



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

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## Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its third session, held in Vienna from 9 to 18 October 2006

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## I. Decisions taken by the Conference of the Parties

1. At its third session, held in Vienna from 9 to 18 October 2006, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted the following decisions:

### Decision 3/1

#### **Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto**

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, pursuant to article 32, paragraphs 3 (d) and 4, of the Convention:

(a) Welcomes the fruitful discussions in the meetings of the expert working groups of government experts held during the third session of the Conference of the Parties;

(b) Calls upon States parties to comply with the provision of paragraph 5 of article 32 by providing to the Conference of the Parties the information requested therein;

(c) Expresses its concern about the low rate of response by many States parties to questionnaires on the implementation of the Convention and the Protocols thereto, requests its secretariat to send new requests for States parties to respond without further delay to the questionnaires and calls upon all parties that have not yet done so to complete the two reporting cycles instituted pursuant to its decisions 1/2, 1/3, 1/5, 1/6, 2/1, 2/2, 2/3, 2/4 and 2/5 before its fourth session and preferably by the end of June 2007;

(d) Urges States parties to encourage and support other States parties in completing the questionnaires for the first two reporting cycles with a view to ensuring that those States parties which have yet to complete the questionnaires do so not later than the deadline set in paragraph (c) above;

(e) Requests its secretariat to submit final consolidated analytical reports on the first two reporting cycles to States parties at least one month before the meeting of the interim working group on technical assistance to be held in 2007, for consideration by the Conference at its fourth session;

(f) Also requests its secretariat, in preparing the analytical reports mentioned in paragraph (e) above, to highlight issues that pertain to compliance with the relevant provisions of the Convention and difficulties encountered by States parties in the implementation of those provisions, for consideration by the Conference;

(g) Calls upon those States parties which were addressed by the secretariat individually with requests for clarification or indication of action taken or intended with regard to specific compliance issues, pursuant to its decisions 2/1, 2/3 and 2/4, to provide the requested information without further delay;

(h) Requests its secretariat to submit a final report covering the information provided by parties pursuant to the individual requests mentioned in paragraph (g) above to the Conference at its fourth session, for its consideration and action;

(i) Also requests its secretariat to develop a sample format for the voluntary provision of supplementary information, with a view to assisting States parties in undertaking a detailed evaluation of their compliance with specific provisions of the Convention and the Protocols thereto;

(j) Further requests its secretariat, in developing the sample format mentioned in paragraph (i) above, subject to the availability of extrabudgetary resources, to explore all possibilities of using modern information technology and web-based applications, with a view to ensuring maximum efficiency and effectiveness;

(k) Calls upon each State party to appoint a focal point for the purpose of coordinating and communicating with the secretariat regarding compliance with article 32, paragraphs 4 and 5, of the Convention and to provide the secretariat with the contact details of the focal point;

(l) Decides that the interim working group on technical assistance should give appropriate consideration to the reports mentioned in paragraphs (e) and (h) above in its deliberations;

(m) Encourages the bureau of the Conference of the Parties to take into consideration the discussions of the interim working group on technical assistance when finalizing the provisional agenda for the fourth session of the Conference of the Parties;

(n) Decides that the Conference of the Parties should continue to facilitate and promote the exchange of information and experiences among experts and practitioners.

### **Decision 3/2**

## **Implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime**

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, noting that, during its third session, the discussion of the open-ended working group of government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation was held in an environment of cooperation and goodwill and involved a fruitful exchange of ideas and experiences regarding the implementation of the Convention:

(a) Decides that an open-ended working group on international cooperation will be a constant element of the Conference of the Parties;

(b) Emphasizes that the Convention is being successfully used by a number of States as a basis for granting requests for extradition, mutual legal assistance and international cooperation for the purposes of confiscation;

(c) Encourages States parties to make greater use of the Convention as a legal basis for international cooperation in extradition and mutual legal assistance, recognizing the broad scope of cooperation available under the Convention;

(d) Encourages States parties to utilize the Convention and the Protocols thereto when other bases for cooperation, such as bilateral agreements and domestic law, do not provide for effective extradition, mutual legal assistance and international cooperation for the purposes of confiscation;

(e) Encourages States parties, where appropriate, to promote awareness of the Convention among central authorities, judges, prosecutors, law enforcement officers and Interpol national central bureau officers engaged in international legal cooperation in the fight against transnational organized crime;

(f) Endorses the proposal developed by the Secretariat for an online directory of central authorities designated pursuant to article 18, paragraph 13, of the Convention;<sup>1</sup>

(g) Requests the Secretariat, within existing resources:

(i) To ensure that the online directory containing the contact data elements identified in the proposal be set up as a matter of priority;

(ii) To include in the online directory not only authorities designated under article 18 (Mutual legal assistance) but also authorities dealing with requests for extradition and transfer of sentenced persons pursuant to articles 16 and 17 of the Convention, as well as authorities designated under article 8, paragraph 6, of the Protocol to Prevent the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention;<sup>2</sup>

(iii) To include an optional field allowing States to provide additional information, such as summaries of legal and procedural requirements for the granting of requests for extradition or mutual legal assistance, links to national laws and relevant websites, a list of treaties on bilateral and regional cooperation concluded by those States or any alternative arrangement available in respect of extradition or mutual legal assistance;

(iv) To include under the online directory links to useful resources such as the mutual legal assistance request writer tool developed by the United Nations Office on Drugs and Crime, reports of workshops organized by the United Nations Office on Drugs and Crime on best practices in the area of international cooperation, United Nations model treaties, manuals and model laws;

(v) To reconsider limitation of user access to the directory, possibly by allowing each State party to decide whether information provided by that State party should be made freely accessible or whether access should be limited to authorized users;

(vi) To ensure that information in the directory is kept up to date by regularly reminding States parties of their duty to update it and including a feature indicating the last update by each State party;

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<sup>1</sup> CTOC/COP/2006/12.

<sup>2</sup> General Assembly resolution 55/25, annex III.

(vii) To consider the practicability of consolidating the online directory under the Convention with existing or future directories under other international instruments, such as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988<sup>3</sup> and the United Nations Convention against Corruption;<sup>4</sup>

(h) Notes that only a few States parties have provided to the Secretariat information on their authorities designated pursuant to the Convention, and urges all States parties that have not yet done so, and encourages all signatories, to accord high priority to the provision of such information;

(i) Welcomes the development by the United Nations Office on Drugs and Crime of the mutual legal assistance request writer tool to assist criminal justice practitioners in drafting correct and effective requests, thereby enhancing cooperation between States, and encourages the use of the tool, when appropriate, for requests for mutual legal assistance pursuant to the Convention and the Protocols thereto;

(j) Also welcomes the preliminary work done by the United Nations Office on Drugs and Crime to develop a tool for writing requests for extradition that is similar to the mutual legal assistance request writer tool;

(k) Urges States parties that have not yet done so to develop effective central authorities designated pursuant to article 18 of the Convention and competent authorities for requests for extradition that exercise, among other functions and within their competences, the screening and quality control of requests for extradition and mutual legal assistance, including control of the quality of translation;

(l) Recommends that central authorities designated pursuant to article 18 of the Convention and competent authorities for requests for extradition seek and provide assistance in the preparation of requests and encourages States to follow other best practices developed by the United Nations Office on Drugs and Crime in international cooperation, which are currently available on the website of the United Nations Office on Drugs and Crime;

(m) Underlines the obligation of States parties under the Convention to provide the reasons for the refusal of any request for mutual legal assistance and to consult with the requesting State party, where appropriate, before refusing a request for extradition or mutual legal assistance;

(n) Underlines the obligation of States parties under the Convention to endeavour to expedite extradition procedures;

(o) Urges States parties to expeditiously execute requests for freezing, seizure and confiscation made pursuant to article 13 (International cooperation for the purposes of confiscation) of the Convention;

(p) Urges States parties to use channels of cooperation provided for in article 27 of the Convention, wherever possible and appropriate and without prejudice to article 18 of the Convention;

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<sup>3</sup> United Nations, *Treaty Series*, vol. 1582, No. 27627.

<sup>4</sup> General Assembly resolution 58/4, annex.

(q) Encourages central authorities to coordinate, within their competences, direct contact between prosecutors and magistrates involved in the daily handling of cases involving mutual legal assistance and confiscation, where appropriate;

(r) Decides to discuss at its fourth session the issue of confiscation in the context of articles 12, 13 and 18 of the Convention, including non-conviction-based confiscation;

(s) Decides to discuss at its fourth session issues relating to the successful implementation of article 16 (Extradition) of the Convention;

(t) Noting that close working contacts between central authorities designated under article 18, as well as between authorities competent for extradition requests, are crucial to the efficient granting of international legal cooperation pursuant to the Convention, requests its secretariat to organize, whenever possible and in conjunction with other activities, subject to the availability of extrabudgetary resources, workshops with interpretation for those authorities, liaison magistrates and judges, prosecutors and practitioners in charge of handling cases for which cooperation is required, with a view to facilitating exchanges among counterparts and promoting awareness and knowledge of the mechanisms for international cooperation provided for under the Convention;

(u) Requests its secretariat to provide its support to the building up of a virtual network of central authorities designated pursuant to article 18 of the Convention and competent authorities for extradition requests and to facilitate communication and problem-solving among such authorities, by considering the setting up of a discussion forum on a secure network, and encourages those authorities to make use of existing regional networks;

(v) Requests its secretariat to compile a catalogue of examples of cases of extradition, mutual legal assistance and other forms of international legal cooperation on the basis of the Convention in order to encourage States parties to improve their implementation of the Convention and the Protocols thereto;

(w) Encourages States parties to provide the secretariat with data concerning their reliance on provisions of the Convention and its Protocols to effect extradition, mutual legal assistance or other forms of international legal cooperation, including the examples referred to in paragraph (v) above;

(x) Recommends that extradition and mutual legal assistance be considered priorities in providing technical assistance to requesting States.

### **Decision 3/3**

### **Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime**

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, recalling the functions assigned to it in article 32 of

the United Nations Convention against Transnational Organized Crime<sup>5</sup> and welcoming the results of the consultations of government experts held during its third session:

(a) Welcomes the fact that the majority of States parties that had provided national implementation information to the Secretariat have adopted legislative and institutional frameworks to ensure the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,<sup>6</sup> and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;<sup>7</sup>

(b) Urges those States parties which have not yet done so to submit information on their national implementation efforts and milestones in response to the first two reporting cycles;

(c) Urges States parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air to review their policies, legislation and regulatory regimes, especially with regard to the travel and identity documents referred to in article 12 of each of those Protocols, in order to ensure consistent and effective application of the obligations contained in the relevant articles of those Protocols;

(d) Urges States parties to provide, strengthen or facilitate, as appropriate, training in the areas of trafficking in persons and smuggling of migrants for judges, prosecutors and other lawyers, law enforcement, immigration, and other relevant officials, including providers of services for victims of trafficking in persons, with the support of technical assistance as may be required;

(e) Also urges States parties to identify and communicate to the secretariat their needs in technical assistance in order to assist it in developing proposals for effective and multidisciplinary anti-trafficking strategies and for effective anti-smuggling strategies;

(f) Further urges States parties to take or strengthen measures, including through bilateral or multilateral cooperation, to improve the ability of law enforcement agencies to cooperate in investigations of trafficking in persons and smuggling of migrants;

(g) Further urges States parties to take or strengthen measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that lead to trafficking;

(h) Reminds States parties of their obligations under article 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and article 18 of the Protocol against the Smuggling of Migrants by Land, Sea and Air;

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<sup>5</sup> General Assembly resolution 55/25, annex I.

<sup>6</sup> General Assembly resolution 55/25, annex II.

<sup>7</sup> General Assembly resolution 55/25, annex III.

(i) Requests its secretariat to intensify cooperation, subject to the availability of extrabudgetary resources, with the International Labour Organization, the International Organization for Migration and other relevant international organizations, in accordance with article 33, paragraph 2 (c), of the Convention, with a view to developing practical guidelines for the identification by national competent authorities for victims of trafficking in persons for the purpose of labour exploitation, and to submit the guidelines to the Conference of the Parties at its fourth session, for discussion by States parties;

(j) Also requests its secretariat, subject to the availability of extrabudgetary resources, to collect and make available to States parties successful practices with respect to investigations of offences covered by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the provision of protection and assistance measures to victims of trafficking in persons, as well as measures related to the repatriation of victims of trafficking in persons;

(k) Further requests its secretariat, subject to the availability of extrabudgetary resources, to collect and make available to States parties successful practices with respect to investigations of offences covered by the Protocol against the Smuggling of Migrants by Land, Sea and Air and the provision of protection and assistance measures to persons who have been the object of conduct set forth in article 6 of that Protocol;

(l) Further requests its secretariat, subject to the availability of extrabudgetary resources, in cooperation with States parties and other relevant international organizations, to make available successful practices in the areas of training and capacity-building, as well as awareness-raising strategies and campaigns, with a view to enhancing efforts to identify and assist victims of trafficking in persons or persons who have been the object of conduct set forth in article 6 of the Protocol against the Smuggling of Migrants by Land, Sea and Air;

(m) Further requests its secretariat, subject to the availability of extrabudgetary resources, to identify opportunities to mainstream its work related to the furtherance and objectives of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, into relevant United Nations agencies that are lead agencies in humanitarian crises or emergency situations.

#### **Decision 3/4**

#### **Recommendations of the open-ended interim working group of government experts on technical assistance**

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, recalling its decision 2/6, by which it established the open-ended interim working group on technical assistance:

(a) Endorses the recommendations of the working group made during the third session of the Conference of the Parties, which are set out below;

(b) Requests States parties to be guided by those recommendations in the development and delivery of technical assistance activities for the implementation of the Convention<sup>8</sup> and the Protocols thereto;<sup>9</sup>

(c) Requests its secretariat to develop proposals for technical assistance activities designed to meet the needs identified by the working group in the priority areas determined by it in its recommendations and submit such proposals to the working group for consideration at its meeting to be held before the fourth session of the Conference;

(d) Also requests its secretariat prior to, and with a view to better preparing for, the meeting of the working group to be held before the fourth session of the Conference, to consult with relevant departments or agencies of the United Nations, other international organizations, regional organizations and financial institutions such as the World Bank and other multilateral development banks in order to exchange information on and promote technical assistance related to the implementation of the Convention and the Protocols thereto and to identify ways to improve coordination in that area, and further requests the secretariat to inform the working group of the results of those consultations;

(e) Requests the working group to include in the agenda of its meeting to be held before the fourth session of the Conference an item on coordination of technical assistance for the implementation of the Convention and the Protocols thereto.

## **Recommendations**

### **I. Determination of needs for technical assistance**

1. The working group stressed that receiving complete and accurate information from the States parties concerned about technical assistance needed for the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto was the best approach to designing and delivering appropriate and effective technical assistance activities and ensuring the impact of those activities on implementation efforts. The determination of needs should be done on the basis of requests from States parties, using information provided by the requesting States parties in the context of fulfilling their reporting obligations in accordance with article 32, paragraph 5, of the Convention, such as information provided by completing existing questionnaires and supplementary information provided to the Conference of the Parties.

### **II. Priorities for technical assistance**

2. The working group identified the following priority areas for technical assistance to support and promote the implementation of the Convention and the Protocols thereto:

(a) Criminalization of the offences covered by the Convention and its Protocols;

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<sup>8</sup> General Assembly resolution 55/25, annex I.

<sup>9</sup> General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.

(b) International cooperation in criminal matters and for the purpose of confiscation, with special emphasis on extradition and mutual legal assistance, paying particular attention to raising the awareness and training of criminal justice practitioners and other relevant authorities, especially judges and prosecutors, regarding the forms of international cooperation;

(c) Assistance in the establishment and/or strengthening of central authorities dealing with requests for mutual legal assistance and/or extradition.

3. The working group recognized the need for developing the capacity of States parties to collect data on organized crime and for providing to States parties, at their request, technical assistance to build their capacity to collect and analyse data related to the subject matter of the Convention and the Protocols thereto.

4. The working group was aware that detailed recommendations in the area of implementation of the provisions on international cooperation in the Convention had been formulated by the open-ended working group of government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation (see decision 3/2 of the Conference of the Parties).

5. The working group was also aware of proposals made as a result of the deliberations of the Conference on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention (see decision 3/3 of the Conference of the Parties).

6. The working group emphasized that the provision of information on the implementation of the Convention and the Protocols thereto was a legal obligation of States parties that should be discharged without further delay. The working group was aware of the provision of article 30, paragraph 2 (c), of the Convention. Recognizing that non-compliance with the obligation to provide information on the implementation of the Convention and the Protocols thereto might be due to insufficient capacity, the working group recommended the provision of assistance to States in need of such assistance either individually, at their request, or through subregional or regional activities undertaken by the secretariat of the Conference, in cooperation with relevant regional organizations. The working group also recommended that the secretariat of the Conference, without prejudice to established official channels of communication with States, explore all ways to simplify and expedite communication with the authorities competent to provide the requested information, including through the use of the Internet. The working group further recommended that States parties appoint focal points for the provision of the information required by the Conference and communicate to the secretariat the contact details of those focal points to facilitate and expedite direct communication.

7. With regard to technical assistance to support and promote the implementation of the Protocols, the working group identified the following areas in which such assistance could be provided:

(a) Assistance in the implementation of the requirements of the Protocols regarding the needs of victims, as well as the requirements related to repatriation of victims of trafficking in persons and return of smuggled migrants;

(b) Assistance related to the implementation of the provisions on witness protection, noting that that was an area covered not only by the Protocols but also by the Convention;

(c) Assistance in the form of subregional or regional workshops involving the countries of origin, transit and destination of victims of trafficking in persons and smuggled migrants, with particular emphasis on law enforcement and judicial personnel.

8. With regard to technical assistance for the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the Convention,<sup>10</sup> the working group identified a particular need for assistance in implementing the requirements of the Protocol on deactivation, record-keeping and marking of firearms and the identification of competent authorities.

### **III. Information on technical assistance activities**

9. The working group noted that there was an urgent need to improve information-sharing and coordination regarding technical assistance activities provided by Governments or international organizations and financial institutions, as well as a need to improve coordination among the providers of technical assistance. The working group recommended that the secretariat of the Conference invite relevant departments or agencies of the United Nations, other international and regional organizations and financial institutions, including at the field level, such as the World Bank and other multilateral development banks, to the meeting of the working group to be held before the fourth session of the Conference to exchange information on and promote technical assistance and international cooperation related to the Convention and its Protocols and to identify ways of improving coordination in that area.

10. The working group agreed that at its meeting to be held before the fourth session of the Conference, it would explore the possibility of determining performance indicators for technical assistance and the best way to identify lessons learned from the provision of technical assistance, with a view to developing best practices.

11. The working group recommended that the secretariat of the Conference intensify its coordination efforts, including through mechanisms such as the inter-agency coordination group on trafficking in persons established pursuant to Economic and Social Council resolution 2006/27 of 27 July 2006.

### **IV. Mobilization of potential resources**

12. The working group expressed the view that mobilization of potential resources would be facilitated through the identification of specific needs and

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<sup>10</sup> General Assembly resolution 55/255, annex.

the development of activities tailored to meet those needs. The working group was also of the view that for better mobilization of resources it was necessary to demonstrate that technical assistance contributed to the objective of implementation of the Convention and the Protocols thereto and that it met the specific needs identified. The working group stressed the importance of result-based assessments and project evaluation in developing recommendations on mobilizing resources to meet priorities. The working group recommended that mobilization of resources be promoted through partnerships and coordination with other relevant international and regional organizations, as well as through the coordination activities that the proposed national focal points should undertake.

## **II. Introduction**

2. In its resolution 55/25 of 15 November 2000, the General Assembly adopted the United Nations Convention against Transnational Organized Crime and two supplementary protocols thereto, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. In its resolution 55/255 of 31 May 2001, the Assembly adopted a third protocol to the Convention, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. The Convention entered into force on 29 September 2003, the Trafficking in Persons Protocol on 25 December 2003, the Migrants Protocol on 28 January 2004 and the Firearms Protocol on 3 July 2005.

3. Pursuant to article 32 of the Convention, a Conference of the Parties to the Convention was established to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention.

## **III. Organization of the session**

### **A. Opening of the session**

4. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime held its third session in Vienna from 9 to 18 October 2006, during which it held 16 meetings.

5. In his opening remarks, the President of the Conference referred to the aim of the Convention to encourage international cooperation in the fight against organized crime and recalled that, as a major threat, organized crime was a matter of the highest priority for States. Expressing the collective frustration at how the work of the Conference had unfolded at times and deploring the low level of compliance with reporting obligations, he encouraged the Conference to take stock of the situation and use the third session as a forum for the intensive exchange of ideas on how to better comply with the requirements of the Convention.

6. The Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime (UNODC) underlined the specific features of the session, namely,

the convening of two open-ended working groups of experts, on the issues of international cooperation and technical assistance. She noted that the Conference would review the implementation of the Firearms Protocol for the first time, as it had entered into force in July 2005. She drew attention to the recurrent problem of underreporting.

7. The representative of Costa Rica (speaking on behalf of the States Members of the United Nations that are members of the Group of 77 and China) welcomed the increasing rate of ratification of the Convention and the Protocols thereto. The representative stressed the importance of the specific provisions on mutual legal assistance, extradition, law enforcement, technical assistance and training and indicated that the Group of 77 and China attached great importance to technical assistance, in particular technical assistance aimed at addressing the issues of protecting and supporting victims of trafficking in persons. Recalling that the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 55/59, annex) and the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice (Assembly resolution 60/177, annex) recognized that comprehensive crime prevention must address the root causes of crime through social, economic, health, education and justice policies, he called upon the international community to cooperate effectively in addressing those root causes and improving the implementation of the Organized Crime Convention and the Protocols thereto. With regard to the review mechanisms of the instruments, he stressed that such mechanisms must include technical assistance projects aimed at better implementation of the instruments by States parties. Emphasizing that the process leading to the establishment of such mechanisms must be open to all Member States to ensure the universal character of the instruments, he stated that the Group of 77 and China welcomed the establishment of the open-ended interim working group on technical assistance.

8. The representative of Finland spoke on behalf of the States Members of the United Nations that are members of the European Union. The acceding countries Bulgaria and Romania, the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina and Serbia and the European Free Trade Association countries Iceland and Norway, members of the European Economic Area, as well as Moldova and Ukraine, associated themselves with her statement. The representative of Finland drew attention to the threat posed by transnational organized crime and referred to the Hague Programme, adopted in 2004, and to the publication of the first Organized Crime Threat Assessment of the European Union. She called on States to pursue ratification and implementation efforts. She expressed regret over the low level of response to the questionnaires for the second reporting cycle, noting that it could have an adverse impact on the effective implementation of the Convention and its Protocols. She stressed the importance of technical assistance and welcomed the convening of the open-ended working group on that issue, indicating that its outcome would be carefully reviewed by the Conference of the Parties at its fourth session. She also stressed the role of the bureau in the light of the two-year interval between sessions following the third session of the Conference and indicated that the European Union would submit a draft decision to amend rule 22 of the rules of

procedure for the Conference so that at the end of each session, the bureau for the subsequent session could be elected.

9. The representative of Morocco (speaking on behalf of the Members of the United Nations that are members of the Group of African States), after associating himself with the statement made on behalf of the Group of 77 and China, stressed the importance of the work of the Conference to ensuring effective implementation of the Convention and the Protocols thereto, which established a framework for ensuring stability, the rule of law, economic growth and social progress. In that respect, he deplored the declining number of responses to the questionnaires and noted that persistent underreporting affected the ability of States to mutually disclose essential information required under the Convention and, consequently, their ability to cooperate at the international level. He pointed out that international cooperation and technical assistance were key elements in combating transnational organized crime, and he looked forward to active participation in the working group on technical assistance. He also welcomed the entry into force of the United Nations Convention against Corruption (General Assembly resolution 58/4, annex) and encouraged consistency in reviewing implementation of common provisions of the two instruments. He reiterated the appeal to all States for voluntary contributions for technical assistance.

10. The representative of Azerbaijan (speaking on behalf of the member States of the Organization for Democracy and Economic Development (GUAM)) underlined that globalization facilitated the activities of organized criminal groups and noted that international cooperation was required to effectively combat transnational organized crime and terrorism. The commitment of GUAM to combating transnational organized crime was evidenced by the number of projects in that area by GUAM member States and their cooperation with UNODC. The representative stressed the importance of strengthening international cooperation and technical assistance through the exchange of information and the sharing of experience, capacity-building and practical contacts, as well as by upgrading the capacity of media and non-governmental organizations.

11. The European Commission, representing the European Community, noted that the European Community had become a party to the Organized Crime Convention in 2004 and to the Trafficking in Persons Protocol and the Migrants Protocol in 2006. Emphasizing the threat of transnational organized crime, he outlined five key policies in that respect: improving knowledge by setting up a reliable system of statistics on crime; strengthening the prevention of organized crime; improving law enforcement and judicial cooperation, particularly in the area of financial crime; strengthening legislation; and strengthening international cooperation with third countries and regional and international organizations. He underlined the priority of combating trafficking in persons and the smuggling of migrants and referred to concrete action taken against illegal immigration. The representative recalled the financial support provided by the European Commission to third countries and the willingness of the Commission to share its experience within the working groups on, inter alia, specialized services and training, the provision of new technology and enhancing cooperation.

12. The Prosecutor General of Azerbaijan emphasized the overall significance and practical importance of the Conference of the Parties. He reaffirmed the vital nature of deepening international cooperation and the special role of UNODC in that

respect. He presented the various legislative and judicial reforms undertaken by Azerbaijan to effectively combat organized crime, as well as terrorism, particularly in the light of internal threats, stressing that the real success of such measures nevertheless depended on the support of international organizations.

13. The representative of the United States of America recalled that the United States had ratified the Convention, the Trafficking in Persons Protocol and the Migrants Protocol after the second session of the Conference, and stressed that the practical application and implementation of those instruments remained the crucial issues. He outlined three key elements for the Conference: discussion by experts of the experiences obtained through the use of the Convention to date; specific discussion within the working group on technical assistance; and the responsibility of Governments with regard to technical assistance.

14. The Attorney General and Minister of Justice of Nigeria commended the technical assistance provided by UNODC to Nigeria. He acknowledged the role of the Conference as a forum for exchanging experiences and ideas concerning the implementation of the Convention and the Protocols thereto and gave further details on efforts by Nigeria to implement those instruments. The adoption of legislation and the establishment of agencies specialized in fighting crime, including a unit to counter money-laundering, were key elements in that respect. The Minister outlined persisting challenges in the area of mutual legal assistance and international cooperation and encouraged the further strengthening of cooperation between Nigeria and its neighbours and other countries.

## **B. Election of officers**

15. At its first session, the Conference had decided that the offices of President and Rapporteur should rotate among the regional groups and that such rotation should take place in alphabetical order. Accordingly, at the third session, the President of the Conference was nominated by the Group of Latin American and Caribbean States, and the Group of Eastern European States was asked to nominate one Vice-President and the Rapporteur.

16. At its 1st meeting, on 9 October, the Conference of the Parties elected the following officers by acclamation:

<i>President:</i>	Eugenio Curia (Argentina)
<i>Vice-Presidents:</i>	Fuad Ismayilov (Azerbaijan) Milenko Skoknic (Chile) Tang Guoqiang (China) Klaus-Peter Gottwald (Germany) Olawale Maiyegun (Nigeria) Linglingay Lacanlale (Philippines) Simon Jiyane (South Africa) Peter Storr (United Kingdom of Great Britain and Northern Ireland)
<i>Rapporteur:</i>	Dominika Krois (Poland)

## C. Adoption of the agenda and organization of work

17. At its 1st meeting, on 9 October 2006, the Conference of the Parties adopted the following agenda for its third session:

1. Organizational matters:
  - (a) Opening of the third session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime;
  - (b) Election of officers;
  - (c) Adoption of the agenda and organization of work;
  - (d) Participation of observers;
  - (e) Adoption of the report of the bureau on credentials.
2. Review of the implementation of the United Nations Convention against Transnational Organized Crime:
  - (a) Issues of compliance with the Convention, including money-laundering (article 7);
  - (b) Consideration of matters related to the protection of witnesses and victims (articles 24 and 25);
  - (c) Consideration of matters related to international legal cooperation (articles 16, 17, 18, 13 and 14).
3. Review of the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime:
  - (a) Consideration of matters related to assistance to and protection of victims of trafficking in persons (article 6) and the status of such victims in receiving States (article 7);
  - (b) Consideration of matters related to repatriation of victims of trafficking in persons (article 8);
  - (c) Consideration of matters related to prevention of trafficking in persons (article 9) and information exchange and training (article 10).
4. Review of the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime:
  - (a) Consideration of matters related to protection and assistance measures for smuggled migrants (article 16);
  - (b) Consideration of matters related to return of smuggled migrants (article 18).

5. Review of the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime:
  - (a) Basic adaptation of national legislation in accordance with the Firearms Protocol;
  - (b) Examination of criminalization legislation and difficulties encountered in the implementation of article 5 of the Firearms Protocol;
  - (c) Enhancing international cooperation and developing technical assistance to overcome difficulties identified in the implementation of the Firearms Protocol;
  - (d) Views and experience regarding record-keeping, marking and licensing gained in the implementation of articles 7, 8 and 10 of the Firearms Protocol.
6. Technical assistance.
7. Consideration of mechanisms for achieving the objectives of the Conference of the Parties in accordance with article 32, paragraphs 3-5, of the Convention.
8. Budgetary and financial questions.
9. Other matters.
10. Provisional agenda for the fourth session of the Conference of the Parties.
11. Adoption of the report of the Conference of the Parties on its third session.

#### **D. Participation**

18. The following States parties to the Convention were represented at the third session: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Benin, Bolivia, Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cyprus, Democratic Republic of the Congo, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Guatemala, Italy, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Malta, Mexico, Monaco, Morocco, Namibia, Netherlands, New Zealand, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay and Venezuela (Bolivarian Republic of).

19. The European Community, a regional economic integration organization that is a party to the Convention, was represented at the third session.
20. Also represented at the third session were the following signatory observer States: Angola, Burundi, Côte d'Ivoire, Czech Republic, Dominican Republic, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Japan, Jordan, Liechtenstein, Luxembourg, Pakistan, Republic of Korea, Sierra Leone, Singapore, Switzerland, Syrian Arab Republic, Thailand, Viet Nam, Yemen and Zimbabwe.
21. The following observer States were also represented: Holy See, Iraq, Mongolia and Qatar.
22. Palestine, an entity maintaining a permanent observer mission to the United Nations, was represented.
23. The following Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, specialized agencies and other organizations of the United Nations system were represented by observers: Office of the United Nations High Commissioner for Refugees, United Nations Office on Drugs and Crime, United Nations Interregional Crime and Justice Research Institute, Institute for Security Studies and International Labour Organization.
24. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, Council of Arab Ministers of the Interior, Council of Europe, Council of the European Union, International Organization for Migration, Organization for Security and Cooperation in Europe, Sovereign Military Order of Malta and Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.
25. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: American Bar Association, Anti-Slavery International, Asia Crime Prevention Foundation, Coalition against Trafficking in Women, Environmental Investigation Agency, Fondazione Giovanni e Francesca Falcone, Global Alliance against Traffic in Women, International Alliance of Women, International Council of Women, International Federation of Business and Professional Women, International Movement against All Forms of Discrimination and Racism, International Police Association, Japan Federation of Bar Associations, National Council of German Women's Organizations, Pax Romana and Soroptimist International.
26. In accordance with rule 17 of the rules of procedure, the secretariat circulated a list of relevant non-governmental organizations not having consultative status with the Economic and Social Council which had applied for observer status. No objections to that list were received.
27. The following other non-governmental organizations were represented by observers: Counselling, Education and Support for Migrant Women/Transnational AIDS/STD Prevention among Migrant Prostitutes in Europe Project (LEFÖ/TAMPEP), International Prison Chaplains' Association, La Strada International, Liberia International Network, Life Foundation Network International for Drug Abuse, Stowarzyszenie "Bezpieczne Miasto i Gmina", Vatra Psychological-Social Center and Vienna International Community on Sustainable Development.

## **E. Adoption of the report of the bureau on credentials**

28. Rule 18 of the rules of procedure of the Conference of the Parties states that:

(a) The credentials of representatives of each State Party and the names of the persons constituting the State Party's delegation shall be submitted to the secretariat if possible not later than twenty-four hours in advance of the opening of the session;

(b) Any later change in the composition of the delegation shall also be submitted to the secretariat;

(c) The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs or, in exceptional cases, by a person authorized by either of them, or, in the case of a regional economic integration organization, by the competent authority of that organization.

29. Rule 19 of the rules of procedure states that the bureau of any session shall examine the credentials and submit its report to the Conference of the Parties.

30. The bureau informed the Conference that, of the 82 States parties and 1 regional economic integration organization represented at the third session, 70 States and 1 regional economic integration organization complied with the credentials requirements. Twelve States parties, namely, Afghanistan, Belarus, Bolivia, the Democratic Republic of the Congo, Lebanon, Panama, Paraguay, Saudi Arabia, Sri Lanka, the Sudan, Ukraine and Uruguay, did not comply with rule 18 of the rules of procedure. The bureau emphasized that it was the obligation of each State party to submit the credentials of representatives in accordance with rule 18 of the rules of procedure and called on those States parties which had not yet done so to provide the secretariat with their original credentials as soon as possible but not later than 23 October 2006.

31. The bureau also reported to the Conference that it had examined the submitted credentials and had found them to be in order.

32. The Conference of the Parties adopted the report of the bureau on credentials at its 16th meeting, on 18 October 2006.

33. In view of the difficulties encountered by many States parties to comply with rule 18 of the rules of procedure, the secretariat recommended to the Conference the consideration of an amendment that would simplify that rule (CTOC/COP/2006/L.7). The Conference decided to defer consideration of that recommendation to its fourth session.

## **F. Documentation**

34. At its third session, the Conference of the Parties had before it, in addition to the documents prepared by the secretariat, documents containing proposals submitted by Governments (see the list of documents in annex I to the present report).

#### **IV. Review of the implementation of the United Nations Convention against Transnational Organized Crime**

35. At its 1st and 2nd meetings, on 9 and 10 October 2006, the Conference of the Parties considered agenda item 2, "Review of the implementation of the United Nations Convention against Transnational Organized Crime". The Conference had before it two analytical reports of the Secretariat on the implementation of the Convention, presenting updated information based on additional responses received from States for the first reporting cycle (CTOC/COP/2005/2/Rev.1) and information received from States for the second reporting cycle (CTOC/COP/2006/2), as well as an analytical report on clarification from States parties on non-compliance for the first reporting cycle (CTOC/COP/2006/3). It also had before it a note by the Secretariat containing figures reflecting responses received from States for the first and second reporting cycles (CTOC/COP/2006/4 and Corr.1).

36. In his statement, the Executive Director of UNODC expressed concern about the difficulties encountered in the implementation of the Convention and its Protocols. He identified three factors that had been conducive to that situation: the collective political will of Governments had been fading, as the impressive rate of ratifications had not been matched by similar progress in implementation; the lack of adequate resources for the crime prevention and criminal justice pillar of UNODC; and the lack of comprehensive and credible information provided by Governments to the Secretariat that would enable a solid and reliable knowledge-based policy analysis to be made. On the latter issue, the Executive Director emphasized the problem of underreporting and underlined its impact on the way that the Conference fulfilled its mandate to facilitate the exchange of information on patterns and trends in transnational organized crime and on successful practices for combating such crime. In proposing ways to rectify that situation, he urged States parties to "resuscitate" the Convention and its Protocols by injecting more powerful manifestations of political will into the implementation process. He also called for a structured method for measuring organized crime through the development of an authoritative, intergovernmentally sanctioned measurement tool. Furthermore, he stressed that UNODC stood ready to establish a new mechanism for assessing the implementation of the instruments, based on a set of guidelines for a self-assessment process that could be accompanied by national implementation action plans. He proposed that the mechanism be tested during the two-year period before the fourth session of the Conference. Such an approach would utilize information and data on national crime trends and on the implementation of the Convention at the national level. As a result, a comprehensive assessment of the world crime situation would be made possible and an annual world crime report could be produced.

37. Following the Executive Director's statement, many representatives reaffirmed the political commitment of their Governments to fully implement the Convention and the Protocols thereto. It was emphasized that they were the first legally binding international instruments against transnational organized crime. Many speakers noted the importance of the Convention and its Protocols in establishing new global standards, including the first agreed definition of trafficking in persons, which would ensure that the fight against those menaces took place throughout the world. In addition, many speakers highlighted the importance of strengthening the

technical assistance needed for the effective implementation of those instruments. Many speakers provided concrete examples of actions they had pursued in their countries since the second session of the Conference of the Parties to advance the provisions and spirit of the Convention and its Protocols.

38. Many speakers acknowledged that the first two sessions of the Conference of the Parties got off to a slow start in determining how the Conference of the Parties could promote and review implementation of the Convention and its Protocols most effectively. In addition, many speakers affirmed their commitment to utilize the agenda for the third session of the Conference of the Parties to focus on issues and to benefit from the participation of experts in order to produce concrete measures to advance implementation with emphasis on criminalization; mutual legal assistance, extradition and other international cooperation; and identification of and fulfilling needs for the provision of technical assistance.

39. Many speakers expressed appreciation to the Secretariat for its contribution to the preparations for the third session of the Conference of the Parties, including the provisional agenda. Many representatives noted that their Governments were already utilizing the Convention for international cooperation, including mutual legal assistance and extradition, and that it was making a difference on the ground for practitioners.

40. Many speakers acknowledged that the provision of information was a cross-cutting obligation that should be encouraged and assisted. They also noted the importance of States being able to produce adequate data to permit them to effectively implement the Convention and the Protocols thereto and to track such implementation. However, they did not consider production of a world crime report to be a priority at that time, particularly given the scarcity of extrabudgetary resources for such activities and for the priority of technical assistance.

41. Discussions among experts were results-oriented, leading to three draft decisions calling for such concrete measures as identifying focal points, requesting assistance from the Secretariat in several areas and intensifying outreach to other international and regional institutions. Speakers placed great importance on adequate preparations for the meeting of the open-ended interim working group on technical assistance, which had been approved by the Conference of the Parties at its second session. They reaffirmed their Governments' commitment to provide additional information on the implementation of the Convention and the Protocols thereto in order to ensure well-informed deliberations that would yield maximum results.

42. Introducing the agenda item, the Secretary indicated that, in addition to States listed in the tables contained in document CTOC/COP/2006/13 as having provided the information requested in the questionnaires, the following States had provided replies after the completion of the analytical reports of the Secretariat: Australia, Colombia, Ireland, Madagascar, Malaysia, Malta, Republic of Korea, Russian Federation, Thailand, Trinidad and Tobago and United Kingdom. The European Commission had provided replies on behalf of the European Community.

43. The President noted that the low level of responses to the questionnaires limited the ability of the Conference to effectively fulfil its mandate under article 32 of the Convention. He drew the attention of the Conference to the note by the Executive Director entitled "Relaunching the Conference of the Parties"

(CTOC/COP/2006/10), inviting the Conference to reflect on necessary remedies to address the underreporting.

44. Representatives of the following States made statements under agenda item 2: Algeria, Argentina, Australia, Azerbaijan, Brazil, Bulgaria, Burundi, Cambodia, Canada, Chile, China, Colombia, Croatia, Democratic Republic of the Congo, Egypt, Indonesia, Italy, Japan, Kuwait, Malaysia, Norway, Philippines, Russian Federation, Sao Tome and Principe, South Africa, Switzerland, United States and Viet Nam. In addition, the European Commission made a statement on behalf of the European Community.

45. Referring to agenda item 2 (a), “Issues of compliance with the Convention, including money-laundering (article 7)”, a number of speakers provided an account of progress made in upgrading their domestic legislation against money-laundering and strengthening international cooperation.

46. Several speakers stressed the linkages between money-laundering and the financing of terrorism and reported on the status of ratification of the universal legal instruments against terrorism. Several speakers stressed the urgent need to fight money-laundering in order to prevent terrorism.

47. A number of speakers noted that various factors, such as the development of a market for financial services and the negative effects of globalization, had created institutional loopholes that facilitated money-laundering. Some speakers presented policies and strategies designed to counter that problem, such as the establishment and maintenance of a regulatory regime for banking and financial institutions, including measures to facilitate the identification of customers, the recording of financial operations and the reporting of suspicious transactions.

48. Some speakers referred to measures such as detection, prosecution and the confiscation of proceeds of crime; competence-building; and training. International cooperation and information-sharing were referred to as pillars of effective strategies to counter money-laundering. Some speakers described specific initiatives undertaken at the national level in the area of training and initiatives to strengthen the ability of practitioners to detect and act appropriately when confronted with diverse forms of money-laundering and suspicious transactions.

49. Most of those who spoke under agenda item 2 emphasized the importance of establishing national financial intelligence units and ensuring the ability of those units to exchange information with their counterparts in other countries. A number of speakers from developing countries or from countries with economies in transition credited UNODC for the support it had provided in establishing financial intelligence units. Others requested that technical assistance be provided in establishing such units.

50. Given the transborder nature of money-laundering, international cooperation was unanimously recognized as an area of crucial importance. Speakers commended UNODC for its work in that area and encouraged it to work more closely with relevant international or regional organizations to strengthen international cooperation, addressing the nexus between money-laundering and the financing of terrorism.

51. Many speakers noted that the Financial Action Task Force on Money Laundering had been recognized as the global standard for addressing money-

laundering and the financing of terrorism and encouraged UNODC, especially through its Global Programme against Money-Laundering, and the Conference of the Parties to continue to work with the Financial Action Task Force to strengthen the global regime to counter money-laundering.

52. An observer for a non-governmental organization reported on so-called “gatekeeper legislation”, which extended the obligation to report suspicious transactions to include lawyers, accountants and other professionals.

53. The observer for another non-governmental organization, an agency committed to investigating and exposing environmental crime, reported on the smuggling of tiger and leopard skins in the trans-Himalayan area and expressed appreciation that trafficking in endangered species remained on the agenda of the Conference of the Parties.

54. The Director of the Division for Policy Analysis and Public Affairs of UNODC made introductory remarks on the issue of measurement of organized crime.

55. A representative of UNODC made a presentation. Pursuant to article 32, paragraph 3 (b), of the Convention, the representative made a proposal to assist States in the development of indicators and methodologies for the measurement of organized crime, using as a basis the decades of experience gained by UNODC in the area of drug control.

56. During her presentation, the representative of UNODC suggested that an expert group be established with the task of providing definitions of the problems for data collection purposes, identifying sources of qualitative and quantitative information and developing guidelines for data collection, core indicators, analyses and reporting.

57. Several speakers expressed appreciation for the presentation by the representative of UNODC and acknowledged the need for better data and a stronger evidence-based approach. Some expressed the view that States should be assisted in the development of national capacity to formulate national indicators so that those indicators could be used to develop standardized international indicators. Furthermore, some speakers noted that the measurement exercise should be focused on transnational organized crime (as opposed to domestic organized crime) in order to facilitate future discussions pursuant to article 32, paragraph 3 (b), of the Convention. It was stated that Governments should be given an opportunity to review and approve the data, as in the case of drug control data.

58. Several speakers stressed the need for improving information-gathering and to make a distinction between the mechanisms for monitoring implementation of the Convention and mechanisms for measuring the phenomenon of organized crime. Some speakers made reference to the poor response rate of the questionnaires on the implementation of the Convention and expressed their concern that new data collection initiatives might further increase the response burden on countries.

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## **Report of the open-ended working group of government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation**

59. The open-ended working group of government experts on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, established pursuant to decision 2/2 of the Conference of the Parties, was convened during the third session of the Conference of the Parties. Chaired by Antenor Madruga (Brazil), who was assisted by Andrew Walter (Australia), the working group held four meetings parallel to the plenary meetings of the Conference, on 11 and 12 October 2006.

60. The outcome of the related discussions of the working group is reflected in decision 3/2.

### **Action taken by the Conference**

61. At its 16th meeting, on 18 October, the Conference adopted the draft decision entitled “Implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime” (CTOC/COP/2006/L.4), submitted by the open-ended working group. (For the text, see chap. I, decision 3/2.)

62. At the same meeting, the Conference adopted a revised draft decision entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto” (CTOC/COP/2006/L.6/Rev.1), submitted by Brazil. (For the text, see chap. I, decision 3/1.)

## **V. Review of the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime**

63. At its 4th to 7th meetings, on 10 and 11 October 2006, the Conference of the Parties considered agenda item 3, “Review of the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”. The Conference had before it two analytical reports of the Secretariat on the implementation of the Protocol, presenting updated information based on additional responses received from States parties and signatories for the first reporting cycle (CTOC/COP/2005/3/Rev.1) and information received from States for the second reporting cycle (CTOC/COP/2006/6). The latter document contained a summary and an analysis of the replies sent by States parties and signatories to the Protocol, in response to the questionnaire on its implementation, prepared by the Secretariat and endorsed by the Conference of the Parties at its second session. The Conference also had before it an analytical report on clarification from States parties to the Protocol on non-compliance with some of its requirements for the first reporting cycle (CTOC/COP/2006/3). It also had before it

a note by the Secretariat containing figures reflecting responses received from States for the first and second reporting cycles (CTOC/COP/2006/4 and Corr.1), as well as a note by the Secretariat on the status of responses of States to the questionnaires for the second reporting cycle on the implementation of the Convention and the Protocols thereto (CTOC/COP/2006/13).

64. Introducing the agenda item, the Secretary indicated that, in addition to States listed in the tables contained in document CTOC/COP/2006/13 as having provided the information requested in the questionnaire on the implementation of the Trafficking in Persons Protocol, the following States had provided replies after the expiration of the deadline set by the Secretariat for the preparation of the analytical reports: Australia, Colombia, Lebanon, Malta, Norway, Netherlands, Russian Federation and Tunisia. The European Commission had provided replies on behalf of the European Community. Mauritius had provided a new, duly completed set of replies to the questionnaire, as well as further comments on its initial response. Portugal had provided an updated version of its initial response to the questionnaire. Australia had provided late responses to the questionnaires on the implementation of the Protocol for the first and second reporting cycles. Georgia had also provided information on national action taken towards the ratification of the Protocol.

65. The Secretary also informed the Conference on the status of replies received from States in response to individual communications that the Secretariat had sent to seek clarification on certain issues where national legislation or practices had reportedly departed from, or had not been in full compliance with, the requirements of the Protocol. He noted that, of the 20 States parties requested to provide such clarifications as above, only 8 had done so: Argentina, Azerbaijan, Bulgaria, Estonia, Latvia, Portugal, Romania and Turkey. New Zealand had replied after the expiration of the deadline.

66. Statements were made by the representatives of the following States: Argentina, Australia, Belgium, Brazil, Burundi, Canada, Chile, China, Colombia, Croatia, Egypt, Finland (on behalf of the European Union), Germany, Greece, Japan, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Malaysia, Mali, Malta, Mexico, Nigeria, Norway, Philippines, Romania, South Africa, Switzerland, United Kingdom and United States. The European Commission delivered a statement on behalf of the European Community. The observers for the following non-governmental organizations also addressed the Conference: National Council of German Women's Organizations, Coalition against Trafficking in Women, International Alliance of Women and Global Alliance against Traffic in Women.

### **Deliberations**

67. Many speakers provided the Conference with information on national legislation and practices already in place or on ongoing or planned legal reforms aimed at bringing the legal systems of their countries in line with the requirements of the Protocol.

68. In relation to the prevention of trafficking in persons, many speakers referred to relevant measures taken, ranging from the establishment of inter-agency coordinating or policymaking bodies or steering committees to the adoption of

strategic plans of action to ensure the coordination of operations at the national and regional levels. Other speakers noted the implementation of communication and awareness-raising strategies and campaigns (involving commercials, television and radio campaigns, seminars, workshops and the dissemination of informative material) to caution potential victims, as well as to inform and educate target audiences about the nature of trafficking in persons and its close links to organized crime and ways to report suspected trafficking activities. In one particular case, a video was produced and distributed, in cooperation with the International Organization for Migration, to raise awareness among vulnerable adolescents. One initiative undertaken to promote awareness-raising programmes and training involved the financial support of non-governmental organizations. The 2006 soccer World Cup tournament in Germany was mentioned as an event with high visibility that had been used to raise awareness of the problem of persons, especially women and children, being trafficked for the purpose of sexual exploitation.

69. A number of speakers underlined the funding and support of research efforts at the national and international levels, while one speaker referred to the undertaking of survey missions in foreign countries. Another speaker reported on the establishment of a multi-agency centre to provide a focal point for conducting research, improving training material and developing best practices and enhanced knowledge and understanding regarding the operations of organized criminal groups involved in trafficking in persons. Another task of the centre was to ensure the coordination of operations and deliver a diverse set of programmes, including targeted campaigns to prevent or at least reduce trafficking in persons.

70. Some speakers referred to regional initiatives aimed at preventing trafficking in persons by, inter alia, strengthening regional cooperation and legal policy frameworks through national contact points and training programmes for law enforcement and immigration officers, judges and prosecutors. Another speaker pointed out that further substantial work was needed to ensure that law enforcement officers were properly trained and equipped, in particular to identify and assist victims of trafficking in persons.

71. It was also noted that particular attention should be paid to the root causes of trafficking in persons, especially the poverty, underdevelopment and lack of equal opportunity that made persons vulnerable to trafficking. One speaker stressed that countering trafficking in persons was closely linked to achieving sustainable development in countries of origin; that speaker referred to national initiatives to develop projects targeting women and children who were vulnerable to recruitment by traffickers. A proposal was also made to start exploring the possibility of setting up an emergency mechanism for international cooperation to prevent trafficking in disaster areas. Other speakers underlined the importance of discouraging the demand fostering the exploitation of trafficked persons. One speaker urged Member States to implement article 9, paragraph 5, of the Trafficking in Persons Protocol.

72. A number of speakers made reference to the report and recommendations of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children (E/CN.4/2006/62). It was noted that a panel discussion entitled "Protection of Trafficked Persons: a Human Rights Approach" had been organized by relevant non-governmental organizations during the current session of the Conference of the Parties, on 11 October 2006.

73. Many speakers reported on inter-State cooperation in the form of sharing and exchanging information in order to track victims and pinpoint the activities of traffickers. Some speakers specifically referred to the posting of liaison officers or attachés in foreign countries to work with host Governments and facilitate cooperation. Other speakers highlighted the establishment of national bodies to foster the exchange of information or the conclusion of memorandums of understanding for sharing information and monitoring cases using a centralized database. One speaker, reporting on the setting up of a system for the management of information on trafficking in persons, referred to the difficulties that had arisen from the need to comply with domestic privacy laws and confidentiality requirements.

74. The observer for the International Labour Organization (ILO) provided a brief overview of the work of that organization on the development of indicators for forced labour. Referring to the ILO Convention concerning Forced or compulsory Labour (Convention No. 29)<sup>11</sup> and the definition of forced or compulsory labour contained in that Convention, he indicated that in most cases coercion and involuntariness in performing some work or service were subtle and part of a more complicated pattern of deception and debt manipulation; for that reason, despite the existence of domestic legislation, there was a need to develop at the national level a set of clear indicators for improving the gathering of data and statistics on forced labour and trafficking. Reference was also made to the 2005 ILO report *A Global Alliance against Forced Labour*,<sup>12</sup> which gave an absolute minimum estimate of 12.3 million people in forced labour worldwide, of whom about 2.5 million had been victims of trafficking. It was noted that manuals and guidance documents developed by ILO were used as technical assistance tools in countries of origin and countries of destination.

75. The observer for the Office of the United Nations High Commissioner for Refugees stressed the linkage between victims of trafficking and refugees and informed the Conference of the activities of her Office in relevant areas such as the development of guidelines and tools, as well as the operational responses to displacement. Indicating that trafficking victims might also be refugees, she stressed the importance of the saving clause of the Trafficking in Persons Protocol (article 14), as well as of the principle of non-refoulement. Recalling the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1), she further underscored that the identification of victims of trafficking was essential in mixed flow situations. In conclusion, she expressed her appreciation for the inter-agency coordination meeting organized by UNODC in September 2006, pursuant to Economic and Social Council resolution 2006/27.

#### **Informal interactive discussion on issues related to the implementation of the Trafficking in Persons Protocol**

76. Informal interactive discussions on issues related to the implementation of the Trafficking in Persons Protocol were held prior to the consultations of government experts. The expert from Canada, in her capacity as the chairman of the informal discussions, provided a summary of the informal interactive discussions.

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<sup>11</sup> United Nations, *Treaty Series*, vol. 39, No. 612.

<sup>12</sup> *A Global Alliance against Forced Labour* (Geneva, International Labour Office, 2005).

77. Several challenges in victim identification were raised during the informal discussions, such as confusion of victims of trafficking in persons with smuggled migrants. It was noted that, while there were difficulties involved in developing a robust identification system, the ILO guidelines and checklists for identifying victims had proved useful. It was stressed that implementing authorities were sometimes confused by the term “trafficking”, in view of its perceived focus on movement rather than on the exploitative conditions defining the offence.

78. It was noted that the way of conducting investigations of cases involving trafficking in persons tended to focus on three particular areas: (a) people, as States had found it useful to develop profiles or proxies to help identify potential victims, despite the danger of profiles being misused in a manner discriminating against persons and the danger of the proxy being used as a replacement for individual analysis (in a case-by-case approach); (b) places, through targeting venues that might be assumed to include potential victims of trafficking in persons; and (c) the purpose, by ensuring that immigration measures were not misused. It was pointed out that some States took a multidisciplinary approach to investigations, relying upon all three of the above-mentioned factors to help identify victims. Another issue raised was how to address cases where victims hesitated or refused to identify themselves, for various reasons, such as fear of law enforcement, fear of retaliation or being unaware of an exploitative situation.

79. Awareness-raising was considered to be especially useful at airports and ports of entry and exit, as well as at embassies abroad. The discussions also addressed the issue of demand strategies. Different considerations were necessary for different types of demand, while identified demand would necessarily trigger different responses.

80. The importance of training for law enforcement and immigration officers was underscored. Programmes for training, including multisectoral training, were also viewed as useful to prosecutors, judges and victims’ service providers. One of the models identified was the placement by Governments of social service attachés in their embassies in countries where their nationals were known to be particularly vulnerable to being trafficked, with a view to providing victim assistance in a more direct manner.

81. It was agreed that efforts should be made to ensure that similar interactive discussions be included in the programme of the fourth session of the Conference of the Parties. Such discussions should be aimed at exchanging information about implementation efforts and actual experiences, practices and challenges encountered.

### **Consultations of government experts on protection of witnesses and victims: assistance to and protection of victims of trafficking in persons and the status of such victims in receiving States; and repatriation of victims of trafficking in persons**

82. At its 7th and 8th meetings, on 12 October, the Conference of the Parties held consultations of government experts on protection of witnesses and victims, assistance to and protection of victims of trafficking in persons, the status of such

victims in receiving States and repatriation of victims of trafficking in persons, under agenda items 2 (b), 3 (a) and (b) and 4 (a) and (b).

83. During the consultations, views were expressed by government experts from the following States: Azerbaijan, Belgium, Brazil, Canada, Germany, Iran (Islamic Republic of), Italy, Japan, Latvia, Mexico, Morocco, Norway, Philippines, South Africa, United Kingdom, United States, Venezuela (Bolivarian Republic of) and Zimbabwe. The observer for the Office of the United Nations High Commissioner for Refugees made a statement. The observer for the Global Alliance against Traffic in Women also made a statement.

84. With a view to sharing lessons learned from implementing the relevant provisions of the instruments, government experts exchanged views and experiences in the areas listed below.

#### **Distinction between the protection of witnesses and the protection of victims of trafficking in persons**

85. Several speakers underscored the fact that the protection of witnesses was not necessarily the same as the protection of victims, for the former was often aimed at dealing with severe threats such as those associated with organized crime, while the latter was usually broader in scope.

#### **Linkage between the protection of victims of trafficking in persons and their cooperation with authorities**

86. Extensive discussion was held on the linkage between the protection of victims of trafficking in persons and their cooperation with authorities.

87. Several government experts indicated that the authorities in their countries did not require cooperation from victims for the provision of protection and assistance. One expert indicated that the level of cooperation required of victims in his country to qualify for assistance and immigration programmes was very low, which meant in practical terms that protection and assistance were provided for any victim who agreed to be interviewed. Another expert shared the result of a scientific study on the correlation between the level of protection provided to victims and the success of prosecution.

#### **Reflection periods**

88. It was noted that the duration of reflection periods varied or was determined on a case-by-case basis. It was also noted that the reflection period was necessary for victims to make informed decisions.

89. One speaker expressed her concern that the reflection periods might delay investigations and prosecution. In response, several experts indicated that their authorities had not encountered any practical problems caused by the reflection periods.

#### **Special needs of child victims**

90. There was extensive discussion on protection and assistance measures that would ensure the best interests of child victims. The view was expressed that family

unification might not necessarily be in the best interest of child victims because of the possible involvement of family members in trafficking.

91. The importance of recognizing differences in attitudes of child victims was discussed. For example, one expert reported that, in some cases, foreign-born child victims would put up with suffering to support their families and would feel guilt or shame because of their predicament, while child victims not born in other States would commonly flee abusive households.

#### **Housing services for trafficking victims**

92. A discussion was held on the choice of large-scale shelters or safe houses for trafficking victims. One expert noted that, although they were more expensive, her Government used safe houses instead of large-scale shelters in order to avoid a feeling of institutionalization. She stated that research indicated that the use of safe houses improved victims' rehabilitation and their ability to cooperate as witnesses.

#### **Funding for protection and assistance**

93. Attention was also given to funding mechanisms of protection and assistance measures for trafficking victims. One expert indicated that community-based rehabilitation centres were more cost-effective than those run at the national level.

#### **Coordination between national and local authorities**

94. The division of responsibilities between authorities at the national and local levels, including internal coordination mechanisms, was discussed, in particular among federal States. One expert reported the case of a Government that utilized an existing coordination mechanism for refugee resettlement to assist trafficking victims.

#### **Cooperation between Governments and non-governmental organizations**

95. Participating government experts discussed a number of measures for cooperation between Governments and non-governmental organizations, such as counselling services for trafficking victims. The observer for a non-governmental organization emphasized the cost-effectiveness of services provided by non-governmental organizations in the area of assisting trafficking victims.

#### **Cooperation between countries of origin and countries of destination**

96. Concern was expressed at the lack of contact between the country of destination and the country of origin during investigation and repatriation. While emphasizing that the existence of bilateral agreements facilitated repatriation in several cases, one speaker stressed that decisions to contact countries of origin in the repatriation process should be made on a case-by-case basis, taking into due consideration the risk that returned victims might be stigmatized. The need to provide assistance during the post-return and reintegration periods was also underscored.

97. One expert shared an experience of obtaining a trafficking victim's cooperation in prosecuting the traffickers only after the victim's children had been relocated from the victim's country of origin to his country.

**Secondary traumatization**

98. One speaker raised the issue of the secondary traumatization experienced by all those working to help the victims of trafficking, such as the burn-out experienced by workers of non-governmental organizations. Another expert pointed out that the work overload of assistance providers reduced the effectiveness of assistance to trafficking victims.

99. The outcome of the related discussions was reflected in a draft decision submitted by Australia, Brazil, Canada, the Philippines and South Africa (CTOC/COP/2006/L.10).

**Action taken by the Conference**

100. For action taken by the conference, see paragraph 111 below.

**VI. Review of the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime****Consultations of government experts on the protection of witnesses and victims: protection and assistance measures for smuggled migrants; and return of smuggled migrants**

101. At its 9th meeting, on 13 October, the Conference of the Parties held the consultations of government experts on the protection of witnesses and victims: protection and assistance measures for smuggled migrants and on the return of smuggled migrants, under agenda items 2 (b), 3 (a) and (b) and 4 (a) and (b).

102. The representatives of the following States expressed their views on those agenda items: Algeria, Australia, Brazil, Burundi, Canada, Croatia, Finland (on behalf of the European Union), Mexico, Nigeria, United Kingdom and United States. Views on those items were also expressed by the European Commission, on behalf of the European Community.

103. Speakers summarized the progress made at the policy and the legislative levels in implementing the Migrants Protocol.

**Protection and assistance measures for smuggled migrants**

104. In addition to criminalization of the smuggling of migrants and the falsification of travel or identity documents, several measures had been adopted to protect and assist smuggled migrants, including the provision of shelter, food and health care prior to the return of smuggled migrants to their countries of origin.

**Root causes of irregular migration**

105. Underlying causes for irregular migration, such as poverty and ethnic tensions, were mentioned, and various forms of cooperation established at the regional level were underscored. While it was clarified that the Migrants Protocol had been

designed to address the smuggling of migrants, not the broader issue of irregular migration, some speakers emphasized the need to explore the root causes of irregular migration, foster economic development and enhance policies for regular migration.

#### **Return of smuggled migrants and protection of their human rights**

106. Some speakers emphasized that a sound migration policy entailed adopting a comprehensive approach, striking a balance between the humanitarian dimension of migration and the need to comply with international obligations.

107. It was recognized that human rights abuses were often associated with the smuggling of migrants. Strengthened international cooperation, in particular with the countries of origin of smuggled migrants in order to facilitate their return while respecting their human rights, was deemed to be crucial. To that end, adherence to article 18 of the Migrants Protocol and the key role of countries of origin in accepting their own citizens and issuing travel documents were underlined by some speakers.

#### **Fraudulent travel or identity documents**

108. Speakers stressed the importance of criminalizing the smuggling of migrants in order to provide the basis for the effective prosecution and dismantling of the organized criminal groups involved.

109. With respect to the criminalization of the production, procurement, provision and possession of fraudulent travel or identity documents, as defined in article 6, paragraph 1 (b), of the Migrants Protocol, a gap in implementation was brought to the attention of the Conference. While several speakers indicated that their national laws had criminalized such forms of conduct, and others reported on initiatives under way to improve the security and control of travel and identity documents, it was doubtful whether national legislation in some countries made it a crime to produce a fraudulent travel or identity document of another country. It was strongly recommended that that situation be addressed as a matter of urgency.

110. The outcome of the relevant discussions was reflected in a draft decision submitted by Australia, Brazil, Canada, the Philippines and South Africa (CTOC/COP/2006/L.10).

#### **Action taken by the Conference**

111. At its 16th meeting, on 18 October, the Conference adopted the draft decision entitled “Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime” (CTOC/COP/2006/L.10). (For the text, see chap. I, decision 3/3.)

112. Following the adoption of the above-mentioned decision, several representatives stressed the need in future to make every possible effort to deal with the two Protocols separately, while taking into account common issues. Several representatives also emphasized the need to undertake in future a more expanded study of all forms of exploitation.

## **VII. Review of the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime**

113. At its 5th, 7th and 8th meetings, on 11 and 12 October, the Conference of the Parties considered agenda item 5, "Review of the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime". The Conference had before it an analytical report of the Secretariat (CTOC/COP/2006/8) containing a summary and a first analysis of the replies sent by States parties to, as well as by signatories and non-signatories of, the Firearms Protocol, in response to the questionnaire on its implementation, prepared by the secretariat and endorsed by the Conference of the Parties at its second session.

114. The representative of South Africa made an extensive audio-visual presentation on that country's comprehensive strategy to implement the Firearms Protocol, with a view to sharing its experience gained and lessons learned with the Conference. The presentation covered criminalization, marking, record-keeping, institutional mechanisms and other operational measures such as arrests for firearm-related offences, the confiscation and destruction of firearms and the voluntary surrender of firearms. With regard to the criminalization requirements under the Protocol, he informed the Conference that national firearms control legislation made the six Protocol offences punishable by severe penalties. He also presented examples of the marking and licensing of firearms, as well as the Government's far-reaching systems for export, import and transit licensing. In conclusion, he shared key lessons learned in implementing the Protocol, such as the need for solid strategies and legislation, effective continuous communication, a change of culture and attitudes towards firearms, a flexible implementation plan, and, more generally, the enhancement of the quality and accessibility of government services by improving their efficiency and their accountability to the recipients of public goods and services.

115. The representative of Argentina informed the Conference of recent progress made, including a new plan for a voluntary surrender of weapons, the transfer of the national registry to the Ministry of the Interior with a view to ensuring a more integrated mechanism for monitoring legally possessed firearms and awareness-raising campaigns. She also reported that a working group had been established to coordinate efforts to control firearms at the national level.

116. The representative of Italy noted that Italian legislation was in full compliance with the Firearms Protocol and included even stricter measures in some areas. Under that country's dual-track system, war-related firearms, including all explosives and chemical weapons, had been placed under stricter control. He also noted that the Ministry of the Interior was developing new rules to control brokering more strictly.

117. The representative of Brazil expressed his Government's high expectations for the role that the Firearms Protocol would play in combating the illicit trade in small arms and informed the Conference of a number of disarmament initiatives that his country had taken in that area, including the strengthening of legislation in accordance with the provisions of the Protocol, peace education, voluntary weapons surrender, and international and regional cooperation. He proposed that cooperation between States parties under article 13 of the Protocol, as well as cooperation in tracing, should be developed through regular intersessional expert meetings. Underscoring that ammunition control was just as important as firearms control in the fight against organized criminal groups, he reported that a law had been adopted requiring police and the military to use only marked ammunition. He explained a newly developed technique that had proved economical in marking individual cartridges and ammunition boxes. That technique, combined with sales registers, allowed the Government to trace a single cartridge diverted through illicit trafficking.

118. The representative of Mali reported that his Government had strengthened national legislation and had established a national commission to combat the illicit trade in small arms and light weapons. With financial assistance from Belgium and Sweden, the Government had undertaken several weapon collection initiatives. He emphasized that the Government was a party to a number of international and regional agreements on small arms and light weapons, including the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa and the recently adopted Economic Community of West African States (ECOWAS) Convention on Importation and Manufacture of Light Weapons.

119. The observer for the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies informed the Conference of the activities of the Wassenaar Arrangement relevant to the implementation of the Firearms Protocol. Since the Wassenaar Arrangement was the only export control forum aimed at promoting transparency and greater responsibility in the transfer of conventional arms and related dual-use goods and technologies, it undertook a number of activities on small arms and light weapons, including the adoption of the Best Practice Guidelines for Exports of Small Arms and Light Weapons and Elements for Effective Legislation on Arms Brokering, as well as the promotion of end-use control measures.

## **VIII. Technical assistance**

120. At its 11th and 12th meetings, on 17 October 2006, the Conference of the Parties considered agenda item 6, "Technical assistance". For its consideration of agenda item 6, the Conference had before it the following documents:

(a) Working paper prepared by the Secretariat on technical assistance activities (CTOC/COP/2006/9);

(b) Note by the Secretariat on technical assistance activities and budgetary and financial questions (CTOC/COP/2006/11).

### **Open-ended interim working group of government experts on technical assistance**

121. In accordance with decision 2/6 of the Conference of the Parties, the open-ended interim working group of government experts on technical assistance met during the third session of the Conference of the Parties, on 16 and 17 October, to advise and assist the Conference in the implementation of its mandate on technical assistance.

122. The Chairman of the working group expressed the hope that the working group would help to identify the technical assistance needs of Member States and priorities for technical assistance. It was noted that a clear road map, which took into account the results of the intersessional meeting, was needed between the third and fourth sessions of the Conference of the Parties.

123. The Chief of the Human Security Branch of the Division for Operations provided an overview of technical assistance activities carried out by UNODC. He stated that UNODC sought guidance from Member States to make its technical assistance sustainable, effective and tailored to the needs of States, taking into account the need for national ownership. Resources and political will at the national level were crucial for technical assistance to be effective. Because UNODC was relatively small, it sought to enhance expertise and resources through partnerships with Governments, United Nations agencies and the private sector. UNODC was undertaking various technical assistance activities, including through field-based advisers and mentors to government institutions, in the areas of legislative assistance, including the provision of judicial cooperation and extradition software, legal advisers, computer-based training, best practice toolkits and criminal justice assessment tools. Guidelines on witness protection and tools for the implementation of the Firearms Protocol were under preparation.

#### **Action taken by the Conference**

124. At its 16th meeting, on 18 October, the Conference of the Parties, having considered the recommendations of the working group (CTOC/COP/2006/L.8/Rev.1), had before it a revised draft decision entitled "Recommendations of the open-ended interim working group of government experts on technical assistance" (CTOC/COP/2006/L.9/Rev.1). At the same meeting, the Conference of the Parties adopted the revised draft decision. (For the text, see chap. I, decision 3/4.)

## **IX. Consideration of mechanisms for achieving the objectives of the Conference of the Parties in accordance with article 32, paragraphs 3-5, of the Convention**

125. For its consideration of agenda item 7, entitled "Consideration of mechanisms for achieving the objectives of the Conference of the Parties in accordance with article 32, paragraphs 3-5, of the Convention", the Conference of the Parties had before it a note by the Executive Director entitled "Relaunching the Conference of the Parties" (CTOC/COP/2006/10).

126. Informal discussions on the item were held on several occasions during the third session of the Conference of the Parties.

127. At its 16th meeting, on 18 October, the Conference of the Parties considered a revised draft decision entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto” (CTOC/COP/2006/L.6/Rev.1), sponsored by Australia, Brazil, Canada, Finland (on behalf of the States Members of the United Nations that are members of the European Union) and the United States. At the same meeting, the Conference adopted the revised draft decision. (For the text, see chap. I, decision 3/1.)

128. Following the adoption of the decision, the representative of Nigeria, speaking on behalf of the Group of African States, requested that it be noted in the report of the Conference on its third session that it was the understanding of the Group of African States that the decision was part of the effort to rejuvenate the Conference of the Parties and encourage States parties to live up to their obligations pursuant to article 32 of the Convention. The Group of African States did not see that decision as amending the mandate of the open-ended interim working group on technical assistance established pursuant to decision 2/6 of the Conference or as an attempt to undertake any intersessional work of the Conference. The Group of African States understood that the information to be provided to the open-ended interim working group pursuant to the decision would be aimed at assisting the working group and would not be used to begin consideration of issues related to the main work of the Conference, which had to be carried out in regular sessions.

## **X. Budgetary and financial questions**

129. For its consideration of agenda item 8, “Budgetary and financial questions”, the Conference of the Parties had before it a note by the Secretariat on technical assistance activities and budgetary and financial questions (CTOC/COP/2006/11).

## **XI. Other matters**

130. At its 16th meeting, on 18 October, the Conference of the Parties considered agenda item 9, “Other matters”.

131. At the same meeting, the Conference of the Parties considered a proposal to amend rule 22 of the rules of procedure for the Conference of the Parties (CTOC/COP/2006/L.2), submitted by Finland (on behalf of the States Members of the United Nations that are members of the European Union). Following extensive discussion on the proposal, the proposal was withdrawn and the Conference decided to defer consideration of the matter to its fourth session.

132. At the same meeting, the Conference of the Parties considered a proposal submitted by the Secretariat entitled “Amendment to rule 18 (Submission of credentials) of the rules of procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime” (CTOC/COP/2006/L.7). Following extensive discussion on the proposal, the Conference decided to defer consideration of the matter to its fourth session.

## **XII. Provisional agenda for the fourth session of the Conference of the Parties**

133. At its 16th meeting, on 18 October, the Conference of the Parties considered the draft provisional agenda for the fourth session of the Conference of the Parties (CTOC/COP/2006/L.11). Following considerable discussion on the scope items of the draft provisional agenda, the Conference approved the draft provisional agenda (see annex II to the present report) on the understanding that a decision on the inclusion of items 2 (b) (iii)-(vi) would be taken by the bureau in consultation with the chairmen of the regional groups. The Conference requested its bureau to review and develop a proposed organization of work for the fourth session in consultation with the secretariat and the chairmen of the regional groups.

## **XIII. Adoption of the report of the Conference of the Parties on its third session**

134. At its 16th meeting, on 18 October 2006, the Conference of the Parties adopted the report on its third session (CTOC/COP/2006/L.1 and Add.1-3).

## Annex I

### List of documents before the Conference of the Parties at its third session

<i>Symbol</i>	<i>Title or description</i>
CTOC/COP/2005/2/Rev.1	Implementation of the United Nations Convention against Transnational Organized Crime; updated information based on additional responses received from States for the first reporting cycle: analytical report of the Secretariat
CTOC/COP/2005/3/Rev.1	Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; updated information based on additional responses received from States for the first reporting cycle: analytical report of the Secretariat
CTOC/COP/2005/4/Rev.1	Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime; updated information based on additional responses received from States for the first reporting cycle: analytical report of the Secretariat
CTOC/COP/2005/6/Add.2	Technical assistance activities: working paper prepared by the Secretariat
CTOC/COP/2006/1 and Corr.1	Annotated provisional agenda and proposed organization of work
CTOC/COP/2006/2	Implementation of the United Nations Convention against Transnational Organized Crime: information received from States for the second reporting cycle: analytical report of the Secretariat
CTOC/COP/2006/3	Implementation of the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air and programme of work of the Conference of the Parties thereto; clarification from States parties on non-compliance for the first reporting cycle: analytical report of the Secretariat

<i>Symbol</i>	<i>Title or description</i>
CTOC/COP/2006/4 and Corr.1	Implementation of the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition; figures reflecting responses received from States for the first and second reporting cycles: note by the Secretariat
CTOC/COP/2006/5	Improving crime data collection, research and analysis with a view to enhancing the work of the United Nations Office on Drugs and Crime and other relevant international entities: note by the Secretary-General
CTOC/COP/2006/6	Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; information received from States for the second reporting cycle: analytical report of the Secretariat
CTOC/COP/2006/7	Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime; information received from States for the second reporting cycle: analytical report of the Secretariat
CTOC/COP/2006/8	Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime: analytical report of the Secretariat
CTOC/COP/2006/9	Technical assistance activities: working paper prepared by the Secretariat
CTOC/COP/2006/10	Relaunching the Conference of the Parties: note by the Executive Director
CTOC/COP/2006/11	Technical assistance activities and budgetary and financial questions: note by the Secretariat
CTOC/COP/2006/12	Development of an online directory of central authorities and options for the effective use of legislation furnished under the United Nations Convention against Transnational Organized Crime: note by the Secretariat

<i>Symbol</i>	<i>Title or description</i>
CTOC/COP/2006/13	Status of responses of States to the questionnaires on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto; second reporting cycle: note by the Secretariat
CTOC/COP/2006/L.1 and Add.1-3	Draft report
CTOC/COP/2006/L.2	Amendment to rule 22 (Election) of the rules of procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime: draft decision submitted by Finland (on behalf of the States Members of the United Nations that are members of the European Union)
CTOC/COP/2006/L.3	Measurement of organized crime: draft decision submitted by the Secretariat
CTOC/COP/2006/L.4	Implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime: draft decision submitted by the open-ended working group of government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation
CTOC/COP/2006/L.5	Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: draft decision submitted by Argentina
CTOC/COP/2006/L.6/Rev.1	Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: revised draft decision submitted by Brazil
CTOC/COP/2006/L.7	Amendment to rule 18 of the rules of procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime: proposal submitted by the Secretariat
CTOC/COP/2006/L.8/Rev.1	Recommendations of the open-ended interim working group of government experts on technical assistance
CTOC/COP/2006/L.9/Rev.1	Recommendations of the open-ended interim working group of government experts on technical assistance: revised draft decision submitted by the open-ended interim working group of government experts on technical assistance

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<i>Symbol</i>	<i>Title or description</i>
CTOC/COP/2006/L.10	Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: draft decision submitted by Australia, Brazil, Canada, Philippines and South Africa
CTOC/COP/2006/L.11	Draft provisional agenda for the fourth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime
CTOC/COP/2006/INF/1/Rev.1	Revised provisional list of participants
CTOC/COP/2006/CRP.1	Report of the UNODC/OSCE workshop on the information-gathering mechanism to support and facilitate the work at the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, held in Vienna on 2 and 3 March 2006
CTOC/COP/2006/CRP.2	Information submitted by States in their responses to the questionnaires for the first reporting cycle
CTOC/COP/2006/CRP.3	Information submitted by States in their responses to the questionnaires for the second reporting cycle
CTOC/COP/2006/CRP.4	Towards security and justice for all: making the world safer from drugs, crime and terrorism
CTOC/COP/2006/CRP.5	Inter-agency coordination meeting on collaborative interventions to counter trafficking in persons, held in Tokyo on 26 and 27 September 2006

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## Annex II

### **Draft provisional agenda for the fourth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime**

#### **Provisional agenda**

1. Organizational matters:
    - (a) Opening of the fourth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime;
    - (b) Election of officers;
    - (c) Adoption of the agenda and organization of work;
    - (d) Participation of observers;
    - (e) Adoption of the report of the bureau on credentials.
  2. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto:
    - (a) Compliance issues emerging from the current reporting cycles;
    - (b) Expert consultations on:
      - (i) Criminalization;
      - (ii) International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purposes of confiscation; establishment and strengthening of central authorities[;
      - (iii) Protection of victims and witnesses;
      - (iv) Travel and identity documents;
      - (v) Marking of firearms and keeping records on firearms and trafficking in firearms, their parts and components and ammunition;
      - (vi) Money-laundering ...].
  3. Technical assistance.
  4. Future activities of the Conference of the Parties.
  5. Financial and budgetary matters.
  6. Other matters.
  7. Provisional agenda for the fifth session of the Conference of the Parties.
  8. Adoption of the report of the Conference of the Parties on its fourth session.
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