

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,¹

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 Crime² 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.

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

² *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 recommendations³ 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;

³ [CTOC/COP/WG.2/2022/4-CTOC/COP/WG.3/2022/4](#), para. 8.

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 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 ⁴ for endorsement by the

⁴ [CTOC/COP/WG.2/2022/4-CTOC/COP/WG.3/2022/4](#), paras. 8 and 10.

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 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.