

Resolution 5/5

Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime,

Reaffirming that the purpose of the United Nations Convention against Transnational Organized Crime and the Protocols thereto¹ is to promote cooperation to prevent and combat transnational organized crime effectively, and stressing the need to take additional concerted action in order to reinforce the implementation of the Convention and identify related technical assistance needs,

Recalling article 32 of the Convention, which established the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention,

Stressing the urgent need to finalize a user-friendly software-based comprehensive self-assessment checklist (“omnibus tool”), including its availability in the six official languages of the United Nations, in order to facilitate the gathering of information on the implementation of the Convention and the Protocols thereto,

1. *Takes note with appreciation* of the work undertaken at the open-ended intergovernmental meeting of experts on possible mechanisms to review the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, held in Vienna on 25 and 26 January 2010, and the recommendations of the experts contained in the report on that meeting;²

2. *Notes* the progress report on the voluntary pilot programme to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;³

3. *Decides* to establish an open-ended intergovernmental working group:

(a) To consider and explore options and make proposals for the establishment of a mechanism or mechanisms to assist the Conference in the review of the implementation of the Convention and the Protocols thereto;

(b) To prepare terms of reference for such proposed review mechanism or mechanisms, guidelines for governmental experts and a blueprint for the country review reports, for consideration and possible adoption by the Conference at its sixth session;

¹ Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.

² CTOC/COP/EG.1/2010/3.

³ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

4. *Agrees* that the open-ended intergovernmental working group may consider, as a basis of its work, proposals and initiatives as may be submitted by States parties and signatories in that regard in advance of the meetings of the working group, including the proposal contained in annexes I and II to the present resolution;

5. *Decides* that any mechanism or mechanisms for assisting the Conference to review the implementation of the Convention and the Protocols thereto deriving from such proposals 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 shall 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 that 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) In conformity with article 4 of the Convention, not serve as an instrument for interfering in the domestic affairs of States parties but shall respect the principles of equality and sovereignty of States parties, and the review process shall be conducted in a non-political and non-selective manner;

(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;

6. *Decides* that the omnibus tool shall be used to facilitate the gathering of information on implementation of the Convention and the Protocols thereto and requests the Secretariat to further improve it, including by making it available in the six official languages of the United Nations, and continue to consult with States parties and signatories, in order to finalize it as soon as possible and submit it to the open-ended intergovernmental working group for its consideration;

7. *Also requests* the Secretariat to distribute the omnibus tool, translated into all official languages of the United Nations, to States parties and signatories, in order to allow them to start familiarizing themselves with it and to facilitate their process of information-gathering;

8. *Decides* that, in the preparation of the terms of reference for a review mechanism or mechanisms, the open-ended intergovernmental working group will consider the means by which the review will be conducted, including, inter alia:

(a) The collection of information on the implementation of the Convention and the Protocols thereto;

(b) The establishment of a method or methods, including the peer review method, for the examination of the country self-assessments;

(c) The elaboration of country review reports as an outcome of the review process;

(d) Thematic review cycles for related articles of the Convention and the Protocols thereto;

(e) Appropriate means and processes for the promotion of technical assistance, the development of expert networks and the exchange of best practices, with an emphasis on regional approaches;

9. *Also decides* that the open-ended intergovernmental working group shall hold no fewer than two intersessional meetings prior to the sixth session of the Conference, in order to perform its mandated tasks;

10. *Requests* the Secretariat to assist the open-ended intergovernmental working group in the performance of its functions;

11. *Also requests* the Secretariat to utilize any available extrabudgetary resources or seek additional extrabudgetary resources to support the meetings of

the open-ended intergovernmental working group to be held in 2011, in view of the fact that 2011 is the second year of the programme budget for the current biennium 2010-2011;

12. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations.

Annex I

Terms of reference of the mechanism for the review of implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

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Preamble

1. Pursuant to article 4, paragraph 1, of the United Nations Convention against Transnational Organized Crime,⁴ which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States, 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.⁵

I. Introduction

2. The mechanism for the review of implementation of the United Nations Convention against Transnational Organized Crime (hereinafter “the mechanism”) includes a review process that shall be guided by the principles contained in sections II and III and be carried out in accordance with the provisions contained in section IV. The mechanism shall be supported by a secretariat as set out in sections V and VI and be financed in accordance with section VII.

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 shall 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 stage possible, difficulties encountered by States parties in the fulfilment of their obligations under the Convention and its Protocols, as applicable, and good

⁴ United Nations, *Treaty Series*, vol. 2225, No. 39574.

⁵ United Nations, *Treaty Series*, vols. 2237, 2241 and 2326, No. 39574.

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 in order that the Conference may, as appropriate, cooperate with those mechanisms and avoid duplication of effort.

4. The mechanism shall be an intergovernmental process.

5. In conformity with article 4 of the Convention, the mechanism shall not serve as an instrument for interfering in the domestic affairs of States parties but shall respect the principles of equality and sovereignty of States parties, and the review process shall be conducted in a non-political and non-selective manner.

6. The mechanism shall promote the implementation of the Convention and its Protocols by States parties, as applicable, as well as cooperation among States parties.

7. The mechanism shall provide opportunities to exchange views, ideas and good practices, thus contributing to strengthening cooperation among States parties in preventing and fighting transnational organized crime.

8. The mechanism shall 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.

9. The review of implementation of the Convention is an ongoing and gradual process. Consequently, the mechanism shall endeavour to adopt a progressive and comprehensive approach.

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

10. The review of implementation of the Convention and the mechanism shall be under the authority of the Conference, in accordance with article 32 of the Convention.

IV. Review process

A. Goals

11. Consistent with the Convention, in particular article 32, the purpose of the review process shall be to assist States parties in their implementation of the Convention and its Protocols, as applicable. In this regard, the review process, *inter alia*, shall:

(a) Promote the purposes of the Convention as set out in its article 1;

(b) Promote the statements of purpose of the Protocols to the Convention, as set out in article 2 of each of the Protocols;

(c) Provide the Conference with information on the measures taken by States parties in implementing the Convention and, where applicable, the Protocols thereto, as well as the difficulties encountered by them in doing so;

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

(e) Promote and facilitate international cooperation in the prevention of and the fight against transnational organized crime;

(f) Provide the Conference with information on successes, good practices and challenges of States parties in implementing and using the Convention and its Protocols;

(g) Provide the Conference with information on implementation trends and emerging issues, including regional successes, challenges and technical assistance needs (see sect. IV.C below);

(h) Promote and facilitate the exchange of information, practices and experiences gained in the implementation of the Convention and its Protocols.

B. Country review

12. The mechanism shall be applicable to all States parties. It shall gradually cover the implementation of the entire Convention and its Protocols.

13. The review of all States that are parties to the Convention at the start of a review cycle should be completed before a new review cycle begins. In exceptional cases, however, the Conference may decide to launch a new review cycle before the completion of all reviews of the previous cycle. No State party shall undergo a review twice in the same review cycle, without prejudice to the right of a State party to provide new information. In the review cycle, review of a State party's implementation should include that State's implementation of the Convention and all the Protocols thereto to which it is a party. In order to organize the reviews, the review cycles should cover applicable thematic areas of the Convention and its Protocols.

14. 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. The selection of States parties participating in the review process in a given year of a review cycle shall be carried out by the drawing of lots at the beginning of each review cycle. A State party selected for review in a given year may, with a reasonable justification, defer participation to the following year of the review cycle.

15. Each State party shall provide to the secretariat the information required by the Conference on its compliance with and implementation of the Convention and its Protocols, as applicable,

using the comprehensive self-assessment checklist as an initial step for that purpose. States parties shall provide complete, up-to-date, accurate and timely responses.

16. Assistance in the preparation of the responses to the checklist shall be provided by the secretariat to States parties requesting such assistance.

17. 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 persons with substantive expertise on the provisions of the Convention and the Protocols thereto to which the State is party.

1. Conduct of the country review

18. Each State party to the Convention shall be reviewed by two other States parties to the Convention. The review process shall actively involve the State party under review.

18 bis. Regarding the review of the Protocols to the Convention, the reviewing States parties must be parties to the Protocols to which the State under review is a party. However, reviewing States parties may be parties to more Protocols to the Convention than is the State under review.

19. One of the two reviewing States parties shall be from the same geographical region as the State party under review and shall, if possible, be a State with a legal system similar to that of the State party under review. The selection of the reviewing States parties shall be carried out by the drawing of lots at the beginning of each year of the cycle, with the understanding that States parties shall not undertake mutual reviews. The State party under review may request, a maximum of two times, that the drawing of lots be repeated. In exceptional circumstances, the drawing of lots may be repeated more than twice.

20. 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 cycle, each State party must have undergone its own review and performed a minimum of one review and a maximum of three reviews.

21. Each State party shall appoint up to 20 governmental experts for the purpose of the review process. Such experts should have expertise in relevant areas to be covered in the review cycle, including on issues corresponding to the Protocols to which that State is a party. 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 respective review cycle. States parties shall endeavour to provide information necessary for the secretariat to compile that list and keep it up to date.

22. The reviewing States parties shall carry out, in accordance with the guidelines for governmental experts and the secretariat in the conduct of country reviews (hereinafter “the guidelines”), a desk

review of the response to the comprehensive self-assessment checklist by the State party under review. Such desk review shall entail an analysis of the response focused on measures taken to implement the Convention and on successes in and challenges of such implementation.

23. In accordance with the guiding principles set out in section II and in conformity with the guidelines, the reviewing States parties, supported by the secretariat, may request the State party under review to provide clarifications or additional information or to address supplementary questions related to the review. The ensuing constructive dialogue may be carried out, *inter alia*, by way of conference calls, videoconferences or e-mail exchanges, as appropriate.

24. The schedule and requirements of each country review shall be established by the secretariat in consultation with the reviewing States parties and the State party under review and shall address all issues relevant to the review. The reviews should ideally be designed to take no longer than six months.

25. The country review shall lead to the elaboration of a country review report based on the blueprint contained in appendix II to the present terms of reference.

26. The country review shall be carried out as follows:

(a) The desk review shall be based on the responses to the comprehensive self-assessment checklist and any supplementary information provided by the State party under review;

(b) In the context of the constructive dialogue between the governmental experts, the State party under review shall facilitate the exchange of information relevant to the implementation of the Convention and the Protocols thereto to which the State party under review is a party;

(c) If the State party under review is a member of a competent international or regional organization whose mandate covers issues relevant to the review, the reviewing States parties may consider information relevant to the implementation of the Convention produced by that organization.

27. The State party under review shall endeavour to prepare its responses to the comprehensive self-assessment checklist through broad consultations at the national level with all relevant stakeholders, including the private sector, individuals and groups outside the public sector. The State party under review shall, where applicable, specify in its responses to the checklist the stakeholders that were included in the consultations and the relevance of those stakeholders, bearing in mind the specific provisions of the Protocols on the role of such stakeholders.

28. If agreed by the State party under review, the desk review should be complemented by any further means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office at Vienna, in accordance with the guidelines.

29. States parties are encouraged to facilitate engagement with all relevant national stakeholders in the course of a country visit. Prior to the organization of a country visit, the State party under review shall propose to the reviewing States parties the stakeholders to be included in the visit and specify the relevance of those stakeholders to the subject matter of the review, bearing in mind the specific provisions of the Protocols on the role of such stakeholders.

30. The reviewing States parties and the secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review process.

31. The secretariat shall organize periodic training courses for experts who participate in the review process, in order to familiarize them with the guidelines and increase their capacity to participate in the review process.

2. Outcome of the country review process

32. The reviewing States parties shall, in accordance with the guidelines and the blueprint, prepare a country review report, including an executive summary of the report, in close cooperation and coordination with the State party under review and assisted by the secretariat. The report shall identify successes, good practices and challenges and make observations for the implementation of the Convention and its Protocols. Where appropriate, the report shall include the identification of technical assistance needs for the purpose of improving implementation of the Convention and its Protocols.

33. The country review report, including the executive summary, shall be finalized upon agreement between the reviewing States parties and the State party under review.

34. The secretariat shall compile the most common and relevant information on successes, good practices, challenges, observations and technical assistance needs contained in the country review reports and include them, organized by theme, in a thematic implementation report and regional supplementary addenda, for submission to the open-ended group of experts and the Implementation Oversight Group.

35. The executive summaries of all finalized country review reports shall be translated into the six official languages of the United Nations and be made available as documents of the Implementation Oversight Group for information purposes only.

36. The country review reports shall remain confidential. However, the State party under review is encouraged to exercise its sovereign right to publish its country review report or part thereof.

37. In order to improve and strengthen cooperation and learning among States parties, States parties shall, upon request, endeavour to make country review reports accessible to any other State party. Where appropriate, the requesting State party shall fully respect the confidentiality of such reports.

C. Expert analysis

37 bis. The country review process shall be complemented by a parallel expert analysis carried out by an open-ended group of experts that will strive to identify general implementation trends and relevant emerging issues, including regional successes, challenges and technical assistance needs.

37 ter. The open-ended group of experts shall be composed of those experts nominated by States parties and be included in the list referred to in paragraph 21 of the present terms of reference. The group of experts shall meet in Vienna once a year.

37 quarter. The expert analysis shall have the same thematic scope as the corresponding review cycle. The group of experts shall base its work on the executive summaries of the country review reports and on the compilation made by the secretariat of the most common and relevant information on successes, good practices, challenges, observations and technical assistance needs, as referred to in paragraph 34 of the present terms of reference. The executive summaries shall be made available for information purposes only.

37 quinquies. In addition, the open-ended group of experts may consider other relevant information or the views of other stakeholders only as may be relevant for the assessment of general trends and emerging issues related to the Protocols to the Convention. In no case shall the expert analysis embark upon a country-specific assessment of implementation of the Convention and its Protocols.

37 sexies. The open-ended group of experts shall produce a technical expert group report on the issues relevant to its mandate in each year of the cycle. The report may include appropriate recommendations for dealing with emerging issues and challenges of implementation, with specific attention to regional and technical assistance needs.

37 septies. The technical expert group report shall be submitted to the Implementation Oversight Group for its consideration.

D. Implementation Oversight Group

38. The Implementation Oversight Group shall be an open-ended intergovernmental group that shall operate under the authority of and report to the Conference. The rules of procedure of the Conference shall apply to the Implementation Oversight Group. The participation of observers in the meetings of the Implementation Oversight Group shall be permitted as provided for in the rules of procedure, unless the Implementation Oversight Group decides otherwise.

39. The Implementation Oversight Group shall hold meetings at least once a year in Vienna.

40. The functions of the Implementation Oversight Group shall be to have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention and its Protocols. The thematic implementation report, together with the technical expert group report, shall serve as the basis for the analytical work of the Implementation Oversight Group. On the basis of its deliberations, the Implementation Oversight Group shall submit

recommendations and conclusions to the Conference for its consideration and approval.

E. Follow-up procedures

41. In the following review phase, each State party shall submit information in its responses to the comprehensive self-assessment checklist on progress achieved in connection with the observations contained in its previous country review reports. As appropriate, States parties shall also provide information on whether technical assistance needs requested by them in relation to their country review reports have been provided.

42. The Conference, through the Implementation Oversight Group, shall assess and adapt, where appropriate, the procedures and requirements for the follow-up to the conclusions and observations emerging from the review process, including follow-up to the recommendations on technical assistance. For such purposes, the Conference may decide to convene, at each regular session, working groups on the Convention and its Protocols.

F. Conference of the Parties

43. The Conference shall be responsible for establishing policies and priorities related to the review process.

44. The Conference shall consider the recommendations and conclusions of the Implementation Oversight Group.

45. The Conference shall establish the phases and cycles of the review process, as well as the scope, thematic sequence and details of the review. The review phase shall be finalized upon reviewing the status of implementation of all articles of the Convention in all States parties. The same review phases and cycles established for the review of implementation of the Convention shall apply, *mutatis mutandis*, to the review of the status of implementation of all articles of the Protocols to the Convention. Each review phase shall be divided into review cycles. The Conference shall determine the duration of each review cycle and decide on the number of States parties that shall participate in each year of the review cycle, taking into account the number of States parties to be reviewed and the scope of the cycle.

46. The Conference shall endorse any future amendments to the terms of reference of the mechanism. Following the completion of each review cycle, the Conference shall assess the performance of the mechanism and its terms of reference.

V. Secretariat

47. The secretariat of the Conference shall be the secretariat of the mechanism and shall perform all tasks required for the efficient functioning of the mechanism, including providing technical and substantive support, upon request, to States parties in the course of the functioning of the mechanism.

VI. Languages

48. The working languages of the mechanism shall be Arabic, Chinese, English, French, Russian and Spanish, subject to the provisions of this section.

49. The country review process may be conducted in any of the working languages of the mechanism. The secretariat shall be responsible for providing the required translation and interpretation into any of the working languages of the mechanism, as necessary for its efficient functioning.

50. The secretariat shall, if requested by the State party under review, endeavour to seek voluntary contributions to provide for translation and interpretation into languages other than the six working languages of the mechanism.

51. The executive summaries of the country review reports, the thematic implementation report and the technical expert group report shall, as documents of the Conference, be published in the six working languages of the mechanism.

VII. Funding

52. The requirements of the mechanism and its secretariat shall be funded from the regular budget of the United Nations.

53. The requirements set out in paragraphs 28 and 31 relating, inter alia, to the requested country visits, the joint meetings at the United Nations Office at Vienna and the training of experts, shall be funded through voluntary contributions, which shall be free of conditions and influence.

54. The secretariat shall be responsible for preparing a proposed biennial budget for the activities of the mechanism.

55. The Conference shall consider the budget for the mechanism biennially. The budget shall ensure the efficient, continued and impartial functioning of the mechanism.

56. Adequate financial and human resources must be provided to the secretariat to enable it to perform the functions assigned to it in the present terms of reference.

VIII. Participation of signatories to the Convention in the mechanism

57. A State signatory to the Convention may participate in the mechanism as a State under review on a voluntary basis and only regarding the implementation of the Convention. The costs associated with such participation shall be paid from available voluntary contributions.

Appendix I

Guidelines for governmental experts and the secretariat in the conduct of country reviews

I. General guidance

1. Throughout the review process, governmental experts and the secretariat shall be guided by the relevant provisions of the United Nations Convention against Transnational Organized Crime and the terms of reference of the mechanism for the review of implementation of the United Nations Convention against Transnational Organized Crime.
2. In particular, governmental experts shall bear in mind article 4, paragraph 1, of the Convention, which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States.
3. Furthermore, governmental experts shall carry out the reviews in full recognition of the purpose of the review process as specified in paragraph 11 of the terms of reference.
4. During all interactions within the review process, governmental experts shall respect the collective approach. Governmental experts are expected to act with courtesy and diplomacy, and shall remain objective and impartial. Governmental experts need to be flexible in their approach and ready to adapt to changes in schedules.
5. Governmental experts and the secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review process, as well as the country review report, as stipulated in the terms of reference. If there are serious grounds for believing that a governmental expert or a member of the secretariat has violated the obligation of confidentiality, the States parties concerned or the secretariat may inform the Implementation Oversight Group for appropriate consideration and action, including referring the matter to the Conference.
6. It is also expected that governmental experts are not to be influenced in their assessment of the implementation of the Convention. While information generated through competent regional and international organizations of which the State party under review is a member and whose mandates cover issues relevant to the review of the implementation of the Convention and its Protocols is to be taken into account, governmental experts shall make their own analysis of the facts provided by the State party under review in order to present findings that are in line with all the specific requirements of the provisions of the Convention and the Protocols thereto under review.
7. Throughout the review process, governmental experts are encouraged to contact the secretariat for any assistance required.

II. Specific guidance for the conduct of the review

8. In accordance with the terms of reference and consistent with the importance of ensuring the efficiency and effectiveness of the review process, reviews shall be conducted in a spirit of constructive collaboration, dialogue and mutual trust.

9. States parties and the secretariat shall endeavour to adhere to the indicative timelines set out in the paragraphs below.

10. The governmental experts shall prepare themselves by:

(a) Studying thoroughly the Convention and the terms of reference of the mechanism, including the present guidelines;

(b) Familiarizing themselves with the *Legislative Guide for the Implementation of the United Nations Convention against Transnational Organized Crime*⁶ as well as the *Travaux Préparatoires of the Negotiations for the Elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*,⁷ particularly those parts pertaining to the articles that are the subject of the relevant review cycle;

(c) Reviewing the responses provided by the State party under review in its comprehensive self-assessment checklist and supplementary documentation and familiarizing themselves with the issues addressed by the State party under review;

(d) Informing the secretariat if additional information and material are required and highlighting issues requiring further clarification.

11. The Secretariat shall organize periodic training courses for governmental experts who participate in the review process, so that they can familiarize themselves with the guidelines and increase their capacity to participate in the review process.

12. The secretariat, within one month after the drawing of lots, shall officially inform the State party under review and the reviewing States parties of the date of the beginning of the conduct of the country review, as well as of all relevant procedural matters, including the schedule for the training of experts and a provisional schedule for the country review.

13. The State party under review, within three weeks after being officially informed, shall appoint a focal point to coordinate its participation in the review, in accordance with paragraph 17 of the terms of reference, and inform the secretariat of that focal point. The secretariat shall assign a staff member to each review.

14. The secretariat shall undertake consultations with the State party under review and the reviewing States parties on the establishment of schedules and requirements of the country review, including the selection of working language or languages of the country review, in accordance with section VI of the terms of reference. The translation

⁶ United Nations publication, Sales No. E.05.V.2.

⁷ United Nations publication, Sales No. E.06.V.5.

to and from those languages shall be provided by the secretariat within the whole review process.

15. The State party under review shall, within two months of being officially informed of the beginning of the conduct of the country review, provide to the secretariat the information required on its compliance with and implementation of the Convention, using the comprehensive self-assessment checklist as an initial step for that purpose. Assistance in the preparation of the responses shall be provided by the secretariat to the State party requesting such assistance. The secretariat shall, within one month of the receipt of the checklist response, submit that response for translation and circulate it to the governmental experts.

16. Within one month after the State party under review has been officially informed about the beginning of the conduct of the country review, governmental experts shall participate in a telephone conference or videoconference, to be organized by the secretariat for the purpose of an initial introduction of the reviewing States parties, the State party under review and the staff member of the secretariat assigned to the country review, as well as for general orientation, including a review of the schedule and requirements established for the review.

17. Governmental experts from reviewing States parties shall take a decision on how to divide tasks and issues among themselves, taking into account their respective fields of competence.

18. While governmental experts shall establish open lines of communication with the State party under review, the experts shall keep the secretariat abreast of all these communications.

19. Throughout the process, the governmental experts shall appropriately consider the information and material provided by the State party under review through the different means of communication as described in the terms of reference.

20. When seeking additional information and asking for clarification, 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 to reach full implementation of the Convention.

21. Within one month of the receipt of the response to the comprehensive self-assessment checklist and any supplementary information provided by the State party under review, governmental experts shall submit to the secretariat the outcome of the desk review, including requests for clarifications, additional information or supplementary questions, to be translated into the designated languages of the review and provided to the State party under review.

22. During the desk review, governmental experts shall avoid duplicating texts already contained in the comprehensive self-assessment checklist. The desk review is to be concise and factual and is to include solid reasoning for the outcome of the desk review. Objective and impersonal language will aid understanding. When abbreviations and acronyms are used, these shall be defined upon their first use.

23. After the State party under review receives the outcome of the desk review, the secretariat shall organize a telephone conference or videoconference bringing together the governmental experts of the reviewing States parties and the State party under review. During the conference call, governmental experts from the reviewing States parties shall introduce their parts of the desk review and explain the findings. The ensuing dialogue shall ideally last up to two months and consist of requests for additional information or specific questions from the governmental experts, to which the State party under review shall respond, using various means of dialogue including conference calls, videoconferences, e-mail exchanges or further means of direct dialogue as mentioned in paragraph 24 of the terms of reference and as specified below.

24. If agreed by the State party under review, the desk review should be complemented by any further means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office at Vienna. The country visit or joint meeting at the United Nations Office at Vienna shall be planned and organized by the State party under review. While the secretariat will facilitate all practical arrangements, governmental experts shall take all necessary measures from their side to participate in the country visit or joint meeting at the United Nations Office at Vienna, bearing in mind paragraph 29 of the terms of reference.

25. During the country visit or joint meeting at the United Nations Office at Vienna, governmental experts shall uphold the principles and standards outlined in the general guidance above.

26. Governmental experts are expected to actively and constructively participate in all meetings, including at internal debriefings at the end of each working day, or at the end of the country visit or joint meeting at the United Nations Office at Vienna.

27. Governmental experts are expected to be respectful and courteous in meetings, respecting time frames set in the programme and allowing time for all members to participate. At the same time, governmental experts are expected to be flexible, as the programme may change during the country visit or the joint meeting at the United Nations Office at Vienna.

28. Questions should seek to complement information already provided by the State party under review and relate only to the review process. Governmental experts shall therefore remain neutral and not voice personal opinions during the meetings.

29. Governmental experts are expected to take notes during all meetings, which they can refer to for the production of the final country review report. They shall share their opinions and preliminary findings in writing among themselves and with the secretariat within two weeks after the country visit or the joint meeting at the United Nations Office at Vienna.

30. At the final stage of the country review process and preferably within five months of the beginning of the review, based on the blueprint format, the governmental experts shall, with the assistance of the

secretariat, prepare a draft country review report and send it to the State party under review in the designated language of the review. The report shall identify successes, good practices and challenges and make observations for the implementation of the Convention and its Protocols. Where appropriate, the report shall include the identification of technical assistance needs for the purpose of improving implementation of the Convention and its Protocols. The comments of the State party under review shall be incorporated into the draft country review report.

31. Governmental experts shall include observations with respect to the implementation in national law of the articles of the Convention and its Protocols under review, as well as their application in practice.

32. Governmental experts shall further identify successes and good practices and challenges and make observations with respect to the implementation of the articles of the Convention and its Protocols under review, as well as areas where technical assistance may be required.

33. At the request of the State party under review and as required, governmental experts may also be asked to provide the State party under review with explanations of how to address the challenges identified so as to allow the State party to fully and effectively implement the relevant articles of the Convention and its Protocols.

34. The secretariat shall send the draft country review report to the State party under review for its agreement. In case of disagreement, there shall be a dialogue between the State party under review and the governmental experts to arrive at a consensual final report. An executive summary shall subsequently be prepared and agreed on.

Appendix II

Blueprint for country review reports and executive summaries

Review by *[names of reviewing States]* of the implementation by *[name of State under review]* of article(s) *[number(s) of articles]* of the United Nations Convention against Transnational Organized Crime *[and articles *[numbers]* of the Protocols thereto]* for the review cycle *[time frame]*

I. Introduction

1. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime was established pursuant to article 32 of the Convention to, inter alia, promote and review the implementation of the Convention.

2. The mechanism is to be established in accordance with article 32, paragraphs 3 and 4, of the Convention and pursuant to article 4, paragraph 1, of the Convention, which states that States parties shall

carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States.

3. The review mechanism is an intergovernmental process whose overall goal is to assist States parties in implementing the Convention and, where applicable, the Protocols thereto.

4. The review process is based on the terms of reference of the mechanism.

II. Process

5. The following review of the implementation by [*name of State under review*] of the Convention and its Protocols is based on the response to the comprehensive self-assessment checklist received from [*name of State under review*], and any supplementary information provided in accordance with paragraph 26 of the terms of reference and the outcome of the constructive dialogue between the governmental experts from [*names of the two reviewing States and the State under review*], by means of [*telephone conferences, videoconferences, e-mail exchanges, or any further means of direct dialogue in accordance with the terms of reference*] and involving [*names of experts involved*].

[*Optional*: 6. A country visit, agreed to by [*name of State under review*] was conducted from [*date*] to [*date*].]

OR

[A joint meeting between [*name of State under review*] and [*names of reviewing States*] was held at the United Nations Office at Vienna from [*date*] to [*date*].]

III. Executive summary

7. [*Summary of the following*:

(a) *Successes and good practices*;

(b) *Challenges in implementation, where applicable*;

(c) *Observations on the implementation of the articles under review*;

(d) *Technical assistance needs identified to improve implementation of the Convention and its Protocols.*]

IV. Implementation of the Convention and its Protocols

A. Ratification of the Convention and its Protocols [*where applicable*]

8. *[Name of State under review]* signed the Convention on *[date]* and ratified it on *[date]*. *[Name of State under review]* deposited its instrument of ratification with the Secretary-General on *[date]*.

[Same regarding the Protocols to which the State is a party]

9. The implementing legislation — in other words, the *[title of act ratifying the Convention]* — was adopted by *[name of national legislative body]* on *[date]*, entered into force on *[date]* and was published in *[name, number and date of official publication communicating adoption of the act]*. The implementing legislation includes *[summary of ratification legislation]*.

B. Legal system of *[name of State under review]*

10. Article *[number of article]* of the Constitution states that *[discuss whether treaties are self-executing or require implementing legislation, where the Convention fits into the hierarchy of law, etc.]*.

C. Implementation of selected articles of the Convention

Article *[number of article]*

[title of article]

[Text of the article, block indented]

(a) Summary of information relevant to reviewing the implementation of the article

11. *[Information provided by the State under review through the comprehensive self-assessment checklist, any supplementary information provided in accordance with paragraph 27 of the terms of reference, and in the context of the constructive dialogue.]*

(b) Observations on the implementation of the article

12. *[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]*

13. *[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]*

(c) Successes and good practices

14. *[Identification of successes and good practices in implementing the article, where applicable.]*

(d) Challenges, where applicable

15. *[Identification of any challenges in implementation, where applicable.]*

(e) Technical assistance needs

16. [*Identification of technical assistance needs, priorities and actions to improve implementation of the Convention, where applicable.*]

D. Implementation of selected articles of the Protocol on [name]

[*Follow a structure and narrative similar to that of previous section.*]

Annex II

Indicative thematic distribution of the Organized Crime Convention and the Protocols thereto

The distribution of thematic areas to be reviewed in the first and second cycles is as follows:

(a) *First cycle (five years)*: Criminalization and other criminal measures, preventive measures and international cooperation;

(b) *Second cycle (five years)*: Victim and witness protection, cooperation and technical assistance.