



## Economic and Social Council

Distr.: General  
26 January 2011

Original: English

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

#### **Twentieth session**

Vienna, 11-15 April 2011

Items 5 (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 Secretary-General**

##### *Summary*

The present report, prepared pursuant to Economic and Social Council decision 2010/243, provides an overview of the activities of the United Nations Office on Drugs and Crime in the fight against transnational organized crime and corruption. The report complements the reports of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its fifth session and of the working groups established by the Conference. The report also provides information on the work of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, the working groups established by the Conference of the States Parties to the United Nations Convention against Corruption and technical assistance.

\* E/CN.15/2011/1.



## Contents

	<i>Page</i>
I. Introduction .....	3
II. Transnational organized crime .....	3
A. Conference of the Parties to the United Nations Convention against Transnational Organized Crime .....	3
B. Possible mechanisms to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto .....	4
C. Promoting ratification and implementation of the United Nations Convention against Transnational Organized Crime .....	5
D. Promoting ratification and implementation of the Protocols to the United Nations Convention against Transnational Organized Crime .....	10
III. Corruption .....	13
A. Conference of the States Parties to the United Nations Convention against Corruption. .	13
B. Promoting ratification and implementation of the United Nations Convention against Corruption .....	15
IV. Recommendations .....	19

## **I. Introduction**

1. The present report is submitted to the Commission on Crime Prevention and Criminal Justice at its twentieth session pursuant to Economic and Social Council decision 2010/243. It provides information on the activities of the United Nations Office on Drugs and Crime (UNODC) in the fight against transnational organized crime and corruption with reference to 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 65/232, entitled “Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity”.

## **II. Transnational organized crime**

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

2. In its resolution 65/232, the General Assembly, expressing its grave concern at the negative effects of transnational organized crime on development, peace and security and human rights, and at the increasing vulnerability of States to such crime, reaffirmed the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition) as the main tools of the international community to fight transnational organized crime.

3. Pursuant to article 32 of the Convention, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime was established. The Conference has held five sessions: in 2004, 2005, 2006, 2008 and 2010. At the fifth session of the Conference, held in Vienna from 18 to 22 October 2010, 104 States parties were represented. The Conference will hold its sixth session in October 2012.

4. As 2010 marked the tenth anniversary of the signing of the Convention, the fifth session of the Conference held particular symbolic significance. Building on the high-level meeting of the General Assembly on transnational organized crime, held in June 2010, the Conference opened with a high-level segment, in which representatives called for full adherence to and implementation of the Convention and its Protocols and enhanced cooperation in combating transnational organized crime. Many representatives stressed that, 10 years after the adoption of the Convention, the development of a mechanism to review its implementation was essential.

5. At its fifth session, the Conference adopted the following resolutions: on ensuring effective implementation of the Convention and its Protocols (resolution 5/1); on implementation of the Trafficking in Persons Protocol (resolution 5/2); on implementation of the Smuggling of Migrants Protocol

(resolution 5/3); on illicit manufacturing of and trafficking in firearms (resolution 5/4); on the review of the implementation of the provisions of the Convention and its Protocols (resolution 5/5); on implementation of the provisions of the Convention on technical assistance (resolution 5/6); on combating transnational organized crime against cultural property (resolution 5/7); and on implementation of the provisions of the Convention on international cooperation (resolution 5/8).

6. Also at its fifth session, the Conference decided to establish an open-ended intergovernmental interim working group on the smuggling of migrants (resolution 5/3) and an open-ended intergovernmental working group on firearms (resolution 5/4). At its second session, the Conference established working groups on international cooperation and on technical assistance; and at the third and fourth sessions, respectively, those working groups were made a continuing element of the Conference. The Conference established the working group on trafficking in persons at its fourth session.

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

7. In its decision 4/1, the Conference acknowledged the necessity of exploring options regarding a possible mechanism to review implementation of the Organized Crime Convention and its Protocols, by requesting UNODC to convene at least one open-ended intergovernmental meeting to be tasked with presenting a report to the Conference at its fifth session. The experts on possible mechanisms to review implementation of the United Nations Convention against Transnational Organized Crime held meetings in Vienna on 30 September 2009 and on 25 and 26 January 2010. At the meeting held in January 2010, the experts recommended that the Conference 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 review the implementation as soon as feasible.

8. In March 2010, a voluntary pilot project to review implementation of the Convention commenced. In the project, participating countries operated within one or both of the peer-review and expert-review tracks. The objective of the project was to provide the Conference with information on implementation challenges and make recommendations on the possible features of a full-fledged review mechanism.

9. In its resolution 5/5, the Conference decided to establish an open-ended intergovernmental working group to consider and explore options, make proposals for the establishment of a mechanism or mechanisms, and prepare terms of reference for the proposed review mechanism or mechanisms, for review and possible adoption at its sixth session. The first meeting of the working group will be held in the first half of 2011.

## **C. Promoting ratification and implementation of the United Nations Convention against Transnational Organized Crime**

10. The Organized Crime Convention and its Protocols have continued to attract adherence by States. During the reporting period, 4 States ratified the Convention (bringing the total number of parties to 158), 5 States ratified the Trafficking in Persons Protocol (for a total number of parties of 142), 3 States ratified the Smuggling of Migrants Protocol (for a total number of parties of 126) and 4 States ratified the Firearms Protocol (for a total number of parties of 83). The General Assembly held a high-level meeting on transnational organized crime and a parallel special treaty-signing event on 17 and 21 June 2010 to promote ratification of the Convention on its tenth anniversary.

11. UNODC has continued to provide technical assistance for the ratification and implementation of the Convention and its Protocols, including evaluation and advice on existing legislation, legal drafting support and advice, training and tools for judges and prosecutors, support in practical implementation and the development of national policy and coordination, and pre-ratification assistance. As emerging forms of crime can often be considered serious crimes under article 2 of the Convention, UNODC has also provided assistance to help States adopt legislation specific to emerging forms of crime that fall within its mandate. The delivery of legislative assistance is greatly facilitated through tools developed by UNODC, such as model laws and legislative guides.<sup>1</sup>

12. In resolution 5/1, the Conference requested UNODC to strengthen the collection, analysis and reporting of data on organized crime trends, and to continue providing technical assistance and technical assistance tools.

### **1. Implementation of the provisions on international cooperation of the Organized Crime Convention**

13. Conference decision 4/2, on the implementation of the provisions on international cooperation of the Convention, contains a section entitled “Development of tools to facilitate international cooperation”.

14. In 2009 and 2010, UNODC continued to develop and promote the use of tools to facilitate international cooperation. The Mutual Legal Assistance Request Writer Tool was developed to assist States in drafting requests for mutual legal assistance that are complete and that conform to the requesting State’s requirements. The tool, which is available in 10 languages,<sup>2</sup> has been promoted at training sessions, conferences and seminars for central authorities and Government representatives. By December 2010, 427 users had requested and received copies of the tool.

15. UNODC maintains an online directory of competent national authorities designated to receive, respond to and process requests for mutual legal assistance in

<sup>1</sup> By December 2010, UNODC had published model laws to assist in the implementation of the Organized Crime Convention, the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol. (The model law for the Firearms Protocol is to be published in 2011.) Legislative guides also exist for those instruments.

<sup>2</sup> Arabic, Bosnian, Croatian, English, French, Montenegrin, Portuguese, Russian, Serbian and Spanish.

criminal matters, extradition and the transfer of sentenced persons under the Convention or its Protocols. Pursuant to Conference decision 4/2, the directory was expanded to include authorities designated under article 13 of the Firearms Protocol. At the time of writing, the directory contained the contact details and other useful information (such as preferred channels of communication and acceptable forms of request) of 463 authorities designated by 84 Member States. The directory is updated and disseminated regularly. To further the information-sharing necessary for effective international cooperation, UNODC also hosts an online legal library that provides access to legislation adopted by 190 States to implement the Convention and its Protocols.

16. To promote the sharing of good practices and in accordance with Conference decision 4/2, UNODC compiled an updated catalogue of cases on extradition, mutual legal assistance and other forms of international cooperation on the basis of the Convention, and continued to actively seek out examples of successful cases. The updated catalogue was submitted to the Conference at its fifth session.

17. Pursuant to its mandate to support interregional networking, UNODC, at the request of the States concerned, launched a justice platform in 2010 to bring together focal points for extradition and mutual legal assistance in Burkina Faso, Mali, Mauritania and the Niger. The Office continues to work to establish an asset recovery network in South America under the Financial Action Task Force of South America against Money-Laundering and maintains an international cooperation network page, which includes links to regional cooperation networks and a list of relevant contact points in its online directory in order to enable authorities to make direct contact with one another.

18. In its decision 4/2, the Conference requested the Secretariat to hold regional, subregional and interregional workshops for practitioners responsible for extradition and mutual legal assistance. In 2009 and 2010, UNODC organized six regional workshops, targeting regions that had not yet received training on the Convention.<sup>3</sup> The workshops were aimed at promoting awareness and understanding of the mechanisms for international cooperation contained within the Convention, strengthening the capacity of authorities and facilitating networking between participating counterparts. UNODC also organized four regional workshops,<sup>4</sup> in cooperation with regional organizations, and a two-week “train-the-trainer” workshop on international cooperation in cases of trafficking in human beings and smuggling of migrants.

19. In its resolution 5/8, the Conference reaffirmed its requests made to the Secretariat in decision 4/2 to continue its work in promoting the use of legislative guides, model laws and the provisions on international cooperation in the Convention, in compiling a case catalogue and in providing technical assistance to enhance international cooperation. The Conference called on UNODC to facilitate

---

<sup>3</sup> The workshops were held in Caribbean States (Christ Church, Barbados, 16-20 March 2009), West African States (Dakar, 18-21 May 2010), South-Eastern European States (Sofia, 16-18 November 2009), Central American States (Guatemala City, 16-18 June 2010, and Panama City, 22-24 November 2010) and Central Asian States (Astana, 20-22 July 2010).

<sup>4</sup> The workshops were held in South-East Asian States (Bangkok, 23-25 November 2009), South Asian States (Kolkata, India, 6-8 March 2010), Southern African States (Johannesburg, South Africa, 17-19 March 2010) and North African States (Cairo, 6-8 July 2009).

the development of and cooperation among regional networks and to develop tools for practitioners on international cooperation. The Office was also requested to compile information and identify issues relating to joint investigations and special investigative techniques pursuant to articles 19 and 20 of the Convention. These mandates will guide its activities in international cooperation in 2011.

## **2. Technical assistance activities related to the Organized Crime Convention**

20. The technical assistance programming of UNODC, endorsed in Conference decision 4/3,<sup>5</sup> addresses the five priority areas identified by the Open-ended Interim Working Group of Government Experts on Technical Assistance at its meeting held in Vienna from 3 to 5 October 2007. These areas include: (a) international cooperation; (b) gathering information on the implementation of the Convention and its Protocols; (c) strengthening criminal justice responses to organized crime under the Convention and its Protocols; (d) data collection; and (e) implementation of the Protocols. At its meeting held in Vienna on 1 and 2 October 2009, the Working Group also identified priority activities within those areas. In the period under review, UNODC carried out technical assistance activities in those priority areas.

21. Pursuant to recommendations made by the Conference at its third session to improve information-gathering on the implementation of the Convention and its Protocols, UNODC began to develop a computer-based self-assessment checklist, the omnibus self-assessment survey software, which covers the Organized Crime Convention, its three Protocols and the United Nations Convention against Corruption. The omnibus survey software was provisionally endorsed by the Conference in decision 4/1 and, following further improvements, a final version was submitted to the Conference at its fifth session. In its resolution 5/5, the Conference decided that the omnibus software should play an integral role in information-gathering in any foreseen review mechanism. Pursuant to that resolution, the software should also contribute to a more detailed and focused set of national priorities for technical assistance<sup>6</sup> and, through its cross-referencing function (with related regional and international instruments), facilitate reporting requirements.

22. To help States strengthen their criminal justice response to organized crime under the Convention and its Protocols, UNODC provides technical assistance to establish fair, humane and efficient criminal justice institutions, in line with international norms and within a sound rule-of-law framework. The Office has published tools and provided technical assistance through 44 programmes in 39 developing, transitional and post-conflict countries, focusing on penal reform, alternatives to imprisonment, conflict resolution and prevention, and responses to tackle organized crime and trafficking. In West Africa, UNODC is part of a joint programme to support the Economic Community of West African States (ECOWAS) in developing an action plan to address the growing problems of drug trafficking and organized crime in that region. In Guinea-Bissau, UNODC is working with

<sup>5</sup> Proposals for technical assistance activities were presented to the Conference in CTOC/COP/2008/16.

<sup>6</sup> In 2010, the Secretariat conducted a survey of needs for technical assistance among Member States. Of the 117 responding States, 54 indicated a need for technical assistance to better implement the Organized Crime Convention. The most common areas of specific assistance needs related to training and capacity-building, legal assistance, strengthening regional or international cooperation and assisting in complying with reporting requirements.

police, prosecutors and judges to build specialized expertise to combat trafficking and prosecute and sentence traffickers. As part of a larger international response to piracy off the coast of Somalia, UNODC has been providing targeted support and capacity-building to Somalia and other countries in 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.

23. UNODC has worked to build knowledge and skills in law enforcement institutions through its computer-based training, which was recently updated with 11 new modules, and through specialized trainings on topics such as special investigative techniques, evolving *modi operandi* of organized crime and the identification of drugs, precursors and containers at high risk of being used for illegal purposes. Assistance in establishing financial intelligence units pursuant to article 7 of the Convention will remain a technical assistance priority for UNODC within the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism.

24. With regard to crime and criminal justice statistics and data on organized crime trends, UNODC supports States in building their capabilities for gathering and analysing data necessary for policy formulation and operational responses. The Office is currently working with seven countries and territories in the western Balkans to generate regional crime and criminal justice statistics and indicators in line with standards developed by European Union member States. In 2010, it completed a three-year project that assisted African States in collecting and analysing data on drugs and crime and victimization and in creating a regional platform for information exchange. In February 2010, UNODC hosted a meeting of an expert group, chaired by the Department of Peacekeeping Operations, to explore and devise a model for a United Nations criminal intelligence unit, to be deployed to all new and continuing United Nations peacekeeping missions and which will collect, analyse and disseminate intelligence on organized crime and propose appropriate operational responses.

25. To assist Member States in developing strategic responses to serious and organized crime at both the national and transnational levels, UNODC, in conjunction with the International Criminal Police Organization (INTERPOL), published in 2010 a handbook containing guidance on the preparation and use of assessments of serious and organized crime threats. The handbook sets out international best practice and technical methodology for commissioning and producing a national publication to assist in measuring the threat posed by serious and organized crime and prioritizing strategies and resources. The handbook has been distributed to all Member States, and is accompanied by a UNODC training package.

26. Consistent with the recommendations of the Open-ended Interim Working Group of Government Experts on Technical Assistance on the priority areas for technical assistance, made at its meeting on 1 and 2 October 2009, UNODC has also focused efforts on inter-institutional coordination, law enforcement cooperation and witness and victim protection.

27. UNODC has worked to strengthen inter-institutional coordination and law enforcement cooperation by establishing regional inter-agency port control units, regional information coordination centres and regional networks of prosecutors of



organized crime and drug-related offences. The Office has also supported the development of informal asset seizure networks and has provided training to regional financial intelligence units.

28. With regard to cybercrime, Member States, in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010, and endorsed by the General Assembly in resolution 65/230, invited the Commission to consider convening an open-ended intergovernmental expert group to conduct a comprehensive study of cybercrime and responses to it by Member States, the international community and the private sector, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime. This working group met from 17 to 21 January 2011 in Vienna. During the discussion by Committee II of the Congress on cybercrime, there was agreement that UNODC, cooperating with relevant organizations, should provide legislative and capacity-building assistance to States, and that the development of an action plan for capacity-building at the international level should be given careful consideration (see A/CONF.213/18, para. 207).

29. UNODC is providing support to the development and implementation of witness protection laws, measures and programmes. The Office worked with the Government of Kenya in revising its witness protection law, which was adopted in April 2010; operational support to witness protection staff continues. Assessments and specialized training in witness protection were provided in Georgia, Indonesia, Kazakhstan and Uganda in 2010.<sup>7</sup> At the regional level, UNODC hosted a multidisciplinary conference for Mediterranean States in Athens from 26 to 28 January 2010 on law enforcement responses to the smuggling of migrants by sea, which included victim and witness protection, and two conferences on witness and victim protection for South-East Asia, held in Bali, Indonesia, from 28 November to 3 December 2010 and in Manila from 7 to 9 December 2010.

30. In resolution 5/6, the Conference endorsed the recommendations<sup>8</sup> of the meeting of the Open-ended Interim Working Group of Government Experts on Technical Assistance held on 19 and 20 October 2010 during the fifth session of the Conference. The recommendations, which again supplement the initial framework established by the Working Group, will guide the technical assistance programming of UNODC in the coming period.

---

<sup>7</sup> The specialized training occurred in June and August 2010 (Georgia), from 21 November to 3 December 2010 (Indonesia), on 7 and 8 June 2010 (Kazakhstan) and on 9 and 10 November 2010 (Uganda).

<sup>8</sup> Resolution 5/6, annex.

## **D. Promoting ratification and implementation of the Protocols to the United Nations Convention against Transnational Organized Crime**

### **1. Trafficking in Persons Protocol**

31. UNODC is helping Member States to implement the Trafficking in Persons Protocol, to prevent and prosecute trafficking and to protect victims by using tools, providing capacity-building and promoting international cooperation.

32. By December 2010, UNODC was engaged in 16 technical assistance projects related to the Trafficking in Persons Protocol. Projects are tailored to the specific needs of the recipient country or region and reflect the underlying principle of the Protocol, which advocates a balance between criminal justice and the protection of victims of such trafficking. The programmes are aimed at developing national legislation, national strategies and local capacity and expertise.

33. UNODC has developed and disseminated tools to assist criminal justice practitioners in responding to trafficking in persons. These tools incorporate good practices and recommendations inspired by the victim-centred approach. In 2009, UNODC launched a “First-aid kit”<sup>9</sup> for use by law enforcement personnel acting as first responders to cases involving trafficking in persons. Also in 2009, UNODC published “International framework for action to implement the Trafficking in Persons Protocol”, which outlines practical measures that can be taken to address challenges common to implementation. The Office has continued to disseminate its Model Law against Trafficking in Persons and other practical publications, including the *Toolkit to Combat Trafficking in Persons*,<sup>10</sup> *Combating Trafficking in Persons: A Handbook for Parliamentarians*<sup>11</sup> and the Framework for Action toolkit.

34. UNODC works with States and other stakeholders to develop policies and action plans against trafficking in persons. In 2009, it worked with the Task Force against Trafficking in Human Beings of the Council of the Baltic Sea States to launch a regional assessment that would enhance the region’s ability to provide assistance to trafficked persons. The Office continues to help develop national, regional and global awareness-raising campaigns aimed at different groups implicated in trafficking in human beings.

35. UNODC promoted international cooperation in matters of trafficking in persons and smuggling of migrants by organizing regional training sessions. In 2009, UNODC launched a project in Southern Africa to strengthen law enforcement capacity and cooperation in border control operations, which will continue through 2012.

36. In its resolution 5/2, the Conference, welcoming the efforts undertaken by UNODC to combat trafficking in persons, requested the Secretariat to continue work on the analysis of key concepts of the Protocol and to compile examples of best practices for submission at its sixth session. Pursuant to paragraph 12 of that

---

<sup>9</sup> The “First-aid kit for use by law enforcement first responders in addressing human trafficking” can be accessed in all six official languages of the United Nations at [www.unodc.org](http://www.unodc.org).

<sup>10</sup> United Nations publication, Sales No. E.08.V.14.

<sup>11</sup> United Nations publication, Sales No. E.09.V.5.

resolution, UNODC will convene an expert group on trafficking in persons for the purpose of organ removal.

37. Pursuant to General Assembly resolution 61/180, the Executive Director of UNODC is charged with coordinating the activities of the Inter-Agency Coordination Group against Trafficking in Persons. The Office also manages the Global Initiative to Fight Human Trafficking, in cooperation with various other international organizations.<sup>12</sup>

## 2. Smuggling of Migrants Protocol

38. UNODC is similarly helping Member States to implement the Smuggling of Migrants Protocol to prevent and prosecute this crime and to protect the rights of smuggled migrants. In its decision 4/5, the Conference requested UNODC to develop tools to improve the cooperation among law enforcement agencies and to make information on successful practices available to Member States, with the aim of facilitating the participation of witnesses in the criminal justice process. The Office has undertaken various activities in the current reporting period pursuant to that decision.

39. The Model Law against the Smuggling of Migrants, including accompanying commentary, was finalized in October 2010 and has been disseminated to Member States for use. In May 2010, UNODC published its *Basic Training Manual on Investigating and Prosecuting the Smuggling of Migrants*,<sup>13</sup> which reflects practices identified and endorsed by expert practitioners, including in matters of international cooperation in cases of migrant smuggling. Also in 2010, UNODC published an issues paper on the smuggling of migrants by air,<sup>14</sup> which outlines, inter alia, documented *modi operandi*, best practices and recommendations on strengthening national, international and inter-agency cooperation against such smuggling. The UNODC publication “Good practices for the protection of witnesses in criminal proceedings involving organized crime”, as well as article 11 of the Model Law, the *Basic Training Manual* and the issues paper, address victim and witness protection measures and measures for cooperation in criminal investigations.

40. While the present report was being prepared, UNODC was implementing seven technical assistance projects to address various aspects of the Smuggling of Migrants Protocol. The projects are tailored to the needs of the recipient States and are aimed at balancing criminal justice and the protection of the rights of smuggled migrants. The Office has carried out training programmes on good practices and has launched a significant programme to assist States in East and South-East Asia in establishing a coordination and analysis unit on data collected on the smuggling of migrants. In carrying out its work, UNODC collaborates with international, regional and subregional organizations involved in addressing the smuggling of migrants. It is part of the Global Migration Group and works with law enforcement organizations such as INTERPOL.

<sup>12</sup> The Office of the United Nations High Commissioner for Human Rights, the United Nations Children’s Fund, the International Labour Organization, the International Organization for Migration and the Organization for Security and Cooperation in Europe.

<sup>13</sup> United Nations publication, Sales No. E.10.IV.7.

<sup>14</sup> Available from [www.unodc.org](http://www.unodc.org).

41. In paragraph 9 of its resolution 5/3, the Conference of the Parties decided to establish an open-ended intergovernmental interim working group to advise and assist the Conference in implementing its mandate with regard to the Smuggling of Migrants Protocol. It also requested UNODC to convene a meeting of an expert group to prepare an issue paper on the smuggling of migrants by sea and to develop tools to assist States parties in strengthening the integrity and security of travel and identity documents and in promoting cooperation among States on stemming the misuse of such documents.

### **3. Firearms Protocol**

42. The international community has repeatedly acknowledged the links between firearms trafficking and various forms of organized crime, and called upon States to ratify the Firearms Protocol. Consequently, the number of accessions to the Protocol increased to 83 States parties by December 2010. Pursuant to Conference decision 4/6 and resolution 5/4, and recommendations made at the special high-level meeting of the General Assembly on transnational organized crime, UNODC has continued to raise awareness and to promote and develop technical assistance tools to encourage the ratification and implementation of the Protocol. The Office also assisted Guatemala in the destruction of firearms, and is developing a firearms registry with Panama. It intends to organize pre-ratification workshops with national stakeholders and to continue to support requesting States in the implementation of the Protocol through legislative advice, capacity-building and technical assistance.

43. Pursuant to Conference decision 4/2, UNODC expanded its online directory of competent national authorities to include authorities designated by States in accordance with article 12, paragraph 2, of the Firearms Protocol. The Office developed technical guidelines on implementing the Protocol, establishing firearms control measures and building institutions responsible for the licit trade in firearms and ammunition, and held three expert meetings between 2009 and 2010 to finalize a model law on firearms. The model law will be translated, subject to available resources, and disseminated early in 2011. The Office has started a project in South America, the Caribbean and West Africa to counter trafficking in firearms and assist States in establishing comprehensive firearms control regimes that are compliant with the Firearms Protocol.

44. Pursuant to resolution 5/4, UNODC intends to carry out a study on seized and confiscated arms, with a view to analysing links between trafficking in firearms and transnational organized crime. The Office is engaged in gathering and sharing information on armed violence through initiatives such as its crime victimization survey, carried out in a number of African countries, and the upcoming publication of its second *Global Burden of Armed Violence* report.

45. In its resolution 5/4, the Conference also decided to establish an open-ended intergovernmental working group on firearms, which will meet at the end of 2011, subject to extrabudgetary resources.

46. Through the United Nations Coordinating Action on Small Arms mechanism, UNODC supports the development of international small arms control standards and cooperates with a number of other United Nations and non-United-Nations entities,

civil society and the private sector<sup>15</sup> in carrying out its activities related to the Firearms Protocol.

### III. Corruption

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

##### 1. Mechanism for the Review of Implementation of the Convention

47. The United Nations Convention against Corruption entered into force on 14 December 2005. At the time of reporting, there were 148 States parties to the Convention.

48. At its third session, held in Doha from 9 to 13 November 2009, the Conference of the States Parties to the United Nations Convention against Corruption adopted resolution 3/1, entitled “Review mechanism”. In that resolution, the Conference adopted the terms of reference of the Mechanism for the Review of Implementation of the Convention. The guidelines for governmental experts and the secretariat in the conduct of country reviews were adopted by the Conference in its resolution 3/1 and finalized by the Implementation Review Group at its first session, held in Vienna from 28 June to 2 July 2010.

49. A drawing of lots was carried out in accordance with the terms of reference to select the States parties that would be under review in each year of the first review cycle, as well as the reviewing States parties for the first year. At the first session of the Implementation Review Group, 34 States parties were selected to undergo review in the first year of the review cycle. Ten States parties made use of their right to defer their review to the following year. Four States parties that had been selected to undergo review in the second year volunteered to advance their reviews, thus taking the place of deferring States parties from the same regional group. Two States parties that had been selected to undergo review had not officially informed the Secretariat of their decision by the date of reporting.<sup>16</sup>

50. By the date of reporting, 26 States parties had indicated their readiness to undergo review in the first year of the review cycle and had notified the Secretariat of the nomination of a focal point for the review. All reviewing States had communicated the contact details of their governmental experts. Seventeen States parties under review had submitted their final response to the self-assessment checklist, and two States parties had submitted a tentative or partial response. In two country reviews, the outcome of the desk review had been submitted to the Secretariat for transmission to the State party under review. During the initial teleconferences, 19 States parties under review indicated that they would request or

<sup>15</sup> These include the Counter-Terrorism Committee Executive Directorate, the United Nations Office for Disarmament Affairs, the United Nations Settlements Programme (UN-Habitat), the European Union, the Security Commission of the Central American Integration System, the International Action Network on Small Arms and representatives from the firearms manufacturing industry.

<sup>16</sup> The final country pairing table is published at [www.unodc.org/documents/corruption/Microsoft\\_Word\\_-\\_Country\\_pairings\\_-\\_Year\\_1-4.pdf](http://www.unodc.org/documents/corruption/Microsoft_Word_-_Country_pairings_-_Year_1-4.pdf).

consider requesting further means of direct dialogue, such as a country visit or a joint meeting at the United Nations in Vienna. The first country visit was conducted from 22 to 25 November 2010.

51. The comprehensive self-assessment checklist is the result of a wide consultative process. After endorsement by the Conference at its third session, the tool was finalized and is now available in all six official languages of the United Nations. An updated version will be rolled out for the second review year, addressing some technical issues and taking into account the experience of States parties under review to date.

52. Between September and December 2010, eight regional training courses for governmental experts of all States parties participating in the first year of the review mechanism were held: in Dakar from 21 to 24 September, Rabat from 27 to 29 September, Panama City from 29 September to 1 October, Moscow from 4 to 7 October, Vienna from 7 to 8 October and from 2 to 3 December, Jakarta from 11 to 13 October and Pretoria from 20 to 22 October. Assistance for the completion of the self-assessment checklist was provided to six countries.

53. At the resumed first session of the Implementation Review Group, held in Vienna from 29 November to 1 December 2010, the Group considered the agenda item on technical assistance. The Group recommended that States parties include in their responses to the self-assessment checklists technical assistance requirements and ongoing technical assistance projects, where applicable. The Group decided to consider priority areas for the provision of technical assistance on the basis of the outcome of the review process and recommended that the Secretariat should take into account such priority areas in the thematic and regional programmes and the development of technical assistance tools.

## **2. Working group on prevention**

54. At its meeting held from 13 to 15 December 2010, the open-ended intergovernmental working group on the prevention of corruption established by the Conference in its resolution 3/2, recommended that the Secretariat continue to gather information, including on good practices and initiatives and on existing expertise on the prevention of corruption within the United Nations system and other relevant organizations. The working group stressed the importance of preparing States parties for the review of implementation of chapter II of the Convention in the second review cycle, starting in 2015, and encouraged States parties to voluntarily complete early the self-assessment checklist on that chapter. States parties were encouraged to promote regional activities and strengthen training and education mechanisms. The working group recommended that the Secretariat continue its work on public procurement, vulnerability assessments and professional and safe reporting on corruption by journalists. The group decided that at its next meeting it should focus on awareness-raising and the prevention of corruption in the public sector.

## **3. Working Group on Asset Recovery**

55. At its meeting on 16 and 17 December 2010, the Open-ended Intergovernmental Working Group on Asset Recovery stressed the importance of preparing States parties for the review of implementation of chapter V of the

Convention and encouraged States parties to voluntarily complete early the self-assessment checklist on that chapter. The Working Group recommended that the Secretariat develop, through the Stolen Asset Recovery (StAR) Initiative or other relevant initiatives, a multi-year workplan for consideration by the Working Group at its next meeting. The Working Group reiterated the need for a global network of asset recovery focal points and requested the Secretariat to resend a note verbale to Member States requesting them to nominate asset recovery focal points. The Secretariat was requested to continue its work on expanding the Mutual Legal Assistance Request Writer Tool, compiling asset recovery cases and forging partnerships with the private sector.

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

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

56. UNODC is developing an anti-corruption portal called Tools and Resources for Anti-Corruption Knowledge (TRACK), a Web-based platform containing the United Nations Convention against Corruption Legal Library, an electronic repository of Convention-related legislation and jurisprudence from over 150 States. Administered by UNODC and supported by the StAR Initiative of UNODC and the World Bank, the Legal Library is designed to gather, analyse and disseminate this legal information and provide a detailed analytical breakdown of how such information relates to the Convention. The anti-corruption portal is also a search engine that enables Member States, the anti-corruption community, the general public and the private sector to access the anti-corruption knowledge generated by UNODC and its partner organizations in one central location. The technology necessary to develop proofs of concept for the portal was provided free of charge by a leading software company.

57. UNODC has continued to develop and improve methods to assess modalities of corruption and vulnerabilities to it. Main results of this work were summarized in a document presented and discussed at the meeting of the open-ended intergovernmental working group on the prevention of corruption. The paper focused on methodologies that provide quantitative assessments and presented a review of existing methodologies.

58. UNODC provided continuing support to countries in their efforts to assess the nature and extent of corruption. In Afghanistan, a comprehensive programme of surveys on corruption and the integrity of civil servants was developed jointly with the United Nations Development Programme (UNDP). Programme activities started in the second half of 2010. In Iraq, UNODC and UNDP developed a programme of surveys aimed at providing a comprehensive assessment of the integrity and working conditions of civil servants, in close collaboration with national anti-corruption bodies and the national statistical agency. A pilot survey of civil servants was completed by June 2010, while a comprehensive survey will be finalized by mid-2011. UNODC is implementing a programme of surveys on corruption and crime in the western Balkans (see para. 24 above). This comprehensive exercise has been completed, and the final reports will be published during the first half of 2011.

59. The International Anti-Corruption Academy was inaugurated on 2 and 3 September 2010. The Academy will be an educational institution dedicated to fighting corruption within the framework of the Convention. Hosted by the Government of Austria in Laxenburg, outside Vienna, the Academy is expected to become an institution of higher learning for a wide variety of stakeholders. UNODC has partnered with the Government of Austria, with the support of the European Anti-Fraud Office, in the establishment of the Academy. As at 31 December 2010, 53 States and international organizations had signed the agreement for the establishment of the Academy as an international organization. With three instruments of ratification of the agreement already deposited, the Academy will be established as an international organization on 8 March 2011.

60. In 2010, UNODC published *Travaux Préparatoires of the Negotiations for the Elaboration of the United Nations Convention against Corruption*. The purpose of the publication is to track the progress of the negotiations in the open-ended intergovernmental Ad Hoc Committee for the Negotiation of a Convention against Corruption, established in accordance with General Assembly resolution 55/61. It is intended to provide a comprehensive account of the negotiations of the Convention, thus facilitating a better in-depth understanding of the Convention. The *Travaux Préparatoires* are currently available in English on the UNODC website. They will be translated into all official languages of the United Nations and printed in 2011.

61. The guide on strengthening judicial integrity and capacity, developed by UNODC pursuant to Economic and Social Council resolutions 2006/23 and 2007/22, is also expected to be published in 2011.

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

62. In the period under review, UNODC continued to provide expertise and technical assistance to Member States in line with the Convention. In particular, technical assistance was provided to the Government of Afghanistan, Bolivia (Plurinational State of), Brazil, Cape Verde, Egypt, India, Indonesia, Iraq, Jordan, Kazakhstan, Kenya, the Libyan Arab Jamahiriya, Maldives, Montenegro, Nepal, Nigeria, Peru, Seychelles, Swaziland, Thailand, Turkmenistan, the United Arab Emirates and Viet Nam. Technical assistance was also provided to the Government of Southern Sudan. Technical assistance was also provided at the regional level for Arabic speaking countries, East and Central Africa and the western Balkans.

63. UNODC cooperates with UNDP-Iraq under a comprehensive programme of assistance to the Government of Iraq for the period 2008-2012. To date, a self-assessment, a gap analysis and a good governance and integrity survey have been developed, and support has been provided in the adoption of the national anti-corruption strategy and anti-corruption legislation. Three new projects under the programme will be launched in 2011. They will support the Commission of Integrity and other relevant institutions in their interaction with the judiciary and strengthen their operational capacity in asset recovery and financial investigations.

64. UNODC continues to assist the Supreme Court of Indonesia and other institutions in strengthening judicial integrity, capacity and professionalism. UNODC also supports the Corruption Eradication Commission and other institutions through specialized training sessions, information technology assistance and support for the implementation of the anti-corruption strategy. Small grants are



being provided to 15 grass-roots non-governmental organizations to support their anti-corruption campaign. With regard to corruption and the environment, UNODC is strengthening the capacity of Indonesian law enforcement and criminal justice officials to investigate, prosecute and adjudicate illegal logging cases and corruption cases linked thereto. UNODC is also working with Indonesian civil society organizations to support “barefoot investigators”, who look for and expose forest crime in their local communities.

65. In Nigeria, UNODC completed its largest anti-corruption project, which provided support to the Economic and Financial Crimes Commission and the Nigerian judiciary, in partnership with the European Union during the period 2006-2010. Specific interventions with the Commission included the strengthening of its operational capacities, including specialized training for staff and management, the delivery of basic operational equipment, the establishment of the Commission’s Training and Research Institute, the creation of a forensic laboratory and the provision of a state-of-the-art information technology system and custom-made specialized database applications. The project also assisted the Nigerian judiciary and other justice sector stakeholders in strengthening the integrity and capacity of the justice system at the federal level and in 10 Nigerian states. A large-scale assessment of justice sector integrity and capacity provided baseline data that allowed for the measurement of progress. Action plans were developed and their implementation was supported at the state level. The project also included corruption assessments, support for the development of a national anti-corruption strategy and the establishment of a national network of civil society organizations. In another, continuing project, UNODC assists the Nigerian private sector in the development of principles for the ethical conduct of business, as well as the conduct of corruption risk assessments in the private-public sector interface. A new project assisting the Bayelsa state government (in the Niger Delta region) has recently been launched to strengthen the integrity, transparency and accountability of its public finance management systems and its judiciary. Finally, as of 2011, the European Union, the Government of Nigeria and UNODC have been cooperating in the development of a new programme in the areas of anti-corruption and justice sector reform.

66. In the Democratic Republic of Congo, a joint justice programme has been developed among UNODC, UNDP and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, in close collaboration with national authorities. The programme addresses access to justice, judicial transparency and integrity, prison reform, judicial police and anti-corruption. The programme is expected to be launched in the first quarter of 2011. UNODC is establishing a country presence, and a programme manager will be deployed in early 2011. UNODC has closely engaged with the relevant national authorities on the ratification of the Convention, which took place on 23 September 2010. In addition, an anti-corruption mentor will be based in the Ministry of Justice and Human Rights, as part of the Anti-Corruption Mentor Programme.

67. Under the framework of this programme, UNODC continued to provide technical assistance to a variety of countries in 2010. The Programme is 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 2010 included Cape Verde, Jordan and Thailand. The Government

of Southern Sudan was also a beneficiary. A meeting with current mentors, donors and UNODC staff, held in Vienna on 29 and 30 March 2010, generated lessons learned for the next phase of the programme. As a result, the current placement of mentors in national institutions will be complemented by exploring regional approaches. UNODC is currently recruiting anti-corruption mentors to be placed in the Democratic Republic of the Congo, in Kenya (for East Africa), in Panama (for Central America) and in Thailand (for South-East Asia).

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

68. UNODC continued to cooperate closely with UNDP, on the basis of the December 2008 memorandum of understanding on anti-corruption and criminal justice reform matters. UNDP provided financial and substantive support to the training workshops for governmental experts participating in the review mechanism (see para. 52 above). The Office cooperated in the development of the UNDP guidance note entitled “United Nations Convention against Corruption self-assessments: going beyond the minimum”. UNODC and UNDP, together with the Australian Agency for International Development, are developing a strategic partnership to deliver joint and complementary technical assistance to States in Asia and the Pacific and selected African and Arab States. The framework would cover the period 2011-2013 and complement existing programmes implemented by UNDP and UNODC in the regions.

69. UNODC continued to participate 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 Office participated in the sixth meeting of the Global Compact, held in New York on 23 June 2010, and in the Global Compact Leaders Summit, held in New York on 24 and 25 June 2010. On 9 December 2010, in the context of activities to mark International Anti-Corruption Day, UNODC and the Global Compact announced the publication of an e-learning tool for the private sector.

70. UNODC concluded a memorandum of understanding with the Organization of American States on 24 February 2010. The thematic areas of the memorandum of understanding include anti-corruption work and international cooperation in criminal matters.

71. The StAR Initiative continues to develop practical tools and policy studies on asset recovery. The step-by-step manual entitled *Asset Recovery Handbook: A Guide for Practitioners* provides practical guidance for asset recovery cases. A best practices guide on income and asset declarations will be published early in 2011. Further policy studies on illicit enrichment, the misuse of corporate vehicles and barriers to asset recovery will complement the existing set of knowledge products generated by the StAR Initiative. The Initiative’s publications are developed with the broad participation of experts from a wide range of countries and legal systems. The StAR Initiative has continued its engagement in capacity-building and training for asset recovery through financing or co-financing of national and regional workshops and training courses and has continued to provide assistance to States upon request in the preparatory stages of asset recovery proceedings.

72. The Asset Recovery Focal Point Database, established by the StAR Initiative in partnership with INTERPOL, contains a contact list of officials from 74 countries

who can use the INTERPOL secure I-24/7 platform for emergency requests and information exchange. The first meeting of the focal points was held in Vienna on 14 and 15 December; the results of their deliberations were brought to the attention of the Open-ended Intergovernmental Working Group on Asset Recovery. The focal points agreed that there was a need for a global network for the informal exchange of law enforcement information and agreed to collaborate with existing networks.

73. UNODC continued to work closely with civil society organizations in the fight against corruption. An ancillary meeting on Latin American perspectives on civil society engagement in the review of the Convention was held during the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, in April 2010.

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

74. 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. The Office also continued to participate in the Council of Europe's Group of States against Corruption, the follow-up mechanism for the implementation of the Inter-American Convention against Corruption, the Organization for Economic Cooperation and Development (OECD) Working Group on Bribery in International Business Transactions and the OECD/Development Assistance Committee Network on Governance.

75. On the occasion of International Anti-Corruption Day, on 9 December 2010, UNODC continued its partnership with UNDP on a joint global campaign focusing on how corruption hinders efforts to achieve the Millennium Development Goals. Several countries, some of them supported by UNODC and UNDP 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. Among them were India, Nigeria, Peru, the Russian Federation, Serbia, South Africa and Viet Nam. Promotional and informative materials in all official languages were reprinted based on the model from the previous year, highlighting the impact of corruption on education, health, justice, democracy, prosperity and development, with the addition of a poster on environmental crime and corruption. These materials were also posted on the campaign website ([www.yournocounts.org](http://www.yournocounts.org)), which has had a total page view of nearly 16,000 users to date. Two Web stories were published: one on the International Anti-Corruption Day and one on a round-up of activities carried out in different countries to mark the day. The website also had a special message from the Secretary-General and one from the UNODC Executive Director, which placed emphasis on the role of business and the private sector in fighting corruption. The posters and messages were posted on the Facebook page for the campaign, which has over 3,500 members, and on Twitter.

## **IV. Recommendations**

76. 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 review mechanism of the Convention against Corruption.

77. 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.

78. 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, the Commission may wish to urge States to provide financial and material contributions for the convening of working groups and workshops for the implementation of both Conventions.

---