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English only

Meeting to explore all options regarding an appropriate and effective review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Vienna, 28-30 September 2015

Item 2 of the provisional agenda*

Information-gathering and reviewing implementation**Briefing Note by the Secretariat****I. Introduction**

1. A variety of methods to gather information from States parties have been applied by existing implementation bodies. The following is a list of methods used in the different stages of the review.

<i>Information-gathering method</i>	<i>Advantages</i>	<i>Disadvantages</i>
Questionnaires	A good way to collect initial and first-level information on implementation.	Can be lengthy when addressing complex issues and problems can occur for Governments when inputs from various departments are needed, both of which can lead to low and inadequate response rates.
Country reports	Sense of ownership for Governments. Can be used by Governments as a tool to assess their own progress.	Lengthy documents, which are not always compatible. Time-consuming and difficult for the Secretariat to analyse. Requires good guidelines to be complete.

* CTOC/COP/WG.8/2015/1.



<i>Information-gathering method</i>	<i>Advantages</i>	<i>Disadvantages</i>
Self-assessments	Sense of ownership. Can be used by Governments as a tool to assess their own progress.	Problems can occur when inputs from various departments are needed. Requires good guidelines to be complete.
Open sources	Information easily available for the Secretariat.	Government prerogative to be the authentic source of information not respected. Information may be inaccurate or biased. Additional workload for the Secretariat to validate and make information complete.
Country visits (conducted by the Secretariat or peer or expert reviewers, or a combination of all three)	Most effective method for obtaining inputs from multiple sources and for in-depth analysis by reviewers. Provide better and more balanced information.	Time and resource intensive.

II. Information-gathering

2. Information is a sine qua non for a body such as the Conference to perform its functions. However, information-gathering presents a challenge in view both of the breadth of information required and of the limited capacity of States, which is not directly linked to level of development in any given case. Even so, providing information to the Conference is a clear and indisputable legal obligation of the parties to the Convention against Corruption. The process of establishing an appropriate mechanism for reviewing implementation needs to parallel the work on information-gathering (the Conference of the States Parties to the United Nations Convention against Corruption decided to devote attention to both information-gathering (resolution 1/2) and the review of implementation (resolution 1/1)).

3. The lack of consensus on the finalization of an efficient and user-friendly information-gathering software and on a review mechanism have effectively stalled the reporting requirements under the Organized Crime Convention since 2008. It should be noted that new parties have ratified or acceded to the Convention since 2008, illustrating the pressing need for the Conference to be informed of efforts by States parties in implementing the Convention. A request, sent by note verbale in 2013 to States parties by the extended Bureau, requesting voluntary reporting via the omnibus survey software, resulted in only six responses.

4. This lack of information on the implementation of the Convention and the Protocols thereto make it very difficult to gauge effectively the implementation of the Convention the Protocols thereto, in order to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention, including through technical assistance.

5. Since the sixth session of the Conference, lacking any formal mandate for information-gathering or monitoring implementation of the Convention and the Protocols thereto, the Secretariat has focused on expanding the knowledge base on transnational organized crime, pursuant to Conference resolution 6/1 entitled “Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”.

6. In this regard, the following tools were elaborated by the Secretariat:

A. Omnibus Survey Software (OSS)

www.unodc.org/unodc/en/treaties/CTOC/omnibus-tool.html

7. An interactive tool conceived to simplify reporting obligations vis-a-vis the UNTOC and the Protocols thereto. Designed as a self-assessment checklist, the OSS enables States parties to:

(a) Assess national legislation for compliance with the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the United Nations Convention against Corruption;

(b) Identify technical and legal assistance needs;

(c) Share good practices.

8. The Omnibus Survey Software also includes:

(a) Hyperlinks to legislative guides;

(b) The ability to cross-reference information relevant to crime related treaties;

(c) The option to merge the responses of national officials with different expertise into a single national self-assessment report.

B. Sharing Electronic Resources and Laws against Organized Crime (SHERLOC) Portal

www.unodc.org/cld/index-sherloc.jsp

9. SHERLOC facilitates the dissemination of information regarding the implementation of the UNTOC and its three Protocols. It contains a database of national legislation and a case law database, including on the basis of the Digest of Organized Crime Cases (www.unodc.org/unodc/en/organized-crime/digest-of-organized-crime-cases.html).

C. Needs Assessment Tools on the Organized Crime Convention

10. The Secretariat plans to issue these tools in view of the 7th session of the Conference of the Parties (October 2014). They include a set of indicators and questions designed to enable experts from international organizations, national governments, civil society and relevant institutions to conduct a comprehensive

assessment of the implementation of the Convention, allowing the following functions:

- (a) Identifying gaps in the existing legislation and its implementation;
- (b) Facilitating the formulation and development of technical assistance;
- (c) Facilitating the development of performance indicators for evaluating progress in implementation.

D. Model Laws

www.unodc.org/unodc/en/legal-tools/model-treaties-and-laws.html

11. Model Legislative Provisions against Organized Crime (2012), Model Law against Trafficking in Persons (2010), Model Law against the Smuggling of Migrants (2010), Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (2011), Model Laws on International Cooperation: these tools could be used to assess the implementation of the Convention and its three Protocols by Member States.
