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### **Commission on Crime Prevention and Criminal Justice**

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Items 4 (a) and (b) of the provisional agenda\*

**Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice: ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto; ratification and implementation of the United Nations Convention against Corruption**

### **International cooperation in combating transnational organized crime and corruption**

#### **Report of the Executive Director**

##### *Summary*

The present report, prepared pursuant to resolutions of the Economic and Social Council and the General Assembly, provides a brief overview of the activities of the United Nations Office on Drugs and Crime in the fight against transnational organized crime and corruption. It complements the reports of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fourth session and of the Conference of the States Parties to the United Nations Convention against Corruption at its third session, as well as the reports of working groups established under their auspices. Information is also provided concerning the implementation of Economic and Social Council resolution 2009/24, entitled “International cooperation to prevent, combat and eliminate kidnapping and to provide assistance to victims of kidnapping”.

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## I. Introduction

1. The present report is submitted to the Commission on Crime Prevention and Criminal Justice at its nineteenth session pursuant to Economic and Social Council resolutions 2005/17, entitled “International cooperation in the fight against transnational organized crime”, and 2006/24, entitled “International cooperation in the fight against corruption”, as well as General Assembly resolution 64/179, entitled “Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity”. Information is also provided concerning the implementation of Economic and Social Council resolution 2009/24, entitled “International cooperation to prevent, combat and eliminate kidnapping and to provide assistance to victims of kidnapping”.

## II. Transnational organized crime

### A. Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto

2. In its resolution 64/179 the General Assembly expressed its grave concern at the negative effects posed by transnational organized crime, including smuggling of and trafficking in human beings, narcotic drugs, and small arms and light weapons, on development, peace and security, and human rights, and at the increasing vulnerability of States to such crime.

3. In the same resolution, the General Assembly reaffirmed the importance of the United Nations Convention against Transnational Organized Crime<sup>1</sup> and its Protocols (the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;<sup>2</sup> the Protocol against the Smuggling of Migrants by Land, Sea and Air;<sup>3</sup> and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition<sup>4</sup>) as the main tools of the international community to fight transnational organized crime.

4. The Convention and its Protocols have continued to attract adherence. During the reporting period, 5 States ratified the Convention (current total: 154 parties), 10 States ratified the Trafficking in Persons Protocol (current total: 137 parties), 5 States ratified the Smuggling of Migrants Protocol (current total: 123 parties) and 2 States ratified the Firearms Protocol (current total: 79 parties). The United Nations Office on Drugs and Crime (UNODC) has continued to provide legal advisory services, legislative assistance and other forms of technical assistance to Member States in the ratification and implementation of the Organized Crime Convention and the Protocols thereto. In 2009, such assistance and training were provided to legislative drafters, judges and prosecutors from Albania, Benin, Côte d’Ivoire and Guinea-Bissau at the country level and to experts from Arabic-speaking countries and the Balkan region in the framework of regional workshops.

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

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

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

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

5. 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. The Conference has met four times: in 2004, 2005, 2006 and 2008. The next session will be held in Vienna from 18 to 25 October 2010. As 2010 marks the tenth anniversary of the signing of the Convention, the upcoming session of the Conference will be of particular symbolic significance. The Conference will consider, *inter alia*, the use of the Convention for combating emerging forms of crime; international cooperation, with particular emphasis on extradition, mutual legal assistance and cooperation for the purpose of confiscation; and the establishment and strengthening of central authorities.

6. The Conference of the Parties has established three working groups and one meeting of experts under its authority. The Working Group on International Cooperation and the Open-ended Interim Working Group of Government Experts on Technical Assistance were created by decisions of the second session of the Conference of the Parties and met for the first time during its third session, in 2006. At the fourth session, the Working Group on International Cooperation was made a constant element of the Conference. That Working Group has met every year since its creation, most recently in Vienna on 1 and 2 October 2009.

7. At its fourth session, Conference of the Parties decided to create a third group, the Working Group on Trafficking in Persons. The Working Group met in April 2009 and January 2010. The Conference also directed that an intergovernmental meeting of experts on possible mechanisms to review implementation of the Convention and the Protocols thereto should be held.

8. At its fourth session, the Conference adopted six substantive decisions, on a possible review mechanism (decision 4/1), international cooperation in criminal matters (decision 4/2), technical assistance (decision 4/3), trafficking in human beings (decision 4/4), implementation of the Smuggling of Migrants Protocol (decision 4/5) and implementation of the Firearms Protocol (decision 4/6).<sup>5</sup> The paragraphs below outline activities undertaken to implement those decisions as well as technical assistance activities carried out in those areas.

## **B. Possible mechanisms to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto**

9. Pursuant to recommendations made at the third session of the Conference to improve information-gathering on the implementation of the Convention and its Protocols, UNODC developed an interim checklist software application, which was sent to States parties and signatories in May 2008. The software significantly improved reporting by States: by the fourth session of the Conference, 566 reports or updates of previous reports had been received from 116 Member States. In its decision 4/1, the Conference noted with satisfaction the improvement in

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

information-gathering efforts since its third session and the ongoing efforts of UNODC to develop a comprehensive computer-based self-assessment tool.

10. In its decision 4/1, the Conference also acknowledged the necessity of exploring options regarding a possible mechanism to review the implementation of the Convention and the Protocols thereto, and requested UNODC to convene at least one open-ended intergovernmental meeting of experts by September 2009, tasked with presenting a report to the Conference at its fifth session on mechanisms for reviewing the implementation of the Convention. A first meeting was held in Vienna on 30 September 2009, where it was decided that a subsequent meeting would be held in Vienna in January 2010.

11. The Open-ended Intergovernmental Meeting of Experts on Possible Mechanisms to Review Implementation of the Convention recommended that the information provided by States through the interim checklist and the comprehensive software-based self-assessment checklist tool be the basis of any future review mechanism. It recommended that the Secretariat send, as soon as possible, an invitation to States parties to comment on the comprehensive self-assessment checklist and that, on the basis of the comments received and taking into account the specificities of the Convention and its Protocols, the Secretariat identify means to propose adjustments to the checklist.

12. The Intergovernmental Meeting of Experts further agreed that it would be appropriate, in view of the tenth anniversary of the Convention, to reinforce the implementation of the Convention and its Protocols. It therefore recommended that the Conference of the Parties create an open-ended working group on the implementation of the Convention and its Protocols with a view to exploring options regarding an appropriate and effective mechanism to assist the Conference in the review of implementation as soon as feasible, taking into account the importance of the matter to all Member States.

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

13. In its decision 4/2, the Conference of the Parties noted that the Convention was being used successfully by an increasing number of States as a basis for granting requests for extradition, mutual legal assistance and international cooperation for purposes of confiscation, encouraged States parties to continue to do so and welcomed the development and expansion of tools to facilitate international cooperation.

14. In the same decision, the Conference welcomed the holding, in Bogota, Cairo, Dakar, Kuala Lumpur and Vienna in 2007 and 2008, of regional workshops for central authorities, liaison magistrates, judges, prosecutors and practitioners responsible for handling extradition and mutual legal assistance, organized by the Secretariat pursuant to Conference decision 3/2. It requested the Secretariat to pursue such activities in regions not covered by the previous workshops and to follow them up at the subregional and interregional levels, in response to the specific cooperation needs identified. In 2009, UNODC organized regional workshops on international cooperation, in Barbados for the Caribbean and in

Bulgaria and Turkey for South-East Asia. UNODC also participated in a workshop organized by the International Criminal Police Organization (INTERPOL) to enhance cooperation among Anglophone African countries. Regional workshops will be held in March 2010 in South Asia and Southern Africa.

15. During the reporting period, UNODC continued to promote the use of a number of tools to facilitate international cooperation, in particular the Mutual Legal Assistance Request Writer Tool, the online directory of competent national authorities designated to handle extradition and mutual legal assistance requests and a catalogue of cases of international cooperation based on the Convention.

16. The Mutual Legal Assistance Request Writer Tool, designed to assist practitioners in drafting correct and effective requests, is available in English, French, Spanish and Russian ([www.unodc.org/mla](http://www.unodc.org/mla)), as well as in Croatian, Montenegrin, Portuguese and Serbian. The Arabic version is being finalized, while Albanian and Macedonian versions are being developed.

17. The online directory of competent national authorities now includes 419 authorities designated by 83 States under the Convention, the Smuggling of Migrants Protocol and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 to receive, process and respond to requests for extradition and mutual legal assistance. The directory is continually being updated, published and disseminated among States. Pursuant to decision 4/2, the directory will also include authorities designated under article 13 of the Firearms Protocol as the national body or single point of contact to act as liaison on matters related to the Protocol.

18. UNODC has collected and submitted to the Conference a catalogue of cases in which the Convention was used successfully as a basis for extradition, mutual legal assistance and international cooperation for the purpose of confiscation. The collecting of cases will continue in 2010 and the catalogue will be updated and disseminated among Member States.

19. In its decision 4/2, the Conference requested the Secretariat to support the strengthening of networking at the interregional level among central authorities and other competent authorities for extradition and mutual legal assistance for the purpose of confiscation and to facilitate communication and problem-solving among such authorities through the establishment of a global discussion forum on a secure network. As a first step in the implementation of this decision, the Secretariat held an informal expert group meeting on the development of a global cooperation network in Vienna in November 2009. The meeting was attended by all major regional judicial cooperation networks, as well as experts from other relevant international organizations and Member States. Several experts also reported initiatives to establish new regional judicial cooperation networks (in East Africa, among members of the League of Arab States and in Asia). The experts discussed the way forward for implementing decision 4/2 and made recommendations for the strengthening of international cooperation.

20. Pursuant to Economic and Social Council resolutions 2004/34 and 2008/23, in November 2009 UNODC convened an open-ended intergovernmental expert group meeting to submit relevant recommendations on protection against trafficking in cultural property to the Commission on Crime Prevention and Criminal Justice. Informal consultations on ways to complement the work already carried out by

organizations such as the United Nations Educational, Scientific and Cultural Organization, the International Institute for the Unification of Private Law, the World Customs Organization, INTERPOL and the International Council of Museums in the area of protection against trafficking in cultural property followed. UNODC also participated in an international seminar in Rome in December 2009 on trafficking in cultural property, organized by the Ministry of Culture of Italy, and in the 7th meeting of the INTERPOL Expert Group on Stolen Cultural Property, in Lyon in February 2010.

#### **D. Technical assistance activities related to the United Nations Convention against Transnational Organized Crime**

21. At its first intersessional meeting, held in Vienna from 3 to 5 October 2007, the Open-ended Interim Working Group of Government Experts on Technical Assistance identified five priority areas: (a) gathering information on the implementation of the Convention and its Protocols; (b) strengthening criminal justice responses to organized crime on the basis of the Convention and its Protocols; (c) international cooperation and the establishment or strengthening of central authorities for mutual legal assistance and extradition; (d) data collection; and (e) implementation of the Protocols to the Convention. In its decision 4/3, the Conference took note of the proposals for specific technical assistance activities prepared by the Secretariat in these five priority areas (CTOC/COP/2008/16) and endorsed this approach.

22. At its second intersessional meeting, held in Vienna on 1 and 2 October 2009, the Working Group recommended that technical assistance projects, within the framework of the five priority areas, focus on priority activities to strengthen cooperation at the regional and subregional levels through awareness-raising, assistance for ratifying and implementing the Convention and its Protocols, capacity-building, legal assistance, strengthening of international cooperation and law enforcement cooperation, and witness and victim protection.

23. Training and capacity-building activities to promote ratification and implementation of the Organized Crime Convention and its Protocols and to strengthen international judicial cooperation have been carried out through numerous national and regional seminars, training sessions and other technical assistance activities, as highlighted in the pages above. UNODC also provided training to prosecutors in the use of special investigative techniques to support national authorities in addressing the increasingly sophisticated *modi operandi* of traffickers. An expert working group was convened and published guidelines on current practices in electronic surveillance, while another working group developed international guidelines for States in undertaking threat assessments of serious organized crime.

24. Support was also provided to States to address the linkages between money-laundering and serious organized crime. UNODC has deployed seven mentors and four long-term consultants: (a) in Southern Africa to strengthen asset confiscation procedures; (b) in Eastern and Southern Africa to build capacity in financial investigations; (c) in South-East Asia, Central Asia and the Pacific islands to build

effective anti-money-laundering and terrorism financing procedures; and (d) in Central America to build capacity among prosecutors and the judiciary.

25. In collaboration with the Commonwealth Secretariat and the International Monetary Fund (IMF), UNODC issued the Model Provisions on Money-Laundering, Terrorist Financing, Preventive Measures and Proceeds of Crime for common-law legal systems. Under the umbrella of the Paris Pact Initiative, UNODC led a consultative group of Member States and financial experts to gather knowledge on the magnitude and direction of financial flows to and from Afghanistan, linked to illicit drug production and trafficking.

26. Financial investigation training courses were delivered in Cambodia, Ecuador, Egypt and Kyrgyzstan, focusing on investigation skills and fostering close working relationships between police and prosecutors. Courses for regional financial intelligence unit analysts were delivered in Viet Nam (Mekong region), Burkina Faso (West Africa), Albania (South-East Europe) and Colombia (South America) to develop knowledge and skills in the analysis of financial information to detect suspicious transactions related to money-laundering and the financing of terrorism. UNODC was also involved in the development of informal asset seizure networks in the Asset Recovery Inter-Agency Network for Southern Africa and the inter-agency Asset Recovery Network of the Financial Action Task Force of South America against Money Laundering to assist prosecutors and investigators in the identification, tracing, freezing, seizure, confiscation and recovery of proceeds of crime.

27. UNODC also provided technical assistance in 2009 to support the establishment of operations to ensure the protection of vulnerable witnesses. In particular, UNODC has worked closely with the Government of Kenya to develop and implement the revision and upgrading of the Kenyan national witness protection programme. UNODC placed an expert adviser with the Kenya Attorney-General, undertook an assessment of the country's technical needs in this area, drafted standard operating procedures for witness protection management, delivered training to recruited staff and arranged for study visits for Kenyan authorities. Technical assessments of national capacities were also undertaken in Azerbaijan and the Republic of Moldova, while a regional conference on witness protection for the States of East Africa and other interested African participants was held from 16 to 18 November 2009 in Kenya. A workshop for all Arab States on witness and whistle-blower protection was organized in partnership with the United Nations Development Programme (UNDP) Programme on Governance in the Arab Region initiative, in Rabat on 2 and 3 April 2009. A regional conference for Mediterranean States on the protection of vulnerable witnesses and smuggling of migrants by sea was held in Greece from 26 to 28 January 2010.

28. UNODC has been actively engaged in the formulation of an international response to the challenge of piracy off the coast of Somalia, a critical component of which is to ensure that suspected pirates are brought to justice. UNODC is providing targeted support and capacity-building to countries of the region that agree to undertake piracy prosecutions to ensure that the trials and detention are fair, humane and efficient and take place within a sound rule-of-law framework. The main elements of the programme include legislative review and assistance, support for the police, prosecution and judiciary, witness and trial support, prison repairs and refurbishments and training of prosecution, police and maritime authorities and

prison management and officers. The programme is currently focused largely on Kenya, where 10 pirates have been convicted and 107 suspected pirates are undergoing trial, and Seychelles, where proceedings against 11 suspected pirates are pending. Security Council resolution 1897 (2009) noted with appreciation the support of UNODC in this area.

29. UNODC will also provide technical support to Somalia itself: first to improve prison conditions in Puntland and Somaliland to allow for the transfer of convicted pirates back to Somalia and, in the longer term, to increase the capacity of the basic legal and institutional structures of Somalia so that suspected pirates can be investigated, prosecuted and detained in line with international standards, in coordination with UNDP. UNODC actively participates in the Contact Group on Piracy off the Coast of Somalia and acts as the secretariat for the Legal Issues Working Group. UNODC also acts as fund manager for the newly established trust fund to support initiatives of States countering piracy off the coast of Somalia.

30. In the light of the continuing expansion of transnational organized crime linked to cybercrime and the growing interest of Member States in combating the problem, UNODC organized an expert group meeting on international cooperation against transnational organized crime, with specific regard to cybercrime, on 6 and 7 October 2009. The expert group meeting considered the initiatives and programmes that had already been put in place by other organizations, institutions and national authorities, and assessed how best UNODC could collaborate with those existing activities and programmes to promote a more coordinated and sustainable approach to combating cybercrime in developing countries. UNODC, together with the International Scientific and Professional Advisory Council, also organized a Conference on the topic “Protecting children from sexual offenders in the information technology era”, held from 11 to 13 December 2009 in Courmayeur, Italy. Concrete proposals for UNODC action in the area of cybercrime resulted from both meetings.

31. Other activities related to cybercrime included the hosting of a “live data forensics” course in June 2009, together with the European Police Office (Europol) and European Community-funded Prevention of and Fight against Crime programme, and the organization of the first West Africa cybercrime summit in Nigeria in September 2010, jointly with the Economic and Financial Crimes Commission and Microsoft. UNODC continued to be active in forums on cybercrime, including the Africa regional meeting of Heads of National Drug Law Enforcement Agencies and the International Telecommunication Union Child Online Protection initiative, providing, in particular, substantive input and advice on UNODC mandates and role in this area. Work also continued on the Virtual Forum against Cybercrime, a pilot initiative undertaken with the Korean Institute of Criminology to create a virtual cybercrime forum located on a digital platform for law enforcement and judicial officials and academics from developing countries. The site is now almost fully developed, and the pilot is expected to be operational by April 2010.

## **E. Trafficking in human beings and smuggling of migrants**

32. UNODC is helping Member States to implement the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol in order to prevent and prosecute these crimes and protect the victims of trafficking and the rights of smuggled migrants.

33. Throughout 2009, UNODC carried out technical assistance projects addressing trafficking in persons and smuggling of migrants in all regions, providing assistance to over 80 countries. In addition, the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) has continued to support the development of joint programmes and has worked with Governments in six regions in the formulation of technical cooperation programmes involving national stakeholders and the international organizations that are part of the UN.GIFT Steering Committee.

34. UNODC has continued to develop model laws to assist States parties in fully implementing the Protocols through their national legislation. The model laws will provide a comprehensive set of provisions, dealing with all relevant issues, and be flexible enough to meet the special needs of a diverse range of legal systems. A comprehensive model law on trafficking in persons for both common-law and civil-law jurisdictions was published in June 2009 in English, and is currently being translated into the other five official United Nations languages. Work on a model law on the smuggling of migrants has continued with two informal expert group meetings, held in Vienna in March and October 2009, and the model law will be finalized during the first quarter of 2010.

35. In order to increase the knowledge base on human trafficking, UNODC carried out a major data-collection exercise, covering 155 countries and territories. The analysis of the data is reflected in the UNODC/UN.GIFT Global Report on Trafficking in Persons, launched in February 2009. The research focused on countries' legislative and administrative frameworks to prevent and combat human trafficking, on the criminal justice response and on the services provided to victims. The report constitutes an important landmark in the cooperation between UNODC and United Nations Member States in data-sharing and reporting on crime issues.

36. With regard to policy development, UNODC, in cooperation with many international, regional and non-governmental organizations (NGOs), published the International Framework for Action to implement the Trafficking in Persons Protocol, a technical assistance tool that supports Member States in effective implementation. The International Framework for Action was the result of a request from the Government of France that UNODC provide its support and expertise to analyse all aspects of existing national and regional policies against trafficking in persons and coordination mechanisms in order to support improved implementation of the Trafficking in Persons Protocol. In addition, in April 2009 UNODC/UN.GIFT launched the handbook for parliamentarians at the Inter-Parliamentary Union Assembly, where over 1,000 parliamentarians from around the world were gathered.

37. UNODC has worked in partnership with universities and NGOs to publish technical papers on a variety of topics relating to trafficking in persons, including combating trafficking in persons in accordance with the principles of Islamic law, the links between corruption and trafficking in persons and the links between transnational organized crime, trafficking in persons and smuggling of migrants.

38. To improve criminal justice system responses to trafficking in persons, UNODC/UN.GIFT produced an advanced training manual for law enforcement, judges and prosecutors. The *Anti-Human Trafficking Manual for Criminal Justice Practitioners* covers all aspects of the crime, from detection to sentencing. The second edition of the UNODC *Toolkit to Combat Trafficking in Persons* was published in the six official languages of the United Nations in 2009. UNODC/UN.GIFT, in partnership with the Austrian Criminal Intelligence Service and the NGO Intervention Centre for Victims of Trafficking in Women, has developed key encounter messages in 40 languages for law enforcement officials, who often face difficulties in communicating with presumed victims of human trafficking.

39. With regard to victim protection and support, a law enforcement first aid kit to help first responders with practical steps to detect and respond to trafficking cases was developed to allow them to identify human trafficking, to stabilize and control the human trafficking situation and to prepare victims and pass information on to investigators. In addition, UN.GIFT has carried out study exchanges to increase support for victims of trafficking through NGOs and other service providers working with the Governments of Austria, Nigeria and Switzerland.

40. In accordance with decision 4/4 of the Conference of the Parties, UNODC serviced the first meetings of the Working Group on Trafficking in Persons in April 2009 and January 2010. The participants discussed and formulated recommendations on, inter alia, the following topics: universal adherence to the Trafficking in Persons Protocol; adequate national legislation to address trafficking in persons; prevention and awareness-raising; victim protection and assistance; data collection, research and analysis; and provision of technical assistance to implement the Protocol. The Working Group will meet in 2010 during the fifth session of the Conference.

41. UNODC also organized three expert group meetings with law enforcement officers and prosecutors to draft training material on smuggling of migrants. The material will be tailored to individual contexts to provide technical assistance. Work was substantially completed on basic training modules to combat smuggling of migrants, the first edition of the Toolkit to Combat Smuggling of Migrants and an annotated bibliography on smuggling of migrants.

42. UNODC has supported the development of indicators for the smuggling of migrants and relevant methodology for data collection in South Asia. A study on the smuggling of migrants from India to Europe, in particular to the United Kingdom of Great Britain and Northern Ireland, was published in early 2009.

43. UNODC and Danish Doc Production produced a film entitled *Affected for Life*, primarily for use in training criminal justice actors, but also as an awareness-raising tool for a wider audience. The film uses the testimonies of victims of human trafficking from all over the world and focuses on core concepts and issues relating to human trafficking.

44. In order to raise awareness and promote public-private partnerships, UN.GIFT and Bahrain held a conference entitled "Human trafficking at the crossroads", involving a wide range of stakeholders. The Conference concluded with the Manama Declaration, which calls for zero tolerance for human trafficking. In addition, to support the private sector in its efforts to combat human trafficking,

UN.GIFT conducted a survey on addressing human trafficking in global supply chains, in partnership with the United Nations Global Compact and the International Labour Organization. UN.GIFT, in partnership with the End Human Trafficking Now! campaign, developed a public service announcement produced by CNN and targeting the business community, which began to be aired in September 2009. UN.GIFT is also working with a variety of major hotel and transport companies to raise the awareness of travellers and potential victims.

45. UN.GIFT/UNODC finalized a photographic exhibit on common forms of exploitation of children, covering well-known trafficking routes from Eastern to Central and Western Europe. To raise awareness of human trafficking for the purpose of domestic servitude among diplomatic and United Nations staff, UN.GIFT partnered with the French NGO Comité contre l'esclavage moderne to host a panel discussion and a photo exhibition at the United Nations premises in Vienna. Stop the Traffik and UN.GIFT also launched the Start Freedom project, which included the development and dissemination of educational material for schools and youth organizations around the world.

## **F. Firearms**

46. In its resolution 64/179, the General Assembly expressed its concern about the serious challenges and threats posed by illicit trafficking in firearms, their parts, components and ammunition to security and stability, and about its links with other forms of transnational organized crime, including drug trafficking and other criminal activities, including terrorism. The Conference of the Parties to the Organized Crime Convention also expressed concern about the increased levels of harm and violence that transnational criminal organizations generated in some regions of the world as a result of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and noted that reducing the illicit manufacturing of and trafficking in firearms was one of the major components of the efforts to reduce the violence that accompanied the activities of transnational organized criminal groups.

47. UNODC has continued to promote ratification and implementation of the Firearms Protocol, and to ensure that comprehensive firearms control regimes are created in compliance with the international legal regime on firearms. The work of UNODC is aimed at strengthening the legal and institutional regime and the control capacities of countries and subregions along major trafficking routes to prevent and combat firearms trafficking and at addressing the cross-regional dimension through enhanced cooperation and exchange of information between source, transit and destination countries.

48. During 2009, UNODC organized and participated in several awareness-raising and training workshops aimed at improving firearms control regimes and promoting the ratification of the Firearms Protocol. UNODC organized a workshop for the Caribbean region, held in Barbados in June 2009. It participated in a regional workshop organized by the United States of America for Central American States, held in Belize in July 2009, and in a regional seminar organized by Saferworld in Dhaka, for South Asian countries, in November 2009.

49. In line with decision 4/6 of the Conference of the Parties, UNODC has continued to develop relevant legal and technical tools to assist Member States in their task; technical guidelines for the implementation of the Protocol are in the final review stage. UNODC organized two rounds of expert group meetings for the development of a model law against firearms. The first round, in November 2009, focused on preventive measures, while the second round, in February 2010, addressed criminal provisions and international cooperation.

50. UNODC is also participating, through the United Nations Coordinating Action on Small Arms (CASA) mechanism, in the development and review of International Small Arms Control Standards. UNODC participates actively in the regular CASA video-conferences and has attended several meetings on firearms-related matters organized by other regional organizations, such as the Consultative Committee of the Inter-America Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, the Organization of American States Group of Experts to develop model regulations on firearms confiscation and the meeting organized by the Organization for Security and Cooperation in Europe in September 2009 for the review of the documents relating to small arms and light weapons. Consultations on joint cooperation were held in Washington, D.C., in April 2009, and presentations on the Protocol and its implementation were delivered to Permanent Missions, NGOs and civil society organizations at the Geneva forum in July 2009.

51. Aware of the complex links between armed violence and organized crime, UNODC has actively contributed, through CASA, to various reports of the Secretary-General on the issue of preventing armed violence and related matters and supported activities to follow-up the Geneva Declaration on Armed Violence and Development. UNODC is also participating in the inter-agency armed violence prevention programme in a few pilot countries, such as Jamaica, and is contributing to the process of reviewing the Millennium Development Goals in the area of prevention of armed violence, inter alia, through the development of specific homicide indicators.

### **III. Corruption**

#### **A. Conference of the States Parties to the United Nations Convention against Corruption**

##### **1. Outcome of the third session of the Conference**

52. The United Nations Convention against Corruption entered into force on 14 December 2005. As at 12 February 2010, there were 143 States parties to the Convention.

53. The Conference of the States Parties to the Convention held its third session in Doha from 9 to 13 November 2009. At that session, the Conference adopted a landmark resolution to establish a review mechanism, as well as resolutions on preventive measures, technical assistance and asset recovery.

54. In its resolution 64/237, entitled “Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the

countries of origin, consistent with the United Nations Convention against Corruption”, the General Assembly welcomed the successful outcome of the third session of the Conference, especially the establishment by consensus of a review mechanism for the implementation of the Convention. It called for the rapid and effective implementation of this review mechanism by all States parties, and, where appropriate, relevant stakeholders. It took note with appreciation of the work of the different working groups established by the Conference and of the open-ended dialogue with international organizations, including the Institutional Integrity Initiative. It called upon States parties to the Convention to support the work of the newly established Implementation Review Group, including its work on technical assistance, and the newly established Open-ended Intergovernmental Working Group on Prevention of Corruption, as well as the continuing work of the working group on asset recovery. It requested the Secretary-General to continue to provide UNODC with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and to discharge its functions as the secretariat of the Conference, and also requested the Secretary-General to ensure that the new mechanism for the review of implementation of the Convention was adequately funded, in line with the requirements laid out by the Conference. It reiterated its call to the private sector, at both the international and the national levels, including small and large companies and transnational corporations, to remain fully engaged in the fight against corruption, and noted in this context the role that the Global Compact can play in fighting corruption and promoting transparency. It also took note with appreciation of the work undertaken by the Stolen Asset Recovery (StAR) initiative of UNODC and the World Bank, and of the initiative’s cooperation with relevant partners, including the International Centre for Asset Recovery.

55. In its resolution 64/244, entitled “Proposed programme budget for the biennium 2010-2011”, the General Assembly adopted the relevant report of the Fifth Committee and approved the necessary regular budget funding for the staffing requirements of the review mechanism.

## **2. Implementation of Conference resolutions**

56. In compliance with Conference resolution 2/1, UNODC continued to assist States parties and signatories in their efforts to compile and provide information on the status of implementation of the Convention. At the time of writing, 86 States parties had submitted their self-assessment reports on the implementation of the Convention, a response rate of 61 per cent. Also pursuant to that resolution, UNODC developed a comprehensive computer-based tool designed to enable States parties and signatories to the Convention to keep track of their implementation efforts and to identify implementation gaps and subsequent needs for technical assistance. Following extensive consultations with States parties and signatories and with international experts, the comprehensive self-assessment checklist was endorsed by the Conference at its third session. The checklist was to be translated into all official languages and rolled out by the first meeting of the Implementation Review Group.

57. The development of the matrix of technical assistance needs, following the recommendation of the Conference’s Working Group on Technical Assistance, enabled the Secretariat to identify and compare regional trends and consider the

types of workshops that would promote the implementation of the Convention and address the specific needs identified by recipient States. Pursuant to resolutions 1/5 and 3/4, with the support of donors and partner institutions, several UNODC initiatives were ongoing or under development. The background paper on the pilot testing of the use of Convention against Corruption assessment tools in identifying and coordinating technical assistance, based on the findings of three country studies, is to be presented by UNODC at the first meeting of the Implementation Review Group, in mid-2010. The roll-out of the Convention compliance and gap analysis is in progress, with the participation of 10 to 15 volunteer countries. Other initiatives, such as assessments of the health, security and justice sectors, are currently under development.

58. UNODC concluded the activities of the voluntary pilot review programme. The programme was launched after the first session of the Conference to test methods for implementation review and provide the Conference with lessons learned, thus enabling it to consider terms of reference for a review mechanism. Twenty-nine States parties volunteered to participate in the programme, in which a combined self-assessment and peer review methodology was used. Technical assistance was provided as an outcome of the pilot programme in 2009-2010.

## **B. Promoting ratification and implementation of the United Nations Convention against Corruption**

### **1. Tools and knowledge-building**

59. UNODC is developing a legal library to collect, systematize and facilitate analysis and dissemination of updated and validated knowledge of efforts to bring national domestic legal systems into compliance with the United Nations Convention against Corruption. The Knowledge Management Consortium, a web-based portal to facilitate the dissemination of non-legal knowledge on broader implementation of the Convention, is also being established. Microsoft provided the technology necessary to develop proofs of concept for the legal library and the Knowledge Management Consortium at no cost. Such proofs of concept were presented to the Conference at its third session and were received with appreciation.

60. UNODC developed a set of statistical and analytical tools to support countries in their efforts to assess the nature and extent of corruption. There was an increasing demand for evidence-based assessment of corruption, and three main types of surveys have been developed, aimed at assessing the experience and perception of different sectors of society concerning corruption:

- (a) Household surveys to measure experience of corruption, as victims, by the population; such surveys analyse the extent and nature of corruption that citizens face when using public services;
- (b) Business surveys to measure experience and perception of corruption faced by enterprises when dealing with public services;
- (c) Civil-servant surveys to analyse working conditions and attitudes of public employees, with a view to identifying areas and activities most susceptible to corrupt practices.

61. In Afghanistan, a population-based survey was carried out and published in January 2010, in collaboration with the High Office of Oversight and Anti-corruption of Afghanistan. This was the first large-scale survey on corruption in the country; it provided benchmarks for the development and monitoring of anti-corruption policies in the country. In Iraq, UNODC developed a programme of surveys aimed at providing a comprehensive assessment of the nature and extent of corruption. A first survey of civil servants was implemented by the national statistical office of Iraq in January 2010. In the Western Balkans, a project for the conduct of corruption surveys in seven countries and territories of the region was initiated in January 2010.

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

63. Jointly with the UNDP Programme on Governance in the Arab Region, UNODC developed a computer-based judicial ethics training tool to promote judicial ethics in Arabic-speaking countries with a view to fostering the application of the Bangalore Principles of Judicial Conduct and professional principles for prosecutors.

64. The *Technical Guide to the United Nations Convention against Corruption* was finalized and published in 2009.

65. In September 2009, UNODC, in cooperation with PricewaterhouseCoopers, launched a report entitled *Anti-Corruption Policies and Measures of the Fortune Global 500*. The report represented an attempt — the first of its kind — to take stock of companies' efforts to abide by the United Nations Global Compact's tenth principle, on anti-corruption, and consolidate the body of existing knowledge on the matter. To that end, the report provided an overview of the direct and indirect measures that companies listed in the 2008 Fortune Global 500 have adopted to combat corruption and economic crime, including extortion, bribery and various forms of fraud. The report was produced by PricewaterhouseCoopers on a pro bono basis.

## **2. Provision of technical assistance for the implementation of the Convention**

66. In the period under review, UNODC provided expertise and technical assistance to Member States in line with the Convention against Corruption, focusing on the adoption of implementing legislation; building strategic, tactical and operational capacities of specialized anti-corruption bodies; enhancing integrity, accountability and transparency in the private and public sectors, including the management of public resources; and supporting relevant Government institutions in the recovery of assets at the domestic and international levels. In particular, technical assistance in the area of anti-corruption was provided to Afghanistan, Brazil, Cape Verde, Egypt, Indonesia, Iraq, Jordan, Kenya, the Libyan Arab Jamahiriya, Maldives, Montenegro, Nigeria, the Sudan, Seychelles, Swaziland, Thailand, the United Arab Emirates and Viet Nam. Technical assistance was also provided at the regional level for the Arab region, East and Central Africa and the Western Balkans.

67. UNODC launched, jointly with UNDP-Iraq, a comprehensive programme of assistance to the Government of Iraq covering a five-year period. The programme was designed to strengthen and promote greater cooperation among the country's main anti-corruption bodies, particularly through the Joint Anti-Corruption Council.

68. UNODC continued to provide the Government of Afghanistan, in particular its High Office of Oversight and Anti-corruption, with assistance and supported efforts to make the Office operational.

69. In Indonesia, UNODC started the implementation of the second-phase project launched in 2008 to assist the Supreme Court of Indonesia and other relevant institutions in strengthening judicial integrity, capacity and professionalism in order to enhance the rule of law in the country.

70. In Nigeria, continued assistance has been carried out on the implementation of the project to provide support to the Economic and Financial Crimes Commission and the Nigerian judiciary, as well as assisting in the implementation of the project Promoting Ethics and Transparency in Business Transactions. In addition, a new project was developed specifically to assist Bayelsa state (in the Niger Delta region) in strengthening the integrity, transparency and accountability of its public finance management systems, as well as its judiciary.

71. UNODC started jointly with UNDP the development of a multi-year programme of assistance to strengthen the rule of law in the Democratic Republic of the Congo. The programme is aimed at assisting the Government in the areas of access to justice, judicial integrity and prison reform.

72. In 2009, UNODC also continued to provide technical assistance in the area of anti-corruption under the framework of the Anti-Corruption Mentor Programme. The Programme was aimed at providing specialized expertise through the placement of anti-corruption experts in Government institutions tasked with the control and prevention of corruption. Beneficiaries for 2009 included Cape Verde, Jordan, Kenya, Thailand and the Government of Southern Sudan.

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

73. UNODC participated actively in the work of the Global Compact Working Group on the Tenth Principle and three of its task forces responsible for implementing the private sector's commitment to fighting corruption. The outcome of the work of such task forces, including the "Reporting guidance on the 10th principle against corruption", was presented at the 5th meeting of the Working Group, held in Doha in November 2009. The 6th meeting will take place in New York on 23 June 2010, preceding the Global Compact Leaders Summit.

74. In 2009, UNODC and UNDP signed a number of letters of Agreement for joint programme development and implementation in various countries, including Iraq. UNODC continued to participate in and contribute to the UNDP "community of practice".

75. The StAR initiative of UNODC and the World Bank, with the objective of encouraging and facilitating more systematic and timely return of assets, continues to develop practical tools and policy studies on asset recovery. Practical tools include a good-practices guide on non-conviction based confiscation, published in English and Spanish in 2009, and a good-practices guide on asset and income

declarations. The StAR initiative was further exploring the requirements of expanding and updating the UNODC Mutual Legal Assistance Request Writer Tool and the development of information technology-based tools. The Asset Recovery Focal Point Database, established by StAR in partnership with INTERPOL, was launched on 19 January 2009 as a focal point contact list of officials who can respond to emergency requests 24 hours a day, seven days a week. Policy studies on specific aspects of asset recovery were published on the identification of politically exposed persons, the global architecture for asset recovery and the management of returned assets.

76. StAR engaged in capacity-building and training for asset recovery through various introductory workshops and training courses held in East and Southern Africa and in South and East Asia. Since the StAR initiative was launched, over 150 participants from 13 countries have participated in the introductory workshops and 190 participants from 9 countries have participated in the training courses.

77. Technical assistance was provided in the framework of the StAR initiative in the preparatory stages of asset recovery proceedings to help States collect and analyse information that would facilitate progress in asset recovery efforts and inform the decision-making of national authorities. At the time of reporting, StAR had received requests for assistance from 21 countries and was actively engaged with seven.

78. UNODC facilitated the participation of over 100 delegates representing 40 civil society organizations in the third session of the Conference. Working in close partnership with the coalition of civil society friends of the Convention against Corruption, special attention was paid to ensuring the participation of diverse civil society organizations and those from developing countries. A statement signed by 356 organizations from 95 countries was submitted to the Conference. A day-long forum was organized by civil society organizations to present and discuss the role of civil society in the fight against corruption and in the review of implementation of the Convention.

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

79. UNODC contributed substantively to a number of national, regional and international anti-corruption workshops and conferences, raising the profile of the Convention and providing policy guidance and technical advice on its implementation. UNODC also continued to participate actively in and contribute to the Council of Europe's Group of States against Corruption and the Organisation for Economic Cooperation and Development/Development Assistance Committee Network on Governance.

80. On the occasion of International Anti-Corruption Day on 9 December 2009, UNODC partnered with UNDP to develop a joint global campaign focusing on how corruption hinders efforts to achieve the Millennium Development Goals and affects development. Both organizations, through their network of field and country offices and their local partners, organized events and activities around the International Day, actively engaging local media and informing communities. Promotional and informative materials in all official languages were developed for the campaign, including a logo package, a leaflet, a call-to-action fact sheet and six anti-corruption posters highlighting the impact of corruption on education, health, justice,

democracy, prosperity and development. The website dedicated to the campaign was relaunched ([www.yournocounts.org](http://www.yournocounts.org)), attracting almost three times as many visitors as in the previous year, and the campaign was extensively promoted via online marketing and social networking websites. The campaign's Facebook group doubled in size in December 2009, and an estimated 10,000 people were reached by Twitter.

#### **IV. International cooperation against kidnapping**

81. In its resolution 2009/24, entitled "International cooperation to prevent, combat and eliminate kidnapping and to provide assistance to victims of kidnapping" the Economic and Social Council requested UNODC, in coordination with other entities, to provide technical assistance to Member States upon request to enable them to strengthen their capacity to combat kidnapping. The Council also requested UNODC to report to the Commission at its nineteenth session on the implementation of that resolution.

82. In 2006, with the contribution of law enforcement and judicial experts from 16 countries, UNODC developed the Counter-Kidnapping Manual, offering guidelines to policymakers and law enforcement authorities for sound and practical responses to kidnapping. The Manual addresses the typologies of kidnapping, policy and legislation considerations, coordination at the national and international levels and a framework for operational response. It also includes an aide-memoire offering practical and operational guidance to investigators and a trainers' guide for future capacity-building.

83. The Counter-Kidnapping Manual has formed a centrepiece of the UNODC response to support Member States' efforts to combat kidnapping. UNODC has supported specialist courses at the regional and national levels for investigators, prosecutors and judges. A training course was provided in March 2006 for officials from the Caribbean countries Colombia, Guyana, Haiti, Jamaica and Trinidad and Tobago, and the Government of Paraguay hosted a regional training event for Latin American investigators in June 2006. Training of trainers has also been targeted: a regional event for instructors covering both the Caribbean and Latin America was hosted by the Government of Colombia in May 2007. In the provision of facilitators and technical support for these courses, UNODC has been supported by the expertise of the Governments of Colombia and the United Kingdom.

84. In addition to UNODC-sponsored training events, Member States have been in regular contact with the Secretariat to obtain copies of the Manual and training materials. The United Kingdom Anti-Kidnap and Extortion Unit has used the Counter-Kidnapping Manual and materials in bilateral training courses for investigators in Ghana, Nepal, Oman and Poland. UNODC has presented this resource to the Brazilian National Secretariat of Public Security, lectured at training events for Iraqi prosecutors and, with the Police Assistance Mission of the European Community to Albania, translated the United Nations materials into Albanian. A training course in Albanian was delivered by United Kingdom trainers. The Manual and a discussion session about its application also form an integral part of the senior police fellows programmes such as the Chevening Course that UNODC hosts on occasion.

85. Technical assistance to Member States in the development of national and regional responses to kidnapping have also been supported by the Secretariat. UNODC experts contributed to the work undertaken by the Government of Mexico, the Mexican Attorney-General's Office and the Mexican Federal Police in the development of a national strategy to address kidnapping. A specialist training course for federal police and prosecutors was delivered in Mexico in January 2009. In counter-kidnapping capacity-building, UNODC is working closely with the organized crime division of INTERPOL and the European Network of Advisory Teams. The United Nations guidelines form part of that Network's awareness-raising and training materials to address kidnapping in European Union member States. In the period ahead (2010-2011), UNODC will work with the Central American Integration System on a programme to build counter-kidnapping capacity for the countries of Central America.

## **V. Recommendations**

86. The Commission may wish to continue supporting the work of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the work of the Conference of the States Parties to the United Nations Convention against Corruption. In particular, it may wish to reiterate its call upon States to make financial contributions in support of the Conferences, related technical assistance activities and the newly established review mechanism of the Convention against Corruption.

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

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

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