



# 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

**Italy: 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,<sup>1</sup> 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 effective implementation of the Convention and the Protocols thereto,

*Underscoring* that fighting organized crime in an effective manner is essential for ensuring that individuals 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,

*Noting with appreciation* that the number of parties to the Convention has reached 190, and stressing the importance of ensuring its effective implementation,

*Reaffirming* the importance of the Convention and the Protocols thereto as the main tools available to the international community to prevent and fight all manifestations of transnational organized crime, including those falling within the scope of the Protocols,

*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

\* [CTOC/COP/2020/1](#).

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



manifestations, and recognizing the central role that the United Nations Office on Drugs and Crime has been playing in promoting their implementation,

*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, 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,

*Seriously concerned* about the negative impact of organized crime, including trafficking in persons, the smuggling of migrants and trafficking in firearms, on human rights, fundamental freedoms, the rule of law, sustainable development, security, stability, prosperity and democracy,

*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 development are strongly interrelated and mutually reinforcing and that the fight against transnational organized crime contributes to the achievement of the 2030 Agenda for Sustainable Development, including its Goal 16, on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels,

*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 coronavirus disease (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 contribution that groups outside the public sector, such as civil society, non-governmental and community-based organizations, the private sector and academia, can provide to the prevention of and fight against transnational organized crime,

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 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 counter new, emerging and evolving forms of transnational organized crime;

3. *Calls upon* States parties to effectively address the links between transnational organized crime and other forms of crime, in particular corruption and economic crime, including money-laundering, and draws the attention of States

parties to the increasing risks and vulnerabilities stemming from the coronavirus disease (COVID-19) pandemic and its socioeconomic implications;

4. *Also calls upon* States parties, in accordance with the fundamental principles of their domestic legislation, to conduct proactive investigations, to “follow the money” by using financial investigative tools and to identify and disrupt any linkages between transnational organized crime, corruption, money-laundering and the financing of terrorism;

5. *Further calls upon* States parties to make use of the Convention as a legal basis for effective international cooperation for the purposes of the timely freezing, seizure, confiscation and disposal of proceeds of crimes falling within its scope of application, including any property derived from or obtained, directly or indirectly, through the commission of an offence, in conviction-based and, where appropriate, non-conviction-based proceedings;

6. *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;

7. *Encourages* States parties to consider the various possible models of disposal of confiscated proceeds of crimes covered by the Convention and the Protocols thereto, including giving compensation to the victims of the crime, including through the social reuse of assets for the benefit of communities, and returning the proceeds of crime or property to their legitimate owners;

8. *Invites* States parties to consider establishing mechanisms that allow for the broadest possible international cooperation in order to tackle the transnational elements of the activities of organized criminal groups, including such mechanisms as the appointment of liaison magistrates and liaison officers, the creation of joint investigation bodies that make use of modern technologies and the enhanced coordination of cross-border investigations;

9. *Encourages* States parties to enhance their capacity to conduct proactive investigations and to make effective use of financial investigative tools and, in accordance with article 20 of the Convention, of appropriate 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 them to conclude 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;

10. *Invites* States parties to adopt all appropriate measures to strengthen the cooperation of their judicial and law enforcement authorities with the private sector, in particular online intermediaries, in preventing and combating 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;

11. *Encourages* Member States to populate and use 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;

12. *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, in order to enhance their capacity to prevent and combat transnational organized crime, including in line with the purposes of the present resolution, including through the following:

(a) The provision of legal 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 innovative mechanisms of international judicial and law enforcement cooperation, including the establishment of specialized judicial and law enforcement units;

(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, and the model law on mutual assistance in criminal matters, developed by the Office in 2007, with a view to including provisions and updated material on the use of special investigative techniques and the gathering of electronic evidence, in full respect for human rights and fundamental freedoms, and on international cooperation to share the collected evidence.

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

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