PERMANENT COUNCIL OF THE OEA/Ser.G

ORGANIZATION OF AMERICAN STATES CSH/GT/RANDOT-IV-9/23

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COMMITTEE ON HEMISPHERIC SECURITY Original: English

Working Group to Coordinate Preparations

for the Fourth Meeting of National Authorities

on Transnational Organized Crime (RANDOT IV)

DRAFT RECOMMENDATIONS

“BUILDING AN INTER-AMERICAN RESPONSE TO

TRANSNATIONAL ORGANIZED CRIME”

(Presented by the Chair of the Working Group)

RECALLING that the United Nations Convention against Transnational Organized Crime and the three protocols supplementary thereto, on Trafficking in Persons, Smuggling of Migrants, and Illicit Trafficking in Firearms, Their Parts and Components and Ammunition, constitute the cornerstone of international cooperation and an essential legal framework for combating transnational organized crime; and welcoming the twentieth anniversary of the adoption of these instruments, as well as the entry into force of the Mechanism for the Review of the Implementation of the Convention and its protocols;

RECALLING ALSO that the "Hemispheric Plan of Action against Transnational Organized Crime," was adopted by the Permanent Council of the Organization of American States (OAS) in October 2006 [CP/RES. 908 (1567/06)] with the principal objective of promoting  the application by the OAS member states of the Convention and the protocols thereto; as well as the "Hemispheric Strategy against Transnational Organized Crime,"adopted by the General Assembly of the Organization of American States in 2021, [AG/RES/ 2970 (LI-O/21)]

RECOGNIZING that with the globalization process and the spread of technology significant changes in the nature and extent of organized crime are occurring.

ALARMED that a key emerging trend is the diversification of the illicit activities in which organized criminal groups are involved, as well as an increase in the number of countries affected by organized crime.

**DETERMINED TO WORK TOGETHER, WE RECOMMEND THE FOLLOWING COMMITMENTS:**

* Commit to comprehensive and timely tracing of recovered firearms and sharing trace results with illicit firearms trafficking investigating law enforcement agencies.
* Commit to establish specialized human trafficking investigation units, specialized human trafficking prosecutor’s offices, and specialized human trafficking courts staffed with personnel highly experienced in victim identification and investigating and bringing to trial complex human trafficking cases and provide training for these units on victim-centered and trauma-informed approaches. (III WorkPlan – Guidelines on Combating and Punishment of Trafficking in Persons, Paragraph 54)
* Commit to use asset forfeiture as a tool to deter, disrupt, and dismantle transnational criminal enterprises by depriving criminals of property used in or acquired through illegal activities.
* Commit to Encourage member states to develop innovative control approaches – such as generic, analogue legislation, temporary or emergency controls, and early warning systems – to allow for improved national controls on new psychoactive substances (NPS), synthetic drugs, particularly in relation to fentanyl-related substances for non-medical use and chemical substances used to manufacture synthetic drugs, and strengthen and expand drug use preventive programs, treatment, and recovery support services, as well as initiatives and measures aimed at minimizing the adverse public health effects of drug use in the education, family, work, and community settings, as well as for at-risk populations.(CICAD 73).
* Commit to combating corruption by intensifying efforts to enhance the capacity of law enforcement and judicial authorities in successfully investigating, prosecuting, and adjudicating corruption and related offences —including training, and allocating sufficient resources for specialized anti-corruption agencies and criminal justice institutions, ensuring more effective investigation and prosecution of these crimes. (2021 UNGA Special Session on Corruption).
* Reaffirm our strong commitment to implement the international anti-corruption treaty obligations, as enshrined under the United Nations Convention against Corruption (UNCAC) and Inter-American Convention against Corruption, as well as the commitments made in the UN General Assembly Special Session (UNGASS) of 2021 Political Declaration.

**We further pledge to:**

* Encourage national authorities, national points of contact, and law enforcement, to collaborate with international partners, academia, private sector, civil society, survivors, and other entities in countering Transnational Organized Crime (TOC) in line with the objectives and purposes of the United Nations Convention Against Transnational Organized Crime (UNTOC) and the protocols supplementary thereto on Trafficking in Persons, Smuggling of Migrants, and Illicit Trafficking in Firearms, Parts and Components and Ammunition, as well as the OAS Hemispheric Plan of Action against TOC.
* Recommend that States Parties to the UNTOC to share with other state parties any new partnerships with non-governmental stakeholders, including civil society, academia, and the private sector, on transnational organized crime related issues.
* Provide to each other information on an annual basis, at each OAS National Authorities on Transnational Organized Crime meeting, concerning its implementation of the UN Convention against Transnational Organized Crime, in particular:
  + The number of cases of mutual legal assistance, extradition, joint investigations, or other type of formal cooperation in the preceding calendar year in which that the treaty provided a legal basis for the cooperation.
  + The number of successful cases where individuals were found guilty of any of the offenses covered by the Convention and its Protocols, specifically, Articles 5, 6, 8 and 23 of the UNTOC, articles 5 of the Trafficking in Persons and Firearms Protocol and Article 6 of the Migrant Smuggling Protocol, and if available, the sentence imposed.
  + The number of successful cases where legal persons were found liable either criminally, civilly, or administratively for conduct described as offenses under the UNTOC or its protocols.

We request that the OAS Committee on Hemispheric Security and the National Points of Contact on Transnational Organized Crime continue to review the implementation of these commitments and report on advancement of them at the 5th Meeting of National Authorities on Transnational Organized Crime.

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