



Security Council

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Report of the Secretary-General on illicit cross-border trafficking and movement

I. Introduction

1. Globalization has given rise to an exponential growth in the volume of international trade and movement of goods, money and persons. In 2010, 2.6 billion air transport passengers were carried, twice as many as 20 years previously.¹ Total global merchandise exports stood at about \$18 trillion in 2011, some five times greater than in 1991.² Whereas air transport prevails in the movement of people, the bulk of goods are moved by sea.

2. This unprecedented openness in trade, finance and travel has created economic growth and well-being. However, in many contexts, this rapid change has often outpaced the growth of mechanisms for national, regional and global governance, giving rise to massive opportunities for transnational organized crime and corruption to thrive and for terrorists to exploit.³

3. In recent years, organized crime has diversified, globalized and reached macroeconomic proportions: illicit goods are sourced from one continent, trafficked across another, and marketed in a third. It is estimated that transnational organized crime generates \$870 billion in turnover a year with the largest income coming from illicit drugs, which account for half of its proceeds.⁴ Human trafficking, the most egregious form of organized crime, has become a global business, disproportionately victimizing women. Firearms trafficking fuels civil wars and criminal violence in a number of regions, and the trafficking of weapons of mass destruction and related materials gives rise to concerns about nuclear, chemical and biological weapon proliferation and catastrophic terrorism.

4. These illicit flows present a unique challenge that is intimately linked with a range of other phenomena, including drug cartel violence; corruption; weak rule of law; negative health and development consequences; convergence between insurgents and criminal groups; prolongation of conflict; forms of modern slavery

¹ World Bank, World DataBank.

² World Trade Organization, Statistics Database.

³ United Nations Office on Drugs and Crime, 2010. *The Globalization of Crime: A Transnational Organized Crime Threat Assessment* (United Nations publication, Sales No. E.10.IV.6).

⁴ United Nations Office on Drugs and Crime, 2011. *Estimating Illicit Financial Flows Resulting from Drug Trafficking and other Transnational Organized Crimes: Research report*. Available from <http://unodc.org>.



and exploitation; deterioration of governance; and the distorting effect of money-laundering on licit economies.

5. Reflecting the growing peace and security implications of illicit cross-border trafficking and organized crime, the Security Council has paid increased attention to the issue, and since 2009, has adopted four presidential statements on the security implications of the issue.⁵ Most recently, in April 2012, the Council met on the issue of illicit cross-border trafficking and movement. In the ensuing presidential statement (S/PRST/2012/16), I was requested to submit “a report providing a comprehensive survey and assessment of the relevant work of the United Nations to help Member States counter illicit cross-border trafficking and movement.” The present report has been prepared pursuant to that request.

6. Drawing on the input of 20 United Nations entities as well as 3 international non-United Nations agencies that cooperate closely with the United Nations (the International Organization for Migration (IOM), the World Customs Organization (WCO) and INTERPOL), this report provides an overview of the multifaceted work of the United Nations system to assist Member States to confront the challenge of illicit cross-border trafficking and movement. It begins by laying out the normative and legal framework that guides the assistance efforts of United Nations entities. It then devotes separate sections to the main areas of activity of the United Nations system, notably capacity development, promotion of international and regional cooperation, as well as fact-finding and investigation. Sections VI and VII highlight the work of the United Nations to promote respect for human rights and protection and assistance to victims in actions by Member States to confront the challenge. The report then highlights increasing efforts towards greater coordination and more comprehensive approaches before concluding with observations.

II. Normative, legal and regulatory framework

7. A range of treaties, conventions and agreements, many of them negotiated under United Nations auspices, as well as Security Council-mandated counter-terrorism, non-proliferation and sanctions regimes, create obligations for States parties to strictly regulate the movement of specific goods, including through the use of criminal sanctions for illicit movements. Often, these instruments and Council mandates require States to put in place border or control measures, or preventive measures specific to the goods in question. Many of the treaties also establish a cooperation framework for investigation, prosecution and extradition. The central objective of the United Nations assistance efforts is to help Member States implement the obligations, commitments and recommendations established by this normative framework.

8. Cross-border trafficking normally requires a high degree of criminal organization and planning. As a result, the vast majority of trafficking is conducted by criminal networks meeting the definition of an “organized criminal group” contained in the United Nations Convention against Transnational Organized Crime, signed in Palermo, Italy, in 2000. The Palermo Convention commits States parties to developing national projects and promoting best practices and policies aimed at the

⁵ S/PRST/2009/32, S/PRST/2010/4, S/PRST/2012/2, and S/PRST/2012/16.

prevention of transnational organized crime and specifies that States parties shall afford one another the widest measure of mutual legal assistance.

9. With respect to drug trafficking, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, of 1988, requires States parties to establish as criminal offences the transport, import or export of narcotic drugs and psychotropic substances and puts in place a series of measures aimed at facilitating detection by law enforcement authorities of illicit trafficking by sea, air or land.

10. In the area of small arms and light weapons, the Firearms Protocol, supplementing the Palermo Convention, requires States parties to mark firearms at the time of manufacture and on import, and make the import, export or movement of firearms, their parts and components and ammunition a criminal offence where a State party does not authorize the movement or where the firearms are not marked in accordance with the Protocol. The non-legally binding International Tracing Instrument, which entered into force in 2005, contains commitments for marking, record-keeping and cooperation in tracing illicit small arms and light weapons, which would enable States to trace the sources of weapons that flow illicitly across borders. The 2001 Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, calls for establishing “subregional or regional mechanisms, in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies”, in order to prevent the illicit weapons trafficking across borders.

11. In the area of human trafficking, the Trafficking in Persons Protocol, supplementing the Palermo Convention, requires the criminalization of the recruitment, transportation, transfer, harbouring or receipt of persons, through the use of fraudulent and deceptive means for the purpose of exploitation. It also places central emphasis on assistance to and protection of trafficking victims. The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, supplementing the Convention on the Rights of the Child, requires States parties to ensure that the sale and sexual exploitation of children, transfer of organs, engagement in forced labour, and child pornography are fully covered by criminal law. The Convention on the Elimination of All Forms of Discrimination against Women requires States to take all appropriate measures to suppress all forms of trafficking, exploitation and prostitution of women.

12. On the related but distinct crime of smuggling of migrants, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Palermo Convention, requires the criminalization of procuring the illegal entry into, or enabling the illicit stay of a person in a State party of which the person is not a national or a permanent resident. The Protocols on the Trafficking in Persons and the Smuggling of Migrants contain provisions on the security, control, legitimacy and validity of travel documents. They additionally include a saving clause highlighting the applicability of international humanitarian, human rights, and refugee law.

13. With respect to weapons of mass destruction and related materials, the 1980 Convention on the Physical Protection of Nuclear Material together with the 2005 Amendment thereto require States, inter alia, to criminalize the intentional unlawful transfer and receipt of nuclear material and define and criminalize the illicit trafficking of nuclear material. Under Security Council resolution 1540 (2004)

States are obliged to refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, and to adopt appropriate laws and develop and maintain effective controls over related materials.

14. In the area of counter-terrorism, the Security Council in its resolution 1373 (2001) requires States to prevent the movement of terrorists or terrorist groups through effective border controls and the issuance of identity papers and travel documents. Addressing terrorist financing, the International Convention for the Suppression of the Financing of Terrorism requires States parties to take measures to protect their financial systems from being misused by persons planning or engaged in terrorist activities. The United Nations Global Counter-Terrorism Strategy includes relevant Member State commitments relating to international cooperation, travel documents and capacity development.

15. There are also 14 Security Council-mandated sanctions regimes in place, some of which relate to non-proliferation and counter-terrorism: 12 impose comprehensive or partial arms embargoes; 2 impose nuclear and ballistic missile programmes-related embargoes, with 1 of them also comprising restrictions on other weapons of mass destruction; 13 proscribe the travel of listed individuals; and 13 impose an asset freeze on listed individuals and entities. Some regimes also prohibit the import and/or export of natural resources or luxury goods.

16. In recent years, in order to strengthen international transport security, a series of legal instruments and standards have been developed which support implementation of Security Council resolutions 1373 (2001) and 1540 (2004). The Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation includes offences involving the use of a ship for transport of a weapon of mass destruction or with a “terrorist motive”. A comprehensive security regime for international shipping, which entered into force in 2004 imposes detailed security-related requirements for States parties that help prevent the use of ships for terrorist purposes.⁶ The Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework of Standards), adopted by the WCO Council in 2004, advocates new types of supply chain management for the ever more widespread use of closed cargo transport units. Meanwhile, in 2007 the International Civil Aviation Organization (ICAO) Assembly adopted a resolution which strengthens efforts by the aviation community to address the threat posed by man-portable air defence systems (MANPADS).⁷

17. International legal frameworks for the identification and seizure of illicit money flows, and the combating of corruption are also integral to a comprehensive approach. States parties to the United Nations Conventions against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, against Corruption and against Transnational Organized Crime are required to criminalize the laundering of proceeds of crime. The Convention against Corruption obliges States to criminalize a range of conduct constituting corruption, as well as to consider putting in place measures to detect and monitor the movement of goods and cash across their borders. States parties are also required to participate in a peer review mechanism. Further, the recommendations of the Financial Action Task Force, an

⁶ Amendments to the 1974 International Convention for the Safety of Life at Sea.

⁷ ICAO Assembly Resolution A36-19 (2007).

intergovernmental body comprised of 34 member States and two regional organizations, set international standards for combating money-laundering as well as the financing of terrorism and the proliferation of weapons of mass destruction.

III. Legislative assistance and capacity development

18. The successful implementation of international legal frameworks, standards and Security Council mandates against illicit trafficking requires incorporation of these frameworks in domestic laws as well as sustainable capacity throughout the criminal justice chain. The technical support provided by United Nations entities in this area therefore focuses on legislative assistance as well as on providing law enforcement and criminal justice officials with the equipment, skills, techniques, and knowledge required to effectively prevent and combat illicit cross-border trafficking.

A. Legislative assistance

19. A range of United Nations entities deliver legislative assistance in respect of relevant international legal instruments. Activities in this area include the production of model laws and legal technical assistance tools, offering advice and support in drafting or revising national legislation to ensure incorporation of the international legal framework into domestic law and practice.

20. The United Nations Office for Drugs and Crime (UNODC), for instance, produces model legislative provisions on the criminalization of terrorism-related transport and border control offences and model laws on organized crime; trafficking in persons; the smuggling of migrants; the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition; witness protection; money-laundering and terrorist financing (together with the International Monetary Fund (IMF) and the Commonwealth Secretariat), and illicit trafficking of nuclear and other radioactive material (together with the International Atomic Energy Agency (IAEA)). At the country level, UNODC works at the request of national Governments to review and support the process of harmonization of national laws with relevant international frameworks.

21. To varying degrees, IAEA, ICAO, IOM, the Office for Disarmament Affairs of the United Nations Secretariat, the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children Fund (UNICEF), the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR), and UN-Women, also provide legislative assistance in their respective areas of expertise.

B. Capacity development

Transport security

22. The International Maritime Organization (IMO) and ICAO actively cooperate with the WCO on harmonizing procedures for multi-modal supply chain security. The WCO also promotes the SAFE Framework of Standards instrument among its

members and provides support to the implementation of its requirements through technical assistance.

23. More than 500 million maritime containers move around the globe each year, accounting for 90 per cent of international trade. Yet only 2 per cent of these containers are inspected. The joint UNODC-WCO Container Control Programme seeks to assist Governments to establish effective container controls that serve not only to prevent drug trafficking and other illicit container crime, but also to facilitate legitimate trade, thereby raising State revenues through collection of duties. The programme supports the establishment of dedicated inter-agency container profiling units who carry out the identification and inspection of high risk containers with minimum disruption to legitimate trade and movements.

24. Under its Global Programme on Maritime and Port Security, which began in January 2002, the IMO conducts training which focuses on improved international implementation of the IMO Maritime Security Measures,⁸ development of coast guard functions for improved situational awareness and interdiction, and counter-piracy.

Human trafficking and migrant smuggling

25. The efforts of IOM against human trafficking and migrant smuggling increasingly focuses on improving law enforcement capacities in the migration sector, through training as well as technical and infrastructure support. For instance, IOM operates an African Capacity-Building Centre in the United Republic of Tanzania, training law enforcement officials on the continent in aspects of border management; an Immigration and Border Management Programme that includes the provision of expert assistance in migration-related investigations into transnational crime; and a Document Examination Support Centre in Bangkok to support States in document fraud detection. IOM also conducts quantitative and qualitative research on issues such as routes, trends, causes and consequences of human trafficking.

26. UNODC conducts assessments of the training needs of law enforcement and criminal justice officers and organizes regional and national training workshops. In 2011, UNODC launched and disseminated a training manual on the investigation and prosecution of cases of smuggling of migrants and a First Aid Kit to equip law enforcement officers with basic knowledge and skills for correctly identifying and responding to human trafficking cases and potential victims.

27. UNICEF works to strengthen the capacity of national Governments to counter human trafficking through various capacity development exercises including training. For instance, together with OHCHR and UNHCR, UNICEF provided substantive input to a European Union initiative to develop anti-trafficking training materials for border officials. OHCHR continues to undertake capacity development activities in several regions for law enforcement officials on the application of the rights-based approach to combating trafficking. INTERPOL also provides operational support to its member countries to combat human trafficking, including through training of relevant law enforcement officials. It also administers criminal

⁸ Convention for Safety of Life at Sea, chapter XI-2, International Ship and Port Facility Code, Convention for the Suppression of Unlawful Acts of Violence against the Safety of Maritime Navigation.

information databases for these purposes, such as the Stolen and Lost Travel Documents database.

28. UN-Women engages with national partners in the justice and security sector to strengthen their capacities to establish effective responses against the trafficking of women and girls, as well as supporting women's organizations in monitoring the implementation of the relevant laws.

Counter-terrorism

29. In the context of its work with Member States on the implementation of Security Council resolution 1373 (2001), the Counter-Terrorism Committee Executive Directorate promotes the implementation of control measures for borders, arms, cargo, cash couriers and travellers, as well as the relevant international counter-terrorism instruments. The Executive Directorate also identifies technical assistance needs of Member States and facilitates their delivery. The Directorate works closely with other technical expert bodies and regional and subregional organizations on specific projects and workshops on issues such as cash couriers, machine readable travel documents, and risk assessment on cargo. Within the framework of the newly established Global Counter-Terrorism Forum, the Counter-Terrorism Committee Executive Directorate is engaged in various Forum working groups dealing with border control issues, to identify gaps and needs such as the working groups on the Sahel, the Horn of Africa and the one on South-East Asia. United Nations technical expert bodies frequently participate in field missions of the Counter-Terrorism Committee Executive Directorate and feed back relevant findings into their technical assistance programmes.

30. In addition to its general counter-terrorism legislative assistance, UNODC provides specialized assistance to strengthen the capacity of national criminal justice system entities to implement the relevant provisions of the international counter-terrorism instruments in compliance with the rule of law and human rights. UNODC also works closely with Member States to enhance international criminal justice cooperation in countering terrorism, especially through mutual legal assistance and extradition.

31. The Counter-Terrorism Implementation Task Force Working Group on Border Management related to Counter-Terrorism⁹ brings together 12 United Nations entities and international partners. In July 2012, the Working Group launched a comprehensive compilation of international legal instruments, standards, recommended practices and other guidance material, intended to serve as a single point of reference on the various legal and practical matters relating to counter-terrorism aspects of border management.

Trafficking in weapons of mass destruction and related materials

32. IAEA assists States to improve national nuclear security regimes aimed at preventing and responding to illicit trafficking of nuclear material out of regulatory

⁹ The Counter-Terrorism Implementation Task Force Working Group is co-led by the Counter-Terrorism Committee Executive Directorate, INTERPOL and WCO, and includes ICAO, IMO, UNODC, IOM, OHCHR, the United Nations Interregional Crime and Justice Research Institute, UNODA, the Committee established pursuant to resolution 1540 (2004), the 1267 Monitoring Group established under Security Council resolution 1267 (1999) and UNHCR (observer).

control. The IAEA key capacity-development tool is an Integrated Nuclear Security Support Plan, which provides a comprehensive and customized framework for a State's nuclear security efforts, tailored to its specific needs and allowing potential donors to coordinate their activities.

33. IAEA also carries out specific technical missions and various training courses to define high-priority tasks for the enhancement of a national nuclear security infrastructure in the detection and response realm. Since 2002, it has also donated almost 60 Radiation Portal Monitors and more than 3,000 other nuclear security detection instruments of various types to Member States.

34. IAEA also produces a number of Nuclear Security Series documents to assist States to implement national nuclear security regimes. These documents, most of which are publicly available, consist of Recommendations, Implementing Guides and Technical Guidance and help member States in the handling of nuclear security.

35. The Border Monitoring Working Group, established by IAEA, has met regularly since 2006 to coordinate the relevant technical assistance and training activities of IAEA, the United States of America, and the European Union. The Group has made a significant contribution to harmonizing approaches, equipment specifications and training packages.

36. The Security Council Committee established pursuant to resolution 1540 (2004), supported by a group of experts and the United Nations Secretariat, facilitates the delivery of assistance relating to the resolution, including by acting as a clearing house for requests and offers of assistance.

37. The United Nations Office for Disarmament Affairs provides support for national and international activities for the implementation of resolution 1540 (2004), including through facilitating national implementation activities, promoting cooperation between international, regional and subregional organizations and engaging civil society contributions in relevant efforts. The United Nations Office for Disarmament Affairs also provides guidance and assistance to States parties to the Biological Weapons Convention for implementing their obligations under the Convention to ensure that direct and indirect transfers of biological agents or toxins, to any recipient whatsoever, are authorized only when the intended use is for legitimate purposes. The Implementation Support Unit works directly with Governments, and also facilitates contacts and cooperative activities with relevant international organizations, scientific and professional bodies, and civil society. The United Nations Institute for Disarmament Research (UNIDIR) organizes seminars and research projects aimed at improving the understanding of Member States on technical issues concerning illicit brokering of weapons of mass destruction and small arms and light weapons, as well as national implementation.

38. INTERPOL also conducts training courses to help police services develop the capacity to prevent and respond to illicit trafficking of weapons of mass destruction components.

Trafficking in small arms and light weapons

39. A number of United Nations agencies are involved in capacity-development activities to reduce the availability of illegal firearms and to address the drivers and consequences of weapons trafficking. In 2012, the United Nations developed international small arms control standards, which provide practical guidance for

small arms control. The United Nations Office for Disarmament Affairs regional centres in Africa, Asia, and Latin America already apply these standards in their capacity-development activities.

40. The UNODC global project on firearms includes training components for law enforcement officials on marking, record-keeping, transfer controls and the collection and destruction of firearms. ICAO has recently disseminated an updated toolkit for use by States in addressing airport vulnerabilities to the MANPADS threat and implementation of effective countermeasures. INTERPOL Firearms Identification online training provides national law enforcement officials with the basic understanding of the elements necessary for marking and tracing. UNDP addresses violence prevention and gun control globally, including through supporting local security committees and community policing.

Prevention of drug trafficking

41. Supplying economically viable legal alternatives to growing coca bush, opium poppy or cannabis plant through development-oriented poverty reduction and rural development schemes are key approaches to preventing the illicit cultivation of plants containing narcotics and psychotropic substances, thereby reducing their availability for drug trafficking. In Peru, for instance, UNODC has supported former coca-farming households with agricultural product exports, and in Colombia it has assisted families to acquire land title and to engage in voluntary eradication of coca plantations.

Corruption and money-laundering

42. The offences of corruption and money-laundering frequently accompany illicit cross-border trafficking. In these areas, UNODC and UNDP assist countries in the effective implementation of the Convention against Corruption. UNODC also supports States in the detection, seizure and confiscation of illicit proceeds and the return of such assets to their jurisdiction of origin. Together with the World Bank, UNODC established the Stolen Asset Recovery Initiative, which provides advice, knowledge and technical assistance on how to effectively recover stolen assets.

43. UNODC provides training and capacity-building to Financial Intelligence Units, law enforcement agencies involved in financial investigations, and prosecutors preparing money-laundering cases. UNODC has recently delivered training to Financial Intelligence Units on financial analysis and to law enforcement officials on the identification and interdiction of illicit cash and bearer negotiable instruments, and on the confiscation of illicit assets. In the context of its broader work on maritime piracy and its participation in the Contact Group on Piracy off the Coast of Somalia established pursuant to Security Council resolution 1851 (2008), UNODC is also working to identify and characterize illicit financial flows linked with the crime. In the context of its work under the Paris Pact Initiative, UNODC is working to help Member States affected by the trade in Afghan opiates combat illicit financial flows and confiscate proceeds of crime.

Capacity-development in the context of United Nations missions

44. United Nations peacekeeping operations and political field missions are increasingly given mandates by the Security Council to support the respective host States and regions in their efforts to combat cross-border illicit flows, primarily by

way of identifying their capacity gaps and addressing these gaps through provision of resources, training and technical and operational assistance where needed. This technical work complements broader justice and security development and reform efforts to strengthen the rule of law.

45. In a number of mission settings, United Nations police help to develop the capacity of national police and other law enforcement agencies to combat illicit trafficking. For instance, in Somalia, the United Nations police officers assist the police of the African Union Mission in Somalia (AMISOM) in developing the capacity of the Coastal Guard Unit within the Somali police force, aiming to protect the coastal line of Somalia against piracy.

46. The United Nations Support Mission in Libya (UNSMIL) focuses its efforts to assist Libya in the area of arms and ammunition management, particularly at the political-strategic level. The Mission, together with the United Nations Mine Action Service, provides assistance in the areas of registration of weapons — including MANPADS — and for ammunition storage and management. UNSMIL also assists Libyan authorities in their efforts to secure protection, oversight, management and control of the country's borders and to establish effective cooperation with its neighbours on the issues of border security and arms control.

IV. Promoting international cooperation and information sharing

47. In the light of the transnational nature of trafficking networks spanning several continents, regional and international cooperation among Member States and multilateral organizations and agencies is essential in addressing this threat. Relevant United Nations entities therefore support capacities, mechanisms and processes to facilitate the development of regional and interregional Action Plans, the sharing of analysis and good practices in relevant areas, as well as timely sharing of criminal intelligence, which is critical to the prevention, investigation, and interception of illicit cross-border flows of goods and people.

48. The United Nations regional offices in Central Asia and in West and Central Africa use their unique mandates to advance policy discussions and promote cooperation on cross-border issues in their respective regions. For instance, the United Nations Regional Centre for Preventive Diplomacy for Central Asia, in partnership with the Counter-Terrorism Implementation Task Force, launched a series of expert-level meetings with the five Central Asian countries, which led to the adoption, in November 2011, of a Joint Plan of Action for the implementation of the United Nations Global Counter-Terrorism Strategy in the region. Through that plan the countries resolved, inter alia, to increase their information sharing and to strengthen their cooperation in fields such as border management and combating arms and drug trafficking.

49. The United Nations Office in Central Africa (UNOCA), the Counter-Terrorism Implementation Task Force-United Nations Counter-Terrorism Centre and the Counter-Terrorism Committee Executive Directorate are partnering in a project to implement and convert the road map for counter-terrorism and non-proliferation of arms in Central Africa through an integrated counter-terrorism strategy for Central African States. The project also includes regional organizations and relevant Counter-Terrorism Implementation Task Force member entities.

50. The United Nations Office in West Africa (UNOWA) is working to support the ECOWAS Regional Action Plan to combat drug trafficking and organized crime in West Africa by advocating for greater political and operational commitment on the part of national and international partners to its implementation. UNOWA has also initiated activities to coordinate the actions of the United Nations presences in the subregion and to support the development of a subregional strategy to address the threats of cross-border movements of weapons and armed groups and illicit trafficking.

51. UNOWA, together with UNODC, the Department of Peacekeeping Operations of the United Nations Secretariat, and INTERPOL, is also involved in the West African Coast Initiative, a joint project, launched in July 2009, supporting the implementation of the ECOWAS Regional Action Plan to reduce drug trafficking and organized crime in the subregion. This is achieved, in particular, through assistance to the establishment of transnational crime units in Côte d'Ivoire, Guinea-Bissau, Liberia, and Sierra Leone, whose task is to analyse intelligence and lead investigations on transnational crime. Guinea is in the process of joining the West African Coast Initiative.

52. UNODC supports the criminal intelligence capabilities of a growing number of regional intelligence coordination centres, including the Central Asian Regional Information and Coordination Centre for combating illicit drug trafficking located in Kazakhstan, and the joint planning cell established in the Islamic Republic of Iran, for the purposes of intelligence sharing and implementation of joint operations targeting drug trafficking in Afghanistan, the Islamic Republic of Iran and Pakistan. Since 2012, the Central Asian Regional Information and Coordination Centre has had access to the INTERPOL databases mentioned below.

53. A number of projects seek to improve law enforcement cooperation with respect to specific illicit flows or transport systems. AIRCOP is a joint project involving UNODC, WCO and INTERPOL which seeks to facilitate the exchange of information between currently 10 international airports (with West Africa as its primary focus at the initial stage of the project) through the creation of "joint airport interdiction task forces" composed of police and customs officers. The INTERPOL Project White Flow strengthens the mechanisms for identifying and prosecuting those involved in the cocaine trade with a connection to Africa, through improving the dissemination of intelligence between INTERPOL member countries and supporting national police services. Operation Ice Trail, a project launched by INTERPOL with the assistance of WCO, UNODC and the International Narcotics Control Board (INCB), brings together case investigators working on ongoing investigations into methamphetamine trafficking in South-East Asia and the Pacific, to enable the sharing of information and intelligence and to facilitate the conclusion of the cases.

54. The INTERPOL "Operation Fail Safe" established a notice system to detect transnational movements of individuals suspected of being involved in the smuggling of radioactive or nuclear material. Project Global Shield, led by WCO, with INTERPOL and UNODC as partners, seeks to enhance multilateral efforts among customs administrations, police and other law enforcement agencies, to combat the illicit trafficking and diversion of precursor chemicals to prevent their use in the manufacture of improvised explosive devices by terrorist and other criminal organizations.

55. To enhance cooperation among prosecution authorities, UNODC has established a network of prosecutors specialized in organized crime for countries of Central and Latin America, known by its Spanish acronym REFCO. The network facilitates training and contacts among prosecutors from different countries with a view to building trust and promoting understanding of national legal and procedural requirements in transnational organized crime cases involving illicit cross-border trafficking in order to facilitate the prosecution of such crimes. UNODC also supports the creation of regional judicial platforms for fostering international cooperation in counter-terrorism criminal matters, including illicit flows related to terrorism.

56. To enhance cooperation among prosecution and law enforcement officers dealing with matters of asset seizure and recovery, UNODC supports the establishment and operation of networks of asset recovery practitioners in Southern Africa, West Africa, South-East Asia, and South America. These asset recovery networks, which are at different stages of development, facilitate contact between prosecution and law enforcement officials in their respective regions in order to enhance information sharing and joint operations.

57. A further approach supported by UNODC for the promotion of cooperation between countries is the use of border liaison offices to facilitate information exchange and an inter-agency approach to preventing and combating illicit trafficking. Border liaison offices have been established in the countries of the Greater Mekong subregion and at the common borders of Afghanistan, the Islamic Republic of Iran and Pakistan.

58. IAEA and INTERPOL maintain databases (the Illicit Trafficking Database and Project Geiger database, respectively) containing data on illicit trafficking incidents and events related to unauthorized acquisition, provision, possession, use, transfer or disposal of nuclear and other radioactive material out of regulatory control.

59. The INTERPOL Firearms Programme features a number of resource tools which allow membership countries to request information on the ownership history of a firearm used in a crime from the country of origin or legal import, on ballistic evidence, and — in a soon-to-be-launched feature — on stolen, lost, smuggled, or trafficked firearms.

60. In 2009, INTERPOL launched the Global Focal Point Initiative on Asset Recovery, currently with the participation of 106 countries, to strengthen global cooperation among law enforcement and anti-corruption entities worldwide in detecting, prosecuting and recovering stolen assets.

61. In addition, a range of more informal discussion forums exist to foster greater cooperation and sharing of experience and best practices. The Counter-Terrorism Committee Executive Directorate has created forums of member States to discuss border controls cooperation with respect to terrorism. The United Nations Office for Disarmament Affairs regularly convenes regional meetings of relevant enforcement authorities on trafficking in small arms and light weapons. IOM facilitates cooperation between countries of origin, transit and destination on combating human trafficking and protecting victims.

V. Investigation, fact finding and analysis

62. Among the most innovative elements in the United Nations response toolkit against illicit trafficking networks are Security Council-mandated independent expert groups gathering, examining and analysing information on the implementation of sanctions measures and incidents of non-compliance, by undertaking missions to relevant States or submitting written inquiries. Among other measures, expert groups monitor the implementation of 11 distinct arms embargoes, the charcoal ban in relation to Somalia, the diamond ban in connection with Côte d'Ivoire, and the travel ban and assets freeze in relation to Al-Qaida.

63. In investigating violations of the arms embargo measure, an expert group gathers details on all aspects of the illicit transfer of arms, including the types of weapons and ammunition being smuggled, the routes and modes of transportation, the financing of the transfers and the actors involved. Investigations may not be limited simply to sanctions violations. For example, one expert group investigates the illicit trade of natural resources linked to the financing of certain armed groups. The findings are included in the public reports of expert groups, which provide a wealth of data on sanctions violations and illicit transactions and have offered precedent-setting recommendations to improve the implementation of the sanctions measures. Furthermore, to enhance understanding of sanctions measures and provide guidance on their implementation, some expert groups have assisted relevant Committees in preparing "implementation assistance notices" and by participating in open briefings to all Member States. Expert groups also raise awareness by organizing or participating in workshops and seminars on relevant issues.

64. Another example of United Nations support to investigations into organized crime and illicit trafficking activities is the International Commission against Impunity in Guatemala, which was established in 2007 by an agreement between the United Nations and the Government of Guatemala. The International Commission against Impunity in Guatemala carries out independent investigations into the activities of illegal security groups and clandestine security apparatuses and prosecutes emblematic cases designed to unveil and dismantle clandestine networks embedded in State structures. While its mandate is exclusively domestic, the cases investigated and prosecuted by the International Commission against Impunity in Guatemala often involve individuals engaged in transnational trafficking.

65. Understanding the nature and extent of illicit cross-border trafficking, as well as the size of illicit markets, flows of controlled goods, and the involvement and activities of organized criminal groups is key to designing effective responses. UNODC contributes to a global, regional and national understanding of illicit trafficking through a series of reports, including global and regional transnational organized crime threat assessments, the global report on trafficking in persons, the World Drug Report, and illicit-crop monitoring reports.

66. The Special Rapporteurs on trafficking in persons and on the human rights of migrants undertake fact-finding missions, upon the invitation of Governments, to relevant countries to investigate the situation of trafficked persons and migrants and to present their findings, conclusions and recommendations to the Human Rights Council. The Special Rapporteurs also submit thematic reports to the General

Assembly and the Human Rights Council, highlighting specific concerns related to their mandate areas.

VI. Ensuring respect for human rights in countering illicit cross-border trafficking and movement

67. The illicit trafficking of arms and drugs is often closely linked to violations of human rights and international humanitarian law. Human trafficking is in itself a human rights abuse. Yet, law enforcement and criminal justice responses to illicit trafficking may, too, result in human rights violations. Certain criminal laws or practices may deny an individual's human rights. Human rights have been infringed in some criminal justice processes, including by excessive use of force, arbitrary arrest or detention, ill treatment in custody and violation of fair trial standards. The principle of proportionality is violated when the severity of punishment is not justified by the offence and the use of capital punishment for drug offences has been repeatedly condemned.¹⁰ In some parts of the world, drug enforcement has been used as a pretext to wage war on marginalized communities, resulting in serious human rights violations.¹¹ In some cases, law enforcement and immigration procedures have denied the rights and protection of refugees, migrants, and trafficking victims, for instance when trafficked persons have been prosecuted for violations of immigration laws, when migrants have faced arbitrary and collective expulsions, or when refugees have been denied access to asylum systems.

68. In the light of the fact that existing human rights challenges often form part of the underlying causes of organized crime and illicit trafficking, it is essential to place human rights at the centre of criminal justice responses. A number of United Nations entities are engaged in a range of activities, including monitoring, advocacy, legislative assistance, research, and capacity development to raise awareness and ensure respect for human rights in the context of the efforts of States to combat illicit cross-border trafficking and movement. The following illustrative examples focus in particular on United Nations activities in the area of human trafficking and migration.

69. OHCHR focuses on a rights-based approach to addressing trafficking in persons and migration, in line with the Recommended Principles and Guidelines on Human Rights and Human Trafficking. These principles cover all relevant issues related to the primacy of human rights, prevention of trafficking, protection and assistance, and criminalization, punishment and redress for victims of trafficking. In 2010, OHCHR launched a Commentary on the Recommended Principles and Guidelines, which provides practical guidance on the application of a human rights-based and victim-centric approach to trafficking in persons.¹² OHCHR has also been active in organizing round tables and carrying out studies on the implications of counter-trafficking measures on the rights of migrants.

¹⁰ See the report of the Secretary-General entitled "Capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty" (E/2010/10, paras. 65-68).

¹¹ *World Drug Report, 2009* (United Nations publications, Sales No. 09.XI.12), chap. 2.2.

¹² *Commentary: Recommended Principles and Guidelines on Human Rights and Human Trafficking*. Available at http://www.ohchr.org/Documents/Publications/Commentary_Human_Trafficking_en.pdf (United Nations publication, Sales No. E.10.XIV.1).

70. In 2012, UNICEF, UNHCR, OHCHR, UNODC, ILO and UN-Women launched the Joint United Nations Commentary on the 2011 European Union Trafficking Directive, providing European Union member States with practical guidance on the application of a human rights-based approach to the implementation of the European Union trafficking instrument.

71. Based on its 10-Point Plan of Action on Refugee Protection and Mixed Migration, developed to assist States to establish comprehensive and protection-sensitive migration strategies, UNHCR has initiated or supported regional processes in West Africa, South-Eastern Europe and Asia-Pacific to manage mixed movements.

72. UNODC seeks to ensure that its actions to prevent and combat illicit cross-border trafficking contribute to strengthening the capacity of States to meet human rights obligations. Its specific mandate to guard and protect the United Nations standards and norms in crime prevention and criminal justice has helped promote more effective and fair criminal justice structures. In line with the United Nations system-wide human rights due diligence policy and its own human rights position paper, UNODC aims to implement its crime prevention, criminal justice and drug control mandates by fulfilling the requirement that it in no way support or legitimize State institutions implicated in serious violations of international human rights law.

73. The Counter-Terrorism Committee Executive Directorate also engages in an ongoing dialogue with States on their observance of international human rights, refugee and humanitarian law within the context of the implementation of Security Council resolutions 1373 (2001) and 1624 (2005). The dialogue includes issuance of guidelines and practices in all border control operations and other pre-entry mechanisms that are in full compliance with international obligations of States vis-à-vis persons seeking international protection.

VII. Support to victims of illicit trafficking

74. Transnational organized crime, including illicit cross-border trafficking, is sometimes, mistakenly, characterized as a “victimless” crime. In reality, the suppliers, mules, facilitators, middlemen, bosses, launderers, and clientele all have local roots and inevitably have a negative impact upon their communities; whether through the systemic violence associated with high-value crime markets, the use of fear, intimidation and extortion, the corruption of local governance structures, the distortion of licit markets, the flooding of markets with unsafe or dangerous products, the fuelling of drug addiction, or the direct exploitation of victims of human trafficking. Migrants and refugees are susceptible to the abuse of traffickers and smugglers, including at the most extreme, kidnapping, organ removals and rape. Protecting and ensuring the rights of victims of organized crime and illicit trafficking and raising awareness of their plight are key priorities of United Nations efforts to address the threat.

75. OHCHR manages the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, which allocates grants for projects aiming to provide humanitarian, legal and financial assistance to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. During the last two years, more than 25 per cent of grants were awarded to non-governmental

organizations providing direct assistance to trafficking victims, targeting specifically women and children.

76. UNHCR focuses on identification, protection and assistance to victims in need of international protection. UNHCR promotes and disseminates refugee law at the international and regional levels, in addition to developing training tools to ensure that international protection standards are upheld in anti-trafficking activities. UNHCR continues to advocate for Contracting States to issue machine-readable Convention Travel Documents to refugees and stateless persons. UNHCR also carries out joint projects with IOM to improve cooperation on the identification and protection of trafficking victims in a number of member States.

77. IOM offers direct assistance to victims of human trafficking in collaboration with its partners. This includes accommodation in places of safety, medical and psychosocial support, skills development and vocational training, reintegration assistance, and the options of voluntary, safe and dignified return to countries of origin, or resettlement to third countries in extreme cases. As an estimated one third of trafficked persons are minors, IOM adheres to a policy of offering specialized protection to this most vulnerable group. IOM also publishes and disseminates numerous handbooks for victim assistance providers and maintains a centralized global database to facilitate case management for individual trafficked persons.

78. Each year UNICEF programmes assist thousands of children, including child victims of transnational trafficking, to be rehabilitated, repatriated, reunited with families and reintegrated into their communities. For instance, in collaboration with the Government of the United Arab Emirates, over one thousand children trafficked to that country to work as “camel jockeys” have been reunited with their families since 2005. In 2008, UNICEF drafted Legislative Reform for the Protection of the Rights of Child Victims of Trafficking, to assist Governments regarding a child-sensitive legislative response to child trafficking.

79. UNODC has developed a number of brief public service announcements to raise awareness of the economic impact and social ills attributable to these forms of crime. In the area of trafficking in persons, UNODC promotes the protection and support of human trafficking victims through country assessments of victim support services, training workshops and awareness raising. A small grants facility initiated in 2011 was the first initiative of the United Nations Voluntary Trust Fund for Victims of Trafficking, leading to the disbursement of funds to 11 non-governmental organizations providing direct assistance globally to victims of human trafficking.

80. UN-Women works with national actors in a number of countries to meet the needs of the women and girls who have fallen victim to human trafficking. For instance in India, UN-Women supported the development of a document on “Minimum Standards of Care and Protection for the Victims and Survivors of Trafficking and Commercial Sexual Exploitation”, to serve as a tool to enhance the protection provided to victims of trafficking.

81. At the request of Member States, UNDP supports the victims of trafficking, a feature of which is to encourage that centres for support of victims provide integrated services including shelter, legal, health and psychological counselling.

VIII. Towards more comprehensive and coordinated approaches

82. Organized crime and illicit trafficking and movement thrive as the result of a variety of complex causal and underlying factors that influence the lives of individuals, families, communities and societies. Poverty; inequality; social exclusion and discrimination; a lack of individual and social capital; a lack of decent work; limited access to adequate housing, education and health services; the absence of legal migration opportunities and criminalization of irregular migrants; the pull of power and profit from grey and black markets and corruption, and the existence of overcrowded and under-resourced urban areas can all exert significant pressure on individuals to become involved with organized criminal groups engaged in illicit trafficking. Illicit markets themselves, whether in drugs or persons, equally have a clear human dimension through the numerous market consumers that form one part of the demand and supply equation.

83. Consequently, international efforts to meet the threat of illicit cross-border trafficking and movement cannot be limited to hardening borders and strengthening law enforcement capacities. Instead, effectively addressing these threats requires multidisciplinary responses that integrate rule of law, development, human rights, social, and security approaches, involving all sectors of government and society at the national and international levels.

84. In 2011, I established a United Nations System Task Force on Transnational Organized Crime and Drug Trafficking to promote a comprehensive and balanced framework centred on prevention, the rule of law, regional and interregional cooperation, shared responsibility, local and national capacity and institution development, public health and the protection of human rights.

85. The Counter-Terrorism Implementation Task Force Working Group on Border Management is facilitating inter-agency coordination, information sharing, best practices dissemination and capacity-building to assist Member States to implement border control measures in a comprehensive and integrated manner. To ensure greater coherence and efficiency in technical assistance delivery, the Counter-Terrorism Implementation Task Force Integrated Assistance for Countering Terrorism (I-ACT) Initiative assists interested Member States with integrated implementation of the United Nations Global Counter-Terrorism Strategy. Currently piloted in two countries (Burkina Faso and Nigeria), I-ACT has the potential of playing an important role in improving inter-agency coordination and cooperation on a broad range of security-related issues, including illicit cross-border movements.

86. Within and outside the context of the Task Forces, United Nations entities increasingly engage in joint programming and activities in their efforts to assist countries to combat illicit cross-border trafficking and movement. A number of relevant examples have been mentioned throughout the report, including the WACI; Projects AIRCOP, Icetrail, Global Shield; inter-agency collaboration around the SAFE Framework of Standards; the development of international small arms control standards; the Container Control Programme; participation of technical assistance providing agencies in Counter-Terrorism Committee Executive Directorate country visits; or the joint United Nations Commentary on the 2011 European Union Trafficking Directive.

87. In addition, at United Nations Headquarters a number of sectoral United Nations inter-agency coordination mechanisms — such as the Inter-agency Coordination Group against Trafficking in Persons¹³ or the Coordinating Action on Small Arms chaired by the United Nations Office for Disarmament Affairs — ensure policy coherence and information-sharing in specific areas. Increasingly, coordination is also taking place between United Nations entities and non-United Nations system organizations, as the examples of the IAEA-led Border Monitor Working Group and the United Nations engagement in the Global Counter-Terrorism Forum illustrate.

88. In monitoring the implementation of sanctions measures, expert groups seek to interact and exchange information with a wide range of other United Nations entities. For instance, in preparing the consolidated working document on threats and challenges posed by the proliferation of all arms and related materiel in its region of concern, one expert group, as mandated, drew heavily on input from the Counter-Terrorism Committee Executive Directorate, ICAO, and the relevant United Nations field mission while also consulting with the Office for Disarmament Affairs, the IAEA and the Organisation for the Prohibition of Chemical Weapons.

IX. Observations

89. Member States have indicated that they expect the United Nations to step up its role in helping them address the multifaceted threats of transnational organized crime, in particular illicit trafficking.¹⁴ In the present report, I have set out the broad range of activities, projects and programmes in which the United Nations is engaged in support of the efforts of Member States to confront this challenge.

90. As we look ahead, we should continue to promote universal ratification and implementation of relevant international legal instruments, in particular the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption and the universal legal instruments against terrorism, in addition to the relevant international human rights conventions.

91. We should also continue to strengthen the capacity of Member States and to facilitate regional and international cooperation in the investigation, prosecution and adjudication of cases of illicit cross-border trafficking, including through the establishment of networks of judicial and law enforcement officials. United Nations entities will continue to strive for greater coherence of service delivery, building on existing coordination mechanisms and establishing new modes of cooperation, where necessary.

92. I will continue to ensure close coordination between the United Nations entities, including in consultation with subsidiary organs of the Security Council, to facilitate coherent, system-wide United Nations action to offer coordinated responses to transnational threats, including through the use of best practices and exchange of positive experiences.

¹³ The Group is composed of 16 intergovernmental organizations, including the core working group of ILO, IOM, OHCHR, UNHCR, UNICEF and UNODC. The chair rotates among its members.

¹⁴ For instance S/PRST/2009/32, S/PRST/2010/4, and S/PRST/2012/2.

93. I will also continue to promote comprehensive approaches to combating illicit cross-border trafficking and movement, integrating social, developmental, and rule of law responses, while ensuring the respect for human rights and the protection of and assistance to victims.

94. The United Nations stands ready to work with Member States on devising comprehensive crime prevention and criminal justice approaches which, in addition to strengthening the law enforcement apparatus, recognize the root causes of organized crime, identify and address the risk factors and vulnerabilities for engagement in crime at the local level, incorporate alternative development approaches to the reduction of illicit crop cultivation, and raise awareness about the negative social, health and economic impact of organized crime and illicit trafficking.

95. Developing comprehensive yet tailored and effective strategies to combat illicit cross-border trafficking and movement requires the ongoing collection and analysis of information and data on illicit markets, trends and developments in illicit flows, and on the organization and activities of criminal groups involved in cross-border trafficking.

96. Finally, I would like to emphasize the importance of protecting victims and ensuring the respect for human rights in confronting the threat. States must ensure that their law enforcement and criminal justice systems uphold human rights and that those who most need treatment and rehabilitation are not excluded or marginalized from society. States must establish a balance that ensures both the freedom and the protection of the individual as well as public safety and well-being.
