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## Commission on Crime Prevention and Criminal Justice

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**World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal Justice; work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime; work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption**

## International cooperation in combating transnational organized crime and corruption

### Report of the Secretary-General

#### *Summary*

The present report, prepared pursuant to resolutions of the Economic and Social Council and the General Assembly, provides a brief overview of the activities of the United Nations Office on Drugs and Crime in the fight against transnational organized crime and corruption. It complements the reports of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fourth session and of the Conference of the States Parties to the United Nations Convention against Corruption at its second session, as well as the reports of working groups established under their auspices.

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\* E/CN.15/2009/1.



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## **I. Introduction**

1. The present report is submitted to the Commission on Crime Prevention and Criminal Justice at its eighteenth session pursuant to Economic and Social Council resolutions 2005/17, entitled “International cooperation in the fight against transnational organized crime” and 2006/24, entitled “International cooperation in the fight against corruption”, as well as General Assembly resolution 61/181, entitled “Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity”.

## **II. Transnational organized crime**

2. The United Nations Convention against Transnational Organized Crime<sup>1</sup> and its three Protocols (the Protocol to Prevent, Suppress and Punish Trafficking of Persons, Especially Women and Children;<sup>2</sup> the Protocol against the Smuggling of Migrants by Land, Sea and Air;<sup>3</sup> and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition<sup>4</sup>) continued to attract adherence. During the reporting period, eight States ratified the Convention (current total: 147 parties), seven States ratified the Trafficking in Persons Protocol (current total: 124 parties), six States ratified the Migrants Protocol (current total: 116 parties) and nine States ratified the Firearms Protocol (current total: 77 parties). Promoting universal ratification of those instruments and providing assistance to States seeking to implement them are top priorities of the United Nations Office on Drugs and Crime (UNODC).

### **A. Conference of the Parties to the United Nations Convention against Transnational Organized Crime and its working groups**

#### **1. Background**

3. At its fourth session, held in Vienna from 8 to 17 October 2008, the Conference of the Parties to the Convention against Transnational Organized Crime adopted six substantive decisions, on a possible review mechanism (decision 4/1), international cooperation in criminal matters (decision 4/2), technical assistance (decision 4/3), trafficking in human beings (decision 4/4), implementation of the Migrants Protocol (decision 4/5) and implementation of the Firearms Protocol (decision 4/6).<sup>5</sup>

#### **2. Open-ended working groups of the Conference**

4. Pursuant to recommendations made at the third session of the Conference to improve information-gathering on implementation of the Convention and its

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

<sup>2</sup> *Ibid.*, vol. 2237, No. 39574.

<sup>3</sup> *Ibid.*, vol. 2241, No. 39574.

<sup>4</sup> *Ibid.*, vol. 2326, No. 39574.

<sup>5</sup> The documentation of the fourth session of the Conference is available on the website of UNODC (<http://www.unodc.org/unodc/en/treaties/CTOC/CTOC-COP-session4.html>).

Protocols, UNODC has developed an interim checklist software application, which was sent to States parties and signatories in May 2008. The software has improved reporting by States: by the fourth session of the Conference, a total of 566 reports or updates of previous reports had been received from 116 Member States. In its decision 4/1, the Conference noted with satisfaction the improved information-gathering efforts since its third session and the ongoing efforts of UNODC to develop a comprehensive computer-based self-assessment tool.

5. In that decision, the Conference also acknowledged the necessity of exploring options regarding a possible mechanism to review the implementation of the Convention and the Protocols thereto, and requested UNODC to convene at least one open-ended intergovernmental meeting of experts by September 2009, tasked with presenting a report to the Conference, at its fifth session, on mechanisms for reviewing the implementation of the Convention.

6. By its decision 2/2, the Conference decided to establish a working group of Government experts on practical issues pertaining to extradition, mutual legal assistance and international cooperation for the purposes of confiscation. Pursuant to decision 3/2, the working group on international cooperation became a constant element of the Conference. The working group also held meetings at the fourth session.

7. Pursuant to Conference decision 3/2, UNODC has carried out extensive activities in the area of international cooperation in criminal matters. It has developed and promoted the use of a number of tools to facilitate international cooperation, in particular an online directory of competent national authorities designated to handle extradition and mutual legal assistance requests, the Mutual Legal Assistance Request Writer Tool and a catalogue of examples of cases of judicial cooperation based on the Convention. UNODC also organized a series of regional workshops on practical aspects of international cooperation in criminal matters. Those workshops will continue to be held at the national, subregional and interregional levels in 2009.

8. In its decision 4/2, the Conference noted that the Convention was successfully being used by an increasing number of States as a basis for granting requests for extradition, mutual legal assistance and international cooperation for purposes of confiscation, encouraged States parties to continue to make use of the Convention as a legal basis for such international cooperation and welcomed the development and expansion of tools to facilitate international cooperation. In that decision, it encouraged States parties to provide in their domestic legislation for cooperation in the form of giving evidence by video link to facilitate international cooperation and requested the Secretariat to assist States in overcoming technical and legal obstacles in using videoconferencing. It also requested the Secretariat to support the strengthening of networking at the interregional level among central authorities and other competent authorities for extradition and mutual legal assistance for the purpose of confiscation and to facilitate communication and problem-solving among such authorities through the establishment of a global discussion forum on a secure network.<sup>6</sup>

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<sup>6</sup> See CTOC/COP/2008/18.

9. At its intersessional meeting held in Vienna on 3-5 October 2007, the Open-ended Working Group of Government Experts on Technical Assistance identified types of technical assistance required in the five priority areas identified by the Conference at its third session: (a) gathering information on the implementation of the Convention and its Protocols; (b) strengthening criminal justice responses to organized crime based on the Convention and its Protocols; (c) international cooperation and the establishment or strengthening of central authorities for mutual legal assistance and extradition; (d) data collection; and (e) implementation of the Protocols to the Convention. In its decision 4/3, the Conference, endorsing the recommendations of the Working Group, took note of the proposals for specific technical assistance activities prepared by the Secretariat in the above-mentioned five priority areas (CTOC/COP/2008/16) and endorsed the approach adopted. The Conference also endorsed the recommendations formulated at the round table on technical assistance providers, convened during the fourth session of the Conference. It urged donor countries and technical assistance providers to take into consideration the technical assistance needs identified in the responses to the interim checklist/questionnaires established by the Conference. The Working Group will hold an intersessional meeting in 2009.

10. By its decision 4/4, the Conference established an open-ended interim working group to facilitate the implementation of the Trafficking in Persons Protocol through the exchange of experience and practice between experts and practitioners in that field. The working group has been mandated to make recommendations to the Conference on implementation of the Protocol and on the coordination of activities to combat trafficking in persons. The working group is to hold its first intersessional meeting by September 2009 and a subsequent meeting during the fifth session of the Conference, in 2010.

11. The Conference also urged States parties to consider the advisability of establishing open-ended intergovernmental working groups on the Migrants Protocol (decision 4/5) and on the Firearms Protocol (decision 4/6).

## **B. Promoting ratification and implementation**

### **1. Tools**

12. Pursuant to decision 3/2, the online directory of competent national authorities was expanded to include authorities designated under the Convention to deal with requests for extradition, the transfer of sentenced persons, mutual legal assistance and cooperation to suppress the smuggling of migrants by sea (under the Migrants Protocol). One hundred and seventy-four authorities designated by 89 States under the Convention and the Migrants Protocol were added to the directory in 2008. The directory is constantly updated, published and disseminated among States. Central authorities have been given password-protected access to the directory to edit their own records, subject to review and approval by the Secretariat. Pursuant to decision 4/2, the directory will also include authorities designated under article 13 of the Firearms Protocol, which requests each State party to identify a national body or a single point of contact to act as liaison with other parties on matters related to the Protocol.

13. The Mutual Legal Assistance Request Writer Tool, designed to assist practitioners in drafting correct and effective requests, is available in English, French, Spanish and Russian (<http://www.unodc.org/mla>). Arabic and Portuguese versions are being tested, and the Tool is currently being translated into Montenegrin.

14. UNODC has collected and submitted to the Conference a catalogue of cases on successful use of the Convention for extradition, mutual legal assistance and international cooperation for the purpose of confiscation. The collection of cases will continue in 2009 and the catalogue will be updated and disseminated among Member States.

15. A case management tool has been developed by UNODC to enable jurisdictions to investigate serious crime cases in an effective, transparent and timely manner. The case management tool was adopted by Bolivia and Honduras in 2008, and by Colombia, the Dominican Republic, Ecuador and the Bolivarian Republic of Venezuela prior to 2008.

16. UNODC is continuing to develop model laws to assist States parties in their review and adaptation of national legislation in compliance with the requirements of the Convention and its Protocols. Such model laws are also used by UNODC in the delivery of legislative assistance to requesting States. A comprehensive model law on trafficking in persons for both common law and civil law jurisdictions had reached the stage of finalization in 2008. Work on a model law on the smuggling of migrants has been initiated, and an informal expert group meeting on that model law is planned to be held in the first quarter of 2009. Model provisions on firearms control are currently under preparation. UNODC is also planning to develop comprehensive legislation for the implementation of the Convention.

17. After the meeting of an expert working group held in Vienna in April 2008, a model witness protection law and a model international relocation agreement were finalized. Guidelines on witness protection for prosecutors have been developed jointly with the Ibero-American Association of Public Prosecutors (AIAMP); a serious and organized crime threat assessment manual is currently in preparation, and an expert group was convened in December 2008 for that purpose.

18. The second edition of the UNODC Toolkit to Combat Trafficking in Persons<sup>7</sup> was released in October 2008 and will be published in the six official languages of the United Nations in 2009. A manual to combat trafficking in persons for criminal justice practitioners was completed in 2008 and will be made available in English in early 2009. The manual consists of 26 stand-alone modules<sup>8</sup> addressing each phase of the criminal justice response to trafficking in persons, from the identification of victims through investigations and prosecutions of traffickers to the protection of victims. In 2008, the Global Initiative to Fight Human Trafficking (UN.GIFT) undertook a global research initiative on national responses to trafficking in persons, and the primary data collected in 2007 and 2008 will be included in a global report to be published in February 2009.

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<sup>7</sup> The Toolkit is available on the website of UNODC (<http://www.unodc.org/unodc/en/human-trafficking/electronic-toolkit-to-combat-trafficking-in-persons---index.html>).

<sup>8</sup> The circulation of some modules is restricted to law enforcement personnel only.

19. UNODC has supported the development of indicators for the smuggling of migrants and relevant methodology for data collection in South Asia. In December 2008, an expert group meeting with law enforcement officials and prosecutors was held to draft training material concerning the smuggling of migrants. A study on the smuggling of migrants from India to Europe, in particular to the United Kingdom, will be published in early 2009.

20. UNODC continues to collect information on successful practices and measures on victim support, witness protection and the facilitation of the participation of victims and witnesses of human trafficking and migrant smuggling in the criminal justice system and to make such information available to Member States. The Secretariat is also working on the development of tools to improve cooperation between law enforcement agencies, inter alia, in the area of communication, data collection and analysis with respect to human trafficking and the smuggling of migrants.

21. UNODC is continuing to develop technical assistance tools to support the implementation of the Firearms Protocol. UNODC has almost finalized its technical guidelines aimed at providing practical and operational support to Member States to help them create and strengthen the institutions responsible for controlling the legal trade in firearms and ammunition. At an informal expert working group meeting held in Vienna in August 2008, participants shared their insights into the challenges faced by States parties in implementing the Protocol. The technical guidelines are expected to be submitted to individual experts for final consideration in early 2009.

## **2. Provision of technical assistance for legislation and capacity-building and cooperation with other entities**

### *(a) Legislation and capacity-building*

22. UNODC has continued to provide legal advisory services, legislative assistance and other forms of technical assistance to Member States in the ratification and implementation of the Organized Crime Convention and its Protocols.

#### **Organized Crime Convention**

23. In 2008, legal advice and legislative assistance on the ratification of the Organized Crime Convention and on the adaptation of national legislation was provided to Brunei Darussalam, Cambodia, Fiji, Haiti, Kazakhstan, the Lao People's Democratic Republic, Mongolia, Thailand and Timor-Leste.

24. UNODC trained prosecutors in the use of special investigative techniques to support national authorities in addressing the increasingly sophisticated modus operandi of traffickers. A comparative guide and training manual are being developed with input from experts. Further regional meetings will be held in 2009.

25. Training and legal advice on the enhancement of trial skills, international legal cooperation, case management and circumstantial evidence were provided throughout the reporting period to Bolivia, Brazil, Colombia, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of).

26. In September 2008, UNODC organized an informal expert working group on joint investigations. The working group examined a wide range of collaborative approaches and joint investigative practices in use worldwide, with a view to raising awareness of the provisions on joint investigations, identifying models for joint investigations, identifying legal obstacles and other practical issues inhibiting the establishment of joint investigations as provided for in the Convention.<sup>9</sup>

27. Training and capacity-building activities to promote international judicial cooperation have been carried out within the framework of numerous national and regional seminars, training sessions and other technical assistance activities undertaken by UNODC. Pursuant to Conference decision 3/2, UNODC organized regional workshops for central and competent authorities designated under the Convention, liaison magistrates and judges, prosecutors and practitioners in charge of handling international cooperation cases, in order to promote close working contacts among them and to promote knowledge of the Convention mechanisms in the area of international cooperation in criminal matters.<sup>10</sup> The series of workshops will continue in 2009.

28. Several workshops in 2008 were devoted specifically to seizing, confiscating and sharing or returning proceeds or instrumentalities of crime transferred to foreign jurisdictions: a workshop held in Kazakhstan in July in partnership with the Organization for Security and Cooperation in Europe (OSCE); a workshop for Balkan countries held in Serbia in November; and a workshop on financial investigations and confiscation of proceeds of crime held in Croatia in November.

29. In cooperation with the Terrorism Prevention Branch of UNODC, a regional ministerial conference was held in Panama in June 2008, to consider practical aspects of international cooperation and the use of the Organized Crime Convention as a legal basis for such cooperation.

30. Workshops were also organized to address international cooperation in the context of specific offences or for countries located along common trafficking routes. A regional workshop on enhancing law enforcement and judicial cooperation along Central Asian drug routes was held in Kyrgyzstan in April 2008 in partnership with OSCE; and a cross-regional workshop to enhance the capacity of national central authorities of the Bahamas, Cuba, Colombia, the Dominican Republic, Haiti, Jamaica and Panama in facilitating international cooperation on Caribbean trafficking routes is scheduled to take place in Cuba in 2009.

31. Several workshops were organized to address international judicial cooperation in the context of the Trafficking in Persons Protocol and the Migrants Protocol. In February 2008, within the framework of the Vienna Forum to Fight Human Trafficking, a round-table discussion entitled "Identifying and overcoming

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<sup>9</sup> CTOC/COP/2008/CRP.5.

<sup>10</sup> With the assistance of an advisory group of experts and with financial support from Canada, France, the United States and the Organization for Security and Cooperation in Europe (OSCE), in 2008 UNODC organized several regional workshops: one in Vienna in April in cooperation with OSCE; one in Dakar in June for francophone countries in Central, North and West Africa; and the third in Belgrade in November for the Balkan countries. In 2008, a regional training session on international cooperation under the Convention was offered in Jordan for Arab countries; national workshops were also held in Brazil, Iran (Islamic Republic of), Kenya, the Libyan Arab Jamahiriya and Mongolia.



obstacles to international cooperation” was held, with a focus on international judicial and law enforcement cooperation; an interregional workshop was held in Uzbekistan in May 2008 on promoting law enforcement and judicial cooperation among source, transit and destination countries to combat human trafficking and the smuggling of migrants to and from Central Asia, in partnership with OSCE; a national training workshop on international cooperation to combat illegal migration was held in the Libyan Arab Jamahiriya in May 2008; a training workshop for Russian chief prosecutors on mutual legal assistance and trafficking in human beings was held in Moscow in September 2008; a training event for investigators and prosecutors on human trafficking took place in Caracas in November 2008; a regional conference was held on the subject of “Improving regional and international cooperation in fighting against sexual exploitation” in Indonesia in December 2008. In the framework of a subregional project for Central America on human trafficking, UNODC carried out a series of strengths-weaknesses-opportunities-threats (SWOT) analysis workshops for police, prosecution, judicial and migration authorities to evaluate their capacities for addressing trafficking in persons offences, including aspects of international cooperation.

32. Training on witness protection was provided to Argentina, Azerbaijan and Kenya. A regional meeting on victim assistance and witness protection was held in Athens for the countries of South-East Europe and the Caucasus; assistance was provided to Panama in the development of a witness protection module. In August 2008, UNODC facilitated witness protection modules in a series of training sessions relating to victims/witnesses of trafficking in persons, which was the United States Agency for International Development/Programme of Support for Victims of Trafficking in Persons in Mexico (Proteja) held in various cities of Mexico for Mexican officials of the Attorney General’s Office and the National Human Rights Commission of Mexico; in September 2008, an international conference on witness protection was convened in Argentina, aimed at sensitizing officials and civil society to the importance of adopting a comprehensive framework to protect witnesses of serious crimes, including human rights violations. A regional training on witness protection and organized crime was also organized for judges and prosecutors in Thailand.

#### Trafficking in Persons Protocol and the Migrants Protocol

33. In 2008, UNODC continued to carry out projects in more than 65 countries in Africa, Asia, Central and Eastern Europe, the Middle East and Latin America, focusing on the criminal justice components of combating trafficking in persons and smuggling of migrants. Within the framework of its technical assistance projects, UNODC advocates a victim-centred approach.

34. Legislative assistance in the ratification and implementation of the Trafficking Protocol and in the drafting of national legislation was provided to Mauritius, Turkmenistan and Uzbekistan. In 2008, Mauritius and Uzbekistan adopted new national legislation on trafficking.

35. In 2008, UNODC launched a comprehensive programme to assist States in North and West Africa in strengthening the criminal justice response to the smuggling of migrants from and through Africa.

36. In June 2008, in the margins of the thematic debate on trafficking in persons held by the General Assembly, UNODC, in partnership with the United Nations Institute for Training and Research, made a presentation entitled “Criminal justice responses against trafficking in persons – role play performance: mock interview and trial programme”. The event was organized as part of UN.GIFT and was aimed at demonstrating best practices for the identification of victims, interviewing of victims, use of interpreters and victim-witness assistance and protection within the criminal justice system.

37. UNODC worked closely with national authorities in developing policies and action plans to combat trafficking in persons, and technical assistance was provided for the establishment of relevant infrastructure including in the Black Sea region and East and Southern Africa.

38. Police, border guards, prosecutors, judges, legislative drafters and staff of non-governmental organizations from countries including the Lao People’s Democratic Republic, Saudi Arabia, Slovakia, Ukraine and Uzbekistan received specialized training. UNODC assisted the North Atlantic Treaty Organization (NATO) in training its senior officials and officials from States that are part of the Partnership for Peace in combating trafficking in persons. UNODC also participated in the organization of regional conferences and joint assessment missions and provided technical expertise within national workshops in countries including Cape Verde, China, Cyprus, Guinea-Bissau, Latvia, Poland and Romania.

39. UNODC has supported non-governmental organizations in six countries with the aim of expanding anti-trafficking networks to increase support to victims of trafficking in persons. In Croatia, a project introduced formalized mechanisms for the provision of information to asylum-seekers most at risk of falling prey to human traffickers and to assist victims of human trafficking identified within the asylum procedures. UNODC, in its function as a member of the advisory board of the non-governmental organization La Strada, contributed to the development of recommendations on national referral mechanisms, especially with regard to the issue of “trafficked persons and criminal justice: reconciling their potentially conflicting interests in the framework of national referral mechanisms”.

40. A key element of UN.GIFT, the Vienna Forum, was held in Vienna in February 2008. The objectives of the Forum were to raise awareness about human trafficking, forge new partnerships and facilitate cooperation. Focusing on the three themes of vulnerability, impact and action, the Forum generated discussion on the various dimensions of human trafficking and its relation to security, development and human rights and highlighted innovative approaches.

#### Firearms Protocol

41. During the fourth session of the Conference, an expert consultation was organized focusing on the requirements for export, import and transit (article 10 of the Firearms Protocol) and on marking, record-keeping and tracing provisions. In its decision 4/6, the Conference requested UNODC to continue to develop technical assistance tools to assist States in the implementation of the Firearms Protocol. During a side event at the fourth session organized jointly by the United States and UNODC, experts addressed technical issues related to marking and tracing of firearms.

42. In May 2008, UNODC provided Bolivian authorities with legislative assistance with respect to the adoption of a national law on firearms. In January 2009, the Bolivian Congress adopted its first national law on firearms, which is pending consideration by the Bolivian Senate.

43. In April 2008, in partnership with the Regional Arms Control Verification and Implementation Assistance Centre in Zagreb, UNODC organized a regional training seminar, for law enforcement officials in South-East Europe, on control measures to prevent and combat trafficking in firearms.

44. UNODC has developed a proposal to combat illicit firearms manufacturing and trafficking, which involves assessing and strengthening the legislation and institutional capacity to implement the Firearms Protocol in at least 10 pilot project countries in Africa and Latin America. Subject to the availability of resources, participating countries will develop national action plans enabling them to conduct an in-depth assessment of both legislative and institutional gaps and weaknesses in firearms control and help them identify priorities, set realistic goals, commit the resources needed to effectively combat illicit firearms manufacturing and trafficking and provide adequate training to their authorities.

*(b) Cooperation with other entities*

*Organized Crime Convention*

45. UNODC maintains close cooperation with a number of organizations and entities with respect to issues of transnational organized crime, such as OSCE, with which it has organized several joint workshops and initiatives, and the Organization of American States. With both those organizations, UNODC has carried out activities in the area of international legal cooperation specifically in relation to organized crime and firearms. With the Caribbean Community, UNODC is developing a joint programme to prevent and combat organized crime and other serious crimes. Close cooperation also exists with the International Criminal Police Organization (INTERPOL), the European Police Office (Europol) and Eurojust on issues related to international cooperation.

46. UNODC continues its close cooperation with the AIAMP. UNODC has provided ongoing technical advice to the AIAMP working group on witness protection and draft guidelines for prosecutors. UNODC also participated in the General Assembly of AIAMP held in the Dominican Republic in 2008, at which the Assembly adopted a resolution acknowledging the work of UNODC in the area of witness protection, in particular, its identification of good practices in witness protection.

*Trafficking in Persons Protocol and the Migrants Protocol*

47. UNODC works closely with international, regional and non-governmental organizations involved in countering human trafficking to promote a comprehensive and multidisciplinary approach. UNODC promotes collaboration with other partners and the creation of synergy within the framework of its technical assistance projects in the field, as well as in its activities at headquarters.

48. UNODC is committed to furthering inter-agency and international cooperation. In its coordination role, UNODC manages UN.GIFT in cooperation

with the Office of the United Nations High Commissioner for Human Rights, the International Labour Organization, the United Nations Children's Fund, the International Organization for Migration and OSCE. Those organizations form the UN.GIFT Steering Committee, the principal coordinating and advisory body to advance the goals of the Global Initiative. A representative of the Crown Prince of Abu Dhabi, the major donor to UN.GIFT, is also represented at the meetings of the Steering Committee. UNODC is also a member of the OSCE Expert Coordination Team of the Alliance against Trafficking in Persons, which comprises representatives from major European and international institutions combating trafficking in persons in Europe. The Global Migration Group, a mechanism for promoting inter-agency coordination, brings together heads of agencies to promote the wider application of all relevant international and regional instruments and norms relating to migration and to encourage the adoption of more coherent, comprehensive and better-coordinated approaches to the issue of international migration. Currently, the Global Migration Group consists of 18 entities, including UNODC.

49. The Executive Director of UNODC is also entrusted with the coordination of the activities of the Inter-Agency Cooperation Group against Trafficking in Persons (ICAT). Pursuant to resolution 17/1 of the Commission on Crime Prevention and Criminal Justice, entitled "Efforts in the fight against trafficking in persons", the report of the Secretary-General on improving the coordination efforts against trafficking in persons (A/63/90), summarizes the activities of ICAT.<sup>11</sup>

#### Firearms

50. UNODC is an active member of the Coordinating Action on Small Arms (CASA), a United Nations-wide mechanism established by the Secretary-General in 1998 to coordinate the work on small arms of numerous departments, programmes, funds, offices, institutes and committees of the United Nations system and improve the ability of the United Nations to work as one in delivering effective policy, programming and advice to Member States, including promoting full adherence and implementation of the international regime in that area.<sup>12</sup> CASA comprises 17 United Nations bodies active in policy development or programming related to firearms. UNODC participates by videoconference in regular meetings of CASA. UNODC is supporting the CASA endeavour to develop the international small arms control standards<sup>13</sup> and participated in the first broad-based consultation on the development of those standards, held in Geneva on 24-25 November 2008.

51. UNODC has established close cooperation at the field level with the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean and, more recently, with the United Nations Regional

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<sup>11</sup> The Government of Belarus made a financial contribution to support the immediate work of ICAT, strengthening UNODC capacities to carry out its coordinating functions. At its next meeting, to take place in March 2009, ICAT will discuss possible approaches to strengthening coordination of its efforts to combat trafficking in persons.

<sup>12</sup> The Firearms Protocol, the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.

<sup>13</sup> The international small arms control standards are planned to be finalized in 2010.

Centre for Peace and Disarmament in Africa. In December 2007 and in June 2008, UNODC participated in capacity-building workshops on the implementation of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, held in Nairobi and in Rio de Janeiro, Brazil, and organized by the United Nations Office for Disarmament Affairs. In May 2008, UNODC participated in the Synergy Conference for Regional Organizations on the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons, held at NATO headquarters in Brussels, in preparation for the third Biennial Meeting of States to Consider the Implementation of the Programme of Action on Small Arms, and later participated in the Biennial Meeting of States held on 14-18 July in New York.

52. UNODC participated in the meeting of the Conference of the States Parties to the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, held in Mexico City in February 2008.

### III. Corruption

53. The United Nations Convention against Corruption<sup>14</sup> entered into force on 14 December 2005 and, as at 8 January 2009, had 129 States parties. In its resolution 2006/24, entitled “International cooperation in the fight against corruption”, the Economic and Social Council reiterated its deep concern about the impact of corruption on the political, social and economic stability and development of societies. It stressed the need for a comprehensive and multidisciplinary approach to prevent and combat corruption effectively and for closer coordination and cooperation among States and other relevant entities.

54. At its first session, the Conference of the States Parties to the United Nations Convention against Corruption adopted eight resolutions and one decision concerning the review of implementation; an information-gathering mechanism on the implementation of the Convention; the adaptation of national laws and regulations; asset recovery; technical assistance; an international cooperation workshop on technical assistance; the issue of bribery of officials of public international organizations; best practices in the fight against corruption; and the offer of the Government of Indonesia to host the second session of the Conference. In addition, the Conference, at its first session, established three working groups, tasked with the review of implementation, asset recovery and technical assistance.

55. At its second session, the Conference adopted five resolutions, concerning the review of implementation, technical assistance, asset recovery, the adaption of legislation and regulations and the bribery of officials of public international organizations.<sup>15</sup> The third session of the Conference will take place in Doha from 9 to 13 November 2009.

<sup>14</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>15</sup> The reports of the first and second sessions of the Conference, including the resolutions and decisions adopted by the Conference, are available on the website of UNODC (<http://www.unodc.org>).

## **A. Working Groups established by the Conference of the States Parties to the United Nations Convention against Corruption**

56. The Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption held two intersessional meetings in Vienna, from 22 to 24 September 2008 and from 15 to 17 December 2008. In its resolution 2/1, the Conference had called upon States parties and signatories to submit proposals for terms of reference for a review mechanism. The Working Group was tasked with submitting draft terms of reference to the Conference at its third session for its consideration, action and possible adoption. The Secretariat received proposals from 33 States and brought them to the attention of the Working Group. The Working Group initiated discussions and negotiations on the basis of a rolling text prepared by the Secretariat. The Working Group is scheduled to hold two additional meetings and further informal consultations before the third session of the Conference to comply with its mandate.

57. The Open-ended Intergovernmental Working Group on Asset Recovery held an intersessional meeting in Vienna on 25 and 26 September. The Working Group gave high priority to capacity-building, the availability, creation and management of knowledge and the establishment of a network of contact points for asset recovery. It welcomed the progress made on an envisaged comprehensive knowledge management centre and recommended that such a tool should contain not only legislation but also analytical work on asset recovery. It further reconfirmed the recommendation to develop practical tools for asset recovery, in particular a practical step-by-step manual, an expanded version of the Mutual Legal Assistance Request Writer Tool and models or best practices guides where feasible.

58. At its intersessional meeting on 18 and 19 December 2008, the Open-ended Intergovernmental Working Group on Technical Assistance endorsed proposals for technical assistance activities submitted by the Secretariat, including the establishment of a pool of anti-corruption experts and the development of a matrix to map technical assistance needs and activities at the bilateral, regional and global levels. The Working Group noted efforts undertaken to improve reporting on implementation of the Convention using the self-assessment checklist and recommended that technical assistance be provided to assist countries in fulfilling their reporting obligations. The issue of coordination both among technical assistance providers and at the national level was stressed, and the Working Group recommended that a country-based approach to programming and delivery be integrated into existing coordination mechanisms. It further recommended that in order to enhance knowledge on the substantive aspects of the Convention, the personnel of technical assistance providers, in particular field staff, be trained in those aspects.

## **B. Implementation of Conference resolutions**

59. In its resolution 1/1, the Conference requested UNODC to assist parties in their efforts to collect and provide information on their self-assessment and analysis of implementation efforts and to report on those efforts to the Conference. UNODC developed a technical assistance project, the pilot programme on review of implementation, to test possible means for reviewing implementation of the

Convention against Corruption. The programme entailed a limited review of the implementation of the Convention in countries that volunteered to participate and aimed at assisting the Conference to reach a decision on the establishment of an appropriate review mechanism. Sixteen States initially volunteered to join the programme, and membership was subsequently expanded to 29 States following the second session of the Conference. The review group decided to conclude all activities in time to report on its lessons learned to the Conference at its third session.

60. Meetings of the participating countries were held to discuss the review methodology, and terms of reference were adopted. Participating countries were divided into groups of three, of which two were from the same region, where possible. Emphasis was placed on the importance of active dialogue between the countries under review. If agreed by the country under review, experts of the reviewing country conducted country visits to validate their findings. Progress on activities undertaken by the pilot programme was reported regularly to the Conference and its working group on review of implementation. At the time of the present report, the 29 country reviews had reached various stages. All countries under review had identified focal points and submitted their self-assessment checklists, and most countries under review had been in contact with the experts tasked with the review. Final reports had been issued for certain reviews, and country visits were undertaken or planned for others.

61. In compliance with Conference resolution 2/1, UNODC continued to assist States parties and signatories in their efforts to compile and provide information on the status of implementation of the Convention. At the time of the present report, 70 States parties had submitted their self-assessment reports on the implementation of the Convention, resulting in a response rate of 55 per cent. Also pursuant to that resolution, UNODC commenced work to develop a comprehensive computer-based tool designed to enable States parties and signatories to the Convention to keep track of their implementation efforts, identify implementation gaps and subsequent needs for technical assistance. The comprehensive self-assessment checklist is expected to be presented to the Conference at its third session.

62. In its resolutions 1/7 and 2/5, the Conference requested UNODC to initiate an open-ended dialogue between the relevant public international organizations and States parties on the issue of the bribery of officials of public international organizations. In response, UNODC adopted a two-pronged approach. First, the open-ended dialogue was advanced through a meeting that brought together international organizations and States. Pursuant to resolution 2/5, the issue was narrowed to international cooperation. An open-ended workshop held in January 2009 focused on the issue of methodologies of cooperation between public international organizations and States parties in investigations of corruption involving international public officials. Secondly, the Office presented a proposal to the United Nations System Chief Executives Board for Coordination to undertake a system-wide integrity initiative that would extend the principles and standards of the Convention to the organizations of the United Nations system. A meeting of the Chief Executives Board was held in January 2009 and, prior to the meeting, the Secretariat had collected information and prepared a website collating information received through that voluntary, consultative process.

## **C. Promoting ratification and implementation**

### **1. Tools**

63. UNODC is preparing the *travaux préparatoires* of the negotiations of the Convention against Corruption, in order to promote in-depth understanding of the Convention. The *travaux préparatoires* will be published in 2009.

64. In collaboration with the United Nations Interregional Crime and Justice Research Institute, UNODC developed a draft technical guide to promote the implementation of the Convention. The technical guide will be published in early 2009.

65. Pursuant to Economic and Social Council resolutions 2006/23 and 2007/22, UNODC is developing a guide on strengthening judicial integrity and capacity. UNODC has been supporting the development of judicial reform programmes with a view to strengthening the integrity and capacity of judicial institutions to prevent and control corruption.

66. Jointly with the United Nations Development Programme (UNDP) Programme on Governance in the Arab Region, UNODC is developing a computer-based judicial ethics training tool to promote judicial ethics in Arabic-speaking countries with a view to fostering the application of the Bangalore Principles of Judicial Conduct and professional principles for prosecutors.

67. Jointly with the International Association of Anti-Corruption Authorities (IAACA) and supported by the Northeastern University of the United States, UNODC is creating a knowledge management system to collect anti-corruption laws, case law, national anti-corruption plans and strategies and information on anti-corruption bodies. UNODC has secured in-kind support from the private sector to develop the innovative software that will underpin the knowledge consortium.

### **2. Provision of technical assistance for legislation and capacity-building**

68. In 2008, UNODC provided expertise and technical assistance to Member States in line with the Convention on Corruption, focusing on adopting legislation in conformity with the Convention; building strategic, tactical and operational capacities of specialized anti-corruption bodies; enhancing integrity, accountability and transparency in the private and public sectors, including the management of public resources; and supporting relevant Government institutions in the recovery of assets at the domestic and international levels.

69. In particular, technical assistance in the area of anti-corruption was provided to Afghanistan, Armenia, Bangladesh, Bolivia, Brazil, Cameroon, Cape Verde, the Democratic Republic of the Congo, Egypt, Indonesia, Iraq, Jordan, Kenya, Kyrgyzstan, Kuwait, the Lao People's Democratic Republic, Lebanon, Liberia, Mauritania, Montenegro, Nigeria, the Sudan, Tajikistan, Tanzania, Thailand, the Former Yugoslav Republic of Macedonia, Togo, Uganda, the United Arab Emirates and Viet Nam. Technical assistance was also provided at the regional level for the Arab region, East Africa and the Western Balkans.

70. UNODC developed, jointly with UNDP Iraq, a five-year programme to fight corruption and to build an effective anti-corruption system in that country. The



programme is designed to strengthen Iraq's main anti-corruption bodies and promote greater cooperation among those bodies, particularly through the Joint Anti-Corruption Council.

71. UNODC assisted the Government of Afghanistan in drafting the law establishing the High Office of Oversight, the national anti-corruption body, and supported Afghanistan's efforts to render the Office operational. Technical assistance activities were undertaken on the first project to be launched as part of the overall programme, entailing the conduct of a comprehensive anti-corruption assessment and integrity survey. Simultaneously, assistance was provided in the development of a comprehensive national anti-corruption strategy.

72. UNODC, jointly with the UNDP Programme on Governance in the Arab Region, developed a strategic programme on joint activities focusing on the development of assessment tools allowing for an in-depth analysis of corruption prevention systems, review of the results of the process of self-assessment and gap analysis, the establishment of the Arab Anti-Corruption and Integrity Network as a regional platform to support the efforts of Arab States to implement the Convention and computer-based training to promote judicial ethics in Arabic-speaking countries.

73. In Indonesia, UNODC launched a second-phase project in 2008 to assist the Supreme Court of Indonesia and other relevant institutions in strengthening judicial integrity, capacity and professionalism in order to enhance the rule of law in the country. Further, a needs analysis was carried out targeting all agencies carrying out anti-corruption work, and the concept note on technical assistance to those agencies was finalized. UNODC also signed a memorandum of understanding with the Corruption Eradication Commission of Indonesia.

74. UNODC developed a four-year project on strengthening the capacity of the Government Inspectorate and the Government of Viet Nam to monitor and report on corruption and anti-corruption efforts. The Government Inspectorate plays a key role as both an implementer of and an advisor on the Government's anti-corruption policies. UNODC is also engaged in a project with the Vietnamese People's Police Academy in carrying out a review of the Academy's curriculum with the objective of providing recommendations towards modernization and enhancement of the Academy's mandate and service delivery capabilities.

75. UNODC continued to provide technical assistance in supporting the development of judicial reform programmes with a view to strengthening the integrity and capacity of judicial institutions in various countries to prevent and control corruption. In Nigeria, continued assistance has been carried out in particular to enhance the effectiveness, efficiency and integrity of the judiciary in various Nigerian states, including the development of action plans and the provision of tailored capacity-building.

76. In 2008, UNODC also provided technical assistance in the area of anti-corruption under the framework of the Anti-Corruption Mentor Programme. The Programme has the overall objective of providing specialized expertise through the placement of anti-corruption experts in Government institutions tasked with the control and prevention of corruption. Beneficiaries include Bolivia, Cape Verde, Jordan, Kenya, Kyrgyzstan, Tajikistan and Thailand, as well as the Government of Southern Sudan.

77. The United Nations Democracy Fund approved a project, to be executed by UNODC, aimed at providing emerging democracies in Africa with a blueprint for anti-corruption action based on the Convention against Corruption. Particular emphasis is placed on assessing the normative framework, capacity and institutional set-up of the participating countries, putting in place effective normative measures and developing for each measure a concrete action plan to implement. Assessment missions were carried out in the three target countries (Liberia, Mauritania and Togo), and research reports are being prepared to assess the normative and institutional frameworks. Assistance was also provided to review and comment on legislation and actions plans, as well as funding for activities to mark International Anti-Corruption Day on 9 December.

### **3. Cooperation with other entities**

78. UNODC and the World Bank started work under the joint Stolen Asset Recovery (StAR) initiative launched on 17 September 2007. Activities of the StAR initiative include promoting implementation of the Convention, assisting in building capacity and lowering barriers to asset recovery worldwide. The two organizations established the institutional framework of the initiative by means of the joint StAR secretariat located in Washington, D.C., a multi-donor trust fund and the Group of Friends of StAR.

79. One focus of the StAR initiative is the development of knowledge products. As a first achievement, a good practices guide for non-conviction-based forfeiture will be made available in early 2009. The good practices guide identifies legal, operational and practical key concepts of non-conviction-based forfeiture. It is a collaborative effort of a team of expert practitioners familiar with civil and common law legislation. Further knowledge products to be developed include a step-by-step asset recovery manual and a legal library in compliance with the relevant mandate of the Open-ended Working Group on Asset Recovery. The StAR initiative further intends to work with financial centres to increase awareness of the barriers for asset recovery.

80. At the national level, the StAR initiative assists in institutional capacity-building in Africa, South Asia and East Asia. It is establishing and supporting networks that can assist in facilitating the asset recovery process. The initiative further engages in preparatory assistance aimed at collecting and sharing information to facilitate the progress of a country's specific asset recovery efforts. The work of the StAR initiative has proved successful in five pilot countries, and the initiative is currently engaged in discussions and assessments with other potential partners.

81. UNODC and INTERPOL have agreed to cooperate on the establishment of the world's first educational institution dedicated to fighting corruption within the framework of the Convention. Hosted by the Government of Austria in Laxenburg, in the outskirts of Vienna, the goal of the International Anti-Corruption Academy is to become an institution of higher learning that disseminates specialized anti-corruption knowledge worldwide. The Academy will be open to those playing a key role in preventing and fighting corruption in their country, such as law enforcement officers, judicial, governmental and private sector personnel and representatives of non-governmental and international organizations. It is foreseen that the Academy will open its doors in the fourth quarter of 2009.

82. In the fourth quarter of 2008, UNODC and UNDP signed a memorandum of understanding including the establishment of a working group tasked with monitoring implementation of the memorandum in four to five pilot areas of common interest. Specifically, UNODC has been engaged in discussion with UNDP on joint and strengthened anti-corruption efforts in Iraq, Nigeria, the Western Balkans and the Arab States. A partnership with UNDP Maldives was concluded to support the implementation of the “Integrity in action” project. Moreover, UNODC renewed partnership with UNDP Montenegro to provide services as part of the project to build the capacity of local non-governmental organizations to participate in anti-corruption initiatives in Montenegro.

83. Pursuant to Commission resolution 16/5, Romania will act as host to the third World Summit of Prosecutors-General, Attorneys-General and Chief Prosecutors. The Summit will be held in Bucharest from 23 to 25 March 2009. UNODC is providing support to the host country pursuant to Commission resolution 17/2.

84. Partnership with the United Nations Global Compact was reinforced by the choice of Vienna as the venue for the third meeting of the Working Group on the implementation of Principle 10 of the Global Compact. The meeting brought the corporate community closer to, and facilitated its better understanding of, the Convention against Corruption. The meeting called for the establishment of a number of task forces responsible for implementing the private sector’s commitment to fighting corruption. Such task forces are expected to present the outcome of their work to the Conference at its third session.

85. The International Group for Anti-Corruption Coordination (IGAC), launched in 2002 on the initiative of the Deputy Secretary-General, is a platform for coordination and cooperation at the international level, consisting to date of 25 intergovernmental and non-governmental organizations. At its most recent meeting, on 22-23 October 2008, IGAC discussed ways to enhance cooperation and coordination of technical assistance and the role of IGAC vis-à-vis other coordination mechanisms, as well as technical assistance for the implementation of the Convention. IGAC also discussed the issue of bribery of officials of public international organizations and the role that it envisages for itself in the context of the Conference.

#### **4. Meetings and special events**

86. UNODC contributed substantively to a number of national, regional and international anti-corruption workshops and conferences, raising the profile of the Convention and providing policy guidance and technical advice on its implementation. Those meetings included the UNDP community of practice workshop held in Beirut in June 2008, a workshop held in Bratislava in July 2008 that brought together heads of anti-corruption agencies of the region, the meeting of the Task Force on Illicit Financial Flows held in Oslo in April and October 2008, the IAACA Seminar on the Implementation of the United Nations Convention against Corruption held in Chongqing, China, in May 2008, the meeting of the Egmont Operational Working Group on asset recovery held in Seoul in May 2008, the meeting of the Organization for Economic Cooperation and Development (OECD) Development Assistance Committee Network on Governance (Govnet) held in Paris in June 2008, the 7th Meeting of the Anti-Corruption Network for Eastern Europe and Central Asia organized by OECD in Tbilisi in June 2008, the

OECD/Organization of American States Conference on Anti-Corruption Conventions held in Mexico City in September 2008, the United Nations System Private Sector Focal Points Meeting held in Geneva in October 2008, the Third Annual Conference and General Meeting of IAACA held in Kiev in October 2008, the 39th Plenary Meeting of the Council of Europe Group of States against Corruption (GRECO) held in Strasbourg in October 2008, the OECD meeting on bribery held in Paris in October 2008, the 13th International Anti-Corruption Conference held in Athens in October and November 2008, the INTERPOL General Assembly held in St. Petersburg in October 2008, the World Economic Forum Inaugural Summit on the Global Agenda (involving the Global Agenda's Council on Corruption) held in Dubai in November 2008 and the third Global Conference of the Global Organization of Parliamentarians Against Corruption held in Kuwait in November 2008.

87. UNODC and the World Bank's Communication for Governance and Accountability Programme co-organized a three-day learning event entitled "Using Communication Approaches and Techniques to Support Anti-Corruption Efforts: a Learning Event for Anti-Corruption Agencies", held in Vienna in November 2008. The event brought together officers of anti-corruption commissions holding decision-making authority over their agencies' communication-related activities, as well as applied scholars in communication, policy studies and related social sciences to discuss the role of communication approaches and techniques in bolstering anti-corruption efforts. Participants engaged in nine discussions to deepen the understanding of the contributions that effective communication approaches and techniques make to anti-corruption initiatives. Efforts were made to identify good practices worldwide, and case studies of a few of those practices were commissioned. Practical solutions for addressing key challenges faced in real-world conditions were developed from those cases.

88. On the occasion of International Anti-Corruption Day on 9 December 2008, UNODC and its partners organized a campaign to raise awareness of corruption and its negative impact on individuals and society and to promote the Convention against Corruption. Government institutions, non-governmental organizations, the private sector and concerned citizens joined UNODC in promoting the campaign entitled "Corruption. Your 'no' counts". UNODC launched the related website containing information on the campaign and promotional material for download such as web banners, brochures, logos and posters in various languages (<http://www.unodc.org/yournocounts>). UNODC invited all its field offices to celebrate International Anti-Corruption Day, providing funds to 15 field offices to help organize events to mark the day and participate in the campaign. Activities organized by the field offices ranged from round-table discussions, seminars and lectures in Brazil, Indonesia and South Africa to street plays in India and an essay competition in Zambia.

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

89. The Commission may wish to continue supporting the work of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption. In particular, it may wish to reiterate and enhance its call upon

States to make financial contributions in support of the Conferences and related technical assistance activities.

90. The Commission may wish to explore further ways to maintain and strengthen the political momentum that is necessary for the Conferences and their working groups to perform their mandated functions.

91. The Commission may wish to urge Member States that have not yet done so to ratify or accede to the Organized Crime Convention and its Protocols and to the Convention against Corruption and to take every step to ensure their effective implementation. In particular, States may be urged to provide financial and material contributions for the convening of working groups and workshops for the implementation of both Conventions.

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