



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

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Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its ninth session, held in Vienna from 15 to 19 October 2018

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I. Resolutions and decisions adopted by the Conference

A. Resolutions

1. At its ninth session, held in Vienna from 15 to 19 October 2018, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted the following resolutions:

Resolution 9/1

Establishment of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

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

Recalling that the United Nations Convention against Transnational Organized Crime and the Protocols thereto¹ represent the principal worldwide legal instruments to combat the scourge of transnational organized crime, which affects individuals and societies in all countries, and reaffirming their importance as the main tools available to the international community for this purpose,

Reaffirming that the purpose of the Convention and the Protocols thereto is, inter alia, to promote cooperation to prevent and combat transnational organized crime more effectively, and stressing the need to take additional concerted action to reinforce the implementation of the Convention and the Protocols thereto by States parties and to identify related technical assistance needs,

Recalling article 32 of the Convention, pursuant to which the Conference of the Parties to the United Nations Convention against Transnational Organized Crime was established to improve the capacity of States parties to combat transnational organized crime and promote and review the implementation of the Convention,

Reaffirming its decision 1/2 of 7 July 2004, in which the Conference decided to carry out the functions assigned to it in article 32 of the Convention,

Recalling that in article 32 of the Convention it is stated that the Conference shall agree upon mechanisms for achieving, inter alia, the objective of periodically reviewing the implementation of the Convention,

Recalling also, in that regard, its resolutions 5/1 of 22 October 2010, 5/5 of 22 October 2010, 6/1 of 19 October 2012, and 7/1 of 10 October 2014,

Recalling further its resolution 8/2 of 21 October 2016, in which it decided to continue the process of establishing the mechanism for the review of the implementation of the Convention and the Protocols thereto and to elaborate specific procedures and rules for the functioning of the mechanism for consideration and adoption by the Conference at its ninth session,

Taking note of relevant General Assembly resolutions, including resolution [72/196](#) of 19 December 2017, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which the Assembly welcomed with appreciation the decision of the Conference at its eighth session to continue the process of establishing a mechanism for the review of the implementation of the Convention and the Protocols thereto,

¹ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

Recalling articles 2 and 37 of the Convention concerning, respectively, the use of terms and the relation between the Convention and the Protocols thereto, as well as the common article 1 of each Protocol to the Convention,

Recalling also articles 29 and 30 of the Convention, and stressing the connections between the review of the implementation of the Convention and the Protocols thereto, the technical assistance programmes provided to requesting States parties and international cooperation to combat transnational organized crime,

1. *Takes note with appreciation* of the work of the open-ended intergovernmental meeting for the purpose of defining the specific procedures and rules for the functioning of the review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto,¹ which was convened in Vienna from 24 to 26 April 2017, from 30 October to 1 November 2017, and from 21 to 23 March 2018;

2. *Adopts*, subject to the provisions of the present resolution, the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, contained in the annex to the present resolution;²

3. *Decides* to launch the preparatory phase of the review process in accordance with the thematic clusters and multi-year workplan contained in tables 1 and 2 contained in the appendix to the procedures and rules;

4. *Takes note with appreciation* of the progress made by the working groups in the definition of the self-assessment questionnaires for the review of the implementation of the Convention and the Protocols thereto, as mandated by the Conference in its resolution 8/2 of 21 October 2016;

5. *Welcomes* the finalization, by the Working Group on the Smuggling of Migrants, of the self-assessment questionnaire related to the review of the Protocol against the Smuggling of Migrants by Land, Sea and Air, which will provide, once harmonized with other self-assessment questionnaires and adopted by the Conference, the basis for the review of the implementation of the Smuggling of Migrants Protocol;

6. *Requests* the United Nations Office on Drugs and Crime to convene, within existing resources, at least one meeting of an open-ended intergovernmental expert group for the purpose of finalizing and harmonizing, as necessary, the self-assessment questionnaires and preparing the guidelines for conducting the country reviews and a blueprint for the lists of observations and the summaries, referred to in the annex to the present resolution. The outcome of the work of the open-ended intergovernmental expert group is to be submitted to the Conference for its consideration at its tenth session;

7. *Invites* the President of the Conference of the Parties, with the support of the Bureau, to facilitate the work of the open-ended intergovernmental expert group described in paragraph 6 above through informal consultations, and requests the Secretariat to support this process, including by preparing a draft of the guidelines and the blueprints, for consideration by the open-ended intergovernmental expert group;

8. *Requests* the Secretariat, in close consultation with and reflecting inputs from States parties, including by means of a test phase, to further develop the knowledge management portal known as Sharing Electronic Resources and Laws on Crime, in accordance with the procedures and rules contained in the annex to the present resolution, and to brief the Conference about the updated portal for consideration at its tenth session;

² On an exceptional basis and without prejudice to the fulfilment of the obligations deriving from the Convention, including those under article 32, the Conference of the Parties decides that the Holy See may choose not to participate as either a State under review or a reviewing State in the mechanism established by the present resolution.

9. *Stresses* the importance of ensuring under future budget cycles the efficient, continued and impartial functioning of the Mechanism, in accordance with the provisions of the procedures and rules contained in the annex to the present resolution, and decides to consider taking appropriate measures including, if necessary, requesting the Secretary-General to take appropriate action;

10. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes set out in the present resolution, in accordance with the rules and procedures of the United Nations and with the procedures and rules for the functioning of the Mechanism, contained in the annex to the present resolution, including its paragraph 54.

Annex

Procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Preamble

1. Pursuant to article 4, paragraph 1,³ and article 32, paragraphs 3 and 4, of the United Nations Convention against Transnational Organized Crime, together with articles 2 and 37 of the Convention and common article 1 of each Protocol thereto, and recalling its resolution 8/2, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime establishes the following mechanism to review implementation of the Convention and the Protocols thereto (hereinafter referred to as “the Mechanism”).

I. Introduction

2. The Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto embodies a review process for the Convention and the Protocols thereto that shall be guided by the principles and characteristics contained in section II below and be carried out in accordance with the provisions contained in section V. The Mechanism shall be facilitated by a secretariat as set out in section VI.

3. The procedures and rules are tailored to address the unique aspects of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and are without prejudice to the procedures and rules of any other United Nations instrument.

II. Guiding principles and characteristics of the Mechanism

4. The Mechanism shall:

- (a) Be transparent, efficient, non-intrusive, inclusive and impartial;
- (b) Not produce any form of ranking;
- (c) Provide opportunities to share good practices and challenges;
- (d) Assist States parties in the effective implementation of the Convention and, where applicable, the Protocols thereto;
- (e) Take into account a balanced geographical approach;
- (f) Be non-adversarial and non-punitive and promote universal adherence to the Convention and its Protocols;
- (g) Base its work on clear, established guidelines for the compilation, production and dissemination of information, including addressing issues of confidentiality and the submission of the outcome to the Conference, which is the competent body to take action on such outcome;
- (h) Identify, at the earliest possible stage, difficulties encountered by States parties in the fulfilment of their obligations under the Convention and its Protocols,

³ Which provides that States parties shall carry out their obligations under the United Nations Convention against Transnational Organized Crime in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

as applicable, and good practices adopted in efforts by States parties to implement the Convention and, where applicable, the Protocols thereto;

(i) Be of a technical nature and promote constructive collaboration, inter alia, on issues concerning international cooperation, prevention, protection of witnesses and assistance and protection for victims;

(j) Complement existing relevant international and regional review mechanisms so that the Conference may, as appropriate, cooperate with those mechanisms and avoid duplication of efforts;

(k) Be an intergovernmental process;

(l) Be conducted in conformity with article 4 of the Convention, not serve as an instrument for interfering in the domestic affairs of States parties and be conducted in a non-political and non-selective manner and respect the principle of equality and sovereignty of States parties;

(m) Promote the implementation of the Convention and its Protocols by States parties, as applicable, as well as cooperation among States parties;

(n) Provide opportunities to exchange views, ideas and good practices, thus contributing to strengthening cooperation among States parties in preventing and fighting transnational organized crime;

(o) Take into account the levels of development of States parties, as well as the diversity of judicial, legal, political, economic and social systems and differences in legal traditions;

(p) Endeavour to adopt a progressive and comprehensive approach, given that the review of implementation of the Convention is an ongoing and gradual process.

III. Efficiency of the Mechanism

5. The Mechanism shall be cost-effective, concise and user-friendly and make optimal and efficient use of existing information, tools, resources and technology so that it does not impose undue burdens upon States parties, their central authorities, other relevant authorities and experts involved in the review process.

IV. Relationship of the Mechanism with the Conference of the Parties

6. The review of implementation of the Convention and the Protocols thereto and the Mechanism shall be under the authority of the Conference, in accordance with article 32 of the Convention.

7. Without prejudice to the guiding principles and characteristics of the Mechanism contained in section II, the Conference may conduct an evaluation of the organization, functioning, funding, and performance of the review process, so as to amend and improve the existing Mechanism at any time.

V. Review process

A. Goals

8. Consistent with the Convention, in particular article 32, the review process, inter alia, shall assist the Conference to:

(a) Promote the purposes of the Convention and the Protocols thereto, as set out in article 1 of the Convention and article 2 of each of the Protocols;

(b) Improve the capacity of States parties to prevent and combat transnational organized crime and to promote and review the implementation of the Convention and the Protocols thereto;

(c) Help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance upon their request;

(d) Gather information on national legislation, successes, good practices and challenges of States parties in implementing and using the Convention and the Protocols thereto, and to promote and facilitate the exchange of this information;

(e) Promote international cooperation as stipulated in the Convention and the Protocols thereto;

(f) Acquire the necessary knowledge of the measures taken by States parties in implementing the Convention and the difficulties encountered by them in doing so through information provided through the gathering process described in section V.C of the present procedures and rules.

B. Review process

9. The Mechanism shall be applicable to all States parties to the Convention and to each of the Protocols they are parties to. It shall progressively address all the articles of the Convention and the Protocols thereto. It shall be structured on thematic clusters of articles based on their subject matter, as indicated in table 1 contained in the appendix. The review shall be a gradual process consisting of one preparatory phase (years 1 and 2) and four subsequent review phases (years 3–12).

10. For each group of States parties as set forth in paragraph 17, the advancement to the next review phase is conditional upon the completion of 70 per cent of the reviews foreseen at the beginning of the previous phase, unless the Conference decides otherwise.

11. For each group of States parties as set forth in paragraph 17, the implementation of the Convention and the Protocols thereto must be reviewed under the same thematic cluster at the same time.

12. The review process shall be composed of a general review that will be undertaken in the plenary of the Conference of the Parties, and of country reviews that will be conducted through desk reviews. The Conference and its working groups shall add the matter to their agendas as an item consistent with their areas of expertise and without prejudice to their respective existing mandates. Taking into consideration the progressive nature of the review set forth in paragraph 9, the content of the agendas and scheduling of the meetings of the working groups will be decided by the Conference or the extended Bureau in a timely manner. In order to ensure that the working groups may contribute to the Mechanism while also carrying out their respective existing mandates, each working group should dedicate no more than one agenda item per session to matters pertaining to the functioning of the review process.

13. Country reviews will identify best practices, gaps and challenges in the implementation of the provisions under review, suggestions and, when necessary, technical assistance needs. In accordance with paragraph 43, discussions pertaining to country reviews will be undertaken in the relevant working groups.

14. The general review held in the plenary of the Conference of the Parties shall facilitate the exchange of experiences, lessons learned, best practices and challenges in implementing the Convention and Protocols and the identification of technical assistance needs, with a view to improving their effective implementation and promoting international cooperation. It will be facilitated by the general reports referred to in paragraph 19 of the present procedures and rules.

15. The preparatory phase (years 1 and 2) shall be devoted to the definition of organizational matters, including the preparation of the guidelines for conducting the country reviews and the blueprint for the list of observations and the summaries, and the finalization, in accordance with paragraph 19 of the present procedures and rules, of the self-assessment questionnaire for each of the instruments. This preparatory phase shall also be used to ensure the optimal and efficient use of existing information, tools, resources and technology as part of the review process. The four review phases shall be held from year 3 to year 12. For each group of States parties as set forth in paragraph 17, each phase shall last two years. The four review phases shall be conducted and concluded in line with the multi-year workplan contained in table 2 contained in the appendix.

16. The Conference may decide to make amendments to the multi-year workplan if doing so is deemed appropriate in the light of the efficient functioning of the Mechanism. The relevant working groups may recommend to the Conference adjustments to the multi-year workplan.

17. The selection of States parties participating in the country reviews shall be carried out by the drawing of lots at the beginning of the review process, staggered in three consecutive years. Each year, one third of the States parties to the Convention will be selected to be reviewed for all the instruments they are parties to, in accordance with paragraphs 28 and 29 of the present procedures and rules. If possible, the number of States parties from each regional group to be selected for review in a given year shall be proportionate to the size of that regional group.

18. Each State party shall appoint a focal point to coordinate its participation in the review, and make this information available on the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC). In the case that a State party has not appointed a focal point by the time of the drawing of the lots referred to in paragraph 28, all communications will be submitted to its permanent representative, who shall act as temporary focal point.

C. Information-gathering

19. In order to review each thematic cluster of articles of the Convention and Protocols thereto, short, precise and focused self-assessment questionnaires for the review of implementation of each instrument shall be finalized during the preparatory phase. Provisions of the Convention that apply to the Protocols, *mutatis mutandis*, will be reviewed under the Convention only. In responding to the questionnaires, States parties are invited to provide complete, up-to-date, accurate and timely information in one of the working languages of the Mechanism, in accordance with section VII. The responses to the questionnaires and the lists of observations indicated in paragraph 38, when available, shall be the basis for a general report of trends, patterns and best practices to be prepared — or updated as appropriate — by the Secretariat for consideration by the Conference at its regular sessions. The responses to the questionnaires shall be the basis for the country review, without prejudice to information or clarification requested by the reviewing States parties and provided by the State party under review.

20. Each State party under review shall provide the responses to the self-assessment questionnaire to the reviewing States parties through the secure module of SHERLOC established in line with paragraph 21. Upon request, the Secretariat shall facilitate the States parties uploading information, including by assisting them with e-training, instructions, advice and credentials.

21. The self-assessment questionnaire shall be available on SHERLOC. A new secure module shall be developed as a further component of SHERLOC to host the questionnaires and responses thereto, which shall ensure the full confidentiality of all data submitted by States parties. The module shall include a secure written communications platform for the ensuing dialogue between the State party under review and the reviewing States parties, and archive capabilities.

22. When responding to the self-assessment questionnaires, States parties may also refer to information provided in the context of other relevant review mechanisms of instruments to which they are parties. States parties shall bear in mind that any update since previous submissions of information under other review mechanisms are appropriately reflected in the responses. In particular, when reviewing the same legislation for obligations which are identical or similar to those under the United Nations Convention against Corruption, a State party under review may refer to responses and additional documentation that it has submitted under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.

23. The State party under review is encouraged to prepare its responses to the self-assessment questionnaire through broad consultations at the national level with all relevant stakeholders, including, where appropriate, the private sector, individuals and groups outside the public sector, non-governmental organizations and academia, taking into consideration the specificities of the Convention and the Protocols thereto.

24. The Secretariat shall be responsible for optimizing and maintaining SHERLOC to serve as the user-friendly database for collecting and disseminating information on the Mechanism.

D. Conduct of the country review

25. The country review shall consist of a single review for each State party of its implementation of the Convention and of each Protocol it is party to. It shall be conducted in phases, with each phase beginning with the completion by the State party under review of the relevant sections of the self-assessment questionnaire on its implementation of each instrument to which it is a party.

26. The responses to the self-assessment questionnaire and any additional information provided by the State party under review, including reference to relevant legislation, shall be reviewed by two other States that are parties to the relevant instruments, with the active involvement of the State party under review. States parties under review are also encouraged to provide to SHERLOC any other reference materials that may contribute to a better understanding of their legal framework.

27. Each State party shall, for the purposes of the review, designate at least one governmental expert with expertise relevant to the instruments it is party to and make this information available on SHERLOC.

28. At the beginning of the review process, a joint intersessional meeting of the working groups without interpretation shall draw lots to select as reviewing States one State from the regional group of the State party under review and one State from another regional group. The reviewing States shall serve as such for the duration of the review process for each State party under review through four subsequent review phases. The method for the drawing of lots will be based on the following criteria:

(a) States shall not undertake mutual reviews;

(b) For each instrument, a State party under review shall not be reviewed by States which are not parties to the same instrument; in the case that a drawn reviewing State is not party to all the instruments to which the State under review is party, an additional drawing of lots shall be carried out so as to select an additional reviewing State only for those instruments;

(c) The total number of reviewing States for all instruments shall not exceed four unless the State under review decides otherwise;

(d) The State party under review and the reviewing States may request a maximum of four times each that the drawing of lots be repeated, including but not limited to, for the purpose of facilitating the selection of a mutual working language for the conduct of the country review or to facilitate the participation of at least one reviewing State from a similar legal system;

(e) In exceptional circumstances, States parties may request a redraw;

(f) If needed, the drawing of lots may be repeated at a subsequent intersessional meeting.

29. By the end of the review process, each State party must have undergone its own review and performed a minimum of one review and a maximum of three reviews. On a voluntary basis, States parties may participate as reviewing State party in more than three reviews.

30. If a reviewing State party is unable to carry out its duties as a reviewer, in accordance with the guiding principles of the Mechanism, the State party under review shall request a consultation with that reviewing State party and the Secretariat with a view to addressing the concern. In the case that the States parties fail to resolve the issue through the consultation, the State party under review may request a redrawing of lots at any time. The redrawing of lots shall be held in any working group meeting and in accordance with the provisions of paragraph 28.

31. The State party under review shall undertake consultations with the reviewing States parties, through their focal points, with the assistance of the Secretariat, on the establishment of time frames and the requirements of the country review, in accordance with the guidelines for conducting the country reviews, including the selection of the working language or languages, in accordance with section VII of the present procedures and rules.

32. Governmental experts from the reviewing States parties with expertise relating to the relevant instrument may divide tasks and issues among themselves, taking into account their respective fields of competence.

33. The Secretariat shall provide administrative support to facilitate the establishment of lines of communication among the governmental experts involved in the country review upon request, in order to ensure that they can make best use of the secure written communication platform developed under SHERLOC and referred to in paragraph 21. The Secretariat shall be kept abreast of all communications made through SHERLOC.

34. Within a reasonable time frame, to be mutually agreed by the parties involved, not exceeding six months, the State party under review shall provide the responses to the self-assessment questionnaires to the reviewing States parties through the secure module of SHERLOC.

35. Within a reasonable time frame, not exceeding six months, of the receipt of the responses to the self-assessment questionnaires from the State party under review, the reviewing States parties shall submit to the State party under review written feedback on the measures taken in the implementation of the Convention and the relevant Protocols, as well as on successes and challenges of such implementation. The feedback may also contain, where necessary, requests for clarification or additional information, or supplementary questions to which the State party under review is encouraged to respond. A constructive dialogue between the State party under review and the reviewing States parties shall be guided by the principles and characteristics set forth in section II as well as the provisions set forth in section III, and a record of that dialogue shall be archived in the designated confidential module in SHERLOC.

36. While SHERLOC represents the primary platform of communication, as described in sections V.C and V.D of the present procedures and rules, States parties participating in a review may use other available technological tools, such as virtual networks, conference calls and videoconferences, as part of their constructive dialogue. States parties are encouraged to take advantage of regularly scheduled meetings of the Conference of the Parties and its working groups to further the direct dialogue. Relevant information on such dialogues may be uploaded to the sections of SHERLOC dedicated to the ensuing dialogue between the State party under review and the reviewing States parties, in order to keep a record of the process.

37. The reviewing States parties, their governmental experts involved in the review and the Secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review. On a voluntary basis, parties under review may request the Secretariat to use information provided during their reviews to populate the public elements of SHERLOC.

E. Outcome of the country review

38. At the final stage of each review phase for each State party, the reviewing States, in close cooperation and coordination with the State party under review, and with the assistance of the Secretariat, shall prepare a list of observations indicating any gaps and challenges in the implementation of the provisions under review, best practices, suggestions and any technical assistance needs identified to improve implementation of the Convention and its Protocols. Such lists shall follow the blueprint format referred to in paragraph 15, be precise and concise, and be based on the responses to the self-assessment questionnaire and ensuing dialogue. The list of observations shall be made available to the working groups as a conference room paper, unless, in exceptional circumstances, the State party under review decides to keep some parts of the list confidential. At the end of each phase, a summary of the lists of observations, not exceeding 1,500 words and based on the same blueprint, shall be translated into the six official languages of the United Nations and be made available to the Conference and its working groups.

39. The list of observations, gaps, challenges, best practices, suggestions and, when necessary, technical assistance needs, and the summaries shall be finalized upon agreement between the reviewing States parties and the State party under review.

40. In order to improve and strengthen cooperation and learning among States parties, the responses to the self-assessment questionnaires submitted after the adoption of the Mechanism shall be made accessible to all States parties in the secure module of SHERLOC. The State under review may also decide to make available the ensuing dialogue mentioned in paragraph 21 and additional documentation pertaining to its review.

41. A State party may decide to make public the responses to its self-assessment questionnaire, ensuing dialogue and additional documentation, or part thereof, including through SHERLOC.

42. After the submission of the responses to the questionnaires, a State party under review may, on a voluntary basis, share its good practices and experiences with regard to the exercise of completing the questionnaires.

F. Follow-up procedures

43. The working groups of the Conference shall draw upon the lists of observations mentioned in paragraph 38 in preparing their sessions, and take them into account when proposing generally applicable recommendations to the Conference.

44. The Working Group of Government Experts on Technical Assistance shall consider the technical assistance needs identified during the review process and make recommendations to the Conference of the Parties on how to assist States parties in their efforts to implement the Convention and the Protocols. As appropriate, States parties shall also provide information to the Working Group on whether technical assistance needs identified in relation to their review reports have been addressed.

45. As a follow-up to its review, a State party may request technical assistance based on the specific needs identified in the review process with a view to improving the capacity of the State party to effectively implement the Convention and the Protocols thereto. The Secretariat shall endeavour to seek voluntary contributions for these purposes, in accordance with the rules and procedures of the United Nations.

46. As a follow-up to its review, each State party is encouraged to share with the Conference and the relevant working groups information on progress achieved in connection with the lists mentioned in paragraph 38 and on any measures planned or undertaken. Additionally, each State party may wish to upload to SHERLOC information on progress achieved. At the end of the review, the Conference may consider further means to report on progress achieved.

VI. Secretariat

47. The Secretariat of the Conference shall be the Secretariat of the Mechanism. The tasks performed by the Secretariat are those indicated in the present procedures and rules.

48. In addition to its tasks provided in paragraph 47, if necessary, the Secretariat may also, upon request and within existing resources of the Mechanism, provide support and assistance to States parties in the conduct of the Mechanism in accordance with the relevant rules and procedures of the United Nations. The tasks envisioned shall not produce an undue burden on the Secretariat or replace tasks that are meant to be carried out by States parties.

VII. Languages

49. The working languages of the Mechanism shall be Arabic, Chinese, English, French, Russian and Spanish.

50. The country review process may be conducted in any one or two of the working languages of the Mechanism that may be decided upon by the State party under review and the reviewing States parties. In exceptional circumstances, the review process may be conducted in three working languages. The Secretariat shall be responsible for providing the required translation as necessary for the efficient functioning of the Mechanism. The States parties are encouraged to conduct the review in only one of the working languages of the Mechanism.

51. States parties may provide for assistance to other States parties that need translation into languages other than the six working languages of the Mechanism through monetary or in-kind contributions. Particular attention should be given to requests from least developed countries and developing countries.

VIII. Participation of signatories to the Convention or any of the Protocols in the Mechanism

52. A State signatory to the Convention or any of the Protocols may participate in the Mechanism as a State under review on a voluntary basis. The costs associated with such participation shall be paid from available voluntary contributions.

IX. Signatories, non-signatories, entities, intergovernmental organizations and non-governmental organizations and the Mechanism

53. In order to promote fruitful engagement with relevant stakeholders, including non-governmental organizations, and in accordance with article 32, paragraph 3 (c), of the Convention, the working groups shall have a constructive dialogue on the review process with relevant stakeholders, including non-governmental organizations, as follows:

(a) As a regular practice, constructive dialogues will be convened with relevant stakeholders following the conclusion of the sessions of the working groups

and the adoption of the reports. The constructive dialogue shall be conducted by the chair of the working group, assisted by the Secretariat. A panel with representatives of relevant stakeholders, including non-governmental organizations, may be arranged with the assistance of the United Nations Office on Drugs and Crime. The Office shall also endeavour to encourage broad participation and facilitate balanced geographical representation of the non-governmental organizations in these constructive dialogues;

(b) No specific country situation shall be mentioned during the constructive dialogues except by the country under review, which may voluntarily raise matters related solely to its own review;

(c) The constructive dialogue shall also be open to States parties and signatories, non-signatories, entities and intergovernmental organizations;

(d) Non-governmental organizations wishing to attend the constructive dialogue shall confirm their attendance no later than 15 days prior to the date of the dialogue, at which time they will be allowed to provide comments in writing. A list of such applicants will be circulated to States parties no later than 10 days before the constructive dialogue. If there is any objection to the participation of a non-governmental organization, the matter will be referred to the Bureau of the Conference;

(e) Other relevant stakeholders, including representatives of the private sector and academia, may also apply to participate, provided that applications are submitted at least 15 days before the constructive dialogue, at which time they will be allowed to provide comments in writing. A list of such applicants will be circulated to States parties no later than 10 days prior to the constructive dialogue, and the requests should be approved provided that no State party objects;

(f) The chair of the working group may decide not to convene the constructive dialogue if insufficient applications are received by the deadlines set out in subparagraphs (d) and (e) above;

(g) The Secretariat will prepare a programme for the constructive dialogue and background papers to facilitate the engagement of participants;

(h) A written summary of the discussions will be prepared by the chair of the working group and be made available to the working group at its next session;

(i) Such constructive dialogues will allow for briefing participants on the development and outcomes of the review process, and for collecting inputs and suggestions from participants, including their contributions on ways to improve the implementation of the Convention and the Protocols thereto;

(j) Participants are encouraged to take advantage of the constructive dialogues to provide information on their relevant activities, including those activities related to meeting technical assistance needs.

X. Funding

54. The requirements of the Mechanism and its Secretariat shall be funded, in its entirety, from the existing resources of the regular budget allocated to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, and where necessary, additional costs shall be funded from extrabudgetary resources, including voluntary contributions, without conditions that would impact the impartiality of the Mechanism, to be channelled through a dedicated account to be established by the Secretariat, in accordance with the rules and procedures of the United Nations.

Appendix

Organization of the review of the implementation of the Convention and the Protocols thereto

Table 1
Clusters of articles of the Convention and the Protocols thereto for the purpose of the review of implementation

<i>Legal instrument</i>	<i>Cluster on criminalization and jurisdiction</i>	<i>Cluster on prevention, technical assistance, protection measures and other measures</i>	<i>Cluster on law enforcement and the judicial system</i>	<i>Cluster on international cooperation, mutual legal assistance and confiscation</i>
Organized Crime Convention	Articles 2, 5, 6, 8, 9, 10, 15 and 23 ^a	Articles 24, 25, 29, 30 and 31	Articles 7, 11, 19, 20, 22, 26, 27 and 28	Articles 12, 13, 14, 16, 17, 18 and 21
Trafficking in Persons Protocol	Articles 3 and 5	Articles 6, 7 and 9	Articles 11, 12 and 13	Articles 8 and 10
Smuggling of Migrants Protocol	Articles 3, 5 and 6	Articles 8, 9, 14, 15 and 16	Articles 11, 12 and 13	Articles 7, 10 and 18
Firearms Protocol	Articles 3, 5 and 8	Articles 7, 9, 10, 11, 14 and 15		Articles 6, 12 and 13

^a The review of articles 8 and 9 of the Convention is only for those States parties to the Organized Crime Convention that are not party to the United Nations Convention against Corruption.

Table 2
Multi-year workplan for the functioning of the Mechanism

<i>Year</i>	<i>Organized Crime Convention working groups^a</i>	<i>Working Group on Trafficking in Persons</i>	<i>Working Group on the Smuggling of Migrants</i>	<i>Working Group on Firearms</i>
I–II	Definition of organizational matters and questionnaire			
III–VI	Criminalization International cooperation, mutual legal assistance and confiscation			
VII–X	Law enforcement and judicial system Prevention, assistance, protection measures and other measures	Law enforcement and judicial system Prevention, assistance, protection measures and other measures	Law enforcement and judicial system Prevention, assistance, protection measures and other measures	Law enforcement and judicial system Prevention, assistance, protection measures and other measures

^a The Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance.

Resolution 9/2

Enhancing and ensuring the effective implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

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

Recalling the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,⁴ and reaffirming its decisions 7/1 of 10 October 2014 and 4/6 of 17 October 2008,

Recalling also its resolutions 5/4 of 22 October 2010, entitled “Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition”, 7/2 of 10 October 2014, entitled “Importance of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime”, and 8/3 of 21 October 2016, entitled “Strengthening the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime”,

Welcoming the results of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Doha from 12 to 19 April 2015, including the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,⁵

Bearing in mind the 2030 Agenda for Sustainable Development⁶ and its target 16.4, on significantly reducing illicit arms flows in order to promote peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels, and taking into account the work carried out by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators in developing an indicator framework and a list of indicators for the monitoring of the goals and targets of the 2030 Agenda for Sustainable Development, including on illicit arms flows,

Concerned about the harm caused by, and the negative impact of, illicitly manufactured and trafficked firearms, their parts and components and ammunition on the levels of crime and violence in several regions and the links between such firearms and existing and emerging forms of organized crime and, in some cases, terrorism,

Deeply concerned about the increasing levels of harm and violence that transnational organized criminal groups are generating in some regions of the world as a result of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Noting that reducing the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition is one of the major components of the efforts to reduce the violence that accompanies the activities of transnational organized criminal groups,

⁴ United Nations, *Treaty Series*, vol. 2225, No. 39574.

⁵ General Assembly resolution 70/174, annex.

⁶ General Assembly resolution 70/1.

Recognizing the urgent need for States parties to adopt an integrated and comprehensive approach to address the root causes of transnational organized crime, including the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, acknowledging, where appropriate, economic and social factors having an impact on firearms-related crime, as well as cross-border criminality and trafficking flows, in particular as related to firearms, and recognizing also the urgent need for States parties to consider the gender dimension of such crime,

Deeply concerned about the negative impact of illicit trafficking in firearms on the lives of women, men, girls and boys, and recognizing that preventing, combating and eradicating illicit trafficking in firearms are crucial to combating gender-based violence,

Aware of the need to strengthen international cooperation and the sharing of information to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Convinced of the need for States parties to ensure that their legal frameworks and relevant measures eliminate loopholes and adequately address the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, with a view to reducing their illicit trafficking,

Noting recent efforts undertaken at the multilateral, regional and subregional levels to strengthen the prevention of and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in order to contribute to protecting the safety of people,

Highlighting that the Convention and, in particular, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,⁷ are among the principal global legal instruments to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Noting the common themes, nature and complementary character of other relevant international legal instruments, as well as other relevant regional instruments and global frameworks, such as the Arms Trade Treaty,⁸ which provides a framework for its States parties to regulate the international trade in conventional arms, as well as regional legal instruments, and political commitments such as the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects⁹ and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,¹⁰ which are aimed at preventing and combating the illicit manufacturing of and trafficking in firearms and reducing the risk of their theft and diversion,

Acknowledging that the Working Group on Firearms serves as a useful network of experts and competent authorities in order to identify new challenges, improve international cooperation, and exchange information and best practices related to combating illicit trafficking in firearms,

Noting with appreciation the assistance provided to Member States, upon request, by the United Nations Office on Drugs and Crime, including through its Global Programme on Firearms, for awareness-raising, the dissemination of information, and support for developing national legislation, aimed at facilitating the ratification, acceptance or approval of, or accession to, the Organized Crime Convention and its Firearms Protocol,

⁷ United Nations, *Treaty Series*, vol. 2326, No. 39574.

⁸ See General Assembly resolution 67/234 B.

⁹ *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001 (A/CONF.192/15)*, chap. IV, para. 24.

¹⁰ [A/60/88](#) and Corr.2, annex; see also General Assembly decision 60/519.

Acknowledging the valuable contribution, where appropriate and useful, of representatives from academia, the private sector and civil society, in raising awareness and exchanging best practices regarding international cooperation in preventing and combating the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, as well as in identifying technical assistance needs and providing such assistance, including the valuable contributions made by the private sector and industry in providing relevant information to States parties in the areas of manufacturing, marking and record-keeping, and encouraging their further cooperation to assist States parties in meeting their obligations under the Firearms Protocol,

1. *Endorses* the recommendations adopted by the Working Group on Firearms at its fifth and sixth meetings, held in Vienna from 8 to 10 May 2017 and on 2 and 3 May 2018,^{11, 12} respectively, and invites States parties to take measures, as appropriate, to implement the recommendations contained in the reports on those meetings, and welcomes the consolidated recommendations of the Working Group on Firearms produced by the Secretariat at the request of the Working Group;

2. *Invites* States that have not yet done so to consider becoming parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,⁷ and to fully implement its provisions, requests the United Nations Office on Drugs and Crime, through its Global Programme on Firearms, to continue to assist requesting States in their efforts to ratify, accept, approve or accede to and implement the Firearms Protocol, and encourages those Member States in a position to do so to make available extrabudgetary resources to enable the Office to implement its mandate in this regard;

3. *Urges* States parties to the Firearms Protocol to harmonize their legislation in a manner consistent with the Protocol, develop action plans, programmes or strategies to fully implement the Protocol, provide to the Secretariat full and up-to-date information on their national body or single point of contact in that regard and make use of the online directory of competent national authorities designated by States under the Protocol;

4. *Calls upon* States parties to the Firearms Protocol to ensure that their legal frameworks and relevant measures eliminate loopholes and adequately address the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, as well as the illicit reactivation of firearms, with a view to, inter alia, reducing illicit trafficking in them;

5. *Encourages* States parties to the Firearms Protocol to address any existing gaps in their legislative frameworks in order to ensure that their laws satisfy the requirements of the Protocol, as well as other international and regional instruments to which they are party, on points such as import and export licensing, marking, tracing and record-keeping, including through the use of the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*,¹³

6. *Encourages* States parties to the United Nations Convention against Transnational Organized Crime,⁴ to present, on a voluntary basis, including through the Working Group on Firearms, their views and comments on the implementation of the Firearms Protocol, including those relating to factors that may impede accession, ratification, acceptance, approval or implementation, as well as on good practices and the progress made in implementing the Protocol, with a view to achieving closer cooperation on preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

¹¹ CTOC/COP/WG.6/2017/4.

¹² CTOC/COP/WG.6/2018/4.

¹³ United Nations publication, Sales No. E.05.V.2.

7. *Calls upon* States parties to develop or strengthen their national capacity for the collection and analysis of data on illicit trafficking in firearms, invites States parties to the Firearms Protocol to ensure the effective implementation of its articles 6, 7, 8 and 12, given the importance of appropriate marking, tracing and record-keeping as a source of key data necessary to effectively trace firearms for the purpose of identifying and investigating illicit trafficking, and, recognizing the complementarity of reporting by States parties to the Protocol and by Member States under indicator 16.4.2 of the Sustainable Development Goals, invites the Working Group on Firearms to consider this complementarity at its next meeting;

8. *Encourages* States parties to revise and enhance their national data collection practices and tools, and with a view to identifying trends and patterns related to illicit trafficking in firearms, fostering the exchange of information and enabling the global monitoring of indicator 16.4.2 of the Sustainable Development Goals, and invites States parties to participate in and contribute to the upcoming data-collection cycle of the United Nations Office on Drugs and Crime by providing quantitative and qualitative data and information on illicit trafficking in firearms;

9. *Urges* States parties to the Firearms Protocol that import and export parts and components of firearms to reinforce their control measures in line with the Firearms Protocol and other relevant international legal instruments to which they are party, with a view to preventing and reducing the risks of their diversion, illicit manufacturing and trafficking;

10. *Encourages* States parties to the Firearms Protocol, in line with its article 8, paragraph 2, and article 13, paragraph 3, to develop and strengthen relationships between competent authorities and manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect diversion, including into illicit markets, as well as illicit manufacturing and trafficking;

11. *Also encourages* States parties to the Firearms Protocol to strengthen their domestic marking and record-keeping regimes, consistent with the requirements of the Protocol, for the purpose, inter alia, of identifying and tracing firearms and, where possible, their parts and components and ammunition;

12. *Calls upon* States parties to systematically collect, record and analyse data, including tracing data on recovered, seized, confiscated, collected and found firearms suspected of being connected with an illicit activity, with a view to identifying their origin and detecting possible forms of trafficking, as well as to use tracing results to conduct in-depth criminal investigations on illicit trafficking in firearms, including parallel financial or other investigations, where appropriate;

13. *Encourages* States parties to provide one another with the broadest possible cooperation in tracing firearms and in investigating and prosecuting their illicit manufacturing and trafficking, including by responding in a timely and effective manner to international cooperation requests relating to tracing and criminal investigations, and in this regard, to consider making use of tracing or facilitation mechanisms, including, as appropriate, the Organized Crime Convention and its Firearms Protocol, and the International Criminal Police Organization (INTERPOL) Illicit Arms Records and Tracing Management System, among others;

14. *Urges* States parties to promote the exchange of best practices and experiences of practitioners who are involved in preventing and combating illicit trafficking in firearms and to consider the use of available tools, including marking and record-keeping technologies, to facilitate the tracing of firearms and, where possible, their parts and components and ammunition, in order to enhance criminal investigations of illicit trafficking in firearms;

15. *Invites* States parties to the Firearms Protocol to ensure the comprehensive marking of all firearms, including weapons that have been collected, recovered or confiscated and officially authorized for disposal by means other than destruction, in

accordance with its articles 6 and 8, for the purpose of preventing and reducing the risk of theft, diversion and illicit trafficking;

16. *Also invites* States parties to promote the exchange of best practices and experiences in measures aimed at preventing the falsification or illicit obliteration, removal or alteration of the markings on firearms and, where appropriate, their parts and components;

17. *Further invites* States parties to develop or strengthen their internal capacity for the collection and analysis of data on illicit trafficking in firearms, inter alia, by promoting enhanced coordination among relevant competent authorities, and to provide training to law enforcement personnel on the identification, recording and reporting of seizures of firearms, their parts and components and ammunition, and on producing relevant statistics on seizures at the national level;

18. *Invites* States parties to the Firearms Protocol to provide or request specialized training for national law enforcement and regulatory officials on marking, tracing and record-keeping in line with its articles 6, 7, 8 and 12, emphasizing that such efforts are critical to the effective tracing and identification of illicitly trafficked firearms, and to provide training, including training on new technologies, to law enforcement personnel on the identification of firearms and the recording and reporting of firearms seizures;

19. *Requests* States parties to strengthen their mechanisms and strategies for border control in order to prevent and combat illicit trafficking in and diversion of firearms ammunition, parts and components, including by strengthening early-detection capacities through the use of technological tools, for example by using state-of-the-art technological tools for the monitoring and inspection in border controls on land, at sea and in the air, and by providing specialized training to law enforcement, customs and judicial authorities, as appropriate, as well as to importers and exporters and other relevant private sector actors, such as transporters;

20. *Invites* States parties to consider providing technical assistance, on a voluntary basis and under mutually agreed terms, to strengthen the national capacities of developing countries, including through the provision of state-of-the-art equipment such as scanners and other systems for border control required for combating illicit trafficking in firearms;

21. *Requests* the United Nations Office on Drugs and Crime, through its Global Programme on Firearms, to develop specific risk indicators to assist national authorities in their efforts to prevent, detect and combat cases of diversion, illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

22. *Encourages* States parties to consider establishing or strengthening specialized units with a view to enhancing investigative capacities and strategies to prevent, combat and eradicate illicit trafficking in firearms, and to consider enhancing scientific services related to the gathering and processing of related evidence;

23. *Invites* States parties to collect data that have been disaggregated by gender on illicit trafficking in firearms, including through national reports, and to increase their understanding of the gender-specific impacts of the illicit trafficking in firearms, in particular for the purpose of improving corresponding national policies and programmes;

24. *Encourages* States parties and the United Nations Office on Drugs and Crime to mainstream gender perspectives into firearms policies and programmes, including in the areas of programme design, planning, implementation, monitoring and evaluation, and encourages the sharing of national experiences, lessons learned and best practices;

25. *Urges* States parties to strengthen coordination and cooperation among all of their internal institutions involved in the prevention of and the fight against illicit trafficking, as well as to consider entering into effective international

cooperation arrangements for investigations and prosecutions, including through joint investigative teams, and making use of the good practices adopted by some countries;

26. *Encourages* States parties to promote, whenever possible, the participation in the meetings of the Working Group on Firearms of national experts and competent authorities, subregional and regional organizations and relevant non-governmental organizations, in line with the rules of procedure of the Conference;

27. *Also encourages* States parties to take advantage of the discussions of the Working Group involving the sharing and exchanging of information on trends and policies with respect to the unauthorized craft production of firearms, their parts and components and ammunition, and to take cognizance of the ongoing work of the Expert Group to Conduct a Comprehensive Study on Cybercrime to address the topic of trends identified and efforts undertaken with regard to the detection and dismantling of trafficking crimes perpetrated through the criminal misuse of information and communication technologies such as the darknet and cryptocurrencies, in order to reduce illicit trafficking in firearms, and in this regard calls upon the Working Group to develop, at its next meeting, a comprehensive multi-year workplan in order to facilitate the greater participation of experts and competent authorities;

28. *Invites* States parties to exchange experiences and information on the illicit manufacture of firearms employing advanced technology and new technological tools;

29. *Invites*, where appropriate, international and regional organizations, the private sector, non-governmental organizations, academia and civil society to strengthen their cooperation and work with States parties to the Firearms Protocol in order to achieve the full implementation of the Protocol and to raise awareness with a view to preventing and countering illicit trafficking in firearms, their parts and components and ammunition;

30. *Requests* the United Nations Office on Drugs and Crime to continue to assist States parties, upon request, in their efforts to strengthen their firearms control regime, consistent with the Firearms Protocol, in particular in the areas of legislative development; firearms identification, seizure, confiscation and disposal; technical support for marking, record-keeping and tracing; and training and capacity-building in the investigation and prosecution of related crimes, with a view to preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

31. *Also requests* the United Nations Office on Drugs and Crime to continue to promote and encourage international cooperation in criminal matters, pursuant to the Convention, with the aim of investigating and prosecuting the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including when related to terrorism and to other crimes, such as urban crime committed by gangs, through regional and cross-regional workshops, including for countries that are on relevant trafficking routes;

32. *Further requests* the United Nations Office on Drugs and Crime to continue to collect and analyse, on a regular basis, quantitative and qualitative information and suitably disaggregated data on illicit trafficking in firearms, their parts and components and ammunition, taking into consideration the usefulness of the *UNODC Study on Firearms 2015* and target 16.4 of the Sustainable Development Goals, as well as to continue to share and disseminate its findings on best practices, the dimensions and characteristics of such trafficking, and lessons learned;

33. *Requests* the United Nations Office on Drugs and Crime to continue its efforts to improve the methodology of the *UNODC Study on Firearms 2015*, and in this regard invites the Office and other entities with similar firearms data-collection mandates to continue to explore ways to cooperate and coordinate with each other with a view to developing synergies between the distinct reporting obligations of

States parties and, where appropriate, facilitating the production of standardized and comparable data;

34. *Also requests* the United Nations Office on Drugs and Crime to continue to promote and strengthen synergies with other relevant United Nations entities in order to support national capacities to compile and analyse data on illicit trafficking in firearms, thus helping States achieve target 16.4 of the 2030 Agenda for Sustainable Development;

35. *Requests* the Secretariat to inform the Working Group on Firearms about:

(a) The activities of the United Nations Office on Drugs and Crime to assist the Conference in promoting and supporting the implementation of the Firearms Protocol;

(b) Coordination with other relevant international and regional organizations;

(c) Best practices in the areas of training and capacity-building;

(d) Awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

36. *Also requests* the Secretariat to promote cooperation and coordination among the secretariats and pertinent bodies of relevant international and regional instruments and mechanisms;

37. *Further requests* the Secretariat to continue supporting the Working Group in the performance of its functions;

38. *Decides* to request the Secretariat to provide to the Conference at its tenth session a report on the meetings of the Working Group held prior to that session;

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

Resolution 9/3

Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime

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

Noting that international cooperation has a prominent place within the overall context of the United Nations Convention against Transnational Organized Crime¹⁴ and that addressing related issues constitutes a fundamental part of the work carried out by the United Nations Office on Drugs and Crime to assist States parties in the effective implementation of the Convention and the Protocols thereto,¹⁵

Recalling its decision 2/2 of 19 October 2005, entitled “Implementation of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime”, to establish, at its third session, an open-ended working group to hold substantive discussions on practical issues pertaining to extradition, mutual legal assistance and international cooperation for the purpose of confiscation,

Reaffirming its decision 3/2 of 18 October 2006, entitled “Implementation of the provisions on international cooperation in the United Nations Convention against

¹⁴ United Nations, *Treaty Series*, vol. 2225, No. 39574.

¹⁵ *Ibid.*, vols. 2237, 2241 and 2326, No. 39574.

Transnational Organized Crime”, under which an open-ended working group on international cooperation was to be a constant element of the Conference of the Parties,

Recalling its decision 4/2 of 17 October 2008 and its resolution 5/8 of 22 October 2010, both entitled “Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime”, its resolution 6/1 of 19 October 2012, entitled “Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, and its resolution 7/4 of 10 October 2014, entitled “Implementation of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime”,

Also recalling its resolution 8/1 of 21 October 2016, entitled “Enhancing the effectiveness of central authorities in international cooperation in criminal matters to counter transnational organized crime”, in which the Conference urged States parties to afford one another the greatest measure of assistance, in accordance with the provisions of the Convention, as well as their domestic laws, and encouraged States parties, consistent with their national legal frameworks, to make the widest possible use of the Convention as a basis for international cooperation,

Welcoming the work of the Working Group on International Cooperation,

1. *Endorses* the recommendations adopted by the Working Group on International Cooperation at its eighth meeting, held from 9 to 13 October 2017, which are contained in annex I to the present resolution;
2. *Also endorses* the recommendations adopted by the Working Group on International Cooperation at its ninth meeting, held from 28 to 31 May 2018, which are contained in annex II to the present resolution;
3. *Further endorses* the recommendations adopted by the Working Group on International Cooperation at its tenth meeting, held on 16 October 2018, which are contained in annex III to the present resolution.

Annex I

Recommendations adopted by the Working Group on International Cooperation at its eighth meeting, held from 9 to 13 October 2017

The Working Group on International Cooperation, at its eighth meeting, held from 9 to 13 October 2017 in conjunction with the tenth meeting of the Working Group of Government Experts on Technical Assistance,¹⁶ adopted the following recommendations for endorsement by the Conference:

(a) States parties to the United Nations Convention against Transnational Organized Crime¹⁴ are encouraged to make use, where appropriate and applicable, of the Convention as a legal basis for transferring criminal proceedings to another State party in relation to the offences covered by the Convention and the Protocols thereto and in accordance with the requirements set forth in article 21 of the Convention;

(b) As part of their preparations for a formal request for assistance and with a view to avoiding additional costs and duplication of work, in particular in the field of transfer of criminal proceedings, including in cases provided for in national legislation and involving joint investigative teams, States parties are encouraged to consider engaging in consultations, before and during the preparation of international cooperation requests, in order to identify needs and to assess the appropriateness of those requests and ways to deal with the practicalities of such cooperation;

¹⁶ See [CTOC/COP/WG.2/2017/4–CTOC/COP/WG.3/2017/4](#).

(c) In assessing whether a request for the transfer of criminal proceedings should be made, States parties should consider, inter alia, existing bases of criminal jurisdiction, how to best serve the interests of the proper administration of justice, the interests and rights of the persons involved (offenders and victims), the costs to be incurred and national sovereignty issues;

(d) In implementing article 21 of the Convention and concluding bilateral treaties or agreements on the transfer of criminal proceedings, States parties may consider making full use of the Model Treaty on the Transfer of Proceedings in Criminal Matters as a guidance tool;

(e) States parties should make use of existing regional judicial cooperation networks to facilitate discussions on conflicts of criminal jurisdiction and ways to address them;

(f) The Secretariat should assist the Conference in compiling material and information received from States parties on best practices, including practical considerations, in the field of transfer of criminal proceedings;

(g) States parties should continue their efforts to facilitate the active participation of central authorities and law enforcement in the relevant meetings of the Conference and its working groups, in particular the Working Group on International Cooperation;

(h) To further support the exchange of practical expertise among practitioners in the field of international cooperation, the Secretariat should continue to seek to organize, within its mandate, subject to the availability of resources and with a view to making best use of such resources, practically oriented expert group meetings either on the margins of the meetings of the Working Group or in conjunction with those of relevant intergovernmental bodies;

(i) The Conference may wish to consider building partnerships with existing regional judicial cooperation networks to enhance coordination mechanisms among them, including through regular meetings in Vienna, subject to the availability of resources and in conjunction with meetings of relevant intergovernmental bodies;

(j) The Conference may wish to consider asking the Secretariat to continue to undertake, subject to the availability of resources, training activities for both criminal justice and law enforcement authorities and private sector entities (service providers), at the national and regional levels, on the gathering and sharing of electronic evidence and on international cooperation relating to such evidence, within the framework of the Convention;

(k) The Conference may wish to consider inviting the Secretariat to assist it and its Working Group on International Cooperation in maintaining communication with the Expert Group to Conduct a Comprehensive Study on Cybercrime, within their respective mandates and keeping the bureaux of both groups informed;

(l) States parties should consider taking legal measures to prevent the use of cryptocurrencies for money-laundering, including in States where cryptocurrencies are not banned, by requiring that companies dealing with cryptocurrencies comply with anti-money-laundering requirements, such as those relating to customer due diligence, establishing the source, destination and purpose of the movement of proceeds of crime and tackling the financing of terrorism;

(m) States parties that have not done so are invited to consider amending their legislation to define clear rules of admissibility of evidence in court, as well as requirements for the conduct of special investigative techniques, for consideration and application in cases of electronic evidence obtained in foreign jurisdictions, and to revise, where appropriate, their existing procedures for mutual legal assistance to adapt them to requests for obtaining and handling electronic evidence;

(n) States parties are invited to build or enhance effective networks for information-sharing for the purpose of obtaining electronic evidence.

Annex II

Recommendations adopted by the Working Group on International Cooperation at its ninth meeting, held from 28 to 31 May 2018

The Working Group on International Cooperation, at its ninth meeting, held from 28 to 31 May 2018 in conjunction with the eleventh meeting of the Working Group of Government Experts on Technical Assistance,¹⁷ formulated the following recommendations:

(a) States parties to the United Nations Convention against Transnational Organized Crime¹⁴ should consider providing to the Secretariat information about their procedural requirements for incoming extradition and mutual legal assistance requests so that the Secretariat may further disseminate that information or make it more widely available, as appropriate and for technical assistance needs;

(b) States parties, in their extradition practice, should give due consideration to article 16, paragraph 5 (b), of the Convention, which governs the conclusion of treaties on extradition, and should consider simplifying evidentiary requirements in extradition proceedings in accordance with paragraph 8 of that article;

(c) States parties are encouraged to consider making more frequent or regular use of informal consultations at different stages of extradition proceedings, mutual legal assistance proceedings and proceedings to transfer sentenced persons, so as to enable the exchange of information on legal requirements or facilitate decision-making in such proceedings, including, where appropriate, prior to and after the refusal of such requests. Such efforts could include steps to inform the requesting countries of potential problems with the requests. With regard to extradition, such efforts could also include informing requesting States of likely defence arguments that could be raised, and giving the requesting State an opportunity to provide additional information or evidence to support an extradition request. The requested State should also inform the requesting State about an adverse court decision in time to allow the requesting State, where appropriate, to provide the information needed for an appeal within the proper time frame;

(d) States parties are encouraged to devote further attention to the need to raise awareness about the utility and added value of the Convention as a legal basis for international cooperation and to enhance the effectiveness of implementation of its pertinent provisions through training and capacity-building;

(e) States parties should consider further promoting the direct transmission of international cooperation requests between central authorities to streamline and expedite international cooperation in criminal matters under the Organized Crime Convention, in accordance with article 18, paragraph 13, of that Convention;

(f) States parties are encouraged to make the best possible use of resources to increase the efficiency and effectiveness of central and/or other competent authorities in dealing with international cooperation requests. In doing so, States parties may wish to consider putting in place or request technical assistance, for the development of case management systems within their central authorities to monitor and better administer the increasing workload occasioned by such requests;

(g) States and other technical assistance providers, including the United Nations Office on Drugs and Crime, are encouraged to incorporate measures to enhance training and technical assistance for central authorities responsible for mutual legal assistance, and competent authorities for extradition to help States parties in their implementation of the Convention;

¹⁷ See [CTOC/COP/WG.2/2018/3–CTOC/COP/WG.3/2018/3](#).

(h) States parties are encouraged to facilitate the active participation of national experts in mutual legal assistance and extradition in forums such as the Working Group on International Cooperation, thus facilitating the exchange of good practices and challenges, promoting direct dialogue between practitioners regarding the implementation of the Convention and maximizing the value of such forums.

Annex III

Recommendations adopted by the Working Group on International Cooperation at its tenth meeting, held on 16 October 2018

The Working Group on International Cooperation, at its tenth meeting, held on 16 October 2018, adopted the following recommendations for endorsement by the Conference:

(a) States parties to the United Nations Convention against Transnational Organized Crime¹⁴ are encouraged to continue their efforts to expedite extradition procedures and simplify evidentiary requirements relating thereto pursuant to article 16, paragraph 8, of the Convention and, in general, to trigger, where necessary, internal reviews for possible reform of their extradition regimes with a view to simplifying extradition procedures where the person sought consents to his or her surrender to the requesting State and trying to minimize opportunities for delays in the extradition process;

(b) States are encouraged to build their extradition relations on mutual trust and confidence and to strengthen, for that purpose, communication and coordination, including by enhancing the practice of formal and informal consultations at various stages of extradition proceedings, in particular with regard to the exchange of information on legal requirements and the identity of the person sought;

(c) States are encouraged, if they have not done so, to consider putting in place inter-agency coordination mechanisms to discuss practical aspects pertaining to the execution of incoming requests for extradition, as well as ways and means to expedite the execution of such requests;

(d) States are encouraged to foster and further promote the cooperation of their central authorities, including in extradition cases, through networking and regular contacts;

(e) States parties should continue their efforts to facilitate the active participation of central authorities in the relevant meetings of the Conference and its working groups, in particular the Working Group on International Cooperation;

(f) Where necessary, States should benefit from the regular exchange of information about and best practices in the provision and enforcement of assurances and guarantees in extradition proceedings regarding the treatment of the person sought in the requesting State, including through the exchange of pertinent jurisprudence in the field of human rights in similar cases;

(g) When refusal of an extradition request is a possible outcome, States are encouraged, in specific circumstances and for humanitarian reasons that are present at the time of the decision, to consider the option of postponing the surrender of the person sought instead;

(h) Subject to the availability of extrabudgetary resources, the Secretariat should conduct research with a view to preparing a discussion paper that would map an overview of practical considerations and challenges that authorities encounter, as well as lessons they have learned and good practices they have identified, in reconciling the need for observing and protecting the human rights of the person sought with the effectiveness of extradition proceedings, and in addressing efficiently

the interplay between, on one hand, refugee and asylum proceedings and, on the other, extradition proceedings;

(i) States parties are encouraged to continue making use, where appropriate and applicable, of the Convention as a legal basis for international cooperation in criminal matters, including extradition;

(j) States parties are encouraged to provide the United Nations Office on Drugs and Crime with updated legal frameworks and concrete cases in which the Convention has been used as legal basis for international cooperation with a view to expanding the information already available in the knowledge management portal known as Sharing Electronic Resources and Laws on Crime and, subject to the availability of extrabudgetary resources, preparing a digest of cases that incorporates accumulated knowledge on this issue and has the potential of being updated regularly.

B. Decisions

2. At its ninth session, held in Vienna from 15 to 19 October 2018, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted the following decisions:

Decision 9/1

Provisional agenda for the tenth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime approves the provisional agenda for the tenth session of the Conference set out below.

Provisional agenda for the tenth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime

1. Organizational matters:
 - (a) Opening of the tenth session of the Conference;
 - (b) Election of officers;
 - (c) Adoption of the agenda and organization of work;
 - (d) Participation;
 - (e) Adoption of the report of the Bureau on credentials;
 - (f) General discussion.
2. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto:
 - (a) United Nations Convention against Transnational Organized Crime;
 - (b) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
 - (c) Protocol against the Smuggling of Migrants by Land, Sea and Air;
 - (d) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.
3. Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime.

4. International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities.
5. Technical assistance.
6. Financial and budgetary matters.
7. Provisional agenda for the eleventh session of the Conference.
8. Other matters.
9. Adoption of the report of the Conference on its tenth session.

Decision 9/2

Organization of the work of the tenth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, taking into account rule 3, paragraph 3, of the rules of procedure for the Conference:

(a) Decides that the tenth session of the Conference should take place over five working days, that the number of meetings should remain the same as for the previous sessions, that is, 20 meetings, with interpretation in the six official languages of the United Nations, and that a decision should be taken at the end of the tenth session on the duration of the eleventh session;

(b) Requests that the resources allocated to the Conference should be maintained at the same level, and should be made available for, inter alia, any working groups or committee of the whole established by the Conference.

II. Organizational matters

A. Opening of the session

3. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime held its ninth session in Vienna from 15 to 19 October 2018. During the session, 10 meetings were held, including 2 meetings of the Committee of the Whole. The Working Group on International Cooperation held two meetings on 16 October 2018.

4. At the first, second and third meetings of the session, on 15 and 16 October 2018, opening statements were made by the Executive Director of the United Nations Office on Drugs and Crime (UNODC), the President of Panama and the representatives of Ecuador (on behalf of the Group of 77 and China), Nigeria (on behalf of the African Group), China (on behalf of the Group of Asia-Pacific States), Brazil (on behalf of the Group of Latin American and Caribbean States), and the European Union (on behalf of the European Union and its member States and Albania, Andorra, Bosnia and Herzegovina, Montenegro, the Republic of Moldova, San Marino, Serbia, the former Yugoslav Republic of Macedonia and Ukraine). Statements were also made by the Minister of Justice of Italy, the Minister of Police of South Africa, the Prosecutor General of Egypt, the Attorney General of the Sudan, the Vice-Minister for Constitutional Affairs, Reform, Deregulation and Justice of Austria, the Vice-Minister of Justice of Cuba, the Secretary of State for Justice of Angola, the State Secretary of Internal Affairs of the Russian Federation, the Legal Adviser of the Minister of Interior of Qatar, the Undersecretary for the Relations of the Holy See with States, the Deputy Minister of Justice of Namibia, the Vice-Minister of Interior of Guatemala, and the Deputy Chief of Staff, Security and

Defence of Honduras. Further statements were made by Mexico, Turkey, Canada, the Dominican Republic, El Salvador, China, Morocco, Indonesia, Peru, Germany, Brazil, the United Arab Emirates, Pakistan, Japan, Australia, Colombia, the United Kingdom of Great Britain and Northern Ireland and the Syrian Arab Republic, as well as by the representatives of the Islamic Republic of Iran and the Sovereign Military Order of Malta.

B. Election of officers

5. At its first session, the Conference had decided that the offices of President and Rapporteur should rotate among the regional groups and that that rotation should take place in alphabetical order. Accordingly, at the present session, the President of the Conference was nominated by the Western European and other States, while the Rapporteur was nominated by the Latin American and Caribbean States.

6. At its first meeting, on 15 October 2018, in accordance with rule 22 of the rules of procedure, the Conference elected the following officers by acclamation:

President: Senén Florensa Palau (Spain)

Vice-Presidents: Maria Assunta Accili Sabbatini (Italy)
Usama Alnashy (Iraq)
Alicia Guadalupe Buenrostro Massieu (Mexico)
Lorena-Maria Feruta (Romania)
Ondrej Gavalec (Slovakia)
Faouzia Mebarki (Algeria)
Vivian N. R. Okeke (Nigeria)
Abu Zafar (Bangladesh)

Rapporteur: Maite Fernández García (Argentina)

C. Adoption of the agenda and organization of work

7. At its first meeting, on 15 October 2018, the Conference adopted the provisional agenda contained in document [CTOC/COP/2018/1](#).

8. In its decision 5/2, the Conference decided to establish the Committee of the Whole, the membership of which would be open to all States parties and signatories to the Organized Crime Convention and which would meet during the sessions of the Conference when the President of the Conference so decided, to perform such functions as may be requested by the Conference in order to assist the Conference in dealing with its agenda and to facilitate its work and to consider specific items of the agenda and submit its comments and recommendations, including draft resolutions and draft decisions, to the Conference for consideration. On 14 June 2018, the extended Bureau approved the organization of work of the ninth session by silence procedure and noted that, in accordance with past practice, the plenary meeting would be suspended for the purpose of convening the Committee of the Whole.

D. Participation

9. The ninth session of the Conference was attended by representatives of 117 States parties to the Convention and a regional economic integration organization party to the Convention. Also attending the session were observers for one State signatory to the Convention and one non-signatory observer State, an entity maintaining a permanent observer mission to the United Nations, Secretariat units, United Nations bodies, institutes of the United Nations crime prevention and criminal justice programme network, specialized agencies and other organizations of the United Nations system, intergovernmental organizations, non-governmental organizations having consultative status with the Economic and Social Council and

relevant non-governmental organizations not having consultative status with the Economic and Social Council that had applied for observer status.

10. The list of participants is contained in document [CTOC/COP/2018/INF/2/Rev.2](#).

11. Rules 14 to 17 of the rules of procedure of the Conference, concerning the participation of observers, were brought to the attention of participants in the session.

E. Adoption of the report of the Bureau on credentials

12. Under rule 18 of the rules of procedure, as amended by the Conference in its decision 4/7, credentials of representatives of each State party are to be issued by the Head of State or Government, by the Minister for Foreign Affairs or by the Permanent Representative to the United Nations of the State party in accordance with its domestic law or, in the case of a regional economic integration organization, by the competent authority of that organization. When the Conference is to consider proposals for amendments to the Convention in accordance with article 39 of the Convention and rule 62 of the rules of procedure for the Conference, the credentials are to be issued either by the Head of State or Government or by the Minister for Foreign Affairs of the State party or, in the case of a regional economic integration organization, by the competent authority of that organization.

13. Under rule 19 of the rules of procedure, the Bureau is to examine the credentials of representatives of each State party and the names of the persons constituting the State party's delegation and submit its report to the Conference. Under rule 20 of the rules of procedure, pending a decision of the Bureau on their credentials, representatives are entitled to participate provisionally in the session.

14. The Bureau of the Conference considered the issue of credentials at its 1st, 2nd, 3rd, 4th and 5th meetings, on 15, 16, 17, 18 and 19 October 2018. At the time of the adoption of the report, of the 117 States parties represented at the ninth session, 116 had complied with the credentials requirements and 1 had not. Therefore, in accordance with the decision of the extended Bureau of the Conference at its eighth session, the participation of the State party that had not complied with the credentials requirements would not be reflected in the report of the ninth session of the Conference.

III. General discussion

15. At its 3rd and 4th meetings, on 16 October 2018, the Conference considered agenda item 1 (f), entitled "Organizational matters: general discussion".

16. The Conference heard statements by the representatives of Thailand, France, Chile, the United States of America, Tunisia, Ecuador, Argentina, Spain, Switzerland, Israel, Kuwait, Norway, Algeria, the Republic of Korea, Belarus, Iraq, Portugal, Fiji, the State of Palestine, Nepal, Nigeria, the Bolivarian Republic of Venezuela, Lebanon, Kenya, Costa Rica, the Philippines, Liechtenstein, Armenia, Bangladesh, India, the United Republic of Tanzania, the Plurinational State of Bolivia and Libya.

17. The Conference also heard a statement by the representative of Somalia, an observer State.

18. The Conference further heard a statement by the observers for the International Anti-Corruption Academy, an intergovernmental organization, and the Libyan Transparency Association, a non-governmental organization.

Deliberations

19. Several speakers expressed support for the Organized Crime Convention as an indispensable tool to address transnational organized crime. Speakers shared

information on national efforts to establish and strengthen legislative and administrative frameworks aimed at implementing the Convention and the Protocols thereto. Most speakers highlighted the measures their countries had established to enhance the investigation and prosecution of various forms of organized crime, including trafficking in persons, the smuggling of migrants, trafficking in firearms, corruption, obstruction of justice and money-laundering. Several speakers also highlighted national preventive mechanisms to address organized crime. Those included educational and awareness-raising programmes targeting vulnerable groups, including women, young people and children.

20. Several speakers emphasized that national and regional regulatory frameworks had been established that were aimed at combating trafficking in persons, the smuggling of migrants and related offences. Several speakers reported on measures taken by their countries to protect and rehabilitate victims of such offences. Some speakers noted that those efforts were pertinent to the observance of international human rights norms and good governance. Some speakers expressed hope that the Global Compact for Safe, Orderly and Regular Migration, which is to be signed in December 2018, will offer solutions to address the challenges posed by those crimes.

21. Speakers reported on national measures developed to address cybercrime, wildlife and environmental crimes, maritime crime, trafficking in cultural property, trafficking in human organs and trafficking in precious metals. Many speakers stated that the Organized Crime Convention remained an essential instrument that assisted States in combating these forms of crime, in particular through its provisions on international cooperation.

22. Some speakers expressed concern about the linkages between organized crime and terrorism, which undermined the social and economic stability of their countries and regions. Some speakers also highlighted the need to take into account these linkages to effectively combat transnational organized crime.

23. Many speakers emphasized the importance of the Convention as a tool to facilitate international cooperation to address transnational organized crime, including through bilateral, regional and international efforts. Some speakers underlined the important role played by various international forums, including the Conference and various regional bodies, as platforms for sharing relevant information and experiences.

24. Many speakers expressed support for the work of the meeting for the purpose of defining the specific procedures and rules for the functioning of the review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto. Several speakers expressed appreciation for the role played by Pilar Saborío de Rocafort (Costa Rica) and Maria Assunta Accili Sabbatini (Italy) as co-chairs during the past two years. Many speakers welcomed the continuation of discussions on the establishment of a review mechanism during the present session of the Conference with a view to reaching agreement on outstanding issues, such as the participation of civil society in the mechanism and the source of funding for the mechanism. Some speakers stated that it would be important that the Conference adopt the review mechanism at the present session.

25. Several speakers expressed appreciation to UNODC for the technical and capacity-building assistance provided to States parties for the implementation of the Organized Crime Convention and the Protocols thereto. Speakers underscored the utility of carrying out institutional reforms and drafting and adopting implementing legislation, as well as of strengthening partnerships and networks among key stakeholders to effectively counter organized crime. Some speakers also requested the Office to continue providing support in those areas, based on the needs of countries for technical assistance.

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

A. United Nations Convention against Transnational Organized Crime

26. At its 4th meeting, on 16 October 2018, the Conference considered agenda item 2 (a), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: United Nations Convention against Transnational Organized Crime”. For its consideration of the item, the Conference had before it the following:

(a) Note by the Secretariat on the reports on the meetings for the purpose of defining the specific procedures and rules for the functioning of the review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto, held in Vienna from 24 to 26 April 2017, from 30 October to 1 November 2017 and from 21 to 23 March 2018 (CTOC/COP/2018/7);

(b) Note by the Secretariat on the status of adherence to the United Nations Convention against Transnational Organized Crime and the Protocols thereto as at 15 August 2018 (CTOC/COP/2018/CRP.1).

27. A representative of the Secretariat made an introductory statement. Statements were also made by representatives of the European Union (also on behalf of its member States), Algeria, Italy, Thailand, Kuwait, Bulgaria, Romania, Indonesia, the United States, Burundi, the Gambia, China and Mexico.

28. The observer for the Organization of American States also made a statement.

1. Deliberations

29. Several speakers reported that the adoption of national legislation to implement the Convention and its Protocols played a key role in furthering law enforcement and international judicial cooperation efforts. In that regard, some speakers stressed that the Convention was flexible in its scope of application and could thus be used to address different forms of organized crime, including trafficking in persons, the smuggling of migrants, trafficking in firearms, cybercrime, trafficking in cultural property, wildlife crime, drug trafficking, corruption and money-laundering.

30. Some speakers underscored that the transnational nature of organized crime posed serious challenges for law enforcement and that the effective implementation of the Convention would limit the ability of organized criminal groups to profit from their illicit activities and to cross borders with impunity.

31. A number of speakers commended the work of UNODC in developing tools to promote the effective implementation of the Convention. Speakers shared their countries’ experiences regarding the development of legislation, institutional initiatives and inter-agency coordination for effective implementation.

32. Speakers reported on efforts to conclude the discussions regarding the mechanism to review implementation of the Convention and its Protocols, with reference to ongoing consultations on a draft resolution addressing that topic that had been submitted for consideration at the present session of the Conference. In that regard, speakers reported progress in overcoming divergent views that had previously hampered the adoption of a mechanism. Many speakers emphasized the fundamental importance of establishing a review mechanism so that States parties could identify gaps in their implementation of the provisions of the instruments, as well as ways to address those challenges, including by identifying technical assistance needs and exchanging good practices.

33. Some speakers stated that the review mechanism should be based on the principles contained in Conference resolutions 5/5 and 8/2. Other speakers underscored that the review should be gradual and that the mechanism should not cause an undue burden and should not unnecessarily duplicate prior information-gathering efforts of the Conference. Regarding the funding model for the mechanism, speakers held various views, such as that there was a need for predictable and stable funding and that core functions should be covered by regular budget resources, to be supplemented by voluntary contributions. Others stated that there should not be an increase in the regular budget and that the use of regular budget resources should not compromise other mandates of the Office. Speakers also expressed different perspectives with regard to the participation of civil society in the review mechanism.

2. Action taken by the Conference

34. At its 10th meeting, on 19 October 2018, the Conference adopted a draft resolution (CTOC/COP/2018/L.4/Rev.1). (For the text, see chapter I, section A, resolution 9/1.) At the time of adoption, the President of the Conference proposed and the Conference accepted that the resolution would be co-sponsored by all States parties present at the time of adoption. Prior to the adoption of the draft resolution, a representative of the Secretariat read out a statement on the financial implications of such adoption.

35. Following the adoption of the resolution, representatives of several States parties made statements. The representative of Japan stated that the adoption of the resolution was a historic achievement, after discussions had been ongoing for a decade, and that it represented a success for multilateralism and demonstrated that tangible results could be achieved when differences in perspectives and positions were overcome. The speaker also commended the work of the Permanent Representative of Italy, Maria Assunta Accili Sabbatini, in achieving consensus, as well as the work of her team and the delegation of Costa Rica, and thanked all States parties involved for their cooperation, flexibility and active engagement. He further stated that it was envisaged that the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto would be effective and efficient, would enable information-sharing among practitioners and facilitate international cooperation, particularly as regards mutual legal assistance and extradition to counter the common challenges posed by transnational organized crime, and that he looked forward to working to implement the resolution in the best way.

36. The representative of China expressed confidence that the establishment of the Mechanism would open a new chapter in the implementation of the Organized Crime Convention. He also expressed his appreciation for the leadership of the Permanent Representative of Italy, thanked the delegations of Costa Rica and France for their work and all States parties for their constructive participation in the negotiations, and welcomed the success of multilateralism. He recalled that the preparations for the Mechanism would be finalized over the next two years. He stated that his country would remain constructively engaged in the process so that the result could be an efficient mechanism that would strengthen the implementation of the Convention and the Protocols thereto, as well as global security and governance, and would promote international cooperation.

37. The representative of the United States expressed his appreciation to all delegations that had worked to establish the Mechanism and commended the leadership of the Permanent Representative of Italy and the work of her team. He also thanked the former Permanent Representative of Costa Rica, Pilar Saborío de Rocafort, and her staff, as well as the delegations of France, Mexico and Jordan for their leadership during the preceding 10 years. The speaker stated that the United States intended to make a voluntary contribution to support the Mechanism, which had the potential to reinvigorate the meetings of the Conference, information-gathering processes and what he termed the spirit of Vienna. He stated that the relevance of the Convention and the Protocols thereto to law enforcement and the rule

of law had never been in doubt, but that the years of debate on the Mechanism had posed a challenge to the usefulness of the Conference and its working groups as venues for furthering the objectives of the instruments, as had been demonstrated by the decrease in the participation of experts. The speaker stated that it was important for States parties to commit to learning from their partners in civil society, academia and the private sector and that, in that regard, the final compromise as contained in paragraph 42 of the procedures and rules for the Mechanism was a statement of encouragement for States parties to share information, rather than a limitation on States parties' authority to do so. He also stated that it was the responsibility of States parties, with the assistance of the Secretariat, to share the greatest possible amount of information with each other, including by ensuring that the Conference and its working groups dealt with dynamic agenda items and by providing expert speakers from government, civil society, academia and industry who would make meaningful substantive contributions to discussions. He stated that this would bring about greater participation by experts, improve the quality of the work of States parties and improve the implementation of the Convention and its Protocols. He also thanked the President of the Conference for his leadership and congratulated the Secretariat and all States parties for achieving a landmark victory that proved that Vienna was and would continue to be an effective venue for Governments and partners to counter transnational organized crime in all its forms.

38. The representative of Ecuador, on behalf of the Group of 77 and China, congratulated the former Permanent Representative of Costa Rica and the Permanent Representative of Italy for their leadership during the negotiations on the Mechanism, which had reached a successful conclusion.

39. The representative of Costa Rica congratulated the Permanent Representative of Italy for her work in steering the Conference towards the adoption of the resolution after 10 years of intensive work, and acknowledged the work carried out by the former Permanent Representative of Costa Rica during the two years in which she had headed the consultations about the Mechanism. He stated that the exercise of multilateralism had demonstrated that political will could lead to results and that the Mechanism would achieve its stated goal of fostering cooperation and identifying the strengths and weaknesses in national capacities and promote good practices. He stated that multilateralism was alive in the spirit of Vienna and congratulated the President of the Conference for his handling of the work of the Conference, as well as for his leadership and understanding of the issues, all of which had enabled the Conference to complete its work successfully.

40. The representative of Brazil, on behalf of the Group of Latin American and Caribbean States, congratulated the President of the Conference on the success of the session, which had seen the adoption of the Mechanism after 10 years of negotiations. She also stated that the political will and commitment of States was the basis for the agreement, which would allow States parties to monitor the implementation of the provisions of the instruments. She further stated that the skilled leadership of the Permanent Representative of Italy and of the former Permanent Representative of Costa Rica were essential in securing the resolution. On behalf of the Group of Latin American and Caribbean States she thanked both permanent representatives and the members of their teams who worked to build consensus.

41. The representative of Algeria, on behalf of the Group of African States, expressed her appreciation for the work of the President of the Conference and of the permanent representatives of Italy and Costa Rica for their work to reach a successful conclusion to negotiations that lasted for over 10 years and which a member of her delegation had followed closely since the beginning. The speaker emphasized that the work of the Permanent Representative of Italy had been instrumental in achieving the adoption of the resolution.

42. The representative of Mexico recalled that his country was among the first to launch the initiative of a review mechanism and thanked the representative of the United States for his words in that regard. He further thanked the Permanent

Representative of Italy and the former Permanent Representative of Costa Rica for their work.

43. The representative of the Russian Federation thanked the Permanent Representative of Italy for her efforts to find a compromise regarding the Mechanism as well as all delegations for their work in finding a compromise after 10 years of discussions, which was the result of multilateral efforts and the spirit of Vienna.

44. The representative of the European Union thanked the Permanent Representative of Italy as well as her predecessor for their skilful leadership, which were instrumental in adopting the Mechanism. He also thanked all delegations that participated in the negotiations and stated that the adoption of the Mechanism sent the right signal to the outside world that multilateral cooperation provided added value, and stated that the European Union intended to make a voluntary contribution to support the Mechanism.

45. The representative of the United Kingdom congratulated the Permanent Representative of Italy and the former Permanent Representative of Costa Rica for their work, vision and leadership, which served to overcome obstacles that previously seemed immovable.

46. The representative of France stated that his delegation was pleased to see the adoption of the Mechanism after 10 years of work and that his country had been at the origin of the process. He also thanked all States parties, and in particular the former Permanent Representative of Costa Rica and the Permanent Representative of Italy and her team for their work.

47. The representative of Argentina said that his delegation had participated actively in the negotiations that led to the adoption of the Mechanism and that many efforts had been made by States parties to leave aside their reservations in order to adopt the Mechanism. He further stated that the Permanent Representative of Italy had been instrumental in achieving consensus, as had the former permanent representatives of Costa Rica and of Jordan.

48. The representative of Pakistan thanked the Permanent Representative of Italy for her leadership, as well as all States parties, and expressed the hope that Conference resolution 9/1 and its implementation would strengthen international cooperation against the common challenges posed by transnational organized crime.

49. The representative of Israel thanked the former Permanent Representative of Costa Rica and the Permanent Representative of Italy for their leadership and the successful outcome of the negotiations.

50. The representative of Kuwait extended his appreciation to all who had contributed to the successful outcome after 10 years of discussions, in particular the Permanent Representative of Italy. He recalled that the goal of the Mechanism was to ensure that best practices regarding the implementation of the Convention and its Protocols were better known and shared.

B. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

51. At its 4th and 5th meetings, on 16 and 17 October 2018, the Conference considered agenda item 2 (b), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children”. For its consideration of the item, the Conference had before it the following documents:

(a) Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

Children, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2018/2);

(b) Note by the Secretariat on the reports on the meetings of the Working Group on Trafficking in Persons held in Vienna from 6 to 8 September 2017 and on 2 and 3 July 2018 (CTOC/COP/2018/5).

52. An introductory statement was made by a representative of the Secretariat. A statement was also made by a representative of the Chair of the Working Group on Trafficking in Persons at its seventh and eighth meetings.

53. Statements were made by the representatives of the European Union (also on behalf of its member States), Thailand, Austria, Kuwait, Brazil, Indonesia, Algeria, the United States, Spain, Colombia, India, the United Kingdom, Belarus, France, Argentina, South Africa, Mexico, Nigeria, Mongolia, Peru, Israel, Egypt and the United Arab Emirates.

54. The observers for the non-governmental organizations Soroptimist International, the Congregation of Our Lady of Charity of the Good Shepherd and the Academic Council on the United Nations System also made statements.

Deliberations

55. The representative of the Chair of the Working Group on Trafficking in Persons at its seventh and eighth meetings, which were held in Vienna from 6 to 8 September 2017 and on 2 and 3 July 2018, referred to the reports on those meetings (CTOC/COP/WG.4/2017/4 and CTOC/COP/WG.4/2018/3) and highlighted that the recommendations adopted at those meetings pertained to effective criminal justice responses to trafficking in persons, the protection and assistance needs of various groups and types of victims, in particular victims of trafficking within mixed migration flows, and the needs and rights of trafficking victims in the context of international cooperation.

56. Many speakers reaffirmed their support for full implementation of the Protocol, noting that it remains the cornerstone of advancing government action against trafficking in persons. Many speakers shared information on recent national action taken to enhance legislative frameworks in response to trafficking in persons, as well as prosecutorial and investigative efforts. Many speakers also underlined the importance of regional and international cooperation to combat trafficking in persons.

57. Many speakers provided detailed information about the development of national strategies, plans of action and coordination frameworks, including specialized units, national coordinators and national referral mechanisms for victims of trafficking. Several speakers also referred to the value of engaging the private sector in preventing and combating trafficking in persons, including by fostering partnerships with the media and the aviation industry.

58. Several speakers noted that there was a need to strengthen criminal justice capacity by providing technical assistance relating to intelligence-gathering, risk analysis and the development of interviewing skills. Some speakers provided examples of training events for journalists on trafficking in persons and reporting about it, and of activities aimed at building the capacity of consular staff to detect cases of trafficking in persons. The importance of close cooperation with civil society was also underlined.

59. Many speakers highlighted the paramount need for victim-centred and trauma-informed approaches. They stressed the importance of providing appropriate and sufficient support to victims, including health, medical and legal assistance, as well as of protecting them from intimidation. Several speakers underscored the importance of taking gender into account in combating trafficking in persons, and, in doing so, of alleviating the factors that render women and girls vulnerable to this type of crime. Several speakers highlighted the value of engaging with trafficking survivors to inform and improve anti-trafficking programmes and policies.

60. A number of remaining challenges were noted, including the need to better monitor supply chains, trace financial flows and proceeds of crime, and build stronger evidence-based responses to trafficking in persons.

61. Many speakers commended the work of UNODC as a strategic partner in supporting the implementation of the Trafficking in Persons Protocol, in particular through capacity-building activities. Awareness-raising and outreach were similarly highlighted, and UNODC was commended for its continuing efforts to assist States in those areas. The role of UNODC as coordinator of the Inter-Agency Cooperation Group against Trafficking in Persons was also recognized, and one speaker encouraged Member States to support the United Nations voluntary trust fund for victims of trafficking in persons, especially women and children. Many speakers underscored that the Protocol could assist Member States in meeting trafficking-related commitments under the 2030 Agenda for Sustainable Development.

C. Protocol against the Smuggling of Migrants by Land, Sea and Air

62. At its 5th and 6th meetings, on 17 October 2018, the Conference considered agenda item 2 (c), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol against the Smuggling of Migrants by Land, Sea and Air”. For its consideration of the item, the Conference had before it the following documents:

(a) Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime ([CTOC/COP/2018/3](#));

(b) Note by the Secretariat on the reports on the meetings of the Working Group on the Smuggling of Migrants held in Vienna from 11 to 13 September 2017 and on 4 and 5 July 2018 ([CTOC/COP/2018/6](#)).

63. A representative of the Secretariat made an introductory statement. A statement was also made by the Chair of the Working Group on the Smuggling of Migrants at its fourth and fifth meetings.

64. Statements were made by the representatives of the European Union (also on behalf of its member States), Brazil, Indonesia, Algeria, the United States, Mexico, Argentina and Egypt.

65. A statement was also made by the observer for Thailand, a State signatory of the Protocol against the Smuggling of Migrants by Land, Sea and Air.

Deliberations

66. The Chair of the Working Group on the Smuggling of Migrants at its fourth and fifth meetings, which were held in Vienna from 11 to 13 September 2017 and on 4 and 5 July 2018, referred to the reports on those two meetings ([CTOC/COP/WG.7/2017/5](#) and [CTOC/COP/WG.7/2018/3](#)) and the recommendations adopted by the Working Group, which related to the use of the Organized Crime Convention to address challenges relating to the smuggling of migrants, the aspect of the definition of smuggling of migrants relating to financial or other material benefit, and criminal justice responses in investigations and prosecutions of perpetrators of smuggling of migrants operations. He added that the Working Group had finalized the questionnaire to review the implementation of the Smuggling of Migrants Protocol and had also recommended its adoption by the Conference.

67. Several speakers encouraged the ratification and full implementation of the Organized Crime Convention and the Smuggling of Migrants Protocol and stressed that those instruments were essential for tackling the challenges posed by those crimes.

68. Many speakers stated that the Smuggling of Migrants Protocol was a key tool facilitating international cooperation and encouraged the strengthening of international and regional collaboration, including the sharing of trends, challenges and best practices among States. Several speakers highlighted that partnerships with civil society were of particular importance to counter the smuggling of migrants.

69. Several speakers highlighted the need to protect smuggled migrants. One of the ways to do so was to identify those in need of protection and assistance at points of arrival. One speaker noted the risks that migrants were exposed to by smuggling networks and underlined the relevance of awareness-raising campaigns and the role of the media in disseminating information about those risks. Another speaker called on States to adopt measures to protect whistle-blowers, witnesses and informers to end the impunity of smugglers of migrants.

70. Several speakers stated that there was a need to comprehensively address the linkages between the smuggling of migrants and other forms of crime, including corruption, money-laundering and terrorism, as well as the need to recover the proceeds of those crimes. Several speakers welcomed the efforts of UNODC to strengthen the capacities of criminal justice practitioners in that regard and encouraged further support for related activities carried out by UNODC.

71. Several speakers encouraged the use of human rights-based and gender-sensitive approaches in responding to the smuggling of migrants and expressed their commitment to upholding the human rights and dignity of all smuggled migrants. Several speakers also highlighted the need to analyse and address the underlying drivers that created a demand for the smuggling of migrants.

D. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition

72. At its 6th meeting, on 17 October 2018, the Conference considered agenda item 2 (d), entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition”. For its consideration of the item, the Conference had before it the following documents:

(a) Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime ([CTOC/COP/2018/4](#));

(b) Note by the Secretariat on the reports on the meetings of the Working Group on Firearms held in Vienna from 8 to 10 May 2017 and on 2 and 3 May 2018 ([CTOC/COP/WG.6/2017/4](#) and [CTOC/COP/WG.6/2018/4](#)) ([CTOC/COP/2018/8](#)).

73. An introductory statement was made by a representative of the Secretariat.

74. Statements were made by the representatives of the European Union (also on behalf of its member States), Brazil, Algeria, Spain, India, Mexico, Portugal, Nigeria, Kuwait, Argentina and the Bolivarian Republic of Venezuela.

75. A statement was also made by France and the observer for the Economic Community of Central African States.

1. Deliberations

76. On behalf of the Chairs of the Working Group on Firearms at its fifth and sixth meetings, held in Vienna from 8 to 10 May 2017 and on 2 and 3 May 2018, a representative of Mexico presented the reports on those two meetings ([CTOC/COP/WG.6/2017/4](#) and [CTOC/COP/WG.6/2018/4](#)) and the recommendations adopted by the Working Group.

77. Several speakers underlined the importance of the Firearms Protocol and the Organized Crime Convention as the principal instruments for countering the illicit manufacture of and trafficking in firearms, their parts and components and ammunition, and called upon States that had not yet done so to become a party to the Protocol. Others noted the importance of implementing the Firearms Protocol in synergy with other relevant instruments such as the Arms Trade Treaty, the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.

78. Some speakers, while noting that the primary responsibility for fully implementing the Firearms Protocol and combating trafficking in firearms rested with States, emphasized the importance of cooperation and dialogue among States and relevant stakeholders.

79. Many speakers underlined the links between trafficking in firearms on the one hand and other forms of serious and organized crime, in particular drug trafficking, trafficking in persons and terrorism, on the other. They highlighted the negative impact of illicit firearms on national, regional and global security, peace and development, as well as humanitarian and stabilization efforts. In addition, one speaker identified illicit firearms as a key factor that facilitated trafficking in natural resources, such as minerals and timber.

80. Many speakers provided an overview of national and regional efforts to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. These included integrated strategies and action plans to address those types of crime and the establishment of appropriate institutions and specialized firearms trafficking units within the police and the judiciary; appropriate legislation and appropriate regimes to control firearms; comprehensive record-keeping systems; enhanced cooperation and the exchange of information at the bilateral, regional and international levels, as well as among national security services; joint task forces composed of different security services to enhance border control; collection campaigns to encourage the voluntary and anonymous surrender of weapons; specialized training sessions on investigating and prosecuting trafficking in firearms, and training sessions for strategic decision makers on firearms issues; and cooperation with civil society, community involvement and dedicated awareness-raising programmes.

81. Speakers expressed growing concern with regard to emerging trends and challenges, including the illicit reactivation of deactivated firearms, the conversion of non-lethal weapons into real firearms, the unlicensed assembly of firearms from parts and components and the use of modern technologies to manufacture firearms without authorization. They underlined the need to address the legal loopholes that allowed those activities to take place.

82. Several speakers identified concrete needs for enhanced action by stakeholders, in particular in the areas of international cooperation, tracing and the exchange of information; the marking of firearms, their parts and components; the use of information on firearm seizures to uncover strategic nodes of criminal organizations; the need for countries receiving tracing requests to conduct more systematic investigations into trafficking in firearms; and the need to enhance capacities to collect and analyse data on firearms.

83. Several speakers expressed their support for the work of UNODC and its Global Firearms Programme. In particular, they referred to the legislative and technical assistance provided in the form of, for example, the ongoing firearms data collection initiative, the cooperation between the Office and other international and regional bodies with a mandate relating to firearms, and the substantive contribution of the Office to other intergovernmental processes relating to firearms. Speakers outlined concrete examples of cooperation.

2. Action taken by the Conference

84. At its 10th meeting, on 19 October 2018, the Conference adopted a draft resolution (CTOC/COP/2018/L.5/Rev.2), sponsored by Brazil, Canada, Ecuador, El Salvador, the European Union (also on behalf of its member States), Guatemala and Peru. (For the text, see chapter I, section A, resolution 9/2.) Prior to the adoption of the draft resolution, a representative of the Secretariat informed the Conference that the implementation of the resolution would be subject to the availability of extrabudgetary resources.

V. Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime

85. At its 6th and 7th meetings, on 17 and 18 October 2018, the Conference considered agenda item 3, entitled “Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime”.

86. An introductory statement was made by a representative of the Secretariat.

87. Statements were made by the representatives of Kuwait, Brazil, Indonesia, Algeria, Thailand, India, France, South Africa, Qatar, the United States, Honduras (also on behalf of El Salvador and Guatemala), Colombia, China and Egypt.

88. The Conference also heard a statement by the observer for the Islamic Republic of Iran, a signatory State.

Deliberations

89. Many speakers reiterated that the Organized Crime Convention was a flexible and adaptable instrument for addressing new and emerging forms of crime. Some speakers recalled the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,¹⁸ in which Member States had committed themselves to enhancing their efforts to prevent and counter new and emerging forms of crime. Several speakers expressed concern about the threats posed by new and emerging forms of crime, which were increasingly undermining the social and economic stability of countries and hindering efforts to achieve the Sustainable Development Goals. Some speakers made reference to linkages between new and emerging forms of crime and terrorism.

90. Several speakers highlighted the challenges related to combating cybercrime. One of those was the effect that cybercrime had on other forms of organized crime. Many speakers drew attention to measures taken by States to improve their national regulatory and operational capacity to fight cybercrime. Some speakers, while recognizing the importance of bilateral and regional instruments, called for a new multilateral instrument on cybercrime under the auspices of the United Nations. Other speakers expressed the view that the existing international instruments, including the Organized Crime Convention and the Council of Europe Convention on Cybercrime, provided a sufficient normative framework to support countries in addressing cybercrime and fostering international cooperation to counter it.

91. Speakers commended the work of the open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime and welcomed its 2018–2021 workplan. Some speakers expressed appreciation to UNODC for its

¹⁸ General Assembly resolution 70/174, annex.

capacity-building programmes aimed at improving the criminal justice responses of Member States to effectively respond to cybercrime.

92. Many speakers stressed the linkages between environmental crime and other forms of transnational organized crime. Some speakers emphasized the importance of countering fisheries crime and ensuring safety at sea. In that regard, the importance was noted of utilizing the Organized Crime Convention, as well as relevant regional instruments. Several speakers called for countries to make concerted efforts to counter wildlife crime and commended the technical assistance support provided by UNODC, including the development of the guide on drafting legislation to combat wildlife crime.

93. Many speakers underscored the need to strengthen efforts aimed at combating trafficking in cultural property, including by introducing dissuasive penalties for related offences. In that regard, several speakers encouraged the use of the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences. Some speakers stressed the need for an international instrument that would address trafficking in cultural property. One speaker suggested that the Conference could consider studying, in cooperation with the United Nations Educational, Scientific and Cultural Organization, the phenomenon of trafficking in cultural property by organized criminal groups and appropriate responses to it.

94. Speakers called for the strengthening and the harmonization of legislation and stressed the need to criminalize offences related to maritime piracy, falsified medical products, the illicit mining of and trafficking in precious metals, and trafficking in human organs. Furthermore, some speakers called for the continued use of mechanisms provided for under the Organized Crime Convention, such as cooperation through designated central authorities and joint law enforcement operations, to acquire timely and sufficient information to prevent and counter those forms of crime. Some speakers also shared their experiences in cooperating with foreign counterparts and the private sector to address new and emerging forms of crime.

VI. International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities

95. At its 7th meeting, on 18 October 2018, the Conference considered agenda item 4, entitled “International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities”. For its consideration of the item, the Conference had before it the following documents:

(a) Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime (CTOC/COP/2018/10);

(b) Note by the Secretariat on the reports on the meetings of the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance held in Vienna from 9 to 13 October 2017 and from 28 to 31 May 2018 (CTOC/COP/WG.2/2017/4–CTOC/COP/WG.3/2017/4 and CTOC/COP/WG.2/2018/3–CTOC/COP/WG.3/2018/3) (CTOC/COP/2018/9).

96. An introductory statement was made by a representative of the Secretariat.

97. The Chair of the Working Group on International Cooperation briefed the Conference about the work of the Working Group between the eighth and ninth sessions of the Conference.

98. Statements were made by the representatives of Indonesia, Algeria, Kazakhstan, South Africa, India, the Philippines, Kuwait, the Russian Federation, Israel, Colombia, the United States, Egypt, the Sudan and Mexico.
99. A statement was also made by the observer for the Islamic Republic of Iran, a signatory State.

A. Deliberations

100. Many speakers reported on the legal frameworks of their countries that regulated international cooperation in criminal matters, including extradition and mutual legal assistance, as well as on applicable bilateral and regional treaties and agreements in that field. Some speakers referred to ongoing reforms of their national legal frameworks being carried out in order to keep up to date with developments in the field of international cooperation and to ensure harmonization with the Organized Crime Convention. Some speakers made reference to national practices such as the use of appropriate guidelines and institutional arrangements, including the establishment of specialized units in charge of specific forms of cooperation. Many speakers placed emphasis on the work of the designated central authorities in their countries responsible for dealing with international cooperation requests.

101. Many speakers highlighted the added value of the Convention as a legal basis for international cooperation. The increasing reliance on the Convention for purposes of international cooperation was highlighted, as was the established practice, as one speaker emphasized, of using the Convention as a legal basis for extradition and mutual legal assistance for a variety of crimes and for the increasing number of forms of cooperation and types of assistance requested. One speaker referred to the usefulness of the Convention in addressing the links between transnational organized crime and terrorism.

102. Many speakers referred to the ability of their countries to engage in international cooperation in criminal matters on the basis of reciprocity. A number of speakers underlined the need for adopting and implementing simplified extradition procedures to expedite cooperation in that field.

103. Many speakers reported on good practices to facilitate improved international cooperation, including the promotion of networking, the establishment and maintenance of direct contacts among central authorities, the enhanced practice of exchange of information, the placement of liaison officers abroad and the establishment of working groups among practitioners to exchange views and experience.

104. A number of speakers referred to consultations between cooperating States in order to prevent the refusal of requests and to provide diplomatic assurances of the provision of cooperation where there was a need to ensure that the person sought would be treated in the requesting State in accordance with international human rights obligations.

105. Some speakers shed light on the importance of robust, efficient and effective asset forfeiture and recovery regimes, including international cooperation mechanisms to control illicit financial flows, and enable the repatriation of proceeds and assets of crime to the countries of origin. It was noted that in establishing such regimes, States should accord high priority to strengthening the relevant capacity of competent authorities, bearing in mind the need to respect national sovereignty and the autonomy of national legal systems.

106. Speakers reported on challenges encountered in the field of international cooperation such as the lack of political will, differences between national legal systems, the non-extradition of nationals, language and translation barriers, limited legal and institutional resources, and difficulties in countering the methods of sophisticated organized criminal groups operating across borders.

107. Emphasis was placed on the need for training and capacity-building activities to enhance the skills of judges and practitioners in competent institutions, as well as law enforcement authorities, for dealing effectively with international cooperation. The importance of meaningful and results-oriented technical assistance was underlined, together with the positive impact of the work of UNODC in this field, including through such tools as the Mutual Legal Assistance Request Writer Tool and the directory of competent national authorities.

B. Action taken by the Conference

108. At its 10th meeting, on 19 October 2018, the Conference adopted a draft resolution (CTOC/COP/2018/L.6), sponsored by the European Union (also on behalf of its member States) and the United States. (For the text, see chapter I, section A, resolution 9/3.) Prior to the adoption of the draft resolution, a representative of the Secretariat informed the conference that the implementation of the resolution would be subject to the availability of extrabudgetary resources.

VII. Technical assistance

109. At its 7th meeting, on 18 October 2018, the Conference considered agenda item 5, entitled “Technical assistance”. For its consideration of the item, the Conference had before it the following documents:

(a) Note by the Secretariat on the reports on the meetings of the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance held in Vienna from 9 to 13 October 2017 and from 28 to 31 May 2018 (CTOC/COP/WG.2/2017/4–CTOC/COP/WG.3/2017/4 and CTOC/COP/WG.2/2018/3–CTOC/COP/WG.3/2018/3) (CTOC/COP/2018/9);

(b) Report of the Secretariat on the provision of technical assistance to States in the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2018/11).

110. A representative of the Secretariat made an introductory statement. Statements were made by the representatives of the Syrian Arab Republic, China, the United States and Colombia.

Deliberations

111. Under agenda item 4, the Chair of the Working Group of Government Experts on Technical Assistance at its eleventh meeting introduced the recommendations that had been adopted by the Working Group.

112. All speakers acknowledged and expressed appreciation for the technical assistance work of UNODC through its country, regional and global programmes. Speakers also encouraged States to deliver bilateral and regional technical assistance. One speaker recognized the need to improve coordination mechanisms for technical assistance delivery.

113. Speakers noted that in order to meet the demand, technical assistance had to be based on evidence and on identified needs. One speaker requested assistance for the involvement of civil society in combating organized crime in her State. Another speaker mentioned the need to respect sovereignty and self-determination in the delivery of technical assistance.

114. One speaker highlighted the need to achieve Sustainable Development Goal 16 (“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”). The speaker reiterated that to achieve Goal 16, it was important to create a culture of lawfulness, as outlined in the Doha Declaration, in order to establish a

stable environment where citizens could exercise their rights, and with transparent institutions that respected those rights.

115. Several speakers emphasized that technical assistance was an integral component of, and sometimes a prerequisite for, the implementation of the Organized Crime Convention and the Protocols thereto. One speaker reiterated the need for legislative assistance, recognizing that legislative gaps still persisted. Another speaker highlighted the importance of specialized training as one of the key components of capacity-building in countering all forms of organized crime.

116. Speakers noted the importance of regional and interregional cooperation in countering organized crime and welcomed the efforts of UNODC to promote such cooperation. Speakers also welcomed with appreciation the technical assistance tools developed by UNODC, notably the Mutual Legal Assistance Request Writer Tool. The need for technical assistance in using those tools was reiterated. One speaker called upon States to update their information in the directory of competent national authorities, available under the knowledge management portal known as Sharing Electronic Resources and Laws on Crime.

117. Finally, one speaker concluded that technical assistance was not about the number of events held but, rather, about the impact it had. The speaker recalled the efforts of men and women who combated organized crime, sometimes sacrificing their own lives, and how States should learn from one another and put those lessons into practice.

VIII. Financial and budgetary matters

118. At its 8th meeting, on 18 October 2018, the Conference considered agenda item 6, entitled “Financial and budgetary matters”. For its consideration of the item, the Conference had before it the note by the Secretariat on financial and budgetary matters ([CTOC/COP/2018/12](#)).

119. A representative of the Secretariat made an introductory statement.

IX. Provisional agenda for the tenth session of the Conference

120. At its 8th meeting, on 18 October 2018, the Conference considered agenda item 7, entitled “Provisional agenda for the tenth session of the Conference”. The draft provisional agenda for the tenth session of the Conference had been drawn up by the Secretariat in consultation with the Bureau, pursuant to rule 8 of the rules of procedure.

Action taken by the Conference

121. At its 8th meeting, on 18 October 2018, the Conference adopted the provisional agenda for the tenth session of the Conference. (For the text, see chapter I, section B, decision 9/1.) The Conference decided that its tenth session would take place from 12 to 16 October 2020.

122. At the same meeting, the Conference adopted the organization of the work of the tenth session of the Conference of the Parties. (For the text, see chapter I, section B, decision 9/2.) Prior to the adoption of the decision, a representative of the Secretariat informed the Conference that the decision had no financial implications.

X. Other matters

123. At its 8th meeting, on 18 October 2018, the Conference considered agenda item 8, entitled “Other matters”.

XI. Adoption of the report of the Conference on its ninth session

124. At its 9th meeting, on 19 October 2018, the Conference adopted the report on its ninth session (CTOC/COP/2018/L.1, CTOC/COP/2018/L.1/Add.1, CTOC/COP/2018/L.1/Add.2, CTOC/COP/2018/L.1/Add.3, CTOC/COP/2018/L.1/Add.4, CTOC/COP/2018/L.1/Add.5, CTOC/COP/2018/L.1/Add.6, CTOC/COP/2018/L.1/Add.7, CTOC/COP/2018/L.1/Add.8, CTOC/COP/2018/L.1/Add.9, CTOC/COP/2018/L.1/Add.10 and CTOC/COP/2018/L.1/Add.11), as orally amended.
