



# 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 eleventh session, held in Vienna from 17 to 21 October 2022

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## I. Resolutions and decisions adopted by the Conference

### A. Resolutions

1. At its eleventh session, held in Vienna from 17 to 21 October 2022, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted the following resolutions:

#### Resolution 11/1

#### **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 Crime<sup>1</sup> 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,<sup>2</sup>

*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 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”,

*Recalling also* 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,

*Recalling further* its resolution 9/3 of 19 October 2018, entitled “Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime”, in which the Conference

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

<sup>2</sup> *Ibid.*, vols. 2237, 2241 and 2326, No. 39574.

endorsed the recommendations adopted at the eighth, ninth and tenth meetings of the Working Group on International Cooperation,

*Recalling* its resolution 10/4 of 16 October 2020, entitled “Celebrating the twentieth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime and promoting its effective implementation”, in which the Conference, *inter alia*, invited States parties to make full and effective use of the Convention, in particular through the broad scope of application of the definition of “serious crime” enshrined in its article 2, paragraph (b), as well as its provisions on international cooperation, in particular article 16, on extradition, and article 18, on mutual legal assistance, to promote cooperation to prevent and counter new, emerging and evolving forms of transnational organized crime,

*Welcoming* the work of the Working Group on International Cooperation, taking into consideration in particular the discussions held at its twelfth meeting on, *inter alia*, the use and role of joint investigative bodies in combating transnational organized crime, international cooperation involving special investigative techniques and the impact of the coronavirus disease (COVID-19) pandemic on international cooperation in criminal matters and at its thirteenth meeting on the transfer of sentenced persons and, jointly with the Working Group of Government Experts on Technical Assistance, on matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,

1. *Endorses* the recommendations adopted by the Working Group on International Cooperation at its twelfth meeting, held on 25 and 26 March 2021, which are set out in annex I to the present resolution;

2. *Also endorses* the recommendations adopted by the Working Group on International Cooperation at its thirteenth meeting, held from 23 to 27 May 2022 in conjunction with the thirteenth meeting of the Working Group of Government Experts on Technical Assistance, which are set out in annex II to the present resolution.

## **Annex I**

### **Recommendations adopted by the Working Group on International Cooperation at its twelfth meeting, held on 25 and 26 March 2021**

The Working Group on International Cooperation, at its twelfth meeting, held on 25 and 26 March 2021, adopted the following recommendations<sup>3</sup> for endorsement by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime:

#### **Use and role of joint investigative bodies in combating transnational organized crime**

(a) States parties are encouraged, where possible and appropriate, and in accordance with domestic laws and regulations and applicable international agreements, to use joint, including coordinated, investigations as a modern form of international cooperation to increase the effectiveness of and expedite cross-border investigations for the broadest possible range of offences covered by the Organized Crime Convention. In doing so, States parties are encouraged to act in a timely manner when responding to requests to establish such joint investigations, bearing in mind that information or evidence to be obtained may be available only for a limited period of time;

(b) States parties are also encouraged to make further use, where appropriate and consistent with national legal frameworks, of article 19 of the Convention, as well

<sup>3</sup> CTOC/COP/WG.3/2021/3, paras. 2–4.

as other applicable instruments at the international, regional and bilateral levels, as a legal basis for joint investigations. In doing so, they may, where appropriate, develop model agreements, or use existing agreements at the regional level, on the setting up of joint investigative bodies, with full respect for the sovereignty of the participating States, taking into account possible particularities of bilateral cooperation, and further disseminate them to their competent judicial, prosecutorial and law enforcement authorities;

(c) States parties are further encouraged to exchange best practices and lessons learned in the field of joint investigations in the implementation of the Convention, especially its article 19. In this regard, emphasis should be placed on successful and effective cases;

(d) States parties are encouraged to facilitate training activities for judges, prosecutors, law enforcement officers or other practitioners engaged in joint investigations;

(e) States parties are also encouraged to ensure that communication channels are properly maintained and that competent authorities are identified in all phases of joint investigations in order to efficiently address practical, legal, substantive and operational issues, including the provision of clarifications on applicable legal and disclosure requirements. States parties are also encouraged to make efforts to overcome challenges arising from differences between investigative structures and principles or relating to jurisdictional issues, the *ne bis in idem* principle and the admissibility in court of evidence obtained from joint investigations, in accordance with the basic principles of their legal systems;

(f) States parties are further encouraged to make use of the resources and facilities provided by regional bodies or mechanisms, as well as existing judicial and law enforcement networks, such as the International Criminal Police Organization (INTERPOL), to enhance coordination among the competent authorities for joint investigations at all stages, from planning to setting up, and from operation to closing and evaluation;

(g) States parties are encouraged to include, where appropriate in a flexible manner to allow for adaptations, provisions or clauses on financial arrangements in their agreements regarding joint investigations, with a view to having a clear framework for the allocation of costs, including translation and other operational expenses incurred in joint investigations;

(h) The Secretariat should continue its work to collect and make available on the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC) information on applicable laws or arrangements at the national and regional levels regulating aspects relevant to joint investigations, and further promote the use of the redeveloped Mutual Legal Assistance Request Writer Tool, which contains, inter alia, guidance on how to draft a request for mutual legal assistance for conducting a joint investigation, where necessary;

(i) In accordance with the mandates contained in Conference resolution 5/8 and relevant guidance stemming from the deliberations of the Working Group, the Secretariat should develop, subject to the availability of resources, a matrix identifying legal and practical issues that could arise in the implementation of article 19 of the Convention, as well as possible solutions for those issues, including by collecting examples of arrangements or agreements concluded between States parties for that purpose, and, upon request, should assist States parties in developing a set of legal, practical and operational guidelines for the implementation of article 19;

#### **International cooperation involving special investigative techniques**

(j) States parties are encouraged to make further use, where applicable and in accordance with their domestic law, of article 20 of the Convention as a legal basis for international cooperation involving special investigative techniques, and to use other applicable regional instruments and bilateral agreements or arrangements, or, in

the absence of such agreements or arrangements, to use special investigative techniques on a case-by-case basis, to foster cooperation in this field;

(k) States parties are also encouraged to exchange best practices and lessons learned in the field of special investigative techniques, especially those relating to the implementation of article 20 of the Convention;

(l) States parties are further encouraged to facilitate training activities for judges, prosecutors, law enforcement officers or other practitioners engaged in the conduct or oversight of investigations involving special investigative techniques, bearing in mind the complexity of issues relating to the use of such techniques, in particular for obtaining electronic evidence, and also taking into account the various stages of development of countries in terms of the use of information and communications technologies;

(m) States parties are encouraged to promote expedited communication and coordination at an early stage of planning their cooperation in order to ensure that evidence is found, seized and shared effectively, in accordance with their domestic law, including by electronic means;

(n) In making use of special investigative techniques, States parties should devote particular attention to safeguarding the public, so as not to do harm, while respecting national sovereignty;

(o) States parties are encouraged to give appropriate consideration to human rights when deploying joint investigative bodies and special investigative techniques to combat transnational and organized crime, as doing so may contribute to the effective use of those methods;

(p) In accordance with the mandates contained in Conference resolution 5/8 and relevant guidance stemming from the deliberations of the Working Group, the Secretariat should develop, subject to the availability of resources, a matrix identifying legal and practical issues that could arise in the implementation of article 20 of the Convention and the use of special investigative techniques, as well as possible solutions to those issues, including by collecting examples of arrangements or agreements among States parties on the use of such techniques, and, upon request, should assist States parties in developing a set of legal, practical and operational guidelines on the implementation of article 20;

#### **Impact of the coronavirus disease (COVID-19) on international cooperation in criminal matters: a one-year overview**

(q) States are encouraged to provide funding on a consistent and sustainable basis to enable the United Nations Office on Drugs and Crime (UNODC) to provide technical assistance for capacity-building in the area of international cooperation in criminal matters. In doing so, particular attention should be devoted to emerging challenges posed by the coronavirus disease (COVID-19) pandemic that may have a lasting impact on the work of central and other competent authorities involved in such cooperation;

(r) States are encouraged to make use of technology in the field of international cooperation to expedite related proceedings and address, in particular, challenges encountered in this field as a result of the COVID-19 pandemic. This may include the more frequent use of videoconferencing in mutual legal assistance, the electronic transmission of requests for international cooperation, the use and acceptance of electronic signatures and, to the extent feasible, the paperless administration of work in central and other competent authorities relating to cooperation with their foreign counterparts;

(s) States parties are strongly encouraged to develop effective strategies to combat transnational and organized crime, in accordance with the fundamental principles of their domestic law, with a focus on enhancing international cooperation, as well as on ensuring that human rights, gender perspectives and socioeconomic

vulnerabilities are considered when developing strategies and crime interventions, so as not to cause harm, particularly in the light of wider socioeconomic impacts caused by the COVID-19 pandemic;

(t) States parties should engage in the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, so as to promote examples of good practice in implementation, and should identify gaps, challenges and capacity-building requirements in the implementation of the Convention and its Protocols;

(u) States parties are encouraged to strengthen efforts to share best practices and lessons learned on the use by competent authorities of information and communications technologies when dealing with different forms of international cooperation requests in criminal matters, and to facilitate access to appropriate information and communications technologies for developing countries, with a view to strengthening international cooperation to combat transnational organized crime;

(v) Acknowledging that the COVID-19 pandemic has had a profound impact on the way in which criminal justice systems operate globally and that comprehensive physical distancing measures put in place worldwide as a response to the pandemic have led to a considerable increase in the use of electronic tools, Member States are encouraged to allow flexibility regarding the acceptance of official documents bearing electronic or digital signatures;

(w) Acknowledging that the conditions created by the pandemic have led to an increase in the electronic transmission of international cooperation requests and that those conditions have demonstrated that such requests can be sent and answered in a safe, timely, agile and valid manner using electronic means, Member States are encouraged to further strengthen their ability to use electronic means for the transmission of mutual legal assistance requests and for seeking, in response to such request, clarifications and acceptance of relevant materials in electronic form, in accordance with the fundamental principles of their domestic law, including with a view to improving their capabilities in the post-COVID-19 era;

#### **Other matters**

(x) States are encouraged to further explore and consider how the Convention can help them to respond to new, emerging and evolving forms of organized crime in the context of international cooperation.

## **Annex II**

### **Recommendations adopted by the Working Group on International Cooperation at its thirteenth meeting, held from 23 to 27 May 2022**

The Working Group on International Cooperation, at its thirteenth meeting, held from 23 to 27 May 2022 in conjunction with the thirteenth meeting of the Working Group of Government Experts on Technical Assistance, adopted the following recommendations<sup>4</sup> for endorsement by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime:

#### **Transfer of sentenced persons (article 17 of the Organized Crime Convention)**

(a) States parties are encouraged to have in place a solid legal basis for the implementation of article 17 of the Organized Crime Convention, through bilateral or multilateral agreements or arrangements and/or through national legislation that gives effect to such agreements or arrangements or can alternatively be used to facilitate

<sup>4</sup> CTOC/COP/WG.2/2022/4-CTOC/COP/WG.3/2022/4, paras. 7 and 10.

transfers, and to adopt flexible approaches, in appropriate cases, to support a combined use of available legal tools;

(b) In the absence of a specific legal basis for the transfer of sentenced persons, and where authorized by domestic law, States are encouraged to consider making use of the principle of reciprocity as well as other available legal bases in prisoner transfer cases, when appropriate;

(c) States are encouraged to consider, where permitted by domestic law and any applicable treaty, any potential close links of sentenced persons to the administering State as a key requirement of their transfer, and as an alternative to the requirement of their nationality, with a view to facilitating their social reintegration and rehabilitation;

(d) States are encouraged to take into account law enforcement interests as well as the best prospects for rehabilitation when determining whether or not to grant a request for the transfer of a sentenced person;

(e) States are encouraged to consider establishing a minimum remaining period of a sentence to be served as a requirement for carrying out transfers of sentenced persons in order to facilitate the social rehabilitation and reintegration of prisoners and make best use of available resources in this field;

(f) States are encouraged to seek technical assistance pertaining to transfers of sentenced persons and, in this regard, the United Nations Office on Drugs and Crime (UNODC) is encouraged to facilitate, upon request, training activities and to enhance training for domestic authorities or personnel involved in the field of transfer of sentenced persons, including, as appropriate, prosecutors, judges, prison officials, consular officials and lawyers;

(g) States are encouraged to strengthen communication and coordination, including by promoting direct contacts between competent authorities as a way to streamline the process of transfer of sentenced persons;

(h) States are encouraged to enhance the practice of consultations prior to the actual transfer of sentenced persons on such issues as conditional release, duration of procedures, possibilities of social reintegration and rehabilitation, detention conditions and medical treatment and, during the process of transfer, on such issues as dual criminality, partial recognition of sentences and adaptation of punishment, taking into account, as appropriate, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);

(i) States are encouraged to utilize, as feasible, software that makes it possible to identify prisoners who are eligible for transfer at an early stage;

(j) States are encouraged to actively promote cooperation in the field of transfer of sentenced persons and to participate in relevant networks or organizations;

(k) States parties having received requests from other States parties for the transfer of a prisoner who has consented to the transfer are encouraged to give due consideration to the request and to provide the requesting State with a timely response as to whether the request is granted or not;

#### **Matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto**

(l) Parties under review are encouraged to share their progress in the country reviews with the Conference of the Parties at its future sessions in order to align the advancement of the reviews with the timetable contained in 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, annexed to Conference resolution 9/1, and the guidelines for conducting the country reviews, annexed to Conference resolution 10/1;



(m) UNODC is encouraged to organize informal meetings, on the margins of the meetings of the working groups of the Conference of the Parties, for interested parties to share their experiences in conducting the country reviews.

## **Resolution 11/2**

### **Implementation of the provisions on technical assistance 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 technical assistance is a fundamental part of the work carried out by the United Nations Office on Drugs and Crime to assist Member States in the effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>5</sup>

*Recalling* its resolution 10/4 of 16 October 2020, entitled “Celebrating the twentieth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime and promoting its effective implementation”,

*Welcoming* the work of the Working Group of Government Experts on Technical Assistance, taking into consideration in particular the discussions held at its twelfth meeting on updating the legislative records of States parties in preparation for the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and on the application of the United Nations Convention against Transnational Organized Crime<sup>6</sup> in domestic jurisprudence and at its thirteenth meeting on effective strategies to prevent and combat organized crime, including mainstreaming of gender and human rights and, jointly with the Working Group on International Cooperation, on matters pertaining to the Implementation Review Mechanism,

1. *Endorses* the recommendations discussed by the Working Group of Government Experts on Technical Assistance at its twelfth meeting, held on 9 and 10 July 2020, and adopted at its thirteenth meeting, held from 23 to 27 May 2022 in conjunction with the thirteenth meeting of the Working Group on International Cooperation, which are set out in annex I to the present resolution;

2. *Also endorses* the recommendations adopted by the Working Group of Government Experts on Technical Assistance at its thirteenth meeting, held in conjunction with the thirteenth meeting of the Working Group on International Cooperation, which are set out in annex II to the present resolution.

<sup>5</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

<sup>6</sup> *Ibid.*, vol. 2225, No. 39574.

## Annex I

### **Recommendations discussed by the Working Group of Government Experts on Technical Assistance at its twelfth meeting, held on 9 and 10 July 2020, and adopted at its thirteenth meeting, held from 23 to 27 May 2022**

The Working Group of Government Experts on Technical Assistance adopted the following recommendations<sup>7</sup> for endorsement by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime:

#### **Updating the legislative records of States parties in preparation for the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto**

(a) States that have not yet done so should update their legislative records in the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC), including for purposes of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;

(b) The United Nations Office on Drugs and Crime (UNODC) could develop a dissemination plan to raise awareness of the usefulness of SHERLOC;

(c) States may wish to consider inviting UNODC to assist in the capacity-building activities of national judicial institutions, including by providing training on the use of SHERLOC as a source of information on domestic legislation and jurisprudence from various jurisdictions;

(d) States may wish to consider developing, publishing and providing to the Secretariat for publication on SHERLOC explanatory materials on legislation, such as explanatory memorandums developed during the introduction of the legislation and summarized legislative manuals or briefs that consolidate the relevant provisions of all applicable national legislation on organized crime;

(e) UNODC should consider expanding SHERLOC to include information on police-to-police cooperation;

(f) UNODC should continue to gather, disseminate and analyse information, without prejudice to the rules and procedures of the Implementation Review Mechanism, on the implementation of the Organized Crime Convention and the Protocols thereto, with a focus on successful practices and the difficulties encountered by States in that regard, and to develop technical assistance tools on the basis of the information gathered;

(g) States may wish to consider providing extrabudgetary resources for the further development and maintenance of SHERLOC to promote the implementation of the Organized Crime Convention and the Protocols thereto and strengthen the exchange of lessons learned and challenges in the implementation of those instruments;

#### **Application of the United Nations Convention against Transnational Organized Crime in domestic jurisprudence**

(h) In order to facilitate law enforcement and judicial cooperation, States should implement the Organized Crime Convention in a comprehensive and effective manner. In so doing, States may wish to request technical assistance from UNODC or from each other;

(i) States should consider strengthening the ability of law enforcement and criminal justice officers to conduct investigations and prosecutions of cases involving

<sup>7</sup> CTOC/COP/WG.2/2022/4-CTOC/COP/WG.3/2022/4, para. 8.

organized criminal groups, and to cooperate with international and regional counterparts;

(j) In implementing the provisions of article 6 of the Organized Crime Convention, States are encouraged to consider reviewing their national legislation so as to facilitate efforts to address practical elements of criminalization of the laundering of proceeds of crime, including the requisite element of mens rea;

(k) States should consider requesting or providing training on mutual legal assistance and other forms of international cooperation in obtaining evidence and witness testimonies, including on predicate offences to money-laundering. Such assistance should at a minimum cover the relevant provisions of the Organized Crime Convention and include the obtaining of evidence, the preservation of stored computer data and the real-time collection of traffic data, if permitted under the basic principles of the domestic legal system;

(l) States should consider allocating sufficient resources, as feasible, to manage cases involving organized criminal groups in a streamlined and timely manner, to facilitate successful prosecution;

(m) In cases involving organized criminal groups, in particular complex cases involving transnational organized crime, States should consider developing prosecution plans as early as possible. Such plans could take into consideration the management of evidential and other issues, including procedures to address anticipated challenges;

(n) States should consider developing practical operating procedures in consultation with court administrations and others to facilitate the effective management of cases involving organized criminal groups, as such cases may represent security and other logistical challenges. States may wish to include witness protection measures in such procedures;

(o) States that have not yet done so should consider making public the decisions and opinions of their courts and tribunals concerning organized crime, in accordance with domestic legislation, in order to further the aims of the Convention.

## **Annex II**

### **Recommendations adopted by the Working Group of Government Experts on Technical Assistance at its thirteenth meeting, held from 23 to 27 May 2022**

The Working Group of Government Experts on Technical Assistance adopted the following recommendations<sup>8</sup> for endorsement by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime:

#### **Effective strategies to prevent and combat organized crime, including mainstreaming of gender and human rights**

(a) States parties are called upon to ensure that their national legislation aligns with the Organized Crime Convention and applicable international human rights obligations, including provisions related to law enforcement cooperation, joint investigations, special investigative techniques, mutual legal assistance, extradition and exchange of information, with a view to enhancing international cooperation in preventing and combating organized crime; and, if required, to request technical assistance for those purposes;

(b) States are encouraged to consider developing, implementing, monitoring and evaluating comprehensive and evidence-based whole-of-government policies and

<sup>8</sup> CTOC/COP/WG.2/2022/4-CTOC/COP/WG.3/2022/4, paras. 8 and 10.

strategies against organized crime, formulated through a whole-of-society approach that includes all relevant stakeholders, such as academia and civil society;

(c) In developing their national policies and strategies, States parties are encouraged to consider using the four pillars highlighted in the “Organized crime strategy toolkit for developing high-impact strategies”, namely: (i) ensuring the inclusion of measures focused on prevention of organized crime; (ii) pursuing organized criminal groups and their illicit activities; (iii) protecting the most vulnerable; and (iv) promoting partnerships and cooperation at all levels;

(d) States should consider adopting national policies and mechanisms that ensure adequate protection of and assistance to victims and witnesses of organized crime, consistent with the provisions of the Convention and applicable international human rights obligations;

(e) States should endeavour to mainstream gender and human rights into their legislation, policies, programmes and other initiatives against organized crime in order to implement the Convention and other international commitments, such as Commission on Crime Prevention and Criminal Justice resolution 26/3, in a comprehensive manner and thus more effectively prevent and combat organized crime;

(f) States should consider implementing an analytical process to support the mainstreaming of a gender perspective and human rights that provides a method for assessing any inequalities, including possible systemic factors, as well as the influence of all relevant factors, in accordance with national legislation on how individuals experience policies, programmes and other initiatives to prevent and combat organized crime, in order to subsequently adapt them and improve the effectiveness of their response to organized crime;

(g) States should encourage the wider participation of women across their criminal justice systems and train their criminal justice practitioners to conduct assessments of gender and human rights factors and needs and respond in a gender-sensitive and human rights-compliant manner when preventing or combating organized crime, including protecting and assisting victims and witnesses;

(h) States should consider collecting quantitative and qualitative data, disaggregated by age, gender and other relevant factors, and to mainstream a gender and human rights perspective into their research and analysis of organized crime, so as to contribute to addressing the knowledge gap, including through building on the findings of relevant publications in this field and ensuring that criminal justice policies and programmes fully take into account all available evidence;

(i) Subject to the availability of resources, the United Nations Office on Drugs and Crime (UNODC) should continue to provide technical assistance to States, including on legislation and strategy development, to prevent and combat organized crime and continue to collect, analyse and disseminate information related to responses to and the nature of organized crime, with a view to ensuring the effective implementation of the Organized Crime Convention;

#### **Matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto**

(j) Parties under review are encouraged to share their progress in the country reviews with the Conference of the Parties at its future sessions in order to align the advancement of the reviews with the timetable contained in 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, annexed to Conference resolution 9/1, and the guidelines for conducting the country reviews, annexed to Conference resolution 10/1;

(k) UNODC is encouraged to organize informal meetings, on the margins of the meetings of the working groups of the Conference of the Parties, for interested parties to share their experiences in conducting the country reviews.

## Resolution 11/3

### **Outcomes of the joint thematic discussion of the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation on the application of the United Nations Convention against Transnational Organized Crime for preventing and combating transnational organized crimes that affect the environment**

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

*Reaffirming* that the United Nations Convention against Transnational Organized Crime,<sup>9</sup> as a global instrument with wide adherence, offers a broad scope for cooperation to address existing and emerging forms of transnational organized crime, including crimes that affect the environment falling within the scope of the Convention,

*Recalling* its resolution 10/6 of 16 October 2020, entitled “Preventing and combating crimes that affect the environment falling within the scope of the United Nations Convention against Transnational Organized Crime”, in which it requested the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation to hold a joint thematic discussion on the application of the Convention for preventing and combating transnational organized crimes that affect the environment and to make recommendations for consideration by the Conference of the Parties to the Convention at its eleventh session, within their mandates, in order to promote the practical application of the Convention,

*Welcoming* the work of the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation on the topic of their joint thematic discussion regarding the application of the Convention for preventing and combating transnational organized crimes that affect the environment, held on 24 May 2022,

*Welcoming also* the expert discussions on preventing and combating crimes that affect the environment held by the Commission on Crime Prevention and Criminal Justice, in accordance with General Assembly resolution [76/185](#), from 14 to 16 February 2022,

*Endorses* the recommendations adopted by the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance at their meetings held from 23 to 27 May 2022, on the topic of their joint thematic discussion regarding the application of the United Nations Convention against Transnational Organized Crime for preventing and combating transnational organized crimes that affect the environment, which are contained in the annex to the present resolution.

<sup>9</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

## Annex

### **Recommendations adopted by the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance at their meetings held from 23 to 27 May 2022 on the topic of their joint thematic discussion regarding the application of the United Nations Convention against Transnational Organized Crime for preventing and combating transnational organized crimes that affect the environment**

The Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance, at their meetings held from 23 to 27 May 2022, adopted the following recommendations<sup>10</sup> on the topic of their joint thematic discussion regarding the application of the United Nations Convention against Transnational Organized Crime for preventing and combating transnational organized crimes that affect the environment, for endorsement by the Conference of the Parties to the Convention:

(a) States parties are encouraged to consider making crimes that affect the environment, in appropriate cases, serious crimes, in accordance with their national legislation, as defined in article 2, paragraph (b), of the Organized Crime Convention in order to facilitate international cooperation;

(b) States parties are encouraged to consider, in accordance with their national legislation, in appropriate cases, treating crimes that affect the environment as predicate offences for money-laundering purposes and to enhance financial investigations in order to detect the involvement of organized criminal groups and seize and confiscate assets derived from those crimes;

(c) States parties should enhance international cooperation and share appropriate information on the possible nexus between transnational organized crimes that affect the environment and other forms of organized crime;

(d) States parties should prevent and combat corruption as an enabler of crimes that affect the environment, and strengthen anti-corruption measures by making best use of the Organized Crime Convention and the United Nations Convention against Corruption, including when organized criminal groups are involved;

(e) States parties are encouraged to make use of the provisions contained in the Organized Crime Convention with a view to enhancing international cooperation to prevent and combat crimes that affect the environment, in particular those related to law enforcement cooperation and joint investigations, international cooperation for purposes of confiscation, extradition and mutual legal assistance; in doing so, States parties are encouraged to make further use of technology, where feasible, and allow, for example, the submission of mutual legal assistance requests through electronic means;

(f) States parties are encouraged to address challenges posed by the double criminality principle to facilitate international cooperation in cases related to crimes that affect the environment by assessing whether the conduct underlying the offence for which assistance is sought is a criminal offence under the laws of both the requesting and the requested State, irrespective of whether such laws place the offence within the same category of crimes or denominate the offence using the same terminology;

(g) The United Nations Office on Drugs and Crime (UNODC) should continue to provide, upon request, technical assistance and capacity-building to States parties

<sup>10</sup> CTOC/COP/WG.2/2022/4-CTOC/COP/WG.3/2022/4, para. 9.

to support their efforts in effectively implementing the Organized Crime Convention to prevent and combat transnational organized crimes that affect the environment;

(h) UNODC should continue collecting data, including legislation and case law through its Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal, on various forms of crimes that affect the environment, and conducting research on the possible nexus between crimes that affect the environment and other forms of organized crime;

(i) States parties are invited to strengthen their cooperation with international and regional organizations, and are encouraged, where appropriate, in accordance with national legislation, to do so with other relevant stakeholders, including non-governmental organizations, the private sector, individuals and groups outside the public sector, in preventing and combating transnational organized crimes that affect the environment and in raising awareness of these crimes, consistent with article 31 of the Organized Crime Convention;

(j) States parties are invited to take effective measures that could fill existing gaps and loopholes in current practices to combat trafficking in wildlife, including considering, where consistent with fundamental principles of their domestic law, the impact of trafficking in wildlife in countries of origin, transit and destination;

(k) States parties are encouraged to leverage technology and research solutions, including to enhance the use of online tools, to improve investigations and prosecutions in combating crimes that affect the environment;

(l) Consistent with Commission on Crime Prevention and Criminal Justice resolution 31/1, entitled “Strengthening the international legal framework for international cooperation to prevent and combat illicit trafficking in wildlife”, States are invited to provide UNODC with, inter alia, their views on possible responses including the potential of an additional protocol to the Organized Crime Convention, to address any gaps that may exist in the current international legal framework to prevent and combat illicit trafficking in wildlife.

## **Resolution 11/4**

### **Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking in any situations, including in the context of all armed conflicts and natural disasters**

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

*Alarmed* at the growing involvement of organized criminal groups in all aspects of trafficking in cultural property, including in the context of armed conflict and natural disasters, and underlining in that regard the potential utility of the United Nations Convention against Transnational Organized Crime <sup>11</sup> in reinforcing international cooperation in the fight against trafficking in cultural property, including its illicit removal from the countries of origin, through, inter alia, mutual legal assistance, extradition and the recovery of the proceeds of crime,

*Expressing alarm* at the increasing number of acts of deliberate destruction and damage, theft, pillage, looting, smuggling and illicit removal or misappropriation of, and any acts of vandalism directed against, cultural property in the context of conflicts all over the world, including by terrorist groups and organized criminal groups, and recalling in this regard the Convention for the Protection of Cultural Property in the

<sup>11</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

Event of Armed Conflict, adopted on 14 May 1954, and the two Protocols thereto, adopted on 14 May 1954 and 26 March 1999,<sup>12</sup>

*Highlighting* the significance of cultural property as part of the common heritage of humankind and as unique and important testimony of the culture and identity of peoples and the necessity of protecting it, and reaffirming in that regard the need to strengthen international cooperation in preventing, prosecuting and punishing all aspects of trafficking in cultural property, in particular in armed conflict and natural disasters,

*Recalling* the adoption, on 13 September 2007, of the United Nations Declaration on the Rights of Indigenous Peoples,<sup>13</sup> in particular those articles relating to cultural property,

*Recognizing* the illicit nature of trafficking in cultural property and its transnational dimension, and the importance of strengthening international cooperation, including through mutual legal assistance, in particular with regard to the return or restitution of trafficked cultural property,

*Expressing concern* that, notwithstanding its significance as part of the cultural heritage of humankind, cultural property is too often considered as mere merchandise, which not only deprives it of its cultural, historical and symbolic essence but also encourages activities that lead to its loss, destruction, removal, theft and trafficking, in particular in armed conflict and natural disasters,

*Recognizing* the criminal nature of trafficking in cultural property, the deliberate destruction and damage, theft, smuggling, pillage, looting and illicit removal or misappropriation of, and any acts of vandalism directed against, cultural property and the grave and detrimental impact of such acts on the cultural heritage of humankind, in particular in the context of armed conflict and natural disasters,

*Recalling* General Assembly resolutions [66/180](#) of 19 December 2011 and [68/186](#) of 18 December 2013, entitled “Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking”, and resolution [69/196](#) of 18 December 2014, entitled “International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences”,

*Recalling also* the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,<sup>14</sup> and the Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law on 24 June 1995,<sup>15</sup>

*Recognizing* the efforts made by relevant international organizations, including the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL), the World Customs Organization and the International Institute for the Unification of Private Law, for the protection of cultural heritage,

*Recognizing also* the efforts made so far by the United Nations Office on Drugs and Crime in preventing and countering trafficking in cultural property and other crimes targeting cultural property, and mindful of the potential of the Office to further support States in addressing and combating all forms and aspects of these crimes,

*Recalling* that, in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their

<sup>12</sup> Ibid., vol. 249, No. 3511, and vol. 2253, No. 3511.

<sup>13</sup> General Assembly resolution [61/295](#), annex.

<sup>14</sup> United Nations, *Treaty Series*, vol. 823, No. 11806.

<sup>15</sup> Ibid., vol. 2421, No. 43718.



Development in a Changing World,<sup>16</sup> adopted at the twelfth United Nations Congress on Crime Prevention and Criminal Justice, Member States urged States that had not yet done so to develop effective legislation to prevent, prosecute and punish trafficking in cultural property in any of its forms and to strengthen international cooperation and technical assistance in this area, including the recovery and return of cultural property, bearing in mind the existing relevant international instruments, including the Organized Crime Convention, where appropriate,

*Affirming* Commission on Crime Prevention and Criminal Justice resolution 27/5 of 18 May 2018, in which the Commission acknowledged the indispensable role of international cooperation in crime prevention and criminal justice responses to counter trafficking in cultural property,

*Recalling* the commitment made in 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,<sup>17</sup> in which States agreed to strengthen and implement comprehensive crime prevention and criminal justice responses to all crimes targeting cultural property and other related transnational organized crimes,

*Recalling also* the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development,<sup>18</sup> which, inter alia, stresses the need to strengthen national and international responses to trafficking in cultural property and other crime targeting cultural property and calls upon States to promote, facilitate and support the widest measures of technical assistance, including material support and training, with a view to enabling law enforcement authorities and criminal justice institutions to effectively prevent and combat crimes targeting cultural property, taking into account the specific challenges faced by and the particular needs of developing countries,

*Recalling further* Commission on Crime Prevention and Criminal Justice resolution 27/5, entitled “International cooperation against trafficking in cultural property”, and Conference of the Parties resolution 10/7, entitled “Combating transnational organized crime against cultural property”,

*Welcoming* the practical assistance tool to assist in the implementation of the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, developed by the United Nations Office on Drugs and Crime pursuant to General Assembly resolution 69/196,

*Concerned* about the links between corruption and other forms of crime, including crimes against cultural property,

*Alarmed* at the increased use of proceeds derived from crimes of trafficking in cultural property and related offences in financing terrorism and other serious crimes,

*Underlining* that trafficking in and deliberate destruction and damage, theft, pillage, looting, smuggling and illicit removal or misappropriation of, and any acts of vandalism directed against cultural property deprives peoples of fundamental elements of their identity and of valuable resources for their sustainable development, dispossessing them of their past and thus prejudicing their future, and highlighting the fact that developing countries are among the countries most affected by this form of organized crime,

*Commending* Member States and cultural and educational institutions, museums and civil society for their efforts to protect cultural property and to help combat illicit trade and trafficking in cultural property, and welcoming all initiatives, whether by

<sup>16</sup> General Assembly resolution 65/230, annex.

<sup>17</sup> General Assembly resolution 70/174, annex.

<sup>18</sup> General Assembly resolution 76/181, annex.

States, institutions or private persons, for the voluntary return of such cultural property,

1. *Urges* all States to adopt appropriate measures to effectively prevent and combat trafficking in, deliberate destruction and damage, theft, pillage, looting, smuggling and illicit removal or misappropriation of, and any acts of vandalism directed against, cultural property, and calls upon those States that have not yet done so to consider acceding to all the relevant international instruments in this field;

2. *Requests* States parties to continue their efforts to effectively strengthen crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking, including within the framework of the United Nations Convention against Transnational Organized Crime and the Commission on Crime Prevention and Criminal Justice;

3. *Recommends* that Member States prepare lists or inventories of stolen and/or lost cultural property and consider making them public in order to facilitate the identification of that property, as well as use the tools at their disposal, such as the red lists of the International Council of Museums, the International Criminal Police Organization (INTERPOL) database on stolen works of art and the ARCHEO information exchange network of the World Customs Organization, in order to facilitate the actions of law enforcement agencies, and, in that regard, invites Member States to afford one another the widest possible cooperation in preparing such lists and inventories;

4. *Encourages* States to enhance cooperation in the fight against trafficking in cultural property, as well as the illegal removal of such property from countries of origin, including through the investigation and prosecution of persons involved in such activities and mutual legal assistance and extradition, in accordance with the laws of cooperating States and under applicable international law;

5. *Strongly encourages* States parties to take into account, also in the context of armed conflict and natural disasters, the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences<sup>19</sup> in the development and strengthening of their policies, strategies, legislation and cooperation mechanisms;

6. *Encourages* States parties, in cooperation with relevant regional and international organizations, to share information on their experiences, good practices and challenges with regard to crimes against cultural property and related offences, and on the application of the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences in the context of armed conflict and natural disasters;

7. *Invites* States to protect and help prevent trafficking in cultural property by taking appropriate measures such as developing awareness-raising campaigns, locating and inventorying such property, adopting adequate security measures and strengthening capacities of law enforcement agencies, in particular, of the police and customs services;

8. *Encourages* relevant authorities, as well as the private sector and the tourism sector, to share information on trafficked cultural property, including in the context of armed conflict and natural disasters;

9. *Invites* Member States that have not yet done so to criminalize trafficking in cultural property, as well as theft and looting at archaeological and other cultural sites, in accordance with applicable international instruments, and to make it a serious crime as defined in article 2 of the Organized Crime Convention when the offence is transnational in nature and involves an organized criminal group;

10. *Reaffirms* the commitment to strengthening national and international responses to trafficking in cultural property and other crimes targeting cultural

<sup>19</sup> General Assembly resolution 69/196, annex.

property and to any links to the financing of organized crime and terrorism, and the commitment to enhancing international cooperation in this regard, including, through appropriate channels, the return or restitution of such illicitly trafficked cultural properties to their countries of origin, taking into consideration existing instruments such as the Organized Crime Convention, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences and other relevant instruments, with a view to considering all possible options to make effective use of the applicable international legal framework to combat crimes against cultural property, and considering any proposals to supplement the existing framework for international cooperation, as necessary;

11. *Emphasizes* that the unlawful destruction of cultural heritage, the looting and smuggling of cultural property in the event of armed conflicts, notably by terrorist groups, and the attempt to deny historical roots and cultural diversity in that context can fuel and exacerbate conflict and hamper post-conflict reconciliation, thereby undermining the security, stability, governance and social, economic and cultural development of affected States;

12. *Urges* States parties to strengthen and facilitate international cooperation, in accordance with domestic law and consistent with their obligations under relevant international law, with regard to trafficking in cultural property and other crimes targeting cultural property, including cooperation in extradition, mutual legal assistance, the identification, seizure and confiscation of trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded cultural property and the return or restitution of such cultural property, as well as the investigation and prosecution of those crimes and the recovery of their proceeds, and to make effective use of the Organized Crime Convention as a legal basis for such international cooperation, in applicable cases;

13. *Calls upon* States parties to raise awareness about the importance of preserving and protecting cultural property, in particular in the context of armed conflict and natural disasters, from trafficking and other related offences, and invites States parties to take appropriate measures for raising the awareness of operators and the general public of their responsibility when dealing with archaeological sites or cultural properties, especially in case of chance discoveries;<sup>20</sup>

14. *Urges* all States that have not yet ratified or acceded to the Convention for the Protection of Cultural Property in the Event of Armed Conflict to consider doing so, and calls upon States parties to that Convention to fully implement its provisions, in particular articles 4 and 5, under which they undertake to respect cultural property situated within their own territory or within the territory of other parties, including territories occupied in whole or in part by them;

15. *Requests* the United Nations Office on Drugs and Crime, in consultation with Member States, in accordance with its mandate and in close cooperation with the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL) and other relevant actors, to explore how best to collect, analyse and disseminate relevant data, specifically addressing the relevant aspects of trafficking in cultural property and its related offences, including in the context of armed conflict and natural disasters;

16. *Also requests* the United Nations Office on Drugs and Crime to enhance its cooperation with the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL) and other relevant actors in promoting and organizing meetings, seminars and similar events regarding the crime prevention and criminal justice aspects of protection against

<sup>20</sup> Ibid., guideline 48. Applying the International Guidelines consistently in any situation can foster an assumption of responsibility by operators and the general public when dealing with cultural sites or properties, especially in the case of chance discoveries.

trafficking in cultural property and its related offences, including in the context of armed conflict and natural disasters;

17. *Urges* States to make full use of the experience and tools of the International Criminal Police Organization (INTERPOL) in combating trafficking in cultural property, including strengthening cooperation by increasing information-sharing and law enforcement-led operational coordination through the channels of that Organization, and ensuring that lost and stolen cultural property is recorded in the Stolen Works of Art Database of that Organization;

18. *Invites* States parties and other donors to provide extrabudgetary resources, where necessary and in accordance with the rules and procedures of the United Nations, for the implementation of the relevant paragraphs of the present resolution;

19. *Requests* the United Nations Office on Drugs and Crime to report to the Conference of the Parties at its twelfth session on the implementation of the present resolution.

## **Resolution 11/5**

### **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**

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

*Reaffirming* the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto<sup>21</sup> as the main international legal instruments available to the international community to prevent and fight all forms and manifestations of transnational organized crime and to protect the victims of such crimes,

*Recalling* the functions assigned to it in article 32 of the Organized Crime Convention, pursuant to which the Conference was established to improve the capacity of States parties to promote and review the implementation of the Convention, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention,

*Bearing in mind* that the Trafficking in Persons Protocol, which enjoys near-universal ratification, with 179 parties at present, includes the first internationally agreed definition of trafficking in persons and provides a comprehensive framework to prevent and combat trafficking in persons, protect and assist the victims and promote cooperation,

*Reaffirming* the recognition of States parties that “trafficking in persons” means the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation, which includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs, as set forth in the Trafficking in Persons Protocol,

<sup>21</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

*Recalling* its resolutions 5/2 of 22 October 2010 and 10/3 of 16 October 2020 and its decisions 2/3 of 20 October 2005 and 3/3 of 18 October 2006 on the implementation of the Trafficking in Persons Protocol,

*Recalling also* all previous General Assembly resolutions related to trafficking in persons, including resolution 76/7 of 22 November 2021, entitled “2021 Political Declaration on the Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons”, and resolution 76/186 of 16 December 2021, entitled “Improving the coordination of efforts against trafficking in persons”,

*Recalling further* the adoption by the General Assembly of resolution 70/1 of 25 September 2015, containing the 2030 Agenda for Sustainable Development, including its goals and targets relevant to trafficking in persons,

*Taking into account* the importance of mainstreaming a gender perspective into crime prevention and criminal justice policies and programmes and into efforts to prevent and combat transnational organized crime,

*Taking note* of the reports on the eleventh and twelfth meetings of the Working Group on Trafficking in Persons, held in Vienna on 12 and 13 October 2021 and on 29 and 30 June 2022, respectively,

*Recognizing* the need to provide trauma-informed support to victims<sup>22</sup> of trafficking in persons, taking into account different factors such as gender, age, race, ethnicity, migration status, disability or social and economic inequalities,

*Recognizing also* the need for a victim-centred approach to ensure that victims are treated with respect and dignity and are not inappropriately penalized or adversely affected by laws, policies and other actions for acts that they commit as a direct consequence of their trafficking situation, and where appropriate and in accordance with domestic law, to provide victims with access to remedies if they are penalized or adversely affected,

*Recognizing further* the importance of promoting coordinated cross-border investigations and regional and international collaboration to strengthen the effectiveness of criminal justice responses to trafficking in persons and the sharing of good practices,

*Welcoming* the holding of the constructive dialogue held after the conclusion of the twelfth meeting of the Working Group on Trafficking in Persons on 1 July 2022, and taking note of the valuable inputs and suggestions made by different stakeholders on ways to improve the implementation of the Trafficking in Persons Protocol regarding appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked; best practices in joint investigations and specialized prosecutions; and matters pertaining to the Mechanism for the Review of the implementation of the Convention and the Protocols thereto,

*Recognizing* the role and mandates of the United Nations Office on Drugs and Crime in preventing and countering trafficking in persons, including in the light of the progress made towards the implementation of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,

*Welcoming* the work of the United Nations Office on Drugs and Crime and its tireless efforts to promote the effective implementation of the Convention and the Protocol,

*Noting with appreciation* the United Nations Office on Drugs and Crime Global Programme against Trafficking in Persons, its development of tools, issue papers and training materials, the publication of the *Global Report on Trafficking in Persons* and its impact on improving global understanding of the nature and scope of, and trends

<sup>22</sup> Although the term “survivors” is not defined in the Trafficking in Persons Protocol, it is often used to acknowledge that victims of trafficking in persons can recover from the trauma that they have endured.

related to, trafficking in persons, its coordination support to the Secretary-General, the Inter-Agency Coordination Group against Trafficking in Persons and the United Nations voluntary trust fund for victims of trafficking in persons, especially women and children, and its Blue Heart Campaign against Human Trafficking, aimed at fostering greater public awareness of trafficking in persons,

*Taking note* of the agreed conclusions of the sixty-sixth session of the Commission on the Status of Women,<sup>23</sup> on the theme “Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes”, in which the Commission urged Governments, United Nations entities and other stakeholders to take specific actions against trafficking in persons, especially women,

*Recalling* the commitment contained in the 2021 Political Declaration on the Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons to intensify efforts to eliminate all forms of violence against all women and girls in public and private spheres, including trafficking in persons,

*Bearing in mind* that all States parties have an obligation, as set forth in the Protocol, to prevent, investigate and punish perpetrators of trafficking in persons and to protect and assist victims, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of the victims,

*Noting* the need for States parties to consider, where appropriate, enacting measures which require commercial entities to establish and report on due diligence measures to prevent trafficking in persons from occurring in their procurement practices and supply chains, and to also create incentives for the private sector to eliminate trafficking in persons in their supply chains,

*Convinced* of the importance of the implementation of article 30 of the Organized Crime Convention, in which the need for international cooperation and taking into account the adverse effects of organized crime on society in general and on sustainable development in particular, are highlighted,

*Recognizing* the fundamental role that effective international cooperation plays in the efforts to prevent and combat trafficking in persons, and to this end underlining the importance of addressing, tackling and effectively responding to international challenges and barriers that undermine the ability of States to cooperate and access the information and other resources necessary to counter this crime,

*Recalling* that the purpose of the Trafficking in Persons Protocol, as stated in article 2 thereof, is to prevent and combat trafficking in persons, paying particular attention to women and children,

*Concerned* by reports of the United Nations Office on Drugs and Crime that highlight the worsening risks resulting from the coronavirus disease (COVID-19) pandemic and the increase in the number of children who fall victim to trafficking in persons, and noting that this crime continues to affect mainly women and girls, who account for 65 per cent of identified victims globally, and that sexual exploitation remains the main exploitative purpose of trafficking detected in the world, followed by forced labour,

*Taking note with appreciation* of the issue papers published by the Office containing analyses of key concepts related to the definition of trafficking in persons provided in the Protocol, including abuse of a position of vulnerability, consent and exploitation, which have enhanced understanding among Member States and informed the recent revisions of the *Model Legislative Provisions against Trafficking in Persons* and the *Legislative Guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*,

<sup>23</sup> E/2022/27, para. 1.

*Considering* the importance of adopting effective measures, policies and programmes to prevent and combat trafficking in persons, and especially to ensure the protection of those persons who are particularly vulnerable to trafficking,

*Recognizing* the need for trust to be built between criminal justice institutions and victims of trafficking in persons in order to improve efforts to hold accountable those responsible for the crime while providing trafficked persons and witnesses with effective and safe means of collaboration, as appropriate, during investigations and criminal proceedings,

*Concerned* about the negative impact that corruption can have on the effectiveness of the measures to prevent and combat transnational crime, including in relation to trafficking in persons,

*Bearing in mind* that some of the *modi operandi* employed by organized criminal groups engaged in trafficking in persons may also be employed for the commission of other serious crimes,

*Concerned* about the misuse and abuse of information and communications technologies by traffickers in persons, operating simultaneously and anonymously in different locations, to recruit, control and exploit victims, in particular women and children, and to transfer funds associated with the crime,

*Recognizing* the potential of the Internet and other information and communications technologies to prevent and combat trafficking in persons and to assist victims, stressing the need for increased law enforcement cooperation in this regard to address the new challenges generated by constantly evolving information and communications technologies, and expressing concern that perpetrators of trafficking in persons have misused the Internet and other information and communications technologies to facilitate trafficking in persons, including in the context of the COVID-19 pandemic, for the purposes of recruitment and exploitation, especially of women and children, and controlling victims,

*Acknowledging* the need to prevent trafficking in persons by pursuing a comprehensive and systematic approach through social, economic, health, education, justice and human rights policies in order to mitigate factors such as poverty, underdevelopment and a lack of equitable opportunities, which may make people more vulnerable to trafficking,

1. *Urges* Member States that have not yet done so to, as a matter of priority, consider acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

2. *Welcomes* the holding of the meetings of the Working Group on Trafficking in Persons in Vienna on 12 and 13 October 2021 and 29 and 30 June 2022, and the recommendations adopted at those meetings, and encourages States to make the best possible use of those recommendations;

3. *Calls upon* States parties to identify and address specific forms of trafficking in persons and implement targeted crime prevention measures, in accordance with their respective international obligations and domestic law, by addressing the social, economic, cultural, political and other factors that make people vulnerable to trafficking in persons, including those in vulnerable situations such as poverty, underdevelopment, irregular migration, statelessness, unemployment, inequality, gender inequality, sexual exploitation and gender-based violence, discrimination, including gender and racial discrimination, disability, social and financial exclusion, marginalization, corruption and persecution, as well as humanitarian emergencies, armed conflicts and natural disasters;

4. *Also calls upon* States parties, as appropriate, and in accordance with their respective international obligations and domestic law, and taking into account best

practices or other successful measures for responding to emerging trends in trafficking in persons, to:

(a) Implement an analytical process to assess the root causes of trafficking in persons, utilizing a gender-sensitive, victim-centred and human rights-based approach, that helps to evaluate the influence of all factors, including socioeconomic inequalities, and the effectiveness and impact of policies, programmes and other initiatives aimed at preventing and combating organized crime, in order to subsequently adopt national policies and measures that can address those causes and respond more effectively in combating trafficking in persons;

(b) Assess the gender-related risks of trafficking in persons and integrate them into prevention and response measures, noting that such risks may also be compounded by other factors, such as discrimination on the basis of gender, age, race, ethnicity, migration status, disability or social and economic inequalities;

(c) Enhance their cooperation with civil society, non-governmental organizations, the private sector, academia, victims of trafficking in persons and other relevant organizations in order to encourage inclusive and participatory contributions to anti-trafficking programmes and policies at all stages;

(d) Enhance cooperation with local communities, victims and civil society organizations to help actively identify and report trafficking in persons, as well as to build trust between authorities and communities;

(e) Incorporate, where possible, rigorously and scientifically collected baseline and end-line data, which may include measurements of the prevalence of trafficking to determine whether anti-trafficking programmes are having the intended effects, and renew the invitation made to the United Nations Office on Drugs and Crime to support States parties in developing such measurements, as required and upon request;

5. *Encourages* States parties to create or strengthen preventive initiatives, as well as victim-centred support using a trauma-informed approach and protection, engagement and empowerment activities, with a view to contributing to the long-term social inclusion of victims in order to, inter alia, prevent them from being recruited again;

6. *Calls upon* States parties to the Protocol, pursuant to article 9 thereof, to adopt or strengthen legislative or other measures, such as educational, social or cultural measures, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and that leads to trafficking;

7. *Urges* States parties to discourage, in line with their domestic law, the demand that fosters trafficking in persons in global supply chains, the private sector procurement and government procurement and to address the risk of recruitment-related abuse and exploitation by, inter alia, developing and evaluating focused strategies, including consumer-based campaigns, working with the private sector, and, as appropriate, strengthening domestic laws and enhancing bilateral, regional and multilateral cooperation;

8. *Calls upon* States parties to conduct effective criminal investigations of corruption related to trafficking in persons and, where appropriate, refer such cases for prosecution, bearing in mind the obligations of States parties set forth in article 8 of the Convention;

9. *Recognizes* the need to effectively address the challenges presented by the misuse and abuse of information and communications technologies by human traffickers, and urges States to provide technical assistance to developing countries, including financial and material assistance to support efforts to fight trafficking in persons, based on their needs and upon request, to accomplish the following actions below, and requests the United Nations Office on Drugs and Crime, and invites other



relevant agencies of the United Nations system, also to assist requesting States in accomplishing the following actions below:

(a) Improve the capacity of national authorities to collect, disaggregate and analyse data and conduct in-depth analyses of emerging trends;

(b) Strengthen the technological capacities of law enforcement and relevant national authorities to conduct, as necessary and in a proportionate, lawful and accountable manner, investigations in cyberspace, including on the dark web, and to seize related electronic evidence;

(c) Train and exchange experience in the use of international cooperation for mutual legal assistance, extradition and the confiscation, seizure and return of assets and proceeds of crime, including for the compensation of victims, and in conducting joint and parallel investigations and obtaining digital evidence and witness statements, bearing in mind article 6, paragraph 1, of the Protocol on the protection of the privacy and identity of victims of trafficking in persons;

(d) Increase cooperation to identify and share information on the misuse of the Internet and information and communications technologies to facilitate trafficking in persons and the recruitment, control and exploitation of victims, especially women and children, and to transfer funds associated with this crime;

10. *Calls upon* States to intensify international cooperation, including for capacity-building, exchange of best practices and know-how and technical assistance, especially for developing countries, aimed at strengthening their ability to prevent and combat all forms of trafficking in persons and address the special needs of victims, including supporting their development programmes and strengthening their criminal justice systems;

11. *Also calls upon* States to enhance international cooperation and build bilateral, subregional, regional and international cooperation mechanisms and initiatives, in particular in the areas of capacity-building, the exchange of best practices and expertise, and technical assistance, to prevent all forms of trafficking and address the needs of victims, including by supporting development programmes and strengthening criminal justice systems;

12. *Invites* States to strengthen multidisciplinary cooperation and coordination among competent authorities at the national, regional and international levels in preventing and combating trafficking in persons;

13. *Urges* States to strengthen South-South, North-South and triangular cooperation and approaches that address transnational trafficking in persons along its routes to promote coordinated cross-border cooperation and foster international and regional collaboration, using existing, or establishing when required, networks of competent authorities in order to enhance the effectiveness of criminal justice responses to trafficking in persons and improve the exchange of good practices, experiences and challenges;

14. *Invites* States to improve the collection and analysis of data, including gender-disaggregated data, on trafficking in persons, in accordance with national legislation and relevant United Nations international standards, in order to improve evidence-based responses to the gaps and challenges in implementing international obligations and realizing international commitments on trafficking in persons, and invites the United Nations Office on Drugs and Crime and other relevant agencies of the United Nations system to support States in this regard, as needed and upon request;

15. *Urges* States to make full use of the experience and tools of the International Criminal Police Organization (INTERPOL) in combating trafficking in persons;

16. *Requests* the United Nations Office on Drugs and Crime, in consultation with States and subject to the availability of extrabudgetary resources, to conduct a

study on the effects of prevention and awareness-raising campaigns to address trafficking in persons, which would also identify best practices, lessons learned, promising prevention measures and successful awareness-raising campaigns in this regard and benefit from data voluntarily provided by States;

17. *Also requests* the United Nations Office on Drugs and Crime, in consultation with States and subject to the availability of extrabudgetary resources, to conduct a study and analysis of the *modi operandi* employed by organized criminal groups in trafficking in persons in order to provide guidance to States parties, in particular with regard to the identification of better prevention practices, noting that those *modi operandi* can potentially be employed for the commission of transnational organized crime and other relevant serious crimes;

18. *Reiterates* its invitation to the United Nations Office on Drugs and Crime and other relevant agencies of the United Nations system to continue to strengthen their activities related to the implementation of the relevant international instruments and the United Nations Global Plan of Action to Combat Trafficking in Persons with a view to promoting further progress in the elimination of trafficking in persons, and invites States parties and other international and bilateral donors to make voluntary contributions to the Office to that end, in accordance with the policies, rules and procedures of the United Nations;

19. *Calls upon* the United Nations Office on Drugs and Crime to continue to fulfil its mandate to support all States parties in the implementation of the Trafficking in Persons Protocol, including through the provision of tailored, accessible and effective technical assistance, upon request;

20. *Requests* the United Nations Office on Drugs and Crime, as manager of the United Nations voluntary trust fund for victims of trafficking in persons, especially women and children, to continue to encourage States and other relevant actors to contribute to the trust fund;

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

## **Resolution 11/6**

### **Strengthening international cooperation to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition**

*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,<sup>24</sup> and reaffirming its resolution 7/1 of 10 October 2014 and its decision 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”, 6/2 of 19 October 2012, entitled “Promoting accession to and 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”, 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”, 8/3 of 21 October 2016, entitled “Strengthening the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts

<sup>24</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime”, 9/2 of 19 October 2018, entitled “Enhancing and ensuring 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”, and 10/2 of 16 October 2020, entitled “Strengthening international cooperation against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition”,

*Recalling* Commission on Narcotic Drugs resolution 65/2 of 18 March 2022, entitled “Strengthening international cooperation to address the links between illicit drug trafficking and illicit firearms trafficking”,

*Taking note* of the report of the Eighth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held from 27 June to 1 July 2022,

*Inviting* States parties to further advance their efforts to achieve the 2030 Agenda for Sustainable Development<sup>25</sup> and its target 16.4, which includes significantly reducing illicit arms flows, in order to promote peaceful and inclusive societies for sustainable development and provide access to justice for all,

*Remaining deeply concerned* about the increasing harm caused by illicitly manufactured and trafficked firearms, their parts and components and ammunition and their negative impact on the levels of crime and violence as well as their consequences for development, wherever it occurs, and the access to such firearms by criminal organizations and, in some cases, by terrorists,

*Recognizing* the need to better address the human dimension of this challenge and the importance of considering the needs of the victims of crimes related to 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 power of transnational organized criminal groups and the violence that accompanies their activities,

*Reiterating* the urgent need for States parties to adopt and further implement 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 that have an impact on firearms-related crime, as well as cross-border criminality and trafficking flows, in particular as related to firearms, and recognizing the urgent need for States parties to consider the gender and age dimensions of such crime,

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

*Taking into consideration* the challenges that may have been exacerbated by the coronavirus disease (COVID-19) pandemic, including the increasing criminal exploitation of international commerce such as online trade in firearms, their parts and components and ammunition and the fact that COVID-19 may pose a risk of, among other things, an increase in domestic violence and that illicitly manufactured or trafficked firearms could be used to commit such violence,

*Noting with appreciation* the continuous efforts undertaken at the multilateral, regional and subregional levels to strengthen the prevention of and combat the illicit

<sup>25</sup> General Assembly resolution [70/1](#).

manufacturing of and trafficking in firearms, their parts and components and ammunition, while highlighting that the Organized Crime 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,<sup>26</sup> 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, which support their States parties in regulating the international trade in conventional arms, 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 Aspects<sup>27</sup> and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,<sup>28</sup> which are aimed at preventing and combating the illicit manufacturing of and trafficking in firearms and reducing the risk of their theft and diversion,

*Underscoring* the importance of the Working Group on Firearms, since its establishment as a permanent element of the Conference of the Parties, as a substantive and useful network of experts and competent authorities, consistent with its resolution 5/4 of 22 October 2010, to identify, address and propose responses to new challenges and trends, improve international cooperation and exchange information and best practices related to preventing and combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and taking note with appreciation of its work and of the recommendations resulting therefrom,

*Noting* General Assembly resolution 76/233 of 24 December 2021, in which the Assembly decided to establish an open-ended working group to elaborate a set of political commitments as a new global framework that will address existing gaps in through-life ammunition management, including international cooperation and assistance, without prejudice to national legal systems addressing national ammunition ownership, possession and use, and will be part of a comprehensive framework to support safe, secure and sustainable through-life ammunition management at the national, subregional, regional and global levels, building upon and complementing existing frameworks, whereas cooperation at the regional and subregional levels should be considered on a voluntary basis,

*Welcoming* the formation of the Firearms Trafficking Section within the Organized Crime and Illicit Trafficking Branch of the United Nations Office on Drugs and Crime to support the ratification and implementation of the Firearms Protocol, and expressing appreciation for the continuous assistance provided to Member States, upon request, by the United Nations Office on Drugs and Crime, including through the Firearms Trafficking Section,

*Recalling* that States bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects, in accordance with the sovereignty of States and their relevant international obligations,

*Emphasizing* the need to enhance cooperation and coordination among the relevant United Nations bodies to assist States in preventing and combating the engagement of organized criminal groups in supplying firearms, their parts and components and ammunition to terrorists and foreign terrorist fighters,

*Acknowledging* the valuable contributions, where appropriate and useful, of academia, the private sector and civil society in addressing some of the challenges

<sup>26</sup> United Nations, *Treaty Series*, vol. 2326, No. 39574.

<sup>27</sup> *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.

<sup>28</sup> See General Assembly decision 60/519 and A/60/88 and A/60/88/Corr.2, annex.

posed by and the impact of the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, by raising awareness, analysing trends and exchanging best practices regarding international cooperation in preventing and combating these crimes and identifying technical assistance needs and providing such assistance,

1. *Welcomes* the eighth meeting of the Working Group on Firearms, held in Vienna from 10 to 12 May 2021, and its ninth meeting, held in Vienna on 4 and 5 May 2022, and invites States parties to consider, as appropriate, applying the relevant and applicable recommendations and discussion points resulting from the Working Group meetings, in order to contribute to the strengthening of international cooperation against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

2. *Encourages* 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, and to fully implement its provisions;

3. *Urges* States parties to the Firearms Protocol to enhance their efforts to implement the Protocol;

4. *Requests* the United Nations Office on Drugs and Crime, through its Firearms Trafficking Section, 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 better implement its mandate in this regard;

5. *Calls upon* States parties to fully engage with the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>29</sup> in particular for the Firearms Protocol, where applicable, and to continue advancing the review process, and invites them, in accordance with domestic law, to share best practices on their constructive engagement with relevant stakeholders, in the context of the Mechanism and in accordance with its procedures and rules;

6. *Urges* States parties to the Firearms Protocol to harmonize their legislation with the Protocol, to develop action plans, programmes or strategies to contribute to the full implementation of the Convention and the Protocol, to address any existing gaps in their legislative frameworks on points such as import and export licensing, marking, tracing and record-keeping, and to consider further measures, as appropriate, to prevent and counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and their diversion, including through online trade and illicit reactivation, which may include measures that allow for their tracing;

7. *Acknowledges* that the full and effective use of the Organized Crime Convention and its supplementary Firearms Protocol provides a meaningful basis to put in place national regulatory regimes that help States to detect, prevent and eliminate the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, firearms, their parts and components and ammunition;

8. *Calls upon* States to develop or strengthen their national capacity for the collection and analysis of, where possible and consistent with domestic law, disaggregated data on illicit trafficking in firearms and its criminal context, with a view to identifying trends and patterns, fostering the exchange of information and enabling the global monitoring of progress on indicator 16.4.2 of the Sustainable Development Goals, and requests the United Nations Office on Drugs and Crime to develop a new study on firearms trafficking, as well as regional studies and analyses,

<sup>29</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

based on data collected from or in consultation with States, subject to the availability of extrabudgetary resources;

9. *Encourages* the continued analysis and dissemination of credible information on the impacts of firearms trafficking as an illicit market and its relation to violence and crime, in order to facilitate, where appropriate, the production of standardized and comparable data and to address armed violence against women, girls and boys and hate crimes related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as to continue analysing the dynamics that may have originated with the trends posed by the coronavirus disease (COVID-19) pandemic;

10. *Calls upon* States parties to the Firearms Protocol, and encourages all other States, to strengthen their domestic marking and record-keeping regimes for identifying and tracing firearms and, where appropriate and feasible, their parts and components and ammunition, and, consistent with domestic law, 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;

11. *Calls upon* States parties to the Firearms Protocol that import and export firearms, their parts and components and ammunition to reinforce their control measures in accordance with the Protocol, and encourages them to implement other relevant international legal instruments to which they are a party, with a view to preventing and reducing the risks of their diversion, illicit manufacturing and trafficking;

12. *Encourages* States parties to provide one another with the broadest possible cooperation, within their domestic legal systems, in tracing firearms, their parts and components and ammunition, and in investigating and prosecuting their illicit manufacturing, trafficking and diversion, including, where appropriate, when related to terrorism and other crimes, such as urban crime committed by gangs and other criminal groups by responding in a timely and effective manner to international cooperation requests relating to tracing and criminal investigations and, in this regard, to consider strengthening cooperation, sharing information and making use of record keeping and tracing systems or facilitation mechanisms, as appropriate and in accordance with domestic law, such as the International Criminal Police Organization (INTERPOL) Illicit Arms Records and Tracing Management System, among others, and 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;

13. *Invites* States parties to adopt a multidimensional approach, with the support of the United Nations Office on Drugs and Crime, as appropriate, in formulating their responses to threats related to technological developments and changing *modi operandi* for the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including with the use of modern technology;

14. *Reiterates* its invitation for States parties to provide and/or request specialized training for national law enforcement and regulatory officials on marking, tracing and record-keeping and training on new technologies, the identification of firearms and the recording and reporting of firearms seizures;

15. *Encourages* States parties to include in their legal and regulatory regimes record-keeping systems that address the entire life cycle of firearms and, where appropriate and feasible, their parts and components and ammunition, including those aspects that are in the licit realm, such as the manufacturing industry, as well as export, import and transfer information, the issuance of licenses for firearms possession and end-user verifications, consistent with their domestic law, and consider extending the retention period for such records, and takes note of the

development by the United Nations Office on Drugs and Crime, to that end, of the “goIFAR” integrated record-keeping software, for States that request assistance;

16. *Urges* States parties, consistent with their international obligations, to strengthen their mechanisms and strategies for border control in order to prevent and combat the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, firearms, their parts and components and ammunition, including by strengthening early-detection capacities through the use of new technological tools, and by providing specialized training to law enforcement, customs and judicial authorities, as well as to importers and exporters, as appropriate and as applicable, to other relevant private sector actors such as transporters and postal and package delivery services, and requests the Firearms Trafficking Section of the United Nations Office on Drugs and Crime to continue to provide technical assistance and capacity-building in those fields to requesting States;

17. *Invites* States parties to consider providing technical assistance, on a voluntary basis and under mutually agreed terms, to detect, investigate and prosecute illicit trafficking in firearms and related crimes, including through the provision of state-of-the-art equipment required for combating illicit trafficking in firearms, and to consider strengthening international cooperation for investigations and prosecutions and establishing joint investigative bodies, consistent with article 19 of the Organized Crime Convention, and, where applicable, establishing parallel bodies;

18. *Also invites* States parties to integrate into their investigations of firearms-related crimes the analysis of financial intelligence and investigations of illicit assets and money-laundering, in order to recover assets derived from proceeds of crime and dismantle the trafficking networks behind illicit firearms trafficking and gather intelligence on suspicious transactions, for the achievement of target 16.4 of the Sustainable Development Goals;

19. *Encourages* States parties and the United Nations Office on Drugs and Crime to advance the gender and age dimensions of firearms policies and programmes, including in the areas of programme design, planning, implementation, monitoring and evaluation, encourages the sharing of national experiences, lessons learned and best practices, and invites States parties to further collect gender- and age-disaggregated data on illicit trafficking in firearms and enhance their understanding of the gender-specific impacts, in particular for the purpose of improving the corresponding national policies and programmes;

20. *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;

21. *Acknowledges* the occurrence in some regions and countries of an increasing number of cases of illicit trafficking in ammunition, which demonstrates the flow and use of illicitly trafficked firearms, and the challenges of preventing, intercepting and, where possible, tracing the illicit trafficking in and diversion of that ammunition, especially at borders and customs control posts;

22. *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 in their implementation of the Firearms Protocol in order to raise awareness of successful practices, patterns and trends in preventing and combating illicit trafficking in firearms, their parts and components and ammunition;

23. *Encourages* States parties to seek the support and cooperation of manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

24. *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 regimes, in particular in the areas of legislative assistance, the development of technical and operational tools and support for firearms identification, seizure, confiscation and disposal, and technical support for marking, record-keeping and tracing, as well as 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, and efforts by States parties to address the links to other serious crimes;

25. *Also requests* the United Nations Office on Drugs and Crime to continue fostering the collection and sharing of information on trends, effective responses and related experiences among practitioners;

26. *Further requests* the United Nations Office on Drugs and Crime to continue promoting cooperation and coordination among the secretariats and pertinent bodies of related international and regional instruments and mechanisms;

27. *Requests* the secretariat to continue supporting the Working Group on Firearms in the performance of its functions and to submit to the Conference at its twelfth session a report on the meetings of the Working Group held prior to that session, in accordance with its resolution 5/4 of 22 October 2010;

28. *Calls upon* States parties, pursuant to article 32 of the Convention, among other applicable provisions, and in furtherance of resolution 5/4, to facilitate the exchange of information and cooperation with relevant international and regional organizations, civil society, the private sector and academic institutions in order to better address the new challenges, trends and patterns related to the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition;

29. *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.

## **B. Decisions**

2. At its eleventh session, held in Vienna from 17 to 21 October 2022, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted the following decisions:

### **Decision 11/1**

#### **Provisional agenda for the twelfth 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 approved the provisional agenda for the twelfth session of the Conference set out below.

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

1. Organizational matters:
  - (a) Opening of the twelfth 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 thirteenth session of the Conference.
  8. Other matters.
  9. Adoption of the report of the Conference on its twelfth session.

## **Decision 11/2**

### **Organization of the work of the twelfth 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) Decided that the twelfth session of the Conference should take place over five working days, that the number of meetings should be 10, with interpretation into the six official languages of the United Nations, and that a decision should be taken at the end of the twelfth session on the duration of the thirteenth session;
- (b) Requested that the resources allocated to the Conference and its subsidiary bodies should be maintained at the same level as for previous sessions and should be made available for, inter alia, any working groups and the committee of the whole established by the Conference and distributed so that they can function adequately in accordance with the rules of procedure of the Conference;
- (c) Requested the secretariat to report on this matter to the Conference at its twelfth session.

## 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 eleventh session in Vienna from 17 to 21 October 2022. During the session, 11 meetings were held, including 4 meetings of the Committee of the Whole. One of the meetings of the Committee of the Whole was held on Thursday morning in parallel with the plenary meeting and was made available on an exceptional basis by the Conference Management Service in response to requests by Member States.

4. In response to the impact of the coronavirus disease (COVID-19) pandemic, the extended Bureau of the Conference of the Parties agreed by means of a silence procedure on 22 July 2022 that the session would be held in a hybrid format, whereby delegates could be physically present in the meeting room or join online through a remote interpretation platform.

5. At the 1st meeting of the session, on 17 October 2022, opening statements were made by the presidents of the Conference at its tenth and eleventh sessions. Opening statements were also made by the Executive Director of the United Nations Office on Drugs and Crime (UNODC), President Taneti Maamau of Kiribati, and the representatives of Morocco (on behalf of the Group of 77 and China), Ghana (on behalf of the Group of African States), India (on behalf of the Group of Asia-Pacific States), Guatemala (on behalf of the Group of Latin American and Caribbean States) and the European Union (online) (on behalf of the European Union and its member States; Albania, Bosnia and Herzegovina, Iceland, Liechtenstein, Montenegro, North Macedonia, Norway, the Republic of Moldova, Serbia and Ukraine aligned themselves with the statement).

### B. Election of officers

6. 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 Asia-Pacific States, while the Rapporteur was nominated by the African States.

7. At its 1st meeting, on 17 October 2022, in accordance with rule 22 of the rules of procedure of the Conference, the Conference elected the following officers by acclamation:

*President:* Baker Fattah Hussien (Iraq)

*Vice-Presidents:* Magdi Mofadal Elnour (Sudan)  
Arun Kanth Manhoran (India)  
Jiri Blazek (Czechia)  
Alina-Camelia Stoicescu (Romania)  
Germán Andrés Calderón Velasquez (Colombia)  
Carlos Alberto García Reyes (Guatemala)  
Esther Monterrubio Villar (Spain)  
Caroline Vermeulen (Belgium)

*Rapporteur:* Kamel Mohamed Elabaseery (Egypt)

### C. Adoption of the agenda and organization of work

8. At its 1st meeting, on 17 October 2022, the Conference adopted the provisional agenda contained in document [CTOC/COP/2022/1](#).

9. In its decision 5/2, the Conference had 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.
10. On 22 July 2022, the extended Bureau approved the organization of work of the eleventh session by means of a 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. In addition, the extended Bureau approved by means of a silence procedure with a deadline of 13 October 2022 the specific organization of work in relation to quorums and voting.

## **D. Participation**

11. The eleventh session of the Conference was attended by representatives of 121 States parties to the Convention and a regional economic integration organization party to the Convention. Also attending the session was the observer for one State signatory to the Convention, 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.
12. The list of participants is contained in document [CTOC/COP/2022/INF/2/Rev.2](#).
13. 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.
14. At the 1st and 2nd meetings, on 17 October 2022, the Conference discussed the participation of non-governmental organizations as observers in the eleventh session of the Conference in view of objections, made by two States parties, to the according of observer status to three non-governmental organizations. The representatives of two States parties asked for a vote on the matter in line with rule 57 of the rules of procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. Subsequently, the representative of one State party stated that a decision on the participation of non-governmental organizations was a matter of substance, while another said that it was a matter of procedure.

### **Action taken by the Conference**

15. The President referred to the rules governing the voting process, in particular rules 57, 61, 63, 64 and 65 of the rules of procedure. At its 2nd meeting, the Conference first voted, according to rule 61 of the rules of procedure, on the question of whether the according of observer status was a matter of substance or of procedure. On the question of whether the matter could be considered a matter of procedure, 63 States parties voted in favour, 15 voted against, and 25 abstained. Of the 78 States parties therefore present and voting, in accordance with rule 63 of the rules of procedure, the two-thirds majority of 53 was exceeded, and it was therefore decided that the matter was one of procedure.
16. The representative of the Russian Federation made a statement on the vote. The representative of the European Union also made a statement on the vote.
17. The Conference thereafter voted on whether the decision of according observer status to the three non-governmental organizations should be taken for all three organizations jointly or for each organization individually. On the question of whether

the decision should be taken jointly for all three organizations, 59 States parties voted in favour, 12 voted against, and 30 abstained. Of the 71 States parties therefore present and voting, in accordance with rule 63 of the rules of procedure, the simple majority of 36 was exceeded, and it was decided to conduct one voting process for all three organizations jointly.

18. The representatives of China, the European Union, the United States of America, the Russian Federation and Cuba made statements on the vote.

19. Lastly, the Conference decided on the according of observer status to the three non-governmental organizations. Fifty-eight States parties voted in favour, 7 voted against, and 34 abstained. Of the 65 States parties therefore present and voting, the simple majority of 33 was exceeded, and all three organizations were accorded observer status.

20. The representatives of Azerbaijan, Armenia, the European Union, the Syrian Arab Republic and the Russian Federation made statements on the vote.

21. Some delegations expressed regret that the Vienna spirit of consensus had been broken through a vote on the participation of observers and that it should not set a precedent for the future. Other delegations expressed the view that a vote was necessary because others had broken the spirit of Vienna by their objections.

## **E. Adoption of the report of the Bureau on credentials**

22. Under rule 18 of the rules of procedure, as amended by the Conference in its decision 4/7, the 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.

23. Under rule 19 of the rules of procedure, the Bureau is to examine the credentials of the 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. Any representative of a State party to whose admission another State party has made objection is to be seated provisionally with the same rights as other representatives of States parties until the Bureau has reported and the Conference has given its decision.

24. The Bureau of the Conference considered the issue of credentials at its 1st, 2nd, 3rd, 4th and 5th meetings, on 17, 18, 19, 20 and 21 October 2022. At the time of the adoption of the report, the President, on behalf of the Bureau, informed the Conference that, of the 133 parties represented at the eleventh session, 122 parties had complied with the credentials requirements and 11 parties had not. Therefore, in accordance with the decision of the extended Bureau of the Conference at its eighth session, the participation of the States parties that had not complied with the credentials requirements would not be reflected in the report of the eleventh session of the Conference.

25. The Conference adopted the report of the Bureau on credentials at its 11th meeting, on 21 October 2022.

26. The President informed the Conference that, at its 1st meeting, on 17 October 2022, the Bureau had discussed the two communications concerning the representation of Myanmar. He recalled General Assembly resolution [76/15](#), in which the Assembly

had approved the report of the Credentials Committee (A/76/550) submitted to the General Assembly at its seventy-sixth session. In its report, the Credentials Committee had deferred taking a decision on the credentials pertaining to the representatives of Myanmar as the two communications received concerning the representation of Myanmar indicated different individuals as representatives to the seventy-sixth session of the General Assembly. In view of that situation, the Bureau decided not to accredit any delegate from Myanmar, pending the decision to be taken by the Credentials Committee of the General Assembly at its seventy-seventh session.

27. As regards Afghanistan, as only one set of credentials had been received, the Bureau decided to accredit the delegation from Afghanistan, pending the decision of the Credentials Committee.

28. The Conference approved the report of the Bureau on credentials.

### III. General discussion

29. At its 1st, 2nd, 3rd and 4th meetings, on 17 and 18 October 2022, the Conference considered agenda item 1 (f), entitled “General discussion”.

30. The Conference heard statements by the representatives of Lithuania, South Africa, Peru, Thailand, Namibia, Qatar, Belarus, Colombia, Haiti, the Russian Federation, Malta, Albania, the Bolivarian Republic of Venezuela, Iraq, Angola, Kazakhstan, Kuwait, Lebanon (on behalf of the League of Arab States), Kyrgyzstan, Guatemala, Italy, Ecuador, Paraguay, the Netherlands, New Zealand, China, Poland, the United States, Australia, Czechia, Switzerland, Indonesia, France, Burkina Faso, Egypt, Pakistan, Türkiye, Azerbaijan, Mexico, the United Arab Emirates, Morocco, Malaysia, Cuba, the Syrian Arab Republic, Honduras, the United Kingdom of Great Britain and Northern Ireland, Bulgaria, Japan, India, Ghana, El Salvador, Canada, the State of Palestine, Turkmenistan, Afghanistan, Norway, Brazil, Belgium, Côte d’Ivoire, Chile, the Philippines, Portugal, Austria, Kenya, Costa Rica, Algeria, Nigeria, Bangladesh, the Republic of Korea, Armenia, Nepal, the Sudan, Argentina, Uruguay, Panama, Viet Nam, Jamaica and Tunisia.

31. A statement was made by the observer for the Islamic Republic of Iran, a signatory State.

32. In accordance with rule 46 of the rules of procedure for the Conference of the Parties, the Vice-President of the Conference, presiding over the plenary meeting, accorded the right to reply to the representatives of Slovakia and the Russian Federation.

33. The Conference heard statements by observers for the following intergovernmental organizations: the International Criminal Police Organization (INTERPOL), the European Public Law Organization, the International Anti-Corruption Academy, the Secretariat of the World Health Organization Framework Convention on Tobacco Control and the Parliamentary Assembly of the Mediterranean. The Conference also heard statements by observers for the following non-governmental organizations: the Alliance of NGOs on Crime Prevention and Criminal Justice, the Global Initiative against Transnational Organized Crime and the Born Free Foundation.

### Deliberations

34. Many speakers highlighted the essential role of the Organized Crime Convention in preventing and combating transnational organized crime, in particular in the light of the upcoming twentieth anniversary of its entry into force in 2023, noting that the fight against transnational organized crime remained a common and shared responsibility of Member States. Highlighting the importance of robust legislative and strategic frameworks for the effective implementation of the

Organized Crime Convention and the Protocols thereto, many speakers reported on legislative and administrative measures undertaken in their countries to implement those instruments. Many speakers underlined the importance of capacity-building, in particular in developing countries, and in that regard praised the technical and normative assistance provided by UNODC to build and strengthen national capacities to address the challenges posed by organized crime. A number of speakers urged States to provide further support to UNODC to fulfil its role in the field of technical assistance, particularly in the challenging times following the COVID-19 pandemic. Many speakers expressed concern at the negative impact on sustainable development posed by crimes that affect the environment. In that regard, speakers called upon States to develop more effective normative and operational frameworks to combat those crimes and intensify international cooperation.

35. Most speakers underscored the importance of strengthening mechanisms and capacities for the effective investigation and prosecution of various forms of organized crime, including human trafficking, the smuggling of migrants, trafficking in firearms, corruption, obstruction of justice and money-laundering. Speakers also reported on national measures and policies developed to address cybercrime, crimes that affect the environment, trafficking in cultural property and drug trafficking.

36. Many speakers commended the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and referred to the paramount role it played in ensuring the effective implementation of those instruments and called upon States to continue their engagement with the Mechanism, including with a view to addressing delays encountered in the country reviews. In that regard, some speakers referred to domestic efforts to facilitate the review process, including the creation of national committees to coordinate the inputs to the reviews and coordination with civil society organizations.

37. The significance of international cooperation in criminal matters in the fight against transnational organized crime was underscored by many speakers, who also referred to extradition and mutual legal assistance as indispensable mechanisms of such cooperation. Many speakers stressed the importance of the Convention as a tool and legal basis to promote international cooperation to counter transnational organized crime. Other speakers referred to the importance of networking for the promotion of international cooperation and asset recovery.

38. Many speakers noted that an additional impact of the COVID-19 pandemic was that organized criminal groups were increasingly taking advantage of digital technologies, with cybercrime posing threats to economies and institutions worldwide. In that regard, several speakers stressed the importance of the ongoing work carried out by the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes.

39. Some speakers noted the linkages between organized crime and terrorism, including the financing of terrorism, which undermined the social and economic stability of their countries and regions.

40. Many speakers underscored the importance of multistakeholder approaches to addressing organized crime and the essential role of civil society, the private sector and academia in that regard. A number of speakers referred to mainstreaming gender and human rights dimensions as an important factor for the implementation of the Convention and its Protocols.

41. At its 3rd meeting, the President, mindful of the principle of multilingualism, introduced a proposal to convene some meetings of the Committee of the Whole in English only, in parallel with the plenary meetings, owing to insufficient meeting entitlements. The proposal was based on a suggestion made by some members of the Bureau and had been agreed upon by the extended Bureau at its second meeting, on 18 October 2022. Several speakers expressed their concern and discontent with such

a proposal due to the importance of the principle of multilingualism. The proposal was therefore not accepted.

42. Several speakers referred to the importance of seeking the views of Member States on possible responses to illicit trafficking in wildlife, including the possibility of an additional protocol to the Organized Crime Convention.

## **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**

43. At its 4th and 5th meetings, on 18 and 19 October 2022, 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) Conference room paper on the status of adherence to the United Nations Convention against Transnational Organized Crime and the Protocols thereto as at 3 October 2022 (CTOC/COP/2022/CRP.1);

(b) Conference room paper on the status of the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2022/CRP.2).

44. The Conference heard statements by the representatives of the Republic of Korea, the European Union (also on behalf of its member States; Albania, Andorra, Bosnia and Herzegovina, Iceland, Liechtenstein, Montenegro, North Macedonia, Norway, the Republic of Moldova, San Marino, Serbia and Ukraine aligned themselves with the statement), Saudi Arabia, Kuwait, China, the United States, Mexico, South Africa, Romania, Angola, Thailand, Indonesia, Pakistan, Armenia, Paraguay, Algeria, the Russian Federation, Ecuador, the Syrian Arab Republic, Chile and Burundi.

45. The Conference also heard statements by the observers for the Centre for Governance Research Pakistan, Democracy Today, the Campaigners for Change International and the Global Initiative against Transnational Organized Crime.

### **Deliberations**

46. Many speakers highlighted the continued relevance of the Convention in addressing transnational organized crime, including in its emerging forms, as well as crimes that affect the environment, cybercrime, money-laundering and the financing of terrorism. Several speakers noted that the Review Mechanism was a process that reinforced responses to those crimes. Many speakers conveyed their commitment to further engaging in the Review Mechanism, stressing the need to nominate focal points and governmental experts in a timely fashion in order to be able to respect the agreed timelines.

47. Several speakers welcomed the efforts of the secretariat to support the Mechanism, including the provision of capacity-building and the development of dedicated tools. Some speakers called for enhanced efforts in the provision of technical assistance, especially for developing countries. Several speakers called for sustainable funding to support the Review Mechanism, in part to ensure that it continued to function in an impartial way.

48. Several speakers reiterated the importance of the substantive involvement of civil society in the Mechanism, including through its constructive dialogues, and one

speaker referred to civil society's involvement in those dialogues as a successful endeavour with strong potential to be built upon in the future. One speaker made reference to a pilot initiative supported by UNODC to strengthen the inclusion of civil society in the country review. Several speakers reiterated the importance of setting up clear and transparent procedures for the participation of civil society organizations in the intergovernmental processes related to the Convention, including its Review Mechanism. One speaker called for a decision to be made in that regard by the Conference at the start of the intersessional period, while another speaker opposed the introduction of changes to the procedures and rules for the functioning of the Review Mechanism.

49. One speaker emphasized the importance of collecting and sharing data with the Conference of the Parties on the use of the Convention to facilitate international cooperation, such as for mutual legal assistance and extradition. Several speakers noted that the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal was a valuable tool for exchanging good practices, resources and knowledge to further international cooperation in countering organized crime. Many speakers referred to national efforts to reform legislation in order to implement the Convention more effectively.

50. At the 11th meeting of the Conference, on 21 October 2022, the sponsors of a revised draft decision on the participation of relevant stakeholders including non-governmental organizations, representatives of the private sector and academia in the constructive dialogues (CTOC/COP/2022/L.9/Rev.1) decided to postpone the consideration by the Conference of, and taking action on, the revised draft decision.

51. The representative of Chile explained that unfortunately, there was no consensus, which was a pity. He remarked that Chile was fully committed to and would continue its sustained efforts regarding the participation of civil society and observers based on the belief that more must be done to ensure their participation. He noted that the opinions and views of the people and citizens were needed in order to collectively and constructively resolve the crucial matters before the Conference. In particular, he thanked the 42 other co-sponsors, naming each: Australia, Canada, Colombia, Costa Rica, Dominican Republic, Ecuador, European Union (and its member States Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden), Guatemala, Honduras, Japan, Norway, Peru, Switzerland, United Kingdom and the United States. He noted that, with a view to reaching consensus and keeping with the spirit of transparency, which was the hallmark of his delegation and country, Chile had requested the postponement of the discussion at the current regular session of the Conference, noting that the Conference could return to that matter of crucial importance at a time deemed appropriate. He asked that the draft decision as it was presented to the Committee of the Whole be reflected word for word in the report of the Conference.

52. The representative of Pakistan stated that Pakistan attached great importance to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. His country recognized and reaffirmed that non-governmental organizations, civil society and relevant stakeholders in general had an important role to play in facilitating the effective implementation of the Organized Crime Convention and their participation in accordance with the rules. He remarked that the procedures and rules for the functioning of the Mechanism, which were agreed by consensus after years of work, provided the framework governing the participation of non-governmental organizations and other stakeholders. He noted that, if there were any gaps and ambiguities in those procedures and rules, they should be addressed through a consensus-based approach to safeguard the credibility of the Review Mechanism and its ownership by all States parties. Pakistan therefore welcomed the decision of the sponsors of the revised draft decision to suspend the process in order to allow for more thorough deliberations that might help everyone to forge a consensus. He



appreciated and commended the spirit of transparency mentioned by the Ambassador of Chile.

53. The representative of the United States thanked the President for his leadership throughout the session of the Conference and confirmed his country's commitment to the consensus-based process which had guided the Conference's work for almost two decades. He stated that non-governmental organizations and the other relevant stakeholders provided a diversity of views and expertise, which would strengthen the ability of States to implement international obligations, including those under the United Nations Convention against Transnational Organized Crime. He remarked that the efforts of a few States parties to block, without evidence, the participation of non-governmental organizations at that session of the Conference, in its subsidiary bodies and in other Vienna-based treaty bodies was a worrying precedent which sadly broke with the spirit of Vienna. It was a challenge that the Conference had known about and had been well aware of for many years. The Bureau of the present session of the Conference had formally requested that at this, the eleventh session, the Conference should address the question at hand, namely the blocking of non-governmental organizations from participation in the constructive dialogues. He added that, unfortunately, the same small number of States parties that were wrongly blocking non-governmental organizations from participation were also blocking the ability to reach consensus in that room. He said that the United States stood in absolute solidarity with the Ambassador of Chile and pledged support to bringing that critical issue to the twelfth session of the Conference of the Parties. He stated that he would look forward to working with the States parties in the room throughout the intersessional period to find a solution to address that critical issue and repeated the call on the Secretariat to annex the revised draft decision to the final report so that it could be taken up at the twelfth session of the Conference.

54. The representative of the European Union thanked the main sponsors of the revised draft decision, in particular Chile, for their dedication, efforts and stamina during the week of the Conference's session, as it was not an easy process. He commended his colleague from Chile for the way in which she went through the process and held the informal consultations. He reiterated that the revised draft decision had, at that stage already, a record number of co-sponsors, more, he believed, than any draft resolution before in the history of the Conference. First, that showed that very few States had blocked the draft decision and that the great majority of States were in agreement. Secondly, the issue would not go away. The draft decision was an attempt to solve the matter and to spare all parties all the time and effort in the future by clarifying the rules. That had not been achieved now. He added that the Conference also had not clarified the matter which had been referred to it by the Bureau, namely, to address those non-governmental organizations that had already been blocked during the past constructive dialogues. That was something that had been explicitly transferred to the Conference by the Bureau and had been left in a state of suspension. He reiterated that there were many things still pending and that States parties would come back to them because those issues would not go away. He concluded that it was therefore regrettable that the Conference could not clarify the matter by means of the short and elegant decision that had been drafted, and he thanked the main sponsors once again for their efforts pledging to continue to work on the matter in the future.

55. The representative of Costa Rica remarked that unfortunately it was clear that it was not possible to reach the minimal common denominator of agreement as represented by the revised draft decision. He therefore expressed support for the suspension of consideration of the revised draft decision and expressed the firm hope that States parties would not lose sight of the matter. He underlined the commitment of Costa Rica to working to achieve the broadest participation of all civil society protagonists in the process and expressed the hope that that political commitment would in the future lead to a consensus on the matter. He underlined that Costa Rica remained confident that the spirit of Vienna would continue to flourish in the debate. He expressed regret that the current situation had arisen during the debate but also expressed his appreciation for the constructive spirit shown by those delegations that

co-sponsored the draft decision and expressed again his confidence that consensus on the matter could be reached soon. He stated that having clear and effective participation of civil society in the work of the Conference was fundamental. He concluded by thanking the delegation of Chile, as the main sponsor, for presenting the draft decision, which, in the light of these discussions, reconfirmed a basic principle regarding the participation of other stakeholders in debates of the Conference and the need to engage in constructive dialogue, which in the near future would allow progress towards ensuring that more space would be made available for diverse actors of civil society.

56. The representative of Singapore thanked the sponsors for deciding to postpone consideration of the revised draft decision. He stated that he understood that the sponsors wanted to have on record that the draft decision had been considered by the Conference at its eleventh session and had no objection to that request. He clarified that Singapore supported and welcomed the active participation of non-governmental organizations in the United Nations. At the same time, and more importantly, Singapore underscored the need to respect the rules and procedures in a multilateral rules-based system. He noted that it was rather unfortunate that references had been made to the numbers of co-sponsors as, at the end of the day, the discussion was about consensus-based decision-making and not about numbers. He also recalled that during the discussions in the Committee of the Whole, a speaker who spoke on behalf of a group, the membership of which actually extended beyond the number of co-sponsors, had expressed concern about the possible consequences of the draft decision, if adopted. He clarified that it was not just a few delegations that had reservations about the draft decision, noting that while it had been reflected in the record that his delegation had taken the floor to express opposition to one of the paragraphs of the draft decision, many other delegations that had not taken the floor also shared those concerns, of which all needed to be mindful. He also recalled that the meeting room had been euphoric on Monday, when it was shown that the system actually worked, as three non-governmental organizations which had met opposition were then considered to be part of this process. Although there might be gaps, as some had suggested, he called for a collective approach. In concluding, he remarked that it had taken States 10 years to adopt the Review Mechanism, questioned why a decision was being pushed for at such a pace, and called for further conversation on this matter, confirming the readiness of his delegation to engage.

57. The representative of the Netherlands highlighted that on the topic of multistakeholder participation, there was much that united delegations. All agreed on the importance of the participation of non-governmental organizations, and all delegates that had spoken had said that. He also noted that delegates agreed that States might make objections to the participation of individual non-governmental organizations and the various other stakeholders and that it was necessary to find the right balance between those two issues, with many delegations having worked very hard to find such a balance until the late hours. He agreed with what had been said by the representative of the European Union and added that the Netherlands saw no reason to allow all non-governmental organizations without exception, even the irrelevant ones, to the debates but noted that delegations might disagree on what was relevant and which non-governmental organizations were relevant and which were not. He expressed his appreciation that on Monday, the first day of the meeting, so many States parties had agreed with his delegation's view on the matter. It was less a question of ideology than one of better fighting the insecurity that was on everyone's streets, including the streets of his country. He also stated that it was an important matter for his delegation and that civil society was needed as members of civil society were the ones out in the streets and who knew what was happening, and therefore delegations should listen to them. Noting that many speakers had made reference to the spirit of Vienna, he remarked that the Netherlands attached great importance to that spirit and, at this time, would like to honour the spirit of Vienna, seeing that there were a small number of objections to the draft decision despite the tremendous efforts of the sponsor. He commended his Chilean colleagues for their excellent work in drafting a text that was acceptable to everyone, which was exactly in that same spirit.

He noted that apparently, more time was needed and that, as had been heard, the Conference would not pursue the discussion on the draft decision at that time, which he thought was the right decision. He reiterated his thanks to the Ambassador of Chile and all the Chilean colleagues and other delegations that had constructively worked on the draft text of the decision. He also supported the proposal to annex the draft decision to the report.

58. The representative of China also thanked the representative of Chile for his hard work in the past in organizing the involvement of States parties in a very important discussion. On the first day of the session, when the Conference was considering the participation of some individual non-governmental organizations, the delegation of China had made a statement in explanation of vote and expressed its position on the participation of non-governmental organizations in the Conference. He emphasized that, with respect to the position represented by the current draft decision, the concerns of China were entirely due to respect for the rules of procedure of the Conference and the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the Convention, in particular because after the discussions over the past days, States parties obviously still had broad differences with respect to the consequences of imposing the adoption of the decision on the Conference. He mentioned that States parties were still concerned about the consequences and that this would not only damage the long tradition of consensus but also create a new confrontation, confusion and division. In that sense, he welcomed the decision made by the delegation of Chile to suspend the pursuance of the adoption of the draft decision. He declared that the delegation of China supported the statement made by the representative of Singapore because he believed that countries that had concerns about the draft decision were not in the minority. In that regard, the delegation of China entirely agreed and supported the statement made by the Group of African States on this subject earlier that afternoon during the meeting of the Committee of the Whole. Finally, he reiterated that everyone should firmly adhere to the principle that the Conference should be governed by States parties and that this included the Review Mechanism. In that regard, he mentioned that he entirely agreed with the participation of non-governmental organizations in meetings in accordance with the relevant rules and procedures, including in the constructive dialogues. In concluding, he reaffirmed that the position of the States parties to the Conference should be maintained rather than constantly be damaged.

59. The observer for the Islamic Republic of Iran, a signatory State, thanked the President for his professionalism and the Chair of the Committee of the Whole for her efforts. He thanked the delegation of Chile for its efforts and hard work during the week of the Conference. He stated that his delegation always welcomed the participation and contribution of non-governmental organizations, civil society and academia in the Conference, working groups and constructive dialogues, in accordance with the rules of procedure. He also stated that he believed that the beauty of taking decisions by consensus was to respect the views, comments and perspectives of all Member States and to consider the consensus. Different views, not of a few but of many countries from different regions, had been expressed. In that regard, he welcomed the exchange of views, expressed strong support for the spirit of Vienna and welcomed the postponement of taking a decision on the draft decision at the present stage. He underlined that doing so would provide enough time for the delegations to deeply engage in discussions in the future. Lastly, he reiterated his thanks to the delegation of Chile for the transparency shown and the efforts made and welcomed any decision on this issue.

60. The representative of Türkiye welcomed the decision of the delegation of Chile to suspend taking up the draft decision. She confirmed that Türkiye was fully committed to implementing the Organized Crime Convention and stated that the country would continue to contribute to the efforts for its effective implementation. She also stated that Türkiye was working in close cooperation with civil society organizations in its fight against transnational organized crime and in helping and protecting the victims of such crime. She stated that Türkiye was of the view that the

participation of relevant stakeholders in the meetings and their contributions were important and that effective cooperation with those organizations should be sustained. In that regard, she referred to the rules and procedures for their participation, which should be maintained. She stated that, in that framework, Türkiye supported and attached importance to multistakeholder participation and would not accept any suggestion on the contrary.

61. The representative of the United Kingdom thanked the President for his leadership throughout the session of the Conference and thanked the Ambassador of Chile for his elegant intervention, as well as all other delegations that had spoken. He stated that it been seen during the Conference that the spirit of Vienna was very much alive. It was alive in the informal discussions held and in how delegates heard the points of views of other Member States. He highlighted that the United Kingdom had been listening very carefully and had tried to demonstrate that spirit. Postponing the draft decision and allowing time for more discussion and more conversation would allow the spirit of Vienna to thrive and continue. In that regard, he commended the co-sponsors of the draft decision for showing their commitment to this concept, which one tended to believe was about consensus but which he believed was more about listening, hearing and bringing the best of everyone's experience in the fight against transnational organized crime together in this forum in order to have a real world impact.

62. The President concluded that the revised draft decision ([CTOC/COP/2022/L.9/Rev.1](#)) would not be considered, no action would be taken and the text of the revised draft decision would be annexed to the report of the eleventh session, which was accepted by the Conference (see annex).

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

63. At its 5th meeting, on 19 October 2022, 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 sub-item, the Conference had before it the following:

(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/2022/2](#));

(b) Note by the Secretariat transmitting the reports on the meetings of the subsidiary bodies of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto and report on the sixty-fifth session of the Commission on Narcotic Drugs ([CTOC/COP/2022/5](#));

(c) Conference room paper on the constructive dialogues on the review process in accordance with paragraph 53 of 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 ([CTOC/COP/2022/CRP.3](#)).

64. An introductory statement was made by a representative of the secretariat. A statement was also made by the Co-Chair of the Working Group on Trafficking in Persons at its twelfth meeting, on behalf of her fellow Co-Chair and the Chair of the Working Group at its eleventh meeting, in which she noted, inter alia, the successful conduct of the first constructive dialogue on trafficking in persons, held on 1 July 2022, and gave ideas for how the conduct of the dialogues could be strengthened in the future. She noted in that regard that the challenges and the recommendations for

future constructive dialogues were being discussed with the secretariat and would be brought to the attention of the President of the Conference at its eleventh session.

65. Statements were made by the representatives of the European Union (also on behalf of its member States; Albania, Andorra, Bosnia and Herzegovina, Iceland, Montenegro, North Macedonia, Norway, the Republic of Moldova, San Marino, Serbia and Ukraine aligned themselves with the statement), Brazil, the United States, the Bolivarian Republic of Venezuela, Kuwait, Azerbaijan, Belarus, Guatemala, Costa Rica, the State of Palestine, Chile, Jamaica, Ecuador, Indonesia, Angola, Malaysia, Algeria, China, Bangladesh, Morocco, Honduras, Burundi, Mexico and Saudi Arabia.

66. Observers for INTERPOL, the Libyan Transparency Association, Awareness against Human Trafficking, Airline Ambassadors International and the Global Initiative against Transnational Organized Crime also made statements.

## **1. Deliberations**

67. Several speakers affirmed the commitment of their countries to the full implementation of the Trafficking in Persons Protocol and shared information on relevant national efforts to counter trafficking in persons, including the introduction, amendment and development of related law, strategies and action plans, and measures for raising awareness and strengthening criminal justice capacity.

68. Several speakers highlighted the importance of domestic, regional and international cooperation and coordination of efforts to dismantle trafficking in persons, including the efficient provision of mutual legal assistance, enhancing intelligence exchange and information-sharing, and improving cooperation with all relevant stakeholders, including civil society and the private sector.

69. Some speakers pointed out that traffickers were increasingly abusing technology to recruit and exploit victims of trafficking and emphasized how States and stakeholders could leverage technology to counter trafficking in persons.

70. Many speakers stressed the importance of using specialized institutions to coordinate efforts to counter trafficking in persons, including by establishing and capacitating specialized police and prosecution units, national committees and border liaison offices.

71. Some speakers underlined the importance of reducing vulnerability to trafficking in persons through, among other things, awareness-raising and public education efforts, as well as by addressing the socioeconomic factors that contributed to vulnerability to trafficking in persons and reducing the demand for exploitation of trafficking victims.

72. Many speakers underscored the need to implement victim-centred, trauma-informed and gender-sensitive approaches by incorporating victim and survivor inputs in developing and implementing initiatives to counter trafficking in persons and prioritizing the non-criminalization of victims of trafficking in order to encourage their participation in criminal procedures.

73. Several speakers underlined the interlinkages between trafficking in persons and other forms of organized crime, including money-laundering, and called for a comprehensive approach to addressing transnational organized crime.

74. Many speakers highlighted the challenges that hindered the effective implementation of counter-trafficking efforts, such as insufficient data on trafficking in persons; a lack of cooperation with key stakeholders, including the private sector; a lack of funding; low rates of prosecution; and the broader impact of the COVID-19 pandemic, which had increased vulnerability and further pushed criminal activity underground, making it difficult to identify victims.

75. Many speakers acknowledged the support provided by UNODC to States so that they could effectively counter trafficking in persons in line with the Trafficking in Persons Protocol, and made reference to the publications, resources and tools

published or created by UNODC, including the series of the *Global Report on Trafficking in Persons*, as well as efforts conducted with the support of UNODC, such as normative and policy work, capacity-building and the conduct of national studies.

## 2. Action taken by the Conference

76. At its 11th meeting, on 21 October 2022, the Conference adopted a revised draft resolution ([CTOC/COP/2022/L.8/Rev.2](#)) sponsored by Andorra, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador, the European Union (also on behalf of its member States), Guatemala, Honduras, Israel, Mexico, New Zealand, Norway, Panama, Paraguay, the State of Palestine, Switzerland, Thailand, the United Kingdom and the United States. (For the text, see chapter I, section A, resolution 11/5.)

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

77. At its 5th and 6th meetings, on 19 October 2022, 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 sub-item, the Conference had before it the following:

(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/2022/3](#));

(b) Note by the Secretariat transmitting the reports on the meetings of the subsidiary bodies of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto and report on the sixty-fifth session of the Commission on Narcotic Drugs ([CTOC/COP/2022/5](#));

(c) Conference room paper on the constructive dialogues on the review process in accordance with paragraph 53 of 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 ([CTOC/COP/2022/CRP.3](#)).

78. An introductory statement was made by a representative of the secretariat. A statement was also made by the Chair of the Working Group at its eighth and ninth meetings.

79. Statements were made by the representatives of the European Union (also on behalf of its member States; Albania, Bosnia and Herzegovina, Iceland, Montenegro, North Macedonia, Norway, the Republic of Moldova, Serbia and Ukraine aligned themselves with the statement), the Bolivarian Republic of Venezuela, Angola, Guatemala, Costa Rica, Indonesia, the Sudan, the United States, Mexico, Algeria and Ecuador.

80. Observers for the Congregation of Our Lady of Charity of the Good Shepherd, the Global Initiative against Transnational Organized Crime, Africa Network for Environment and Economic Justice, and Hope for Justice made statements.

### Deliberations

81. Many speakers outlined challenges related to the smuggling of migrants for countries of origin, transit and destination, reiterated the commitment of their countries to the implementation of the Smuggling of the Migrants Protocol, and shared information on their respective national efforts to counter the smuggling of migrants, such as developing new legal frameworks and strengthening existing frameworks.

82. Several speakers emphasized the need for both domestic and international cooperation in addressing the smuggling of migrants. In that regard, bilateral agreements between countries were also highlighted as being integral to the efforts to counter that crime. Cooperation with civil society and the private sector was also highlighted as an important element.

83. Some speakers underscored the need to address the root causes of irregular migration, including poverty.

84. Some speakers noted the challenges affecting the effectiveness of responses to the smuggling of migrants including, among others, the absence of dedicated national legislation, the effects of the COVID-19 pandemic, a lack of data on the extent of smuggling of migrants, and the interlinkages between the smuggling of migrants and other crimes such as trafficking in persons and illicit drug trafficking.

85. Some speakers emphasized the importance of ensuring the safety of migrants, including by facilitating pathways for safe, legal and regular migration. In that regard, the protection of vulnerable migrants was also stressed.

86. Many speakers acknowledged the support provided by UNODC to ensure the effective implementation of the Smuggling of Migrants Protocol, especially through capacity-building for the relevant officials, facilitating bilateral exchanges between countries, normative guidance and policy support, data collection and the implementation of activities targeting specific sectors such as aviation.

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

87. At its 6th meeting, on 19 October 2022, 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:

(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/2022/4](#));

(b) Note by the Secretariat transmitting the reports on the meetings of the subsidiary bodies of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the report on the sixty-fifth session of the Commission on Narcotic Drugs ([CTOC/COP/2022/5](#));

(c) Conference room paper on the constructive dialogues on the review process in accordance with paragraph 53 of 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 ([CTOC/COP/2022/CRP.3](#)).

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

89. Statements were made by the representatives of the European Union (on behalf of the European Union and its member States; Albania, Bosnia and Herzegovina, Iceland, Montenegro, North Macedonia, Norway, the Republic of Moldova and Ukraine aligned themselves with the statement), Paraguay, Jamaica, the United States, Angola, Brazil, Mauritius and the Russian Federation.

90. The Conference also heard statements by the observer for INTERPOL, an intergovernmental organization, and the non-governmental organizations Maat for

Peace, Development and Human Rights and the Global Initiative against Transnational Organized Crime.

## **1. Deliberations**

91. The Chair of the Working Group on Firearms at its eighth meeting presented the report on the eighth meeting of the Working Group, held in Vienna from 10 to 12 May 2021 ([CTOC/COP/WG.6/2021/4](#)) and, on behalf of the Chair of the ninth meeting, presented the report on the ninth meeting of the Working Group, held in Vienna on 4 and 5 May 2022 ([CTOC/COP/WG.6/2022/4](#)), including the recommendations adopted by the Working Group.

92. Several speakers stressed that combating trafficking in firearms was crucial to combating organized crime more broadly and that in several countries easy access to illicit firearms led to a vicious circle of violence and crime. They underlined the importance of the Firearms Protocol and the Organized Crime Convention as they were the only international legal 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 and fully implement it. Some speakers noted the importance of implementing the Firearms Protocol in synergy with other relevant international and regional instruments.

93. Several speakers expressed concern at emerging trends and challenges related to trafficking in firearms and ammunition, including the illicit conversion of non-lethal weapons into real firearms, the unlicensed assembly of firearms from parts and components, trafficking of firearms parts through postal shipments, and the large-scale obliteration of serial numbers on firearms (including, sometimes, their internal markings), committed on a massive scale by organized groups. Some speakers expressed their concern that firearms were diverted from national stockpiles and that the availability of high volumes of firearms in conflicts increased the risk of firearms trafficking. To address such diversion risks, strengthened international cooperation and accountability measures were needed to ensure the traceability of firearms.

94. Many speakers provided an overview of efforts to implement the Protocol. Those efforts included integrated strategies and action plans, the establishment of appropriate institutions and specialized firearms trafficking units; adequate arms control regimes; record-keeping and marking systems, including the lot marking of ammunition and the establishment of ballistic information systems; cooperation and information exchange, including with the aim of supporting the opening of parallel investigations in the source countries; collection campaigns to encourage the surrender of weapons; and specialized training sessions on investigating and prosecuting trafficking in firearms. In addition, the importance of establishing a comprehensive intelligence picture on illicit arms flows and the work of UNODC in collecting seizure data were mentioned.

95. Several speakers welcomed the support received through UNODC and its Firearms Trafficking Section and requested States parties to allocate the required resources to the Section so that it could continue to support States that, although they themselves did not manufacture firearms, were severely affected by illicit trafficking.

## **2. Action taken by the Conference**

96. At its 10th meeting, on 21 October 2022, the Conference adopted a revised draft resolution ([CTOC/COP/2022/L.10/Rev.2](#)), as orally amended, sponsored by Brazil, Ecuador, El Salvador, France, Guatemala, Honduras, Jamaica, Mexico and Paraguay. (For the text, see chapter I, section A, resolution 11/6.)

97. The representative of Mexico expressed the appreciation of the delegation of Mexico for the fundamental support which had been received from the secretariat, in particular the consulting officers from the Firearms Trafficking Section. He also highlighted the excellent spirit of compromise demonstrated by all delegations that had participated in the discussions on the revised draft resolution.



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

98. At its 6th meeting, on 19 October 2022, the Conference considered agenda item 3, entitled “Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime”.

99. For its consideration of the item, the Conference had before it a note by the Secretariat transmitting the reports on the meetings of the subsidiary bodies of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the report on the sixty-fifth session of the Commission on Narcotic Drugs (CTOC/COP/2022/5).

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

101. Statements were made by the representatives of China, South Africa, Kuwait, the Bolivarian Republic of Venezuela, the United States and Angola.

102. The observer for INTERPOL, an intergovernmental organization, also made a statement.

103. The observers for the non-governmental organizations the Global Initiative against Transnational Organized Crime, ADM Capital Foundation and University for Peace also made statements.

### **A. Deliberations**

104. Several speakers noted that organized crime posed new challenges and took new forms and dimensions, including because of the development of new technologies and as result of the COVID-19 pandemic. It was also highlighted that organized criminal groups outstripped the capabilities of States to respond to organized crime. Several speakers stressed the importance of international and regional cooperation in countering transnational organized crime. The importance of technical assistance and partnership in combating organized crime was also mentioned, as well as the need to strengthen preventive measures. Speakers also called for multilateralism under the auspices of the United Nations and expressed commitment to working together to combat all forms of organized crime.

105. Several speakers mentioned that the Organized Crime Convention was a flexible and adaptable instrument for addressing new and emerging forms of crime. It was emphasized that because of its flexible and adaptable nature, the Convention remained an important tool to address the challenges of emerging new forms of transnational organized crime and called on all States parties to make best use of it to proactively fight new forms of transnational organized crime.

106. The work of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes was also acknowledged by several speakers, who expressed support to its Chair and secretariat, as well as for the work done to date and the coming negotiating stages. The commitment of States to the work of the Ad Hoc Committee and the importance of finalizing its work within the established time frame was also emphasized. Furthermore, some speakers expressed concerns with regard to cybercrime and mentioned their national efforts to criminalize specific types of cybercrime.

107. Speakers mentioned national efforts to ban falsified medical products. The impact of the COVID-19 pandemic was mentioned, in particular with regard to crimes related to the manufacture of and trafficking in falsified medical products. In that context, the importance of imposing strong controls and strengthening international

cooperation was noted. The importance of Conference resolution 10/5 in that regard was reaffirmed.

108. Speakers underlined the gravity of harms caused by crimes that affect the environment and the need for more effective responses. The speakers briefed the Conference on regional and national efforts to tackle crimes that affect the environment, including wildlife crime, illegal mining and dangerous radioactive waste by means of national legislation, strategy development and cooperation with international organizations. The linkages between crimes that affect the environment and money-laundering and corruption were highlighted. Experiences in the implementation of international instruments and agreement were shared. The need to impose severe penalties for this type of crime was also mentioned. The importance of Conference resolution 10/6 in that regard was reaffirmed.

109. One speaker emphasized that transnational organized crime against cultural property undermined cultural heritage and identity. The speaker also called for immediate actions to return stolen cultural property to its country of origin. The importance of resolution 10/7 in that regard was reaffirmed.

## **B. Action taken by the Conference**

110. At its 11th meeting, on 21 October 2022, the Conference adopted a revised draft resolution ([CTOC/COP/2022/L.6/Rev.1](#)) submitted by the Chair of the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance and sponsored by the European Union, France, the United Kingdom and the United States. (For the text, see chapter I, section A, resolution 11/3.)

111. The Chair of the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance thanked all delegations that participated in the informal consultations for their flexibility and preparedness to discuss the important draft resolutions and thanked delegations that sent experts to participate in the working groups. He stated that the rather easy way in which the resolutions endorsing the recommendations adopted by the working groups had then been adopted by the Conference demonstrated the importance of the working groups and the value that all delegations attached to them. He reiterated his gratitude to the delegations that had provided experts to working groups, including those he had chaired, as well as the working groups related to each of the Protocols to the Convention, and underlined that it was critical that the work of the working groups continued in order to provide the Conference with expertise.

112. Also at its 11th meeting, the Conference adopted a revised draft resolution ([CTOC/COP/2022/L.7/Rev.2](#)) sponsored by Algeria, Egypt, El Salvador, Honduras, Jordan, Kuwait, Lebanon, Mexico, Pakistan, Qatar, Saudi Arabia, the State of Palestine, the Sudan and Yemen. (For the text, see chapter I, section A, resolution 11/4.)

113. Statements made under the item by the representatives of Israel, the State of Palestine and the United States are contained in conference room paper CTOC/COP/2022/CRP.6.

## **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**

114. At its 6th and 7th meetings, on 19 and 20 October 2022, respectively, 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:

(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/2022/6);

(b) Note by the Secretariat transmitting the reports on the meetings of the subsidiary bodies of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the report on the sixty-fifth session of the Commission on Narcotic Drugs (CTOC/COP/2022/5);

(c) Conference room paper on the constructive dialogues on the review process in accordance with paragraph 53 of 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 (CTOC/COP/2022/CRP.3);

(d) Conference room paper entitled “Model Law on Mutual Assistance in Criminal Matters (2007), as amended with provisions on electronic evidence and the use of special investigative techniques (2022)” (CTOC/COP/2022/CRP.4).

115. Statements were made by the representatives of the Republic of Korea, the Bolivarian Republic of Venezuela, Singapore, Brazil, Kuwait, South Africa, China, Paraguay, Indonesia, the United States, Thailand, the State of Palestine, Chile, Honduras, the Sudan, Azerbaijan and Mexico.

116. Statements were also made by the observers for the non-governmental organizations Cortocircuito NGO, the Global Initiative against Transnational Organized Crime, Stolen Dreams and the AWTAD Anti-Corruption Organization.

## A. Deliberations

117. Several speakers referred to domestic legislation and international cooperation cases and reported on ongoing and concluded domestic legal reforms to strengthen and streamline their domestic legal frameworks on international cooperation in criminal matters.

118. Many speakers underlined the significance of the Organized Crime Convention as a legal basis for international cooperation in criminal matters and emphasized the need to further promote the effective implementation of its provisions on international cooperation. Statistical data on cases of international cooperation involving the Convention as a legal basis were brought to the attention of the Conference. Attention was drawn to the need to further utilize the tools of international cooperation offered by the Convention, such as joint investigations, controlled deliveries and the spontaneous transmission of information. A number of speakers referred to bilateral or regional treaties used by their countries as legal bases for international cooperation and highlighted the use of the principle of reciprocity in the absence of such treaties. Other speakers referred to the need to balance the objective of promoting international cooperation in criminal matters with the need to respect the principles of national sovereignty and non-intervention in the domestic affairs of other States.

119. Several speakers drew attention to international cooperation for purposes of confiscation and asset recovery measures, including the return of stolen assets to their legitimate owners, and called for enhanced cooperation in those fields.

120. Reference was made to challenges encountered in mutual legal assistance (e.g. insufficient communication, lack of a legal basis for cooperation, time limits and language barriers), as well as to measures and responses to address such challenges, such as proactive collaboration with regional judicial networks. In the field of extradition, difficulties in dealing with outgoing extradition requests, mainly in

providing assurances related to non-execution of the death penalty and prison conditions, were mentioned.

121. A number of speakers mentioned the electronic transmission of international cooperation requests as a good practice that had been used extensively in their countries, especially during the COVID-19 pandemic, also referring to the entry into force of the Treaty on the Electronic Transmission of Requests for International Legal Cooperation among Central Authorities. In that regard, it was recommended that such a practice could also be used in other regions in the light of the advantages and benefits it offered in terms of expediting relevant processes.

122. Several speakers welcomed the work and continuous efforts of UNODC to promote international cooperation and stressed the importance of enhancing the effectiveness and efficiency of central and other competent authorities involved in international cooperation in criminal matters and in the execution of incoming requests, including through training and national capacity-building. In that regard, the significance of sharing good practices and knowledge to strengthen and reinforce international cooperation was also noted, as was the usefulness of UNODC tools such as the SHERLOC knowledge management portal.

123. Reference was made to the need to refrain from unilateral coercive measures and to make progress in reducing inequalities, including those relating to technological developments, to allow for better collaboration in different areas of international cooperation in criminal matters.

## **B. Action taken by the Conference**

124. At its 11th meeting, on 21 October 2022, the Conference adopted a draft resolution ([CTOC/COP/2022/L.4](#)), submitted by the Chair of the Working Group on International Cooperation and sponsored by the United Kingdom and the United States. (For the text, see chapter I, section A, resolution 11/1.)

## **VII. Technical assistance**

125. At its 7th meeting, on 20 October 2022, the Conference considered agenda item 5, entitled “Technical assistance”. For its consideration of the item, the Conference had before it the following:

(a) Note by the Secretariat transmitting the reports on the meetings of the subsidiary bodies of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the report on the sixty-fifth session of the Commission on Narcotic Drugs ([CTOC/COP/2022/5](#));

(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/2022/7](#));

(c) Conference room paper on constructive dialogues on the review process in accordance with paragraph 53 of 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 ([CTOC/COP/2022/CRP.3](#)).

126. An introductory statement was made by a member of the secretariat.

127. Statements were made by the representatives of the Netherlands, the Bolivarian Republic of Venezuela, the United Kingdom, Canada, South Africa, the United States, Jamaica, the State of Palestine, the Sudan, China and Bangladesh.

128. The observers for the intergovernmental organization Parliamentary Assembly of the Mediterranean and the non-governmental organizations Global Initiative

against Transnational Organized Crime and the National Citizen Observatory of Mexico made statements.

## **A. Deliberations**

129. The Chair of the Working Group of Government Experts on Technical Assistance at its thirteenth meeting, held from 23 to 27 May 2022, presented to the Conference the recommendations adopted by the Working Group at that meeting, which had been held jointly with the meeting of the Working Group on International Cooperation.

130. Speakers acknowledged that technical assistance was critical to the ability of States to achieve the objectives of the Organized Crime Convention and highlighted the potential of the Convention to effectively prevent and combat organized crime when it was fully implemented. Several speakers also emphasized that technical assistance in regard to the observations made under the Implementation Review Mechanism was of great importance. It was noted that those States that were not yet parties to the Convention, or that had not yet developed sufficient capacity to implement it, could be more vulnerable to organized crime and that technical assistance was particularly needed in the context of post-conflict situations.

131. Several speakers acknowledged and expressed appreciation for the technical assistance work of UNODC through its country, regional and global programmes. Some speakers encouraged donors to continue to support the Office's technical assistance work related to transnational organized crime and to complement that support through technical assistance at the bilateral and regional levels. Some speakers emphasized that effective technical assistance required close partnerships, dialogue and coordination among donors, implementing partners and beneficiary countries. It was mentioned that the technical assistance delivered by UNODC was critical to the achievement of the 2030 Agenda for Sustainable Development. Furthermore, attention was drawn to the importance of article 31 of the Convention on the prevention of organized crime.

132. Some speakers noted that technical assistance had to be based on evidence and on identified needs and priorities. Speakers reiterated the need for legislative assistance, recognizing that legislative gaps in the implementation of the Convention and its Protocols persisted. Some speakers stressed the importance of technical assistance to support countries in addressing and rectifying the impact of inequalities and disparities in technological abilities to combat organized crime. In that context, some speakers also stressed the importance of technical assistance and capacity-building related to cybercrime. Some speakers also underlined the role of civil society in promoting a better understanding of the organized crime problem and stressed the importance of involving civil society and listening to the most vulnerable when designing and implementing initiatives in this area.

133. Several speakers highlighted the importance of the assistance delivered by UNODC to develop comprehensive national strategies to combat organized crime, stressing the importance of mainstreaming gender perspectives and ensuring human rights compliance in such strategies and their implementation, as well as the utility of UNODC tools developed for such purposes, including the "Organized crime strategy toolkit for the development of high-impact strategies" and issue papers on the Convention and human rights, as well as gender-related issues. Some speakers highlighted the importance of conducting a gender analysis in order to inform policies to counter organized crime and the role of UNODC tools to that end.

134. Speakers also expressed appreciation for the technical assistance tools developed by UNODC, notably the SHERLOC knowledge management portal, and called upon States to update their records contained in the portal. The need for technical assistance to effectively use those tools was reiterated.

## **B. Action taken by the Conference**

135. At its 11th meeting, on 21 October 2022, the Conference adopted a draft resolution ([CTOC/COP/2022/L.5](#)) submitted by the Chair of the Working Group of Government Experts on Technical Assistance and sponsored by the United States. (For the text, see chapter I, section A, resolution 11/2.)

## **VIII. Financial and budgetary matters**

136. At its 7th meeting, on 20 October 2022, the Conference considered agenda item 6, entitled “Financial and budgetary matters”. For its consideration of the item, the Conference had before it the report of the Secretariat on the implementation status of the Global Programme to Support the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto ([CTOC/COP/2022/8](#)).

137. A representative of the secretariat made an introductory statement.

138. A statement was made by the representative of the United States.

## **IX. Other matters**

139. At its 7th meeting, on 20 October 2022, the Conference considered agenda item 8, entitled “Other matters”.

## **X. Provisional agenda for the twelfth session of the Conference**

140. At its 11th meeting, on 21 October 2022, the Conference considered agenda item 7, entitled “Provisional agenda for the twelfth session of the Conference”. The draft provisional agenda for the twelfth 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, and was thereafter also discussed by the extended Bureau at its 1st, 4th and 5th meetings, on 17, 20 and 21 October.

### **Action taken by the Conference**

141. At its 11th meeting, on 21 October 2022, the Conference adopted the provisional agenda for the twelfth session of the Conference ([CTOC/COP/2022/L.2/Rev.1](#)). (For the text, see chapter I, section B, decision 11/1.) The Conference decided that its twelfth session would take place from 14 to 18 October 2024.

142. At the same meeting, the Conference adopted the organization of the work of the twelfth session of the Conference of the Parties ([CTOC/COP/2022/L.3/Rev.1](#)). (For the text, see chapter I, section B, decision 11/2.) Prior to the adoption of the decision, the President informed the Conference that the decision had no financial implications.

## **XI. Adoption of the report of the Conference on its eleventh session**

143. At its 11th meeting, on 21 October 2022, the Conference adopted the report on its eleventh session ([CTOC/COP/2022/L.1](#) and [CTOC/COP/2022/L.1/Add.1](#), [CTOC/COP/2022/L.1/Add.2](#), [CTOC/COP/2022/L.1/Add.3](#), [CTOC/COP/2022/L.1/Add.4](#), [CTOC/COP/2022/L.1/Add.5](#), [CTOC/COP/2022/L.1/Add.6](#), [CTOC/COP/2022/L.1/Add.7](#), [CTOC/COP/2022/L.1/Add.8](#) and [CTOC/COP/2022/L.1/Add.9](#)), as orally amended.

144. Prior to the adoption of the resolutions, the President informed the Conference that, in line with the streamlined work processes of the secretariat, oral statements on financial implications were prepared only for draft resolutions that had financial implications for the regular budget of the United Nations and that, as all resolutions under consideration by the Conference at its eleventh session were subject to the availability of extrabudgetary resources, no oral statement on financial implications was needed.

## Annex

### **Revised draft decision on the participation of relevant stakeholders including non-governmental organizations, representatives of the private sector and academia in the constructive dialogues**

1. At the 11th meeting of the Conference, on 21 October 2022, the sponsors<sup>1</sup> of a revised draft decision on the participation of relevant stakeholders including non-governmental organizations, representatives of the private sector and academia in the constructive dialogues (CTOC/COP/2022/L.9/Rev.1) decided to postpone its consideration of the draft decision.
2. The revised draft decision read as follows:

#### **Participation of relevant stakeholders including non-governmental organizations, representatives of the private sector and academia in the constructive dialogues**

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, in line with the rules of procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and reaffirming the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the Convention and the Protocols thereto, decides as follows:

(a) That any relevant stakeholders, including non-governmental organizations, with observer status to the Conference may participate in the constructive dialogues;

(b) That any other relevant stakeholders, including non-governmental organizations, representatives of private sector and academia without observer status to the Conference, may apply to participate in the constructive dialogues in line with paragraph 53 (d) or (e) of 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 as applicable.

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<sup>1</sup> The sponsors of the revised draft decision (CTOC/COP/2022/L.9/Rev.1) were Australia, Chile, Colombia, Costa Rica, the Dominican Republic, the European Union (also on behalf of its member States), Honduras, Japan, Norway, Peru, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America.