



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

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

Algeria, Brazil, Egypt, European Union*, Guatemala, Honduras, Italy, Mexico, Morocco, Nigeria, Philippines, State of Palestine and Thailand: revised draft resolution

Celebrating the twentieth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime and promoting its effective implementation

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

Welcoming the twentieth anniversary of the adoption by the General Assembly, in its resolution 55/25 of 15 November 2000, of the United Nations Convention against Transnational Organized Crime,¹ and its opening for signature by Member States at a high-level political conference convened for that purpose in Palermo, Italy, from 12 to 15 December 2000,

Stressing that the twentieth anniversary provides a meaningful opportunity to renew the joint commitment of the international community to preventing and combating transnational organized crime through the fully effective implementation of the Convention, as well as to take stock of progress achieved, lessons learned and challenges identified,

Seriously concerned about the negative impact of organized crime on security, stability, the rule of law and sustainable development,

Underscoring that tackling transnational organized crime and its root causes in an effective manner is essential for ensuring that individuals, including women, children and vulnerable members of society, are able to enjoy their human rights and fundamental freedoms and that the implementation of the Convention and the Protocols thereto provides an important contribution to this objective,

Calling upon all States to recognize the links in some cases between transnational organized crime activities and acts of terrorism, as acknowledged by the

* Also on behalf of the States members of the European Union.

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.



General Assembly in its resolution 55/25, and to apply the Convention in combating all forms of criminal activity which fall within its scope,

Welcoming that the number of parties to the Convention has reached 190,

Reaffirming the importance of the Convention and the Protocols thereto as the main global tools available to the international community to prevent and fight all forms and manifestations of transnational organized crime, and protect the victims,

Highlighting the impact that the Convention and the Protocols thereto have had over the past 20 years in the fight against transnational organized crime and its manifestations, recognizing the work carried out by the United Nations Office on Drugs and Crime in support of the implementation of the Convention and the Protocols thereto, and stressing in that regard the central role of the United Nations in fostering international efforts to fight against transnational organized crime,

Welcoming the launch of the review process of the Mechanism for the Review of Implementation of the Convention and the Protocols thereto, which will contribute to the due implementation of the Convention, the appropriate identification of needs for technical assistance and the significant reinforcement of international cooperation among States parties,

Recognizing the potential for the Implementation Review Mechanism to serve as a basis for making recommendations to improve the effective implementation of the Convention, as well as to improve the capacity of the States parties to combat transnational organized crime,

Emphasizing the continued relevance of the Convention, including in countering new, emerging and evolving forms of transnational organized crime,

Recalling, in that connection, relevant General Assembly resolutions, in particular resolution [74/177](#) of 18 December 2019, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”,

Commemorating all victims of organized crime, including those who have lost their lives fighting such crime, in particular law enforcement and judicial personnel, and paying special tribute to all those persons, such as Judge Giovanni Falcone, whose work and sacrifice paved the way for the adoption of the Convention, and affirming that their legacy lives on through our global commitment to preventing and combating organized crime,

Recognizing the need for victims of organized crime to be able to restore their dignity, including by enabling their participation in the criminal justice system, in accordance with domestic law, in order to contribute to dismantling organized criminal groups and holding perpetrators accountable for their crimes, and recalling in this regard article 24, paragraph 4, and article 25 of the Convention,

Emphasizing the particular relevance of the Convention as a legal basis for international cooperation in extradition and mutual legal assistance, as well as for other forms of judicial and law enforcement cooperation,

Stressing the importance, in the fight against transnational organized crime, of denying organized criminal groups the proceeds of their crime, and of the need to strengthen efforts, including through international cooperation, to address the economic dimensions and manifestations of transnational organized crime,

Convinced that the rule of law and sustainable development are strongly interrelated and mutually reinforcing and that the fight against transnational organized crime contributes to the achievement by Member States of the 2030 Agenda for Sustainable Development, adopted by the General Assembly in its resolution 70/1 of 25 September 2015, which includes, inter alia, commitments to ending poverty in all its forms and dimensions and to promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels,

Expressing serious concern that the coronavirus disease (COVID-19) pandemic and its socioeconomic implications create new opportunities for organized criminal groups and bring new challenges to the fight against transnational organized crime, and stressing the importance of finding effective ways to address these challenges, including through the effective implementation of the Convention and the Protocols thereto, during and after the pandemic,

Seriously concerned about the penetration of organized criminal groups into the licit economy and, in this regard, the increasing risks relating to the socioeconomic implications of the COVID-19 pandemic,

Recognizing that technical assistance and economic development are fundamental to ensuring the effective implementation of the provisions of the Convention and the Protocols thereto, and recalling in this regard article 30 of the Convention,

Recalling the important role of central authorities, as provided in article 18 of the Convention, in countering transnational crime, including transnational organized crime, and calling upon States parties to staff, equip and empower them so that they play an effective coordinating role among various government agencies within a State party and with other States parties in order to ensure the effective implementation of the Convention with regard to international cooperation in criminal matters,

Stressing the central coordinating role of relevant State agencies in preventing and combating transnational organized crime,

Recalling the important roles of civil society, non-governmental and community-based organizations, the private sector and academia in the prevention of and fight against transnational organized crime, and the contributions that they can provide to such efforts,

1. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and urges States parties to ensure the fully effective implementation of those instruments in order to prevent and combat transnational organized crime;

2. *Invites* States parties to make full and effective use of the Convention, in particular through the broad scope of application of the definition of “serious crime” enshrined in its article 2 (b), as well as its provisions on international cooperation, in particular article 16, on extradition, and article 18, on mutual legal assistance, to promote cooperation to prevent and counter new, emerging and evolving forms of transnational organized crime;

3. *Urges* States parties to effectively address challenges, difficulties and obstacles in the spheres of mutual legal assistance and extradition, including by facilitating direct contact and engagement between central authorities;

4. *Calls upon* States parties to effectively address links between organized crime and other serious crimes which fall within the scope of application of the Convention, including corruption and money-laundering, as well as illicit financial flows related to proceeds of crimes covered by the Convention;

5. *Urges* States parties to address, including through multilateral cooperation and partnership, the increasing risks, challenges and impediments in the fight against transnational organized crime, in particular those stemming from the COVID-19 pandemic and its implications on, inter alia, the socioeconomic conditions of States;

6. *Calls upon* States parties, in accordance with the fundamental principles of their domestic legislation and with article 4 of the Convention, to conduct proactive investigations, including by investigating the movements of proceeds of crime and using financial investigative tools, in order to identify and disrupt any possible linkages between existing and emerging manifestations of transnational organized

crime, money-laundering and the financing of terrorism, and effectively prosecute those crimes, in accordance with their national legislation;

7. *Encourages* States parties to make use, where appropriate and applicable, of the Convention as a legal basis for effective international cooperation for the purposes of the timely freezing, seizure, confiscation and disposal, including the return, of proceeds of crimes falling within its scope of application, including any property derived from or obtained through, directly or indirectly, the commission of an offence, in conviction-based and, where appropriate and in accordance with their domestic law, non-conviction-based proceedings, including in considering returning such proceeds to their legitimate owners;

8. *Urges* States parties to afford one another the widest measure of cooperation in conducting investigations in relation to offences covered by the Convention and the Protocols thereto concerning the movement of proceeds of crime or property derived from the commission of such offences, bearing in mind article 27 of the Convention;

9. Encourages States parties to consider, at the domestic level, and bearing in mind article 14 of the Convention, various possible models of disposal of confiscated proceeds of crimes covered by the Convention and the Protocols thereto, in accordance with their domestic law and administrative procedures, including but not limited to returning the proceeds of crime or property to their legitimate owners, allocating such proceeds to the national revenue fund or the State treasury or giving compensation to the victims of the crime, including through the social reuse of assets for the benefit of communities;

10. *Calls upon* States parties to make concrete efforts, to the extent possible and in coordination with international and regional organizations, to enhance financial and material assistance to support the efforts of developing countries to fight transnational organized crime effectively and help them implement the Convention successfully;

11. *Invites* States parties to consider establishing, in accordance with their domestic law, mechanisms that allow for the most effective and expeditious international cooperation, in particular in the spheres of mutual legal assistance and extradition, in order to tackle transnational organized crime, such as appointing liaison officers, magistrates or prosecutors, enabling the enhanced coordination of cross-border investigations and creating joint investigation bodies that make use of modern technologies, in accordance with applicable international law, including on human rights, as well as the rule of law and domestic legislation;

12. *Encourages* States parties to make effective use of special investigative techniques for the purpose of effectively combating organized crime, in particular for targeting the proceeds and property derived from such crimes, and also encourages States parties to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for the use of such techniques in the context of cooperation at the international level, in accordance with article 20, paragraph 2, of the Convention, in full compliance with the principle of sovereign equality of States;

13. *Invites* States parties, in accordance with their domestic law, to adopt measures to strengthen cooperation between their judicial and law enforcement authorities and the private sector, including communication service providers and the financial sector, in preventing and combating existing and emerging manifestations of transnational organized crime, including through the establishment of the liability of legal persons, consistent with the legal principles of each State, in accordance with article 10 of the Convention;

14. *Encourages* Member States to populate, update and use, as appropriate, the databases, platforms and tools developed by the United Nations Office on Drugs and Crime, including the knowledge management portal known as Sharing Electronic Resources and Laws on Crime, the online Directory of Competent National Authorities and the Mutual Legal Assistance Request Writer Tool, to facilitate

international cooperation in criminal matters and promote the sharing of good practices and experiences in the implementation of the Convention and the Protocols thereto;

15. *Requests* the United Nations Office on Drugs and Crime, within its mandate, to continue to provide technical assistance and capacity-building to Member States, upon request, to support their capacity to prevent and combat transnational organized crime, including through the following:

(a) The provision of advisory services or ad hoc legislative assistance, including on the basis of existing model legislative provisions and any future updates to such provisions;

(b) The provision of assistance in the development of national strategies to prevent and fight transnational organized crime;

(c) The promotion of modern types of international judicial and law enforcement cooperation, such as the establishment of specialized judicial and law enforcement units and asset recovery networks, as well as those aimed at expediting procedures for extradition and mutual legal assistance;

(d) The updating, as necessary, of model instruments and publications, such as the guide on current practices in electronic surveillance in the investigation of serious and organized crime developed by the United Nations Office on Drugs and Crime in 2009, the model law on mutual assistance in criminal matters developed by the Office in 2007, and the *Manual on Extradition and Mutual Legal Assistance* published by the Office in 2012, also with a view, as appropriate, to including provisions and updated material on the use of special investigative techniques and the gathering of electronic evidence;

16. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations.
