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## Commission on Crime Prevention and Criminal Justice

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### International cooperation in combating transnational crime: United Nations Convention against Transnational Organized Crime and the Protocols thereto

## United Nations Convention against Transnational Organized Crime and the Protocols thereto

### Report of the Secretary-General\*\*

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\* E/CN.15/2006/1.

\*\* The submission of the present report was delayed by the late receipt of the required information.



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## **I. Introduction**

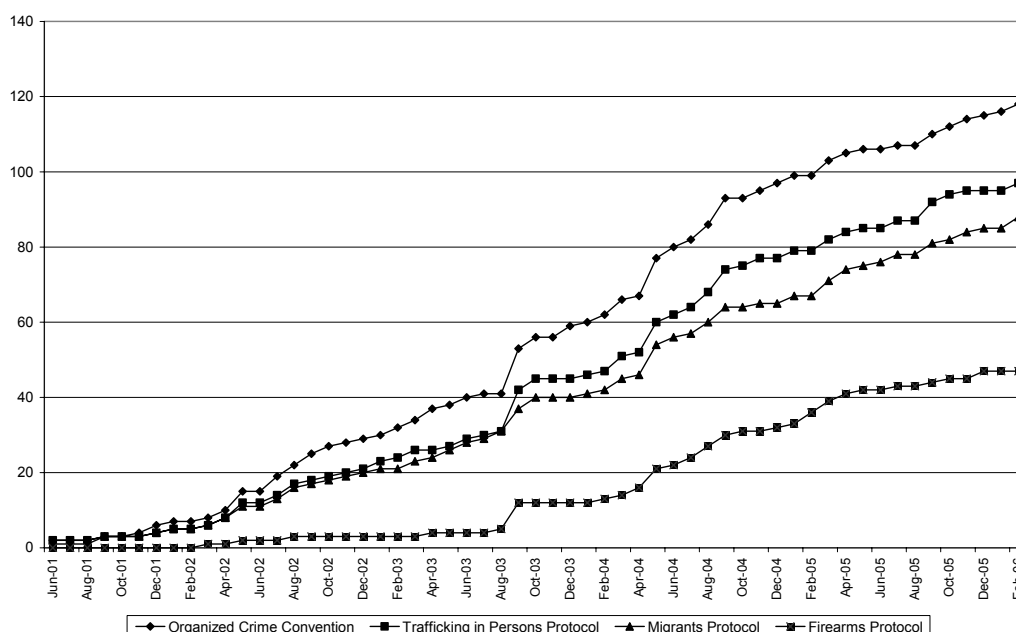
1. The fifth report of the Secretary-General on the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I, hereinafter referred to as the Organized Crime Convention) and the Protocols thereto is submitted to the Commission on Crime Prevention and Criminal Justice at its fifteenth session in order to inform the Commission of developments regarding technical assistance activities of the United Nations Office on Drugs and Crime (UNODC) in this area for the past year.
2. The Commission may also wish to direct its attention to the note by the Secretary-General on the report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its second session, held in Vienna from 10 to 21 October 2005, which is being made available to the Commission for its information (see E/CN.15/2006/19).

## **II. Status of the instruments**

3. One of the major highlights during the period under review was the entry into force, on 3 July 2005, 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 (General Assembly resolution 55/255, annex, hereinafter referred to as the Firearms Protocol).
4. During 2005, a total of 18 States ratified the Organized Crime Convention, 18 States the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II, hereinafter referred to as the Trafficking in Persons Protocol), 20 States the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex III, hereinafter the Migrants Protocol) and 15 States the Firearms Protocol. As at 15 February 2006, there were 118 parties to the Organized Crime Convention, 97 parties to the Trafficking in Persons Protocol, 88 parties to the Migrants Protocol and 47 parties to the Firearms Protocol (see figure). An updated list of ratifications is provided in the annex to the present report.

**Figure**

**Status of ratification of the Organized Crime Convention and the Protocols thereto, as at 15 February 2006**



### III. Technical assistance activities of the United Nations Office on Drugs and Crime

#### A. Legislative mandate for the provision of technical assistance by the United Nations Office on Drugs and Crime

5. The legislative basis for the technical assistance activities of UNODC is provided by the resolutions of the General Assembly on the Organized Crime Convention and the Protocols thereto (General Assembly resolutions 55/25, 56/120, 57/168, 58/135 and 59/157) and on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity (Assembly resolutions 56/123, 57/173, 58/140, 59/159 and 60/175), as well as Economic and Social Council resolution 2005/17 of 22 July 2005 entitled "International cooperation in the fight against transnational organized crime".

6. In its resolution 60/175 of 16 December 2005, entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity", the General Assembly requested the Secretary-General to continue to provide UNODC with adequate resources to enable it to promote in an effective manner and, as appropriate, under the guidance of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and to discharge its

functions as the secretariat of the said Conference of the Parties, in accordance with its mandate.

7. In its resolution 2005/17, the Economic and Social Council requested the Secretary-General to continue to provide UNODC with the resources necessary to enable it to promote, in an effective manner, the implementation of the Organized Crime Convention and the Protocols thereto and to discharge its functions as the secretariat of the Conference of the Parties to the Convention in accordance with its mandate. The Office was also requested, building on the experience gained from the preparation of the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*,<sup>1</sup> to consult with the Conference of the Parties concerning the preparation of manuals and other tools to facilitate the implementation of the Convention and its Protocols. The Council further requested the Office, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office, to continue to assist States, upon request, with capacity-building in the area of ratification as well as implementation of the Convention and its Protocols, in particular through international cooperation in criminal matters, including extradition and mutual legal assistance.

## **B. General framework**

### **1. Goal**

8. Since the adoption by the General Assembly of the Organized Crime Convention and the Protocols thereto, promoting ratification of those instruments and providing assistance to States seeking to ratify and implement them has been a top priority of UNODC. Immediately following the conclusion of the High-level Political Signing Conference for the United Nations Convention against Transnational Organized Crime and the Protocols thereto, held in Palermo, Italy, from 12 to 15 December 2000, the Office began developing and putting in place a strategy and a series of activities to promote the ratification of the Convention and the Protocols. The immediate goal of UNODC was to support the speedy entry into force of the instruments.

9. Upon the entry into force of the Organized Crime Convention and its Protocols, the objective of UNODC's activities has shifted to focus on the universal ratification of and full compliance with the instruments.

### **2. Strategy: political and substantive components**

10. In developing its strategy, UNODC devotes equal attention to the political and substantive components of the efforts that Governments will need to undertake in order to ratify and implement the Organized Crime Convention and its Protocols.

11. Regarding the political component of the endeavour, efforts are geared towards working with Governments to encourage them to undertake the requisite legislative review and action and to proceed with the submission of the pertinent legislative proposals to national parliaments as a matter of priority, while ensuring that UNODC's activities do not purport to influence, or in any way interfere with, the independent role and functions of those national parliaments. In developing its

strategy, and in particular in defining performance indicators for its activities, UNODC takes into account the difficulty of estimating the time required for the completion of the last stage of the ratification process.

12. The substantive component of the efforts is twofold: legislative assistance and capacity-building. The legislative assistance activities focus on helping States to identify and meet their needs in new legislation or to effect amendments to existing legislation, designed to bring them into basic compliance with the Organized Crime Convention and the Protocols, as appropriate. The purpose of legislative assistance is to help States to bring their systems into compliance with mandatory provisions of the instruments. With a view to helping States build their capacity, UNODC has also provided assistance in establishing state-of-the-art law enforcement mechanisms and promoting joint methods of international cooperation. Training of law enforcement officials, investigators, prosecutors and judges has also been a priority.

### **3. Conference of the Parties: new mechanism on technical assistance**

13. In accordance with article 32, paragraph 3 (a), of the Organized Crime Convention, the Conference of the Parties to the Organized Crime Convention should agree upon mechanisms for achieving its objectives, including facilitating activities by States parties under articles 29 (Training and technical assistance), 30 (Other measures: implementation of the Convention through economic development and technical assistance) and 31 (Prevention) of the Convention, including by encouraging the mobilization of voluntary contributions.

14. At its second session, held in Vienna from 10 to 21 October 2005, the Conference of the Parties, in its decision 2/6 entitled “Technical assistance activities”, decided to establish an open-ended interim working group to advise and assist it in the implementation of its mandate on technical assistance (see CTOC/COP/2005/8).

15. Pursuant to that decision, the open-ended interim working group will meet for the first time during the Conference of the Parties at its third session, to be held in the fourth quarter of 2006, and perform the following functions:

(a) Review needs for technical assistance in order to assist the Conference of the Parties on the basis of the information bases established by the secretariat;

(b) Provide guidance on priorities based on multi-year programmes approved by the Conference of the Parties and its directives;

(c) Take into consideration, as appropriate and readily available, information on technical assistance activities of the Secretariat, as well as of States, and on projects and priorities of States, other entities of the United Nations system and international organizations, in the areas covered by the Convention and its Protocols;

(d) Facilitate mobilization of potential resources.

16. With a view to assessing challenges in implementing the Convention and its Protocols, the Conference requested the secretariat to continue to develop an information base through (a) analytical reports on the implementation of the Convention and the Protocols based on information provided in response to the

questionnaires; (b) requests from States for technical assistance; and (c) lessons learned from assistance previously rendered.

17. Furthermore, the Conference requested the secretariat, on the basis of guidance provided by it and its working group, to develop project proposals to address the needs identified, taking into consideration equitable geographical distribution and different legal systems, as appropriate.

18. The Conference will review and take a decision on the effectiveness and future of the working group at its fourth session, in 2008.

## **C. Services and products**

### **1. Maintaining political momentum**

#### *(a) Regional and subregional seminars*

##### *(i) Objectives*

19. Work towards promoting the ratification and implementation of the instruments began with a series of regional and subregional seminars. Those seminars aimed at comprehensively reviewing the content of the instruments and allowing participants an opportunity to identify and discuss specific requirements and steps for ratification. They also provided an opportunity to identify and assess the needs for technical assistance.

##### *(ii) Methodology*

20. The seminars were held mainly at the regional and subregional levels, in order to allow UNODC to reach a more homogeneous audience interested in the same subject matters in a cost-effective manner. They also facilitated exchange of information, sharing of experiences and networking among participants.

21. The regional and subregional seminars generally consisted of the following elements: (a) a presentation on the Convention and its Protocols; (b) a review of national progress in the ratification and implementation process; (c) an exchange of information on ratification and implementation; and (d) adoption of political recommendations or declarations.

22. Some of the recommendations and declarations adopted at the various regional and subregional seminars were shared with other regions. They were also fed back into the design and implementation of subsequent technical assistance activities.

##### *(iii) Achievements in 2005*

23. During the period under review, UNODC continued to organize or participate in regional and subregional meetings. More specifically, the following meetings have been held:

(a) Regional expert workshop on international cooperation on counter-terrorism, corruption and the fight against transnational organized crime, for Central and South-eastern European States, organized jointly by UNODC and the Government of Croatia, from 7 to 9 March 2005;

(b) From 31 October to 4 November 2005, a third study tour for Portuguese-speaking countries on the ratification and implementation of the conventions and protocols relating to transnational organized crime, corruption and terrorism was organized jointly by UNODC and the Government of Portugal. The following countries participated in the study tour: Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, São Tomé and Príncipe and Timor-Leste.

24. Staff of UNODC made presentations to promote ratification and implementation of the Convention and its Protocols at meetings organized by or in cooperation with other entities. A staff member participated in the Eurojust strategic meeting and implementation of the European arrest warrant process, held in Budapest on 17 and 18 May 2005. A representative of UNODC chaired a session on “‘Fruits of the poisoned tree’: the admission of illegally obtained evidence in criminal proceedings post 9/11” at the eighth Transnational Crime Conference, organized by the International Bar Association, held in Milan, Italy, from 23 to 25 June 2005. UNODC was represented at the High-level Meeting on “Building partnerships for promoting gender justice in post-conflict societies”, held in Stockholm, on 25 and 26 August 2005, organized by the Swedish Ministry of Foreign Affairs, in cooperation with the International Legal Assistance Consortium and the United Nations Development Fund for Women (see A/60/444-S/2005/669, annex). Substantive input was provided to the second Meeting of Central Authorities and Other Experts on Mutual Legal Assistance in Criminal Matters and Extradition in Member States of the Organization of American States, held in Brazil from 1 to 3 September 2005. UNODC was also invited to attend an expert group meeting to discuss the development of a primer dealing with serious crimes in transitional and post-conflict situations, organized by the United States Institute of Peace, from 9 to 11 September 2005. A staff member participated in the Seminar on Treaty Actions in the Field of Transnational Organized Crime and Terrorism, organized by the Ministry of Foreign Affairs of the Netherlands in The Hague on 3 and 4 October 2005. A presentation was made at the International Seminar on International Judicial and Police Cooperation in the United Nations Convention against Transnational Organized Crime and its Protocols, held in the former Yugoslav Republic of Macedonia on 23 November 2005. From 2 to 4 December 2005, UNODC provided substantive input to the International Conference on Measuring Human Trafficking: Complexities and Pitfalls, organized by the International Scientific and Professional Advisory Council, in Courmayeur, Italy.

25. The Office organized or participated in a total of 23 interregional, regional and subregional meetings, involving 141 States.

(b) *Annual treaty event of the Secretary-General*

(i) *Objectives*

26. Since the Millennium Summit, the Secretary-General has pursued a proactive policy towards universal participation in treaties. For this purpose, a treaty event is held annually to provide an opportunity for Member States to express their support for and re-dedicate themselves to the international legal framework.



*(ii) Methodology*

27. These activities are undertaken by the Office of Legal Affairs of the Secretariat, the entity responsible for the treaties deposited with the Secretary-General. Substantive support for the treaty event held in New York from 23 to 26 September 2003 on “Focus 2003: treaties against transnational organized crime and terrorism” and the special treaty event held from 23 to 25 April 2005 during the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, was provided by UNODC (see also para. 29 below).

*(iii) Achievements in 2005*

28. During 2005, two treaty events took place with a view to further promoting the ratification of the Organized Crime Convention and the Protocols thereto.

29. A special treaty event was organized by UNODC, in close cooperation with the Office of Legal Affairs, during the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice. The special treaty event generated two accessions to the Organized Crime Convention, two accessions to the Trafficking in Persons Protocol, two accessions to and one ratification of the Migrants Protocol and one accession to the Firearms Protocol.

30. The annual treaty event of the Secretary-General for 2005, entitled “Focus 2005: responding to global challenges”, held on 14 to 16 September 2005 in conjunction with the 2005 World Summit, further generated one accession to and two ratifications of the Organized Crime Convention, one accession to and four ratifications of the Trafficking in Persons Protocol, one accession to and two ratifications of the Migrants Protocol and one ratification of the Firearms Protocol.

*(c) Planned activities in 2006*

31. In accordance with resolution 60/227 of 23 December 2005, in which the General Assembly decided to convene a High-level Dialogue on International Migration and Development during its sixty-first session, the annual treaty event, to be held in New York from 13 to 15 September 2006, will focus on the theme “Crossing borders” and will invite ratification of or accession to the Organized Crime Convention and its Protocols.

**2. Strengthening the legal response to transnational organized crime***(a) Objectives*

32. Regional and subregional seminars and other activities allow UNODC to identify some general needs: assistance appears to be necessary in the formulation of the four offences established by the Organized Crime Convention and, in particular, the offence of participation in an organized criminal group; extradition and mutual legal assistance; and the provisions governing the confiscation, seizure and disposal of proceeds of crime or other property. It is also observed that legislative measures need to be taken first, to permit the subsequent training of officials in both the international instruments and the domestic legislation that has been created or amended to conform with them.

(b) *Methodology*

33. The process of providing individual legal assistance is sequenced in three phases. The first phase is on preliminary actions that have to be undertaken before the concrete technical assistance actions start. The second phase includes in-depth analysis of existing legislation and relevant institutions of requesting States. The third phase deals with assistance to legislators and national parliaments in updating or adopting legislation.

(i) *Phase I: preliminary action*

34. UNODC works only on the basis of official requests from Governments. This method avoids making any arbitrary selection of States. Furthermore, the official request demonstrates the real will of the Government to enforce the instruments.

35. Further to the request and on the basis of the preliminary contacts with government officials, it is recommended by UNODC that the Government designate a national authority as a focal point. This authority would be in charge of collecting the relevant material at the national level (laws, decrees, regulations, etc.); it would also help in organizing the work of various national authorities that have to be involved in the ratification and implementation process. This focal point might be either in the Ministry of Foreign Affairs or in the Ministry of Justice. The Ministry of the Interior could also be designated.

(ii) *Phase II: in-depth analysis of existing legislation*

36. Before organizing a mission to the requesting States, UNODC will request the designated focal point to send the Office the relevant documentation to be analysed and reviewed, taking into account the mandatory provisions of the Organized Crime Convention and its Protocols. This exercise allows the Office to provide adequate advice to the requesting State when the mission takes place.

(iii) *Phase III: legal advisory mission*

37. For a legal advisory mission, the UNODC person in charge of the overall assistance coordination to the country will be accompanied, where appropriate, by one or two international experts. The purpose of the mission is to present the text of the Organized Crime Convention and its Protocols; to animate a debate on the main issues and difficulties concerning the ratification and implementation of the international instruments; and to assist the national authorities in upgrading the relevant provisions of the national legislation, regulation and decrees, as well as in drafting new implementing legislation, if necessary. Accordingly, the national authorities under the coordination of the focal points would make the relevant legal changes. As appropriate, a second legal advisory mission would be undertaken after an open dialogue with the national authorities, with a view to finalizing the necessary legal changes that will bring the national legislation into full accordance with the Convention and its Protocols.

(c) *Achievements in 2005*

38. During 2005, UNODC provided technical assistance to a number of States, at their request, although responses were limited in some cases by the availability of personnel or resources. Legislative assistance was provided in 2005 to the following

States: Burkina Faso (5-7 January), Sierra Leone (29 January-1 February), Ethiopia (1-3 February), the Philippines (28 February and 1 March), Thailand (3 and 4 March), Djibouti (30 May-3 June), São Tomé and Príncipe (18-22 July), Madagascar (29 August-2 September), Equatorial Guinea (5-9 September) and Nigeria (26-30 September).

39. As at 14 February 2006, UNODC had provided individual legislative assistance to 56 States and received additional requests from several States.

### **3. Building capacity for effective implementation**

40. Together with ongoing assistance focused on legislative and related issues, UNODC has started to respond to requests regarding capacity-building in fighting organized crime and trafficking in persons.

41. In Latin America, UNODC is working with a number of Member States on specific areas of assistance. Recent examples of technical assistance include Peru, where UNODC organized two workshops on the use of the investigative techniques of undercover operations, electronic surveillance and controlled deliveries as a means to identify and dismantle organized criminal groups. In August, UNODC conducted a money-laundering mock trial, a highly useful exercise in terms of undertaking a complex case using oral advocacy skills. UNODC provided software and training on the use of relational database software to create visual links in complex organized crime cases to help Peruvian judicial and law enforcement officials in the preparation or adjudication of cases. Additionally, computer equipment was delivered to specialized units of the National Police in order to improve their output in the detection of organized criminal groups.

42. In Guatemala, UNODC and the Attorney General's Office hosted a national meeting on witness protection. The aim of the meeting was to bring together officials from relevant institutions to provide comments and recommendations on the existing legal framework and implementing regulations, with a view to determining whether the existing law would require major amendment. The meeting also provided a forum for an exchange of views on how best to structure the Office of Logistical Support in the Office of the Attorney General, which is currently in charge of providing protection for witnesses in coordination with the Ministry of the Interior. The outcome of the meeting was a series of recommendations by several working groups, concerning the law, the regulations and the operational structure of the Office of Logistical Support. A money-laundering mock trial event was also held in Guatemala in November 2005. The exercise developed capacity in working with complex cases of money-laundering and enhanced trial and oral advocacy skills.

43. UNODC is also conducting activities in West Africa focused on strengthening the legislative and operational responses of law enforcement and judicial authorities to organized crime and drug trafficking. In May, UNODC conducted a technical assessment of the law enforcement and prosecutorial capabilities and needs with respect to investigating and prosecuting offences related to organized crime and drug trafficking. The assessment also aimed at promoting the ratification of the Organized Crime Convention. On the basis of the assessment, UNODC developed a programme of training and technical assistance, including a workshop on organized crime and narcotics trafficking for judges, prosecutors and law enforcement officers, organized by the Narcotics Control Board of Ghana and UNODC in August 2005.

That workshop raised awareness among these professionals about the nature and extent of organized crime in West Africa, and in particular in Ghana; and it offered practical instruction on analysing and developing investigation plans for complex case studies dealing with money-laundering, confiscation, and use of offshore entities. As a result, a number of gaps in Ghana's laws and practice, in particular as related to its narcotics laws and the absence of a money-laundering law for crimes other than narcotics, were identified and recommendations were drafted into a document for formal presentation to high-level officials. Measures to promote the ratification and implementation of the Organized Crime Convention and its three Protocols were also included in the Programme of Action 2006-2010 to strengthen the rule of law and criminal justice systems in Africa, endorsed during the Round Table for Africa held in Abuja on 5 and 6 September 2005.<sup>2</sup>

44. In Peru in October 2005, UNODC hosted a workshop on mutual legal assistance and extradition. The UNODC Mutual Legal Assistance Request Writer Tool was demonstrated and expertise was provided by central authority experts from Argentina, Chile, Colombia, Mexico, Spain, Switzerland and the United States of America on how best to obtain results when requesting mutual legal assistance and extradition from their respective States. The final day was a closed-door event for the central authority experts to discuss specific cases.

45. Witnesses, whether they are victims or not, are the building blocks of investigation and prosecution. One of the essential requirements to combat organized crime effectively is the need to ensure that measures are in place to provide adequate assistance, support, security and protection to witnesses. In 2005, a series of expert group meetings was initiated by the Anti-Organized Crime and Law Enforcement Unit of UNODC with the objective of developing a manual of good practice covering both legal and operational aspects of witness protection for use by judicial and law enforcement authorities. In November 2005, the first regional meeting was held in Latin America, addressing the operational and legal issues of witness protection. That meeting, attended by 12 States (Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay and Peru) was a further step towards interregional cooperation for the relocation of witnesses.

46. UNODC assistance also focuses on the criminal justice components of trafficking in persons, including training of officials and designing witness protection schemes. In 2005, UNODC continued to carry out technical cooperation projects in Asia, Africa, Europe and Latin America, with new projects launched in Colombia, India, the Philippines, the Republic of Moldova, Slovakia and Viet Nam. It responded to requests from 10 States to assess the human trafficking situation. It received requests from 16 States to draft legislation, of which 14 were countries of the Southern African Development Community (SADC). Requests were received from the Economic Community of West African States (16 States), SADC (14 States) and Viet Nam for adaptation of a training manual for judiciary and law enforcement officials, which had been developed for Benin, Nigeria and Togo (in English and French). Training requested by 13 States for law enforcement officials, prosecutors and judges covered a range of subjects from border control to investigation methods, victim protection and international cooperation.

47. UNODC works closely with international, regional, governmental and non-governmental organizations to promote a comprehensive and multidisciplinary

approach, including the International Criminal Police Organization (Interpol), the International Labour Organization, the International Organization for Migration, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the United Nations Development Programme. In September 2005, UNODC convened an inter-agency consultative meeting to develop better coordination and a strategic response aimed at addressing the particular vulnerability of victims of human trafficking to HIV/AIDS. Inter-agency working groups are being established to carry forward the United Nations system-wide collaborative policy and strategy. In March 2005, UNODC finalized with the North Atlantic Treaty Organization the production of anti-human-trafficking training modules for military personnel. In May 2005, in collaboration with the Government of Canada, UNODC published a guide entitled *Human Trafficking: Reference Guide for Canadian Law Enforcement*.<sup>3</sup> UNODC is in discussion with the International Centre for Migration Policy Development on the development of training tools. Collaboration with the Organization for Security and Cooperation in Europe (OSCE) continues on a daily basis, to share information and best practices, including regular contacts with the OSCE Office for Democratic Institutions and Human Rights. UNODC is a member of the OSCE Expert Coordination Team of the Alliance Against Trafficking in Persons, comprising representatives from major European and international institutions combating trafficking in persons in Europe. In 2005, recognizing the role of non-governmental organizations in respect of victims of human trafficking and at-risk populations, UNODC funded victim support projects run by non-governmental organizations in Bosnia and Herzegovina, Croatia, India, Indonesia, Mexico, South Africa, Thailand, Uganda and Ukraine.

#### 4. Sustaining impact

##### (a) Objectives

48. To achieve a sustained impact, UNODC has developed and disseminated effective tools and user-friendly manuals for international judicial cooperation in combating transnational organized crime.

##### (b) Methodology

49. With a view to accommodating different legal traditions and varying levels of institutional development, the manuals and tools have been developed through a broad participatory process involving input from experts, institutions and Government representatives from all regions of the world. In most cases, expert groups were established for that purpose.

##### (c) Achievements by 2005

50. To date, the following tools have been developed by UNODC and are available on the UNODC website or upon request:

(a) **Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto.** The legislative guides were published in 2004 and are available in the six official languages of the United Nations at [http://www.unodc.org/unodc/en/organized\\_crime\\_convention\\_legislative\\_guides.html](http://www.unodc.org/unodc/en/organized_crime_convention_legislative_guides.html).

(b) **Travaux préparatoires of the negotiations for the elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto.** The *travaux préparatoires* will be available in English in the first quarter of 2006, to be followed by versions in the other official languages of the United Nations.

(c) **Model law on extradition.** The model law was produced in 2004 and is available in English at [http://www.unodc.org/pdf/model\\_law\\_extradition.pdf](http://www.unodc.org/pdf/model_law_extradition.pdf).

(d) **Model Treaty on Extradition.** The Model Treaty can be found in the annex to General Assembly resolution 45/116 and was amended by the Assembly in its resolution 52/88. It is available in English at [http://www.unodc.org/pdf/model\\_treaty\\_extradition.pdf](http://www.unodc.org/pdf/model_treaty_extradition.pdf).

(e) **Model Treaty on Mutual Assistance in Criminal Matters.** The Model Treaty can be found in the annex to General Assembly resolution 45/117 and was amended by the Assembly in its resolution 53/112. It is available in English at [http://www.unodc.org/pdf/model\\_treaty\\_mutual\\_assistance\\_criminal\\_matters.pdf](http://www.unodc.org/pdf/model_treaty_mutual_assistance_criminal_matters.pdf).

(f) **Revised Manuals on the Model Treaty on Extradition and on the Model Treaty on Mutual Assistance in Criminal Matters.** Published in 2005, the revised manuals are available in English at [http://www.unodc.org/pdf/model\\_treaty\\_extradition\\_revised\\_manual.pdf](http://www.unodc.org/pdf/model_treaty_extradition_revised_manual.pdf).

(g) **Mutual Legal Assistance Request Writer Tool.** This tool, developed in 2005, will be disseminated in the first quarter of 2006 in English, French, Russian and Spanish, followed by the Arabic and Chinese versions.

(h) **Transnational Organized Crime in the West African Region.**<sup>4</sup> This report, published in 2005, is available in English at [http://www.unodc.org/pdf/transnational\\_crime\\_west-africa-05.pdf](http://www.unodc.org/pdf/transnational_crime_west-africa-05.pdf).

(d) *Planned activities in 2006*

51. The drafting of a model law on mutual legal assistance was started in November 2005 by an expert working group organized by UNODC in cooperation with the International Institute of Higher Studies in Criminal Sciences. It is expected that the final draft of the model legislation will be circulated at the Commission on Crime Prevention and Criminal at its fifteenth session as a conference room paper in order to receive input from Member States.

52. Based on the experience gained in developing the Mutual Legal Assistance Request Writer Tool, UNODC plans to commence development of an extradition request writer tool in the first quarter of 2006.

53. With respect to kidnapping, a best practices Counter-Kidnapping Manual has been developed for judicial and law enforcement officials and will be made available to Member States in early 2006. Training materials have been developed based on the manual and will be used to provide training to law enforcement officials in 2006.

54. In 2005, UNODC continued to develop its data collection and analysis capabilities, with its global database on human trafficking trends. Based on the database, UNODC is finalizing a global report to be published in 2006.

55. An exercise detailing conceptual, legislative and organizational tools to combat trafficking in persons in use in different parts of the world has been completed. Based on this exercise, UNODC will publish a Toolkit to Combat Trafficking in Persons in 2006.

## **5. Other activities**

### *(a) Best practices*

56. Within the framework of the United Nations International Drug Control Programme, UNODC organized two informal expert working groups relevant to the implementation of the Organized Crime Convention. From 22 to 24 August 2005, an informal expert working group meeting on best practices relating to special investigative techniques was held in Vienna, with a view to discussing key legal challenges surrounding the application of controlled delivery, undercover operations and electronic surveillance and making recommendations for addressing those challenges. Another informal expert working group meeting, on best practices relating to witnesses in the criminal justice process, was organized in Vienna from 14 to 16 September 2005 to identify appropriate legal frameworks and develop solutions to legal challenges in order to facilitate the use of effective measures to protect witnesses at the investigative, trial and post-trial phases of a criminal case.

### *(b) Public awareness*

57. UNODC continues to promote public awareness of trafficking in persons. Since their launch in 2001, UNODC's four video public service announcements have been distributed to over 100 television stations worldwide and have been broadcast by CNN and BBC World. Another two video spots launched in 2003 continue to be customized with telephone hotlines in more than 50 countries and to be put on public websites, thereby providing a lifeline to victims. In 2005, the UNODC video spot "Better Future" won the award in the best short film category at the first United Nations documentary film festival. UNODC responded to about 100 requests for prevention materials (public service announcements, posters, brochures) and other information. On 2 December 2005, the International Day for the Abolition of Slavery, UNODC appointed the film actress Julia Ormond as its Goodwill Ambassador in support of its Global Programme against Trafficking in Human Beings. In the context of human rights advocacy and raising awareness of linkages between trafficking and violence against women, as well as HIV/AIDS, Julia Ormond undertook UNODC anti-human-trafficking advocacy initiatives in Moscow and New York.

## **D. Funding**

58. UNODC's activities in this area have been supported through voluntary contributions to a special account established pursuant to article 30 of the Organized Crime Convention and General Assembly resolution 55/25 of 15 November 2000 and operated under the United Nations Crime Prevention and Criminal Justice Fund. In order to use the limited financial and human resources as efficiently as possible, a number of assistance activities provided in 2005 dealt with the ratification and

legislative incorporation of both the Organized Crime Convention and its Protocols and treaties on drugs, corruption and terrorism.

59. During 2005, the following States have made financial contributions to the account mentioned in paragraph 58 above:

(United States dollars)

<i>Donor</i>	<i>Amount paid</i>
Canada	81 301
Italy	100 000
United States of America	300 000

60. Pursuant to General Assembly resolution 60/175, Member States are encouraged to make adequate and regular voluntary contributions for the implementation of the Organized Crime Convention and the Protocols thereto, through the United Nations funding mechanism specifically designed for that purpose in the Convention or in direct support of implementation activities and initiatives.

## **E. Coordination**

### **1. Towards a United Nations system-wide response to organized crime**

61. At its session held in Vienna in April 2004, the United Nations System Chief Executives Board for Coordination addressed the issue of curbing transnational organized crime within the realm of coordination among the United Nations entities. Subsequently, the Board, at its spring session in 2005, endorsed a programme of action contained in a note before the Board on “Joint action to curb transnational crime” and requested UNODC, as the lead body for follow-up to the decisions in that area, to report back on progress made in one year’s time. A draft report for the spring 2006 session of the High-Level Committee on Programmes of the Board has been prepared.

62. Since the above joint programme was endorsed, much has happened that has had a particular impact on the issue of transnational crime, the most important being that the issue was acknowledged by the international community as among the six major threats to international security and, as such, was mentioned both in the report of the Secretary-General entitled “In larger freedom: towards development, security and human rights for all” (A/59/2005 and Adds. 1-3) as well as in the 2005 World Summit Outcome (General Assembly resolution 60/1). In addition, in the same period, the international crime control regime as regards transnational organized crime and corruption has been enriched by the coming into force of the United Nations Convention against Corruption (General Assembly resolution 58/4, annex) and the Firearms Protocol to the Organized Crime Convention.

63. The above-mentioned joint programme of action was meant to be a living set of initiatives. Indeed, much progress has been made in fostering international and inter-agency coordination and cooperation in addressing the issues of transnational



crime, in particular in the field, although not much progress has been made in terms of institutionalizing joint programming at a headquarters level. However, the establishment of new policy advice bodies and operational structures such as the Peacebuilding Commission and the United Nations Democracy Fund will certainly increase the level of inter-agency coordination, cooperation and programming.

## **2. Relationship of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime with the Commission on Crime Prevention and Criminal Justice**

64. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its second session, held in Vienna from 10 to 21 October 2005, discussed its relationship with the Commission on Crime Prevention and Criminal Justice. A report containing information about the mandates of these bodies and the future Conference of the States Parties to the United Nations Convention against Corruption was before the Conference of the Parties at its second session (CTOC/COP/2005/5).

65. Noting that each body had well-defined, distinct and specific mandates and functions, many speakers were of the opinion that avoiding duplication of work would not constitute a major issue, as long as each body remained within its own clearly defined area of competence and adequate coordination and communication were ensured. It was also noted that the main responsibility for avoiding duplication would lie with the States participating in the deliberations of the bodies. The fact that UNODC was the secretariat of the Conference of the Parties and the Commission would in that context prove helpful, as the secretariat would be in a position to alert each body to any risk of duplication that might arise from decisions envisaged by the others. Several speakers further suggested that the reports of the Conference of the Parties should be brought to the attention of the Commission and that the Conference should be kept apprised of the work of the Commission.

66. More detailed information is contained the report of the Conference of the Parties at its second session (CTOC/COP/2005/8), made available to the Commission for its information (see E/CN.15/2006/19) (see also E/CN.15/2006/16).

## **IV. Conclusions and future action**

67. The year 2005 was marked by striking achievements in respect of the Organized Crime Convention and the Protocols thereto, at both the legal and the political level.

68. On the legal side, the entry into force, on 3 July 2005, of the Firearms Protocol constituted a major milestone, allowing UNODC to achieve its immediate goal of supporting the prompt entry into force of all the instruments within a period of only five years since their adoption. To that end, the objective of UNODC's activities has shifted to focus on the universal ratification of and full compliance with the instruments.

69. In that connection, the Commission on Crime Prevention and Criminal Justice may wish to reiterate its appeal to those States which have not yet done so to ratify or accede to the Convention and its Protocols. Those States which have not become

parties to the instruments may wish to consider taking the opportunity to be provided by the 2006 annual treaty event to ratify or accede to the instruments.

70. On the political side, the unambiguous collective will of the international community to fight transnational organized crime was demonstrated at the highest level during 2005. The 2005 World Summit Outcome reaffirmed the strong commitment of Member States to make joint efforts to combat transnational crime, as well as to strengthen the technical assistance capacity of UNODC. The Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice (A/CONF.203/18, chap. I, resolution 1), adopted at the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, called upon donor States and financial institutions to continue to make adequate voluntary contributions on a regular basis for the provision of technical assistance to facilitate the ratification and implementation of the Organized Crime Convention and its Protocols.

71. However, political commitment needs to be translated into concrete action. The Commission might wish to urge Member States to honour the commitments made at the 2005 World Summit and the Eleventh Congress, highlighting the essential role of UNODC in assisting Member States to combat transnational organized crime.

72. In this endeavour, UNODC seeks further partnership and coordination through existing mechanisms, such as the United Nations System Chief Executives Board for Coordination, in order to maximize the impact of its technical assistance in the most efficient manner.

73. With a view to ensuring concerted action by the Commission on Crime Prevention and Criminal Justice and the Conference of the Parties to the Organized Crime Convention, the Commission might wish to direct its attention to the results of the deliberations of the Conference of the Parties at its second session with regard to the relationship between the Conference of the Parties to the Organized Crime Convention and the Commission.

#### *Notes*

<sup>1</sup> United Nations publication, Sales No. E.05.V.2.

<sup>2</sup> More information on the Round Table for Africa, held in Abuja on 5 and 6 September 2005, and on the Programme of Action 2006-2010 to strengthen the rule of law and criminal justice systems in Africa, is included in the report of the Executive Director on Development, security and justice for all: towards a safer world (E/CN.7/2006/5-E/CN.15/2006/2).

<sup>3</sup> *Human Trafficking: Reference Guide for Canadian Law Enforcement* (Abbotsford, British Columbia, University College of the Fraser Valley Press, 2005)

<sup>4</sup> United Nations publication, Sales No. E.05.XI.1.

## Annex

### Status of ratifications as at 15 February 2006

#### A. Summary of signatures and ratifications

<i>International instrument</i>	<i>Signatures</i>	<i>Ratifications</i>	<i>Entry into force</i>
United Nations Convention against Transnational Organized Crime	147	118	29 Sept 2003
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	117	97	25 Dec 2003
Protocol against the Smuggling of Migrants by Land, Sea and Air	112	88	28 Jan 2004
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition	52	47	3 July 2005

#### B. Ratifications of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, by region

	<i>Date of ratification</i>			
	<i>Organized Crime Convention</i>	<i>Trafficking in Persons Protocol</i>	<i>Migrants Protocol</i>	<i>Firearms Protocol</i>
<b>Africa</b>				
Algeria	7 October 2002	9 March 2004	9 March 2004	25 August 2004 <sup>a</sup>
Benin	30 August 2004	30 August 2004	30 August 2004	30 August 2004
Botswana	29 August 2002	29 August 2002	29 August 2002	
Burkina Faso	15 May 2002	15 May 2002	15 May 2002	15 May 2002
Cameroon	6 February 2006	6 February 2006	6 February 2006	
Cape Verde	15 July 2004	15 July 2004	15 July 2004	15 July 2004
Central African Republic	14 September 2004 <sup>a</sup>			
Comoros	25 September 2003 <sup>a</sup>			
Democratic Republic of the Congo	28 October 2005 <sup>a</sup>	28 October 2005 <sup>a</sup>	28 October 2005 <sup>a</sup>	28 October 2005 <sup>a</sup>
Djibouti	20 April 2005 <sup>a</sup>	20 April 2005 <sup>a</sup>	20 April 2005 <sup>a</sup>	
Egypt	5 March 2004	5 March 2004	1 March 2005 <sup>a</sup>	
Equatorial Guinea	7 February 2003	7 February 2003		
Gabon	15 December 2004 <sup>a</sup>			
Gambia	5 May 2003	5 May 2003	5 May 2003	
Guinea	9 November 2004 <sup>a</sup>	9 November 2004 <sup>a</sup>	8 June 2005 <sup>a</sup>	
Kenya	16 June 2004 <sup>a</sup>	5 January 2005 <sup>a</sup>	5 January 2005 <sup>a</sup>	5 January 2005 <sup>a</sup>
Lesotho	24 September 2003	24 September 2003	24 September 2004	24 September 2003 <sup>a</sup>
Liberia	22 September 2004 <sup>a</sup>	22 September 2004 <sup>a</sup>	22 September 2004 <sup>a</sup>	22 September 2004 <sup>a</sup>

	<i>Date of ratification</i>			
	<i>Organized Crime Convention</i>	<i>Trafficking in Persons Protocol</i>	<i>Migrants Protocol</i>	<i>Firearms Protocol</i>
Libyan Arab Jamahiriya	18 June 2004	24 September 2004	24 September 2004	18 June 2004
Madagascar	15 September 2005	15 September 2005	15 September 2005	15 September 2005
Malawi	17 March 2005	17 March 2005 <sup>a</sup>	17 March 2005 <sup>a</sup>	17 March 2005 <sup>a</sup>
Mali	12 April 2002	12 April 2002	12 April 2002	3 May 2002
Mauritania	22 July 2005 <sup>a</sup>	22 July 2005 <sup>a</sup>	22 July 2005 <sup>a</sup>	22 July 2005 <sup>a</sup>
Mauritius	21 April 2003	24 September 2003 <sup>a</sup>	24 September 2003 <sup>a</sup>	24 September 2003 <sup>a</sup>
Morocco	19 September 2002			
Namibia	16 August 2002	16 August 2002	16 August 2002	
Niger	30 September 2004	30 September 2004		
Nigeria	28 June 2001	28 June 2001	27 September 2001	
Rwanda	26 September 2003	26 September 2003		
Senegal	27 October 2003	27 October 2003	27 October 2003	
Seychelles	22 April 2003	22 June 2004	22 June 2004	
South Africa	20 February 2004	20 February 2004	20 February 2004	20 February 2004
Sudan	10 December 2004			
Togo	2 July 2004			
Tunisia	19 June 2003	14 July 2003	14 July 2003	
Uganda	9 March 2005			9 March 2005 <sup>a</sup>
Zambia	24 April 2005 <sup>a</sup>	24 April 2005 <sup>a</sup>	24 April 2005 <sup>a</sup>	24 April 2005 <sup>a</sup>
Regional total	37	30	27	17

#### Asia and the Pacific

Afghanistan	24 September 2003			
Bahrain	7 June 2004 <sup>a</sup>	7 June 2004 <sup>a</sup>	7 June 2004 <sup>a</sup>	
Cambodia	12 December 2005		12 December 2005	12 December 2005 <sup>a</sup>
China	23 September 2003			
Cook Islands	4 March 2004 <sup>a</sup>			
Kiribati	15 September 2005 <sup>a</sup>	15 September 2005 <sup>a</sup>	15 September 2005 <sup>a</sup>	
Kyrgyzstan	2 October 2003	2 October 2003	2 October 2003	
Lao People's Democratic Republic	26 September 2003 <sup>a</sup>	26 September 2003 <sup>a</sup>	26 September 2003 <sup>a</sup>	26 September 2003 <sup>a</sup>
Lebanon	5 October 2005	5 October 2005	5 October 2005	
Malaysia	24 September 2004			
Micronesia (Federated States of)	24 May 2004 <sup>a</sup>			
Myanmar	30 March 2004 <sup>a</sup>	30 March 2004 <sup>a</sup>	30 March 2004 <sup>a</sup>	
Oman	13 May 2005 <sup>a</sup>	13 May 2005 <sup>a</sup>	13 May 2005 <sup>a</sup>	13 May 2005 <sup>a</sup>
Philippines	28 May 2002	28 May 2002	28 May 2002	
Saudi Arabia	18 January 2005			
Tajikistan	8 July 2002	8 July 2002 <sup>a</sup>	8 July 2002 <sup>a</sup>	
Turkmenistan	28 March 2005 <sup>a</sup>	28 March 2005 <sup>a</sup>	28 March 2005 <sup>a</sup>	28 March 2005 <sup>a</sup>
Uzbekistan	9 December 2003			
Vanuatu	4 January 2006 <sup>a</sup>			
Regional total	19	10	11	4

	<i>Date of ratification</i>			
	<i>Organized Crime Convention</i>	<i>Trafficking in Persons Protocol</i>	<i>Migrants Protocol</i>	<i>Firearms Protocol</i>
<b>Eastern Europe</b>				
Albania	21 August 2002	21 August 2002	21 August 2002	
Armenia	1 July 2003	1 July 2003	1 July 2003	
Azerbaijan	30 October 2003	30 October 2003	30 October 2003	3 December 2004 <sup>a</sup>
Belarus	25 June 2003	25 June 2003	25 June 2003	6 October 2004 <sup>a</sup>
Bosnia and Herzegovina	24 April 2002	24 April 2002	24 April 2002	
Bulgaria	5 December 2001	5 December 2001	5 December 2001	6 August 2002
Croatia	24 January 2003	24 January 2003	24 January 2003	7 February 2005 <sup>a</sup>
Estonia	10 February 2003	12 May 2004	12 May 2004	12 May 2004
Latvia	7 December 2001	25 May 2004	23 April 2003	28 July 2004 <sup>a</sup>
Lithuania	9 May 2002	23 June 2003	12 May 2003	24 February 2005
Poland	12 November 2001	26 September 2003	26 September 2003	4 April 2005
Republic of Moldova	16 September 2005	16 September 2005	16 September 2005	
Romania	4 December 2002	4 December 2002	4 December 2002	16 April 2004 <sup>a</sup>
Russian Federation	26 May 2004	26 May 2004	26 May 2004	
Serbia and Montenegro <sup>b</sup>	6 September 2001	6 September 2001	6 September 2001	20 December 2005 <sup>a</sup>
Slovakia	3 December 2003	21 September 2004	21 September 2004	21 September 2004
Slovenia	21 May 2004	21 May 2004	21 May 2004	21 May 2004
The former Yugoslav Republic of Macedonia	12 January 2005	12 January 2005	12 January 2005	
Ukraine	21 May 2004	21 May 2004	21 May 2004	
Regional total	19	19	19	12
<b>Latin America and the Caribbean</b>				
Antigua and Barbuda	24 July 2002			
Argentina	19 November 2002	19 November 2002	19 November 2002	
Belize	26 September 2003 <sup>a</sup>	26 September 2003 <sup>a</sup>		
Bolivia	10 October 2005			
Brazil	29 January 2004	29 January 2004	29 January 2004	
Chile	29 November 2004	29 November 2004	29 November 2004	
Colombia	4 August 2004	4 August 2004		
Costa Rica	24 July 2002	9 September 2003	7 August 2003	9 September 2003
Ecuador	17 September 2002	17 September 2002	17 September 2002	
El Salvador	18 March 2004	18 March 2004	18 March 2004	18 March 2004
Grenada	21 May 2004 <sup>a</sup>	21 May 2004 <sup>a</sup>	21 May 2004 <sup>a</sup>	21 May 2004 <sup>a</sup>
Guatemala	25 September 2003	1 April 2004 <sup>a</sup>	1 April 2004 <sup>a</sup>	1 April 2004 <sup>a</sup>
Guyana	14 September 2004 <sup>a</sup>	14 September 2004 <sup>a</sup>		
Honduras	2 December 2003			
Jamaica	29 September 2003	29 September 2003	29 September 2003	29 September 2003
Mexico	4 March 2003	4 March 2003	4 March 2003	10 April 2003
Nicaragua	9 September 2002	12 October 2004 <sup>a</sup>	15 February 2006 <sup>a</sup>	
Panama	18 August 2004	18 August 2004	18 August 2004	18 August 2004
Paraguay	22 September 2004	22 September 2004		
Peru	23 January 2002	23 January 2002	23 January 2002	23 September 2003 <sup>a</sup>

	<i>Date of ratification</i>			
	<i>Organized Crime Convention</i>	<i>Trafficking in Persons Protocol</i>	<i>Migrants Protocol</i>	<i>Firearms Protocol</i>
Saint Kitts and Nevis	21 May 2004	21 May 2004 <sup>a</sup>	21 May 2004 <sup>a</sup>	21 May 2004 <sup>a</sup>
Uruguay	4 March 2005	4 March 2005	4 March 2005	
Venezuela (Bolivarian Republic of)	13 May 2002	13 May 2002	19 April 2005	
Regional total	23	20	16	9
<b>Western European and other States</b>				
Australia	27 May 2004	14 September 2005	27 May 2004	
Austria	23 September 2004	15 September 2005		
Belgium	11 August 2004	11 August 2004	11 August 2004	24 September 2004
Canada	13 May 2002	13 May 2002	13 May 2002	
Cyprus	22 April 2003	6 August 2003	6 August 2003	6 August 2003
Denmark	30 September 2003	30 September 2003		
Finland	10 February 2004			
France	29 October 2002	29 October 2002	29 October 2002	
Malta	24 September 2003	24 September 2003	24 September 2003	
Monaco	5 June 2001	5 June 2001	5 June 2001	
Netherlands	26 May 2004	27 July 2005	27 July 2005	8 February 2005 <sup>a</sup>
New Zealand	19 July 2002	19 July 2002	19 July 2002	
Norway	23 September 2003	23 September 2003	23 September 2003	23 September 2003
Portugal	10 May 2004	10 May 2004	10 May 2004	
Spain	1 March 2002	1 March 2002	1 March 2002	
Sweden	30 April 2004	1 July 2004		
Turkey	25 March 2003	25 March 2003	25 March 2003	4 May 2004
United Kingdom of Great Britain and Northern Ireland	9 February 2006	9 February 2006	9 February 2006	
United States of America	3 November 2005	3 November 2005	3 November 2005	
European Community	21 May 2004			
Regional total	20	18	15	5

<sup>a</sup> Accession.

<sup>b</sup> Effective 4 February 2003, the name of the Federal Republic of Yugoslavia was changed to Serbia and Montenegro.