

Non-paper containing draft procedures and rules for the functioning of the mechanism for the review of implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
Circulated at the request of the President of the Conference following the conclusion of the Open-ended intergovernmental meeting for the purpose of defining the specific procedures and rules for the functioning of the review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto, held from 24 to 26 April 2017

Main points identified by the Chair for follow-up and further discussion

- The content of the information that will be gathered in the course of a State party review and to what extent this would include information from sources other than the government of the State party under review.
- The way in which the Sharing Electronic Resources and Laws on Crime portal (SHERLOC) will be used to gather information for the purpose of conducting a country review.
- The timelines given for the completion of each stage of the review process.
- The role of the working groups in assisting the Conference to conduct the reviews, as well as the scheduling of their meetings for this purpose.
- The structure, length and format of the outcome of the reviews, including the exact form the outcome should take.
- The role of the secretariat in supporting States in the review process.
- The modalities for the participation of civil society and the role the latter could play in the review process.
- Whether information from sources other than the State under review should be considered in the context of the review process and by whom (reviewing States or States under review).
- The question of confidentiality of the information provided by States parties under review and the availability of information, including through the SHERLOC portal.
- The extent to which documents would be translated, bearing in mind the costs for translations.
- The funding for the review mechanism.

Draft procedures and rules

Preamble

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

I. Introduction

2. The Mechanism embodies a review process that shall be guided by the principles and characteristics contained in section II below and be carried out in accordance with the provisions contained in section IV. The Mechanism shall be facilitated by a secretariat as set out in section V.

II. Guiding principles and characteristics of the Mechanism

3. The Mechanism shall:

- (a) Be transparent, efficient, non-intrusive, inclusive and impartial;
- (b) Not produce any form of ranking;
- (c) Provide opportunities to share good practices and challenges;
- (d) Assist States parties in the effective implementation of the Convention and, where applicable, the Protocols thereto;
- (e) Take into account a balanced geographical approach;
- (f) Be non-adversarial and non-punitive and promote universal adherence to the Convention and its Protocols;
- (g) Base its work on clear, established guidelines for the compilation, production and dissemination of information, including addressing issues of confidentiality and the submission of the outcome to the Conference, which is the competent body to take action on such an outcome;
- (h) Identify, at the earliest possible stage, difficulties encountered by States parties in the fulfilment of their obligations under the Convention and its Protocols, as applicable, and good practices adopted in efforts by States parties to implement the Convention and, where applicable, the Protocols thereto;
- (i) Be of a technical nature and promote constructive collaboration, inter alia, on issues concerning international cooperation, prevention, protection of witnesses and assistance and protection for victims;
- (j) Complement existing relevant international and regional review mechanisms so that the Conference may, as appropriate, cooperate with those mechanisms and avoid duplication of efforts;
- (k) Be an intergovernmental process;
- (l) Be conducted in conformity with article 4 of the Convention, not serve as an instrument for interfering in the domestic affairs of States parties and be conducted in a non-political and non-selective manner and respect the principle of equality and sovereignty of States parties (Algeria);

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

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

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

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

(q) Be cost-effective, concise and user-friendly; and make optimal and efficient use of existing information, tools, resources and technology so that it would not impose undue burdens upon States parties, their central authorities and experts involved in the review process. (move to section on funding – Pakistan)

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

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

4-5. [4 bis The rules of procedure for the Conference shall apply, mutatis mutandis (Ecuador)/ unless specified otherwise in the present procedures and rules, to this mechanism. (Switzerland)] (Brackets – China)

5. The Conference shall/ may (Egypt) conduct, at its future sessions (Switzerland) / when appropriate and upon recommendation of its working groups [list names of WGs (Mexico)], an evaluation of the organization, functioning, cost (Switzerland) and performance of the review process, so as to amend and improve the existing Mechanism.

6. The Conference, in accordance with its rules of procedure (Ecuador), shall may (Netherlands) adopt ~~any~~ future amendments to the procedures and rules for the functioning of the Mechanism, in accordance with the principles of article 39(2) of the Convention (European Union)/—in accordance with the principles and characteristics set out in COP resolution 5/5 (Egypt)]. The mechanism shall endeavour to adopt a progressive and comprehensive approach, recognizing that the review of implementation is an ongoing and gradual process. (Mexico)

[6 bis The Conference may consider extending the mechanism upon completion of the multi-year workplan. (Switzerland)] (Algeria)

IV. Review process

A. Goals

7. Consistent with the Convention, in particular article 32, the review process, inter alia, shall [assist the Conference to (Netherlands)]:

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

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

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

(d) Provide the Conference with information on successes, good practices and challenges of States parties in implementing and using the Convention and the Protocols thereto. to promote and facilitate the exchange of information in this regard (China).

(e) To promote international cooperation as stipulated in the Convention and the Protocols thereto (Algeria).

B. Country review

8. The Mechanism shall be applicable to all States parties. without prejudice to the application of article 40 of the Convention (Italy) nor to rule 1(i) of the rules of procedure (European Union) [unless a State party decides otherwise (Holy See) [delete addition – India]] (brackets – Iran). It shall progressively address all the articles of the Convention and the Protocols thereto for each of the instruments that States are a party to. It shall be based on thematic clusters of articles based on their subject matter, as indicated in table 1 of [appendix I] (Switzerland) to the present procedures and rules. The review shall be a gradual process consisting of one preparatory phase (years 1 and 2) and ~~two subsequent (Canada)~~ review phases [(years 3-10)] (Israel). ~~Upon recommendation of its working groups,~~The working groups may recommend and (Switzerland) the Conference may decide to make amendments to the thematic clusters if doing so is deemed appropriate in the light of the efficient functioning of the Mechanism. for other measures appropriate in the case of States parties who are also permanent observers to the United Nations (European Union)] (brackets – Iran).

9. The preparatory phase (years 1 and 2) shall be devoted to the definition of organizational matters and the development and finalization, in accordance with paragraph 16 of the present procedures and rules, of the self-assessment questionnaire within each of the working groups of the Conference. This preparatory phase shall also include analysis of existing information, tools, resources and technology in order to ensure their optimal and efficient use as part of the review process. (United Kingdom) [The two review phases shall be held from year 3 to year 10. [They shall last four years each] (Israel). The first review phase shall be held from year 3 to year 6, the second review phase shall be held from year 7 to year 10. The two review phases shall be conducted and concluded in line with the multi-year workplan contained in table 2 of appendix I to the present procedures and rules.] (Canada) The working groups may recommend and (Switzerland) ~~Upon the recommendation of its working groups~~ the Conference may decide to make amendments to the multi-year workplan if doing so is deemed appropriate in the light of the efficient functioning of the Mechanism.

10. ~~One half of the States that are parties to the Convention at the start of a given review phase shall finalize their reviews within the first two years of that review phase (Italy).~~ The reviews of all States that are parties at the start of the review phase should be completed before a new review phase begins. However, ~~in exceptional cases~~ the Conference may decide to launch a new review phase when it finds that more than 90% of all reviews foreseen at the beginning of the before the completion of all reviews of the previous phase have been completed (Switzerland). No State party shall undergo a review twice in the same review phase, without prejudice to the right of a State party to provide new information. The number of states parties from each regional group participating in the review process in a given year shall be proportionate to the size of that regional group and the number of its members that are states parties to the Convention and the Protocols thereto. (China)

11. The selection of States parties participating in the review process ~~in a given year of a review phase (Italy)~~ shall be carried out by the drawing of lots at the

beginning of each review phase in accordance with paragraphs 20-22 of the present procedures and rules.

12. Each State party shall appoint a focal point to coordinate its participation in the review. Each State party shall endeavour to appoint, as a focal point, ~~a person or personsexperts and practitioners (Ecuador)~~ with substantive expertise on the provisions of the Convention and the Protocols under review.

13. The secretariat shall, prior to the drawing of lots to select the reviewing States parties, compile, circulate and update, where necessary, a list of focal points of States parties under review entrusted with the task of coordinating their participation in the review [and make institutional contact information available on the knowledge management portal known as sharing electronic resources and laws on crime (SHERLOC) (Switzerland).] ~~(brackets- Russian Federation)~~

14. In accordance with paragraph 4 of the present procedures and rules, the country reviews shall be conducted within the Conference and its existing working groups, which shall add the matter to their agendas as an item if consistent with their areas of expertise and without prejudice to their respective existing mandates.

15. The State party under review shall inform the secretariat of any technical assistance need that should be addressed to support its authorities in providing the information requested under the self-assessment questionnaire pursuant to section C of the present procedures and rules. [Such technical assistance (is provided by UNODC mandated to mobilize the necessary financial resources from UNODC's regular budget and voluntary contributions if available. (Algeria, South Africa))] shall be subject to the availability of the necessary resources (Italy) voluntary contributions. States parties and other interested donors are encouraged to provide resources for relevant technical assistance as a matter of priority.] ~~(brackets – France) (delete text in brackets – Jordan)~~

C. Information-gathering

16. In order to review each thematic cluster of articles of the Convention or Protocol thereto, the relevant working group shall define, with the assistance of the secretariat, a short, precise and focused self-assessment questionnaire, ~~taking into account existing international and regional mechanisms and questionnaires that cover the issues under the scope of the evaluation (Netherlands). (delete addition – Cuba)~~

17. Each State party under review shall provide the reviewing States parties [and the Secretariat (Norway)] ~~(brackets – Egypt)~~ with concise (Italy)the information on its programmes, plans policies (Ecuador) and practices, as well as legislative and administrative measures to implement the Convention (South Africa) and the difficulties encountered by them in doing so (Switzerland) required by the Conference on its compliance with and implementation of the Convention and the Protocols thereto. It shall, for that purpose, use [, inter alia (Germany)] ~~(brackets – Turkey)~~ the self-assessment questionnaire that shall be available on the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC), ~~taking into account existing international and regional mechanisms and questionnaires that cover the issues under the scope of the evaluation (Netherlands - Italy).~~ A new module shall be developed as a further component of SHERLOC to host the questionnaires which shall ensure the confidentiality of all data submitted by States parties. (China) States parties shall provide complete, up-to-date, accurate and timely responses in the working language or languages selected in accordance with paragraph 23. (Switzerland)

17 bis (Switzerland) Full and complementary (Argentina) use, as appropriate (Ecuador), should be made of information already provided in other international or regional (Russian Federation) review mechanisms (Germany) (Algeria – suggests

~~deletion) States parties shall provide complete, up to date, accurate and timely responses.~~

~~Alternate 17 bis The information already provided in other relevant international review mechanisms, where appropriate, shall be used to the maximum extent possible, with the mutual consent of States parties under review and the reviewing States. (Turkey)~~

~~Alternate 17 bis The Secretariat shall be responsible for adjusting and maintaining SHERLOC to serve as the user-friendly database for collecting information on the review mechanism (Japan).~~

~~17 ter The requirements of this section are not mandatory for regional economic integration organizations (European Union).~~

D. Conduct of the country review

18. The information gathered for each State party shall be reviewed by two other States that are parties to the relevant instrument, ~~guided or (Russian Federation) assisted by the Secretariat and (Norway) (Italy suggest deletion)~~ with the active involvement of the State party under review.

~~19. Each State party shall, for the purposes of the review, appoint up to five governmental experts for each instrument under review. The appointed governmental experts shall have expertise relevant to the issues under evaluation. The secretariat shall, prior to the drawing of lots to select the reviewing States parties, compile and circulate a list of such governmental experts, which shall include information on their professional background, their current positions, relevant offices held and activities carried out and their areas of expertise as required for the review phase in question. States parties shall endeavour to provide information necessary for the secretariat to compile that list and keep it up to date.* (Switzerland – suggests deletion) (China, Russian Federation suggests keeping)~~

20. For each State party under review, the relevant working groups shall draw lots to select as reviewing States one State from the regional group of the State party under review and one State from another regional group, ~~with the understanding that States shall not undertake mutual reviews for the same instrument and that reviewing States shall be parties to the respective instrument (Switzerland)~~. If possible, one of the reviewing States parties shall have a legal system similar to that of the State under review. The State party under review and the reviewing States may request a maximum of two times each that the drawing of lots be repeated. In exceptional circumstances, the drawing of lots may be repeated more than twice.

21. A State party under review may defer serving as a reviewing State party that same year. That same principle, mutatis mutandis, shall apply to the reviewing States parties. By the end of a review phase, each State party must have undergone its own review and performed a minimum of one review and a maximum of three reviews, ~~for each instrument to which it is a party (Canada)~~.

22. The working groups shall hold intersessional meetings open to all States parties for the purpose of the drawing of lots referred to in paragraph 20 of the present procedures and rules, ~~without prejudice to the right of State party to request that the drawing of lots be repeated at the group's subsequent session (Pakistan)~~. In order to ensure coordination between the working groups and consistency in the review of the implementation of the Convention, the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance shall hold joint intersessional meetings for the drawing of lots. ~~[Mexico: same idea of coordination of intersessional meetings of other WGs as well]~~

* Conference resolution 8/2 contains no clear mandate for compiling such lists. However, such lists are needed and resources for this purpose are necessary. See also CTOC/COP/WG.9/2017/3.

23. Within three weeks following the drawing of lots, the State party under review shall undertake consultations with the reviewing States parties, through their focal points (Switzerland), with the assistance of the Secretariat (China) on the establishment of schedules and the requirements of the country review, including the selection of the working language or languages, in accordance with section VI of the present procedures and rules.

[23 bis Within six weeks following the drawing of lots the reviewing States shall appoint as their governmental experts for the purpose of the review one or two persons with relevant expertise to examine the issues under evaluation and with sufficient proficiency in the working language or languages selected. The reviewing State shall provide to the State party under review information on the governmental experts professional background, their current positions, relevant offices held and activities carried out and their areas of expertise as required for the review phase in question. (Switzerland, France)] (brackets – China)

24. Governmental experts from the reviewing States parties shall divide tasks and issues among themselves, taking into account their respective fields of competence.

25. ~~Where appropriate (Cuba) , the~~ The secretariat shall provide administrative support to (Switzerland) facilitate the establishment of open lines of communication among the governmental experts involved in the review process, ~~guided or assisted by the Secretariat and (Norway, Cuba).~~ The secretariat shall also issue a step-by-step guide to facilitate the conduct of the review in accordance with the procedures and rules (Switzerland).

26. Within ~~three~~ six (Italy) months of the drawing of lots, the State party under review shall provide to the reviewing States parties the information required concerning its ~~compliance with and (Egypt)~~ implementation of the Convention or the relevant Protocol, using for that purpose the appropriate self-assessment questionnaire.

27. The State party under review ~~shall endeavour~~ is encouraged (Egypt) to ~~pp~~prepare its responses to the self-assessment questionnaire through broad consultations at the national level with all relevant stakeholders, including where appropriate (Oman) academia (Switzerland), the private sector, individuals and groups outside the public sector. ~~Taking into account the confidentiality and the (Switzerland) specificities of certain Protocols, including the Firearms Protocol (Algeria) (France)~~

[27 bis [As part of the preparations for the review, the governmental experts may consult [reliable, verifiable and appropriate: Turkey] open sources of information on the implementation of the Convention and the Protocols thereto in the State under review and on the circumstances in which organized crime operates. With the consent of the State party under review such information may be included in the country review report: Italy's revised proposal] [As part of the preparations for the review, the governmental experts [may] [are encouraged to] consult open source information [, with the consent of the State party under review: Turkey] on the implementation of the Convention and the Protocols thereto [and on the circumstances in which organized crime operates: Switzerland] in the State under review: Pakistan] The governmental experts shall [endeavour to: Italy]\ prepare themselves for the review by, [inter alia: Italy], [collecting: Ecuador] [consulting open sources of: Italy] information on the implementation of the Convention and the Protocols thereto in the State under review][Italy, Ecuador, Spain]. made available by relevant crime observatories, research institutes, and other academic sources, and non-governmental organizations (Switzerland, Norway (supports text of Switzerland), the concept is supported by Canada). [Russian Federation, Pakistan, China, Algeria, Kuwait, Saudi Arabia: suggested deletion] [[Participation of experts from regional economic integration organizations is not excluded: EU]][Russian Federation: no support]]

28. ~~Throughout the process, the governmental experts shall give appropriate consideration to the information and material provided by the State party under~~

~~review. (China)~~ [If the State party under review is a member of an international organization or a regional or international mechanism whose mandate covers issues falling within the scope of the review, the reviewing States parties may consider information produced by that organization or mechanism that is relevant to the implementation of the Convention or a Protocol thereto] (Algeria) (Australia: retain the text, remove the brackets). In the whole process ~~When seeking additional information and asking for clarification (China)~~, governmental experts shall bear in mind the non-adversarial, non-intrusive and non-punitive character of the review and the overall goal of assisting the State party under review in reaching full implementation of the Convention and the Protocols thereto. (Norway – suggestion to delete last sentence) (Ecuador: retain last sentence)

29. Within ~~one two~~ (Algeria) three (Italy) months following the receipt of the ~~completed~~ (Japan) self-assessment questionnaire from the State party under review and any supplementary information, the reviewing States parties, supported by the Secretariat as necessary (Turkey) shall submit to the State party under review the outcome of the desk review of that response. Such desk review shall entail an analysis of the response focused on measures taken to implement the Convention or the relevant Protocol and on successes in and challenges of such implementation. It may also contain, where necessary, requests for clarification or additional information, or supplementary questions to ~~which be answered by~~ the State party under review will respond (Switzerland). The ensuing constructive dialogue between the State party under review and the reviewing States parties shall ideally be concluded within two months (Switzerland) ~~may be carried out, inter alia, by way of conference calls, videoconferences or e-mail exchanges, as appropriate.~~

30. States parties shall carry out the desk review and fulfil any request for or provision of supplementary information and clarification by making the largest possible use of all the available technological tools, such as e-mail exchanges, (Switzerland) virtual networks, conference calls and videoconferences.

31. If agreed to by the State party under review, the desk review may be complemented with any further means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office at Vienna (Canada) (Russian Federation: no support). If a country visit is agreed upon, the State party under review is encouraged to facilitate engagement with all relevant national stakeholders in the course of such a visit.

32. The reviewing States parties, and the secretariat ~~as applicable~~ (Algeria) (Canada: retain “as applicable”), shall maintain the confidentiality of all information obtained in the course of, or used in, the country review process.

[32 bis These provisions are without prejudice to internal arrangements between a regional economic integration organization and its constitutive members (European Union)] (Russian Federation: no support).]

[32 ter. The secretariat shall keep a confidential record of the country review in the format of the self-assessment checklist, complemented by the clarifications, the observations made by the reviewing States parties and any comments thereto by the State party under review.] (Switzerland)

E. Outcome of the country review process

33. At the final stage of the country review process and preferably within six [18: Italy] months following the drawing of lots, the reviewing States parties shall [, with the assistance of the secretariat upon request, Canada, support by Netherlands, Switzerland asks for cost implications] prepare a [comprehensive] (China) ~~short~~, precise and concise [draft executive summary: Switzerland] [and preferably short (report): China] [draft country review report], [based on the blue print format and in the designated language or languages of the review - Canada, support by Netherlands] [including an executive summary of the report] (Norway) China wishes to retain this language], in close cooperation and coordination with the State party

under review. ~~Governmental experts shall include observations with respect to national implementation of the articles of the Convention or the Protocol under review, as well as with respect to their application in practice (Norway).~~ The report shall identify ~~successes, (Switzerland)~~ good practices and ~~recommendations (Switzerland)~~ [challenges, and include observations] for the implementation of the Convention or the relevant Protocol. Where appropriate, the report shall include the identification of technical assistance needs for the purpose of improving implementation of the Convention or the relevant Protocol.

[Alternative language for paras. 33-39 by Japan]: At the final stage of the country review process, the State party under review shall update and finalize its response to the self-assessment questionnaire in close cooperation and coordination with the reviewing States and transmit it to the secretariat as the outcome of the review for the inclusion in the SHERLOC. This outcome information shall include national legislation, case law, good practices identified on the review. The technical assistance needs for the purpose of improving implementation of the Convention or the relevant Protocol, observations with respect to national implementation of the articles of the Convention or the Protocols under review, as well as with respect to their application in practice, identified through the review, shall be shared among the Party under review and the reviewing States, and unless the State party under review wishes otherwise, they will be transmitted to the secretariat to be processed for the consideration of, and for the follow-up action by, the Conference of the Parties or relevant Working Groups. [No support by Egypt, China] Supported by UK]

34. The country review report, ~~including the executive summary (Norway)~~[China, Italy, Pakistan, Canada, France: retain], shall be within [preferably within: Pakistan, India] one month (Iran) [final deadline for all the process and for each of its steps: Switzerland, Italy] finalized upon [formal: Algeria, [will be upon the States to decide upon the format of the agreement (written or verbal) Algeria] agreement between the reviewing States parties and the State party under review and [the Secretariat shall be informed and provide necessary assistance [incl. translation: Norway] as requested by the State parties shall be communicated-[Canada, India: to retain "shall be communicated"]to the secretariat: China, Norway] [reference to assistance by the Secretariat not clear and to be removed: Switzerland, India, Italy].

35. At the request of the State party under review and as required, governmental experts may provide the State party under review with explanations about ways to address the challenges identified so as to enable the State party under review to fully and effectively implement the relevant articles of the Convention or the relevant Protocol.

36. The [executive summaries of all finalized country review reports] (Canada) shall be translated into the six official languages of the United Nations and be made available as documents of the relevant working group of the Conference ~~for information purposes only (Canada).~~ (Italy, Egypt proposes deletion of para.) (Pakistan, China, Russian Federation propose retaining original language of para.)

37. [The country review reports [/record of the country review process: Switzerland] shall remain confidential.] (Norway) (Algeria proposes keeping original para.)

38. Each State party, after it has been reviewed, is encouraged to [consider publishing exercise its sovereign right to publish: Canada] [Cuba, Algeria, Russian Federation: retain the original language] its country review report or part thereof.

39. In order to improve and strengthen cooperation and learning among States parties, States parties shall, upon request, endeavour to make country review reports [and the responses to the self-assessment checklist: Switzerland] accessible to any other State party. The requesting State party shall fully respect the confidentiality of such reports.

F. Follow-up procedures

40. ~~The Working Groups of the Conference of Government Experts on Technical Assistance shall discuss and analyse [best [good: Ecuador, India] practices and lessons learnt from: Mexico] the observations and recommendations made in the executive summaries, and take them into account when proposing generally applicable recommendations to the Conference in order to evaluate their consistency [Switzerland: revised proposal][Argentina: delete “in order to evaluate their consistency”] [Cuba, Argentina: requested clarity on the term “consistency”].~~

40 bis. The Working Group of Government Experts on Technical Assistance shall consider the needs identified by States parties under review further to their country reviews, make recommendations to assist them in their efforts to implement the Convention and the Protocols and inform the Conference of the Parties accordingly. [Cuba: para 40 only in relation to technical assistance] As appropriate, States parties shall also provide information on whether technical assistance needs identified by them in relation to their country review reports have been addressed.^b [States parties and other relevant donors are requested or invited to give priority to providing resources to technical assistance: China].

41. As a follow-up to its country review ~~within 18 months of publication of the executive summary (Switzerland, supported by Norway) [Pakistan, Algeria: no deadline], each State party shall (keep “shall”: Switzerland) /may (China)/ (shall endeavour (Australia)–[are encouraged to: Canada, Egypt] submit [within a reasonable timeframe: Algeria] directly either to the appropriate working groups [at their subsequent sessions: Mexico (instead of a deadline)] [in a timely manner: Italy] or to the reviewing States parties (Switzerland’s proposal: India, Russian Federation, Italy opposed) information on progress achieved in connection with the observations contained in the country review report and its executive summary and on any measures (planned or: Switzerland) undertaken (Algeria).~~

[41bis. At the request of the State party under review and as required, governmental experts may provide the State party under review with [suggestions: China] about ways to address the challenges identified so as to [help: China] the State party under review to fully and effectively implement the relevant articles of the Convention or the relevant Protocol [Former para. 35. Moved on the suggestion of Switzerland] China, Russian Federation: opposed to the move]

[41 bis /ter (subject to re-numbering of paras.) As a follow-up to its country review report, State party shall be provided upon request, (specific, targeted: Kenya) technical assistance within 12 months (suggests deleting deadline: Italy) (based on the specific needs identified in the review process with a view to improve the capacity of the State party to effectively implement the Convention and, (where applicable: Pakistan), Protocols at the national level: Kenya). [Additional para. proposed by Pakistan, Palestine, Kenya, Tunisia], subject to the availability of the necessary resources (Italy).]

^b Paragraph 40 of the procedures and rules was drafted pursuant to paragraph 18 of Conference resolution 8/2, in which the Conference of the Parties directed the Working Group of Government Experts on Technical Assistance to consider the needs identified by Member States and make recommendations to assist them in their efforts to implement the Convention and the Protocols and provide the Conference with the information needed to conduct effective reviews. However, technical assistance needs involve more than one thematic area of the Convention and the Protocols, and it seems unrealistic to expect the participants in the Working Group of Government Experts on Technical Assistance to have the necessary expertise on all thematic areas and provisions from all four instruments. States parties may wish to give the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation the mandate to consider technical assistance needs and make recommendations relating to the Convention only, and give the Working Group on Trafficking in Persons, the Working Group on Firearms and the Working Group on the Smuggling of Migrants mandates relating to the Trafficking in Persons Protocol, the Firearms Protocol and the Migrants Protocol, respectively.

V. Secretariat

[42. Pursuant to article 33 of the Convention, the secretariat of the Conference shall serve as the secretariat of the Mechanism and shall perform the tasks assigned to it to ensure the efficient functioning of the Mechanism, including providing technical support (China) to States parties in the course of the functioning of the Mechanism, ~~Upon request and subject to the availability of voluntary contributions (Algeria, Brazil, Tunisia, Egypt) [China, Italy, Canada, UK: retain original language], the Secretariat may also provide technical and~~ substantive support to the States parties, as well as training for governmental experts who participate in the review process.]

VI. Languages

43. The working languages of the Mechanism shall be Arabic, Chinese, English, French, Russian and Spanish, subject to the provisions of the present section.

44. The country review process may be conducted in any of the working languages of the Mechanism that may be decided upon by the State party under review and the reviewing States parties. The secretariat shall [endeavour to seek voluntary contributions to provide: Italy] be responsible for providing the required translation of the working documentation into the working languages(s) of the review, as necessary for sufficient functioning (Canada).

44bis. The secretariat shall, if requested by the State party under review, endeavour to seek voluntary contributions to provide for translations into languages other than the six working languages of the Mechanism (Canada).

45. The executive summaries of the country review reports shall be transmitted and made available in the relevant Working Group. (Italy) (no support by Canada), as documents of the Conference, be published by the secretariat (Iran) in the six working languages of the Mechanism.]

46. The secretariat shall, if requested by the State party under review, endeavour to seek voluntary contributions to provide for translation and interpretation of the country reports into any of the other working languages of the Mechanism, as well as into languages other than the six working languages of the Mechanism. [Canada: delete]

VII. Funding

47. The requirements of the Mechanism and its secretariat shall be funded from the existing (UK, Japan)[Cuba, Kenya: delete] regular budget resources (UK) of the United Nations that is allocated to the Conference of the Parties and its working groups. Where necessary, the regular budget resources shall be complemented by extrabudgetary resources, including voluntary contributions free of conditions and influence ~~and, where appropriate, by the reallocation of existing funding (Canada, supported by UK, Pakistan).~~

48. The requirements relating to the optional country visits [or joint meetings at the United Nations Office at Vienna (Canada)] referred to in paragraph 31 of the present procedures and rules shall be funded through voluntary contributions, which shall be free of conditions and influence.

49. The secretariat shall be responsible for preparing a proposed biennial budget for the activities of the Mechanism.

50. In accordance with Rule 58 of its Rules of Procedure (Canada, supported by Italy), ~~t~~The Conference shall consider the budget for the Mechanism biennially. The

budget shall ensure the efficient, continued and impartial functioning of the Mechanism.

[Algeria: merging paras. 49 and 50 into the following text: A biennial draft budget for the Mechanism activities shall be established by the Secretariat, which shall be submitted to the Conference for examination every two years. The budget shall be used to ensure the [sustainable,; China] effective, continuous and impartial functioning of the Mechanism.] [Support by China, Cuba, Ecuador] [Italy, France opposed]

[51. Adequate financial and human resources ~~must~~shall (Germany, France) be provided to the secretariat to enable it to perform the functions assigned to it in the present procedures and rules.]

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

52. A State signatory to the Convention or any of the Protocols may participate in the Mechanism on a voluntary basis as a State under review. The expenditure incurred shall be covered by voluntary contributions (China).

[IX. Role of civil society in the Mechanism [Civil society and the Mechanism: Switzerland]

53. **[Original text]** The following shall apply with regard to the role of civil society in the Mechanism:

(a) In order to further promote constructive dialogue with other stakeholders active on issues related to the scope of the work of the Mechanism, including non-governmental organizations and academia, briefings shall be conducted on the outcomes of the review process, including on the technical assistance needs identified. Such briefings shall be convened on the margins of the meetings of the working groups and be conducted by the secretariat in cooperation with a member of the Bureau, at the request of the President of the Conference;

(b) No specific country situation shall be mentioned during briefings;

(c) The secretariat shall invite to the briefings relevant non-governmental organizations having consultative status with the Economic and Social Council, as well as other relevant non-governmental organizations, which, in accordance with rule 17, paragraphs 1 and 2, respectively, of the rules of procedure of the Conference, have been admitted to participate as observers in the session of the Conference previous to the briefing;

(d) If there is any objection to the participation of a non-governmental organization, the matter will be referred to the bureau of the Conference for decision, taking into account, mutatis mutandis, rule 17, paragraph 2, of the rules of procedure;

(e) Non-governmental organizations wishing to attend a briefing shall confirm their attendance no later than 10 days prior to the date of the briefing, at which time they will be allowed to provide comments in writing;

(f) The briefings shall be open to representatives of Member States and intergovernmental organizations;

(g) Summaries of the briefings ~~prepared by the non-governmental organizations – (Italy)~~ shall be submitted to the relevant working groups as conference room papers;

(g) (bis) [Non-signatories, entities, non-governmental organizations and representatives from the academia and the private sector shall be invited to provide written contributions in the review process: Italy (India opposed)]

(h) Non-governmental organizations are encouraged to report to the working groups, as appropriate, individually or collectively, on their activities and contributions to the implementation of the recommendations of the working groups, including those related to meeting technical assistance needs and advancing capacity to effectively implement the Convention.]

[Text proposed to replace original text] Subject to the provisions of Rule 17 of the Rules of Procedure for the Conference of the Parties, relevant non-governmental organizations [, representatives from the academia and the private sector: Mexico] may, without taking part in the adoption of decisions on substantive or procedural matters, whether by consensus or a vote, may:

(a) Attend the meetings of all Working Groups and other subsidiary bodies established by the Conference;

(b) Upon the invitation of the President, and subject to the approval of the Working Group or other subsidiary body, make oral statements at such meetings through a limited number of representatives on questions related to their activities; and

(c) Receive the documents of the Working Group or other subsidiary body.

[Canada, supported by Mexico, Switzerland, Norway, Netherlands, Israel, Finland] [China, Pakistan, Iran, Russian Federation, Egypt, Sudan, Vietnam, Singapore, Malaysia, Brunei opposed, revert to original text as basis for further discussion][China, Cuba, Iran, Pakistan and Sudan [as an alternative]) suggested deletion of section IX and the negotiation of relevant text within the context of a resolution]

[53bis. Civil society is invited to prepare thematic reports on the issues under review for the benefit of the reviewing experts (Norway, supported by Netherlands, Israel)].

[54. The secretariat [, fully in line with Rule 17 of the Rules of Procedure for the Conference of the Parties to the Convention, : Turkey] shall invite relevant non-governmental organizations to participate as observers in the Working Groups on Trafficking in Persons and Smuggling of Migrants [and Firearms Working Group: Turkey] (France, supported by Romania, Finland).]

[Appendix I

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

Table 1
Thematic clustering of articles of the Convention and the Protocols thereto^a

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

^a The thematic clustering was adopted by the Conference in its resolution 8/2.

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

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

<i>Year</i>	<i>Organized Crime Convention working groups^b</i>	<i>Working Group on Trafficking in Persons</i>	<i>Working Group on the Smuggling of Migrants</i>	<i>Working Group on Firearms</i>
1-2	Definition of organizational matters and questionnaire			
3-6	Criminalization International cooperation, mutual legal assistance and confiscation	Criminalization International cooperation, mutual legal assistance and confiscation	Criminalization International cooperation, mutual legal assistance and confiscation	Criminalization International cooperation, mutual legal assistance and confiscation

<i>Year</i>	<i>Organized Crime Convention working groups^b</i>	<i>Working Group on Trafficking in Persons</i>	<i>Working Group on the Smuggling of Migrants</i>	<i>Working Group on Firearms</i>
7-10	Law enforcement and judicial system Prevention, assistance, protection measures and other measures	Law enforcement and judicial system Prevention, assistance, protection measures and other measures	Law enforcement and judicial system Prevention, assistance, protection measures and other measures	Law enforcement and judicial system Prevention, assistance, protection measures and other measures

^a The multi-year workplan was adopted by the Conference in its resolution 8/2.

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

Appendix II

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

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

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

^a The thematic clustering has been prepared by the secretariat for consideration by the open-ended intergovernmental meeting and with a view to facilitating further discussion.

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

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

<i>Year</i>	<i>Organized Crime Convention working groups (on technical assistance and international cooperation)</i>	<i>Working Group on Trafficking in Persons</i>	<i>Working Group on the Smuggling of Migrants</i>	<i>Working Group on Firearms</i>
1-2	Definition of organizational matters and questionnaire	Definition of organizational matters and questionnaire	Definition of organizational matters and questionnaire	Definition of organizational matters and questionnaire
3-6	Criminalization	Criminalization	Criminalization	Criminalization

<i>Year</i>	<i>Organized Crime Convention working groups (on technical assistance and international cooperation)</i>	<i>Working Group on Trafficking in Persons</i>	<i>Working Group on the Smuggling of Migrants</i>	<i>Working Group on Firearms</i>
	(Convention provisions)	(Protocol provisions; Convention provisions, mutatis, with regard to their implementation in Protocol cases)	(Protocol provisions; Convention provisions, mutatis mutandis, with regard to their implementation in Protocol cases)	Protocol provisions; Convention provisions, mutatis mutandis, with regard to their implementation in Protocol cases)
	Prevention, technical assistance, and other measures	Prevention, technical assistance, and other measures	Prevention, technical assistance, and other measures	Prevention and regulation, technical assistance and other measures (chapter II of the Protocol; Convention provisions, mutatis mutandis, with regard to their implementation in Protocol cases)
7-10	Criminal justice and law enforcement International cooperation, including extradition, mutual legal assistance, international cooperation for purposes of confiscation and law enforcement cooperation (UNTOC provisions)	Criminal justice and law enforcement International cooperation (Protocol provisions; UNTOC provisions mutatis mutandis with regard to their implementation in Protocol cases)	Criminal justice and law enforcement International cooperation (Protocol provisions; UNTOC provisions mutatis mutandis with regard to their implementation in Protocol cases)	Criminal justice and law enforcement International cooperation (Protocol provisions; UNTOC provisions mutatis mutandis with regard to their implementation in Protocol cases)

^a The multi-year workplan has been prepared by the secretariat for consideration by the open-ended intergovernmental meeting and with a view to facilitating further discussion.]