/1, entitled “Provisional agenda for the eleventh session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime”.) The Conference decided that its eleventh session would be held from 17 to 21 October 2022.

115. At the same meeting, the Conference adopted the organization of the work of the eleventh session of the Conference of the Parties. (For the text, see chapter I, section B, decision 10/2, entitled “Organization of the work of the eleventh session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime”.) Prior to the adoption of the decision, the President informed the Conference that the decision had no financial implications.

X. Other matters

116. At its 10th meeting, on 16 October 2020, the Conference considered agenda item 8, entitled “Other matters”.

117. The representative of the United States stated that his delegation would have a statement to submit for the record (contained in conference room paper CTOC/COP/2020/CRP.7).

Deliberations

118. The representative of Azerbaijan congratulated the President on the successful conduct of the Conference, the delegations for their successful work and the secretariat for the organization of and preparation for the Conference. He stated that, as the security environment became more and more complex, States continued to be affected by the growing number of international threats and challenges stemming from terrorism, violent extremism, radicalism and separatism, cybercrime, organized crime, trafficking in persons and trafficking in goods, to name a few. Those threats were cross-cutting and a holistic approach was required to address them. He stated that Azerbaijan welcomed the focus on transnational organized crime, which was a rapidly increasing threat to security and stability and was closely linked to other threats, such as terrorism, illicit financial networks, corruption, money-laundering, trafficking in weapons, cultural property and other goods, and illegal exploitation of and trafficking in natural resources. The speaker also stated that, since the nature of those transnational threats was interwoven, and they could enable and benefit from each other, only a comprehensive approach to addressing them could yield a successful outcome. He further stated that activities of States in combating transnational organized crime should be guided by the normative framework developed by the United Nations, in particular the Organized Crime Convention and its Protocols, as well as relevant resolutions of the Security Council. He stated that it was also worthwhile drawing attention to the territories that were beyond the legitimate control of States as a result of unresolved armed conflict. Such areas were

fertile ground for the proliferation of organized crime and created conditions conducive to exploitation by criminal groups and networks. Azerbaijan was very familiar with that challenge owing to the ongoing occupation of part of its internationally recognized territory. He stated that that area had been identified as a criminal black hole and was being used as an attractive trafficking channel and that it constituted a major impediment for achieving progress in the fight against various forms of organized criminal activities in the region. The speaker stated that that concern had been reflected in the *World Drug Report*, issued by UNODC, and that the illicit transfer and diversion of weapons and their destabilizing accumulation and proliferation in the territories beyond the legitimate control of the States was also a great concern. Unresolved armed conflicts in the territories of United Nations Member States created unfavourable conditions, creating terrorists, the illicit transfer and diversion of weapons, deliberate damage and destruction of cultural heritage, environmental crimes and other types of international and transnational organized crime. Those conflicts continued to be the most severe threats to international peace and security and had to be resolved on the basis of the norms and principles of international law as enshrined in the documents of international organizations and Security Council resolutions, with full respect for the sovereignty, territorial integrity and non-interference in the domestic affairs of the affected States within their internationally recognized borders. Azerbaijan was one of the countries that was most interested in finding a durable settlement of conflicts in the framework of the above-mentioned principles of international law, while reaffirming that States maintained their inherent right to act in accordance with article 51 of the Charter of the United Nations to take the countermeasures necessary to respond to provocation and aggression in order to ensure the safety of the civilian population.

119. The representative of Armenia stated that it was very unfortunate that the eminent forum of the Conference was being abused for the spreading of fabricated and fake information with the aim of creating a context and excuse for furthering the crimes of a particular country, which were well known. He stated that his delegation regretted that the delegations in the room and online, in different corners of the world, after such a long week of work with intensive negotiations on important resolutions, had to waste their time and energy listening to baseless allegations and fake narratives. He stated that the Conference was not the right place for such discussions and that if there were countries that wanted to spread their fake narratives, his delegation would recommend that they look for more appropriate forums where plenty of such fake and fabricated information could be found. The speaker stated that it was also very surprising to see that a country that was currently extensively relying on the resources of international terrorism was speaking about terrorism.

120. The representative of Turkey stated that her delegation fully supported the statement made by Azerbaijan and wanted to express that respect for territorial integrity of countries was also a very important element in the fight against transnational crime.

121. The representative of Armenia stated that they had heard similar statements, but that they had unfortunately also seen similar actions on the ground.

XI. Adoption of the report of the Conference on its tenth session

122. At its 10th meeting, on 16 October 2020, the Conference adopted the report on its tenth session.

123. Prior to the adoption of the resolutions, the President informed the Conference that, in line with the streamlined work processes of the secretariat, oral statements on financial implications were prepared only for resolutions that carried implications for the regular budget of the United Nations and that, as all resolutions under consideration by the Conference at its tenth session were subject to the availability of extrabudgetary resources, no oral statements on financial implications were needed.

124. In view of the reduced number of hours for the meetings, and as approved by the extended Bureau by silence procedure on 7 September 2020 (see CTOC/COP/2020/CRP.6), the summaries of deliberations under the agenda items were not negotiated and not adopted by the Conference; instead, they were prepared after the session by the Rapporteur of the Conference, with the assistance of the secretariat.
