



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

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Report on the meeting of the Working Group of Government Experts on Technical Assistance held in Vienna from 17 to 19 October 2016

I. Introduction

1. The Working Group of Government Experts on Technical Assistance was established pursuant to decision 2/6 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. In its decision 4/3, the Conference decided that the Working Group should be a constant element of the Conference. The Working Group held its ninth meeting in Vienna from 17 to 19 October 2016, during the eighth session of the Conference.

2. In its resolution 7/1, entitled “Strengthening the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, the Conference decided that the working groups established by it should continue to analyse, in a comprehensive manner, the implementation of the Convention and the Protocols thereto, making the best use of the information gathered, in full respect of the principle of multilingualism.

3. Furthermore, in its resolution 7/3, entitled “Implementation of the provisions on technical assistance of the United Nations Convention against Transnational Organized Crime”, the Conference noted that technical assistance was a fundamental part of the work carried out by the United Nations Office on Drugs and Crime (UNODC) to assist Member States in the effective implementation of the Convention and the Protocols thereto.

II. Recommendations

4. At its meeting held on 19 October 2016, the Working Group adopted the following recommendations, which were amended and endorsed by the Conference in its resolution 8/4, entitled “Implementation of the provisions on technical assistance of the United Nations Convention against Transnational Organized Crime”.



A. Status of responses by States parties and signatories on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

5. The Working Group of Government Experts on Technical Assistance reiterates article 32 of the United Nations Convention against Transnational Organized Crime, which requires each State party to provide the Conference of the Parties to the Convention with information on its programmes, plans and practices, as well as legislative and administrative measures to implement the Convention and, *mutatis mutandis*, the Protocols thereto to which they are a party.

6. States parties should designate a focal point for the purpose of communicating with the Secretariat to facilitate implementation of paragraphs 4 and 5 of article 32 of the Convention and of the Protocols to the Convention and should provide UNODC with the contact details of that focal point. UNODC should compile the contact details of those focal points.

7. States should consider financially contributing to the maintenance and further development of the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC) in order to sustain the gathering, dissemination and analysis of information.

8. States should consider making legislation public and accessible, preferably through the Internet. States that have repositories of legislation and case law should provide links to those repositories to the Secretariat for inclusion in the SHERLOC knowledge management portal.

9. The Working Group of Government Experts on Technical Assistance recommends that the Working Group on International Cooperation consider requesting States parties to report on the use of the Organized Crime Convention as a legal basis for international cooperation, in particular extradition and mutual legal assistance, including examples of various crime types. States should also report, by providing examples of cases, on the practical use of the Convention and the Protocols thereto with other States. UNODC should compile that information and include it in the SHERLOC knowledge management portal.

10. UNODC should continue to gather, disseminate and analyse information on the implementation of the Convention, with a focus on successful practices and the difficulties encountered by States, and develop technical assistance tools on the basis of the information gathered.

B. Identification of technical assistance needs and good practices relating to the criminalization of obstruction of justice (article 23)

11. States should take measures to ensure that legislation on criminalization of obstruction of justice covers all stages of proceedings, including the pretrial stage.

12. States should combine the effective criminalization of obstruction of justice with witness protection schemes, including both physical and procedural protection measures.

13. States should consider expanding the scope of obstruction of justice offences to protect all persons participating in or contributing to the criminal justice process, as well as those who play a role in exposing organized criminal activities.

14. States should take measures to ensure that their legislation on criminalization of obstruction of justice covers both completed offences and attempts to impede the truth-seeking process.

15. States should consider tackling obstruction of justice in all its forms and manifestations and encompassing all offences, not only serious crime.

16. UNODC should continue to gather national examples of the implementation of obstruction of justice offences based on article 23 of the Convention, for inclusion in the SHERLOC knowledge management portal, with a focus on the identification of successful practices, challenges and technical assistance needs.

C. Identification of technical assistance needs and good practices relating to the criminalization of the laundering of proceeds of crime (article 6)

17. As provided for in the Convention, States should apply their legislation on the criminalization of money-laundering to the widest range of predicate offences and consider requesting or providing training or assistance, as appropriate, to that effect.

18. States should adopt a comprehensive approach to investigating and prosecuting money-laundering in order to ensure the effectiveness of their criminalization regimes.

19. States should consider requesting or providing training or assistance, as appropriate, to improve the capacity of law enforcement authorities to investigate illicit financial flows in order to unravel transactions related to money-laundering.

20. States should consider requesting or providing training or assistance, as appropriate, to improve the capacity of relevant criminal justice authorities to use special investigative techniques and investigate the use of virtual currencies.

21. States should consider including in their technical assistance requests information concerning the use of informal networks and the exchange of information for international cooperation to complement formal cooperation systems, such as the asset recovery inter-agency networks established in the Asia-Pacific region, East Africa, Latin America, Southern Africa and West Africa.

22. When investigating the widest range of predicate offences for money-laundering, States should consider conducting parallel financial investigations.

23. States should consider establishing funds for confiscated assets, in which confiscated funds are deposited for public interest use, including for capacity-building and law enforcement activities.

III. Organization of the meeting

A. Opening and duration of the meeting

24. From 17 to 19 October, the Working Group held three meetings. The Chair of the Working Group made an opening statement. An introductory statement and a presentation were made by representatives of the Secretariat on item 2 of the agenda, which was adopted at its 1st meeting.¹

¹ CTOC/COP/WG.2/2016/1.

25. Statements were made by representatives of the following States parties to the Convention: Finland, Canada, United States of America, Netherlands, Romania, China, Philippines, Australia, Mexico and Morocco.

26. Statements were made by the observers for the following signatory States: Japan and Islamic Republic of Iran.

27. A representative of the Secretariat delivered a presentation under agenda item 2.

B. Documentation

28. The documents before the Working Group of Government Experts on Technical Assistance are contained in the annex to the present report.

IV. Summary of the deliberations

A. Status of responses by States parties and signatories on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

29. At its 1st meeting, on 17 October 2016, the Working Group considered agenda item 2, on the status of responses by States parties and signatories on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. With the Chair presiding, the discussion was led by the panellist Ms. Virginia Prugh (United States).

30. The panellist gave an overview of past efforts to gather information on the implementation of the Convention and the Protocols thereto and discussed ways to reach out to those States that had not yet provided such information, using both multilateral and bilateral resources, including through workshops. The panellist and several speakers emphasized the importance of the SHERLOC knowledge management portal as a vehicle for the gathering, dissemination and analysis of information. Some speakers noted the need to further analyse the available information, with a particular focus on successful practices and the difficulties encountered by States.

31. Several speakers reiterated the need to designate a focal point for the purpose of communicating with the Secretariat, pursuant to Conference of the Parties resolution 7/1, entitled “Strengthening the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, and in compliance with article 32, paragraphs 4 and 5, of the Convention.

B. Identification of technical assistance needs and good practices relating to the criminalization of obstruction of justice (article 23)

32. At its 1st and 2nd meetings, on 17 and 18 October 2016, the Working Group considered agenda item 3, on identification of technical assistance needs and good practices relating to the criminalization of obstruction of justice (article 23). With the Chair presiding, the discussion was led by the following panellists: Mr. Andreas Schloenhardt (Australia), Mr. Matthew Taylor (Canada) and Mr. Chatchom Akapin (Thailand).

33. The panellists gave examples of ways and means by which organized criminal groups maintained or expanded their wealth, power and influence by seeking to

undermine systems of justice. They emphasized that no justice could be achieved if judges, jurors, witnesses or victims were intimidated, threatened or corrupted and they reiterated the importance of criminalizing the obstruction of justice in all its forms.

34. Some speakers reiterated that legislation criminalizing obstruction of justice needed to cover all stages of proceedings, including the pretrial stage. Some speakers also noted the importance of tackling obstruction of justice in all its forms and manifestations and encompassing all offences, not only serious crime. Finally, some speakers highlighted the need to consider expanding the scope of obstruction of justice to protect all persons participating in or contributing to the criminal justice process, as well as those playing a role in exposing organized criminal activities, such as investigative journalists. In that context, speakers shared examples of cases in their national jurisdictions.

C. Identification of technical assistance needs and good practices relating to the criminalization of the laundering of proceeds of crime (article 6)

35. At its 2nd meeting, on 18 October 2016, the Working Group considered agenda item 4, on identification of technical assistance needs and good practices relating to the criminalization of the laundering of proceeds of crime (article 6). With the Chair presiding, the discussion was led by the following panellists: Ms. Mei-Lin Wang (Australia) and Mr. Rafael Edmundo Mateos Poumián (Mexico).

36. The panellists and several speakers drew attention to the fact that mere technical compliance with the Convention was not enough to have a robust regime to counter money-laundering: effective implementation was required. Practical examples of effective implementation were given. In that context, one of the panellists mentioned the Financial Action Task Force publication entitled *International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation: The FATF Recommendations*.

37. Several speakers highlighted challenges related to implementing an effective regime to counter money-laundering, such as the use of virtual currencies and the identification of beneficial owners of shell corporation accounts. In that context, the urgent need for technical assistance was discussed. Speakers pointed out that international cooperation was instrumental in successfully combating money-laundering and emphasized the role that the Convention played in that regard.

38. Several speakers referred to the benefit of utilizing informal networks in relation to international cooperation to combat money-laundering. As an example of such a network, the multi-agency Asset Recovery Interagency Network of the Asia-Pacific region was mentioned. The aim of that Network was to increase the effectiveness of members' efforts to deprive criminals of their illicitly gained profits.

39. Some speakers referred to the establishment of funds made up of confiscated assets to be used in the public interest, including for capacity-building and law enforcement activities, as a matter of good practice.

D. Other matters

40. At its 2nd meeting, on 18 October 2016, the Working Group considered item 5 (other matters). No issues were raised under the item.

V. Adoption of the report

41. On 19 October 2016, the Working Group adopted the report on the meeting (chapters I-III).

Annex

List of documents before the Working Group of Government Experts on Technical Assistance at its meeting held in Vienna from 17 to 19 October 2016

<i>Document number</i>	<i>Agenda item</i>	<i>Title or description</i>
CTOC/COP/WG.2/2016/1	1 (b)	Annotated provisional agenda
CTOC/COP/WG.2/2016/2	2	Background paper by the Secretariat on the status of responses by States parties and signatories on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
CTOC/COP/WG.2/2016/3	3	Background paper by the Secretariat on identification of technical assistance needs and good practices relating to the criminalization of obstruction of justice (article 23)
CTOC/COP/WG.2/2016/4	4	Background paper by the Secretariat on identification of technical assistance needs and good practices relating to the criminalization of the laundering of proceeds of crime (article 6)