

Constructive dialogue on the review process with relevant stakeholders, convened in accordance with paragraph 53 of the Procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Summary by the co-Chairs

I. Introduction

1. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime established in October 2018 the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto¹ through Conference [resolution 9/1](#), which included in its annex the procedures and rules for the functioning of the Mechanism. Following a two-year preparatory phase, the Conference, in its resolution 10/1, launched the review process of the Mechanism. The guidelines for conducting the country reviews are annexed to that resolution.

2. Pursuant to paragraph 53 of the procedures and rules for the functioning of the Mechanism, and in accordance with article 32, paragraph 3 (c), of the Organized Crime Convention, constructive dialogues on the review process with relevant stakeholders, including non-governmental organizations, shall be convened as a regular practice, following the conclusion of the meetings of the working groups and the adoption of the reports. The constructive dialogues aim to promote fruitful engagement with relevant stakeholders and are also open to States parties and signatories, non-signatories, entities and intergovernmental organizations. They allow for briefing participants on the development and outcomes of the review process, and for collecting inputs and suggestions from participants, including their contributions on ways to improve the implementation of the Convention and the Protocols thereto.

3. The joint constructive dialogue on technical assistance and international cooperation took place in English in a hybrid format, combining in-person and online participation, on 7 June 2024, after the conclusion of the fifteenth meetings of the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation and the adoption of the respective reports. The dialogue was chaired by one of the co-Chairs of the Working Group of Government Experts on Technical Assistance, Mr. Carlos Alberto Sánchez del Águila, Minister Counsellor, Alternate Permanent Representative at the Permanent Mission of Peru to the United Nations in Vienna, and one of the co-Chairs of the Working Group on International Cooperation, Dr. Aldana Rohr, Director of the International Legal Assistance Directorate, Ministry of Foreign Affairs, International Trade and Worship of Argentina.

4. Ninety-one non-governmental organizations and twenty-one other relevant stakeholders (eight from the academia and thirteen from the private sector) participated in the constructive dialogue, in addition to forty-four States parties and one intergovernmental organization. The written comments received in accordance with paragraph 53 of the procedures and

¹ Hereinafter: UNTOC review mechanism.

rules for the functioning of the Mechanism were made available on the dedicated [webpage](#).

5. This document presents the summary of discussions at the abovementioned joint constructive dialogue, prepared by the co-Chairs of the fifteenth meetings of the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation.

II. Opening

6. At the opening of the dialogue, the co-Chairs delivered opening remarks, sharing their confidence that the Mechanism will greatly benefit from the diverse contributions of relevant stakeholders and governmental delegates attending the meeting. They emphasized the significant role that non-governmental organizations, academia, and the private sector play in enriching the process of review of the implementation of the Organized Crime Convention and the Protocols thereto.

III. Briefing on the developments and outcomes of the review process

7. Under agenda item 2, the secretariat presented an overview of the status of the review process. A status report on the progress of the UNTOC review mechanism had already been shared with the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation in the form of background papers (CTOC/COP/WG.2/2024/4 and CTOC/COP/WG.3/2024/4). The overview also included information on the support provided by the United Nations Office on Drugs and Crime (UNODC) to States parties in the review process, as well as on efforts to support the engagement of non-governmental stakeholders in it, in line with the applicable procedures and rules.

8. In updating participants on the status of the review process, the secretariat also presented an overview of the main challenges encountered, including the delays registered in the nomination of focal points and in the completion of the review of the first thematic cluster. It further presented the avenues to engage civil society organizations in the process.

9. Furthermore, the secretariat briefed participants on General Assembly resolution 78/267, entitled “International Day for the Prevention of and Fight against All Forms of Transnational Organized Crime”. In that resolution, the General Assembly decided to declare 15 November (the day in which the Assembly adopted in 2000 the Palermo Convention and, at that time, two of its supplementary Protocols) as the International Day for the Prevention of and Fight against All Forms of Transnational Organized Crime, in order to raise awareness of the threats posed by all forms of transnational organized crime and to enhance international cooperation in this regard. The Assembly also requested the Secretary-General to bring the resolution to the attention of all Member States, the organizations of the United Nations system and civil society organizations for appropriate observance of the International Day.

10. In the same resolution, the General Assembly invited all Member States, the organizations of the United Nations system and other global and regional organizations, within existing resources, as well as other relevant stakeholders, including civil society, the private sector, academia and the media, to commemorate the International Day in an appropriate manner,

including through educational and public awareness-raising activities, and to share best practices in this regard. The Assembly also invited the United Nations Office on Drugs and Crime, in collaboration with other relevant entities, to facilitate the observance of the International Day.

11. Following the presentations, several speakers highlighted the essential role of civil society in contributing to prevent and counter transnational organized crime, noting their pivotal contribution to strengthening international cooperation and technical assistance provisions, including efforts in data collection, awareness-raising, advocacy, and in supporting legal processes. Some speakers acknowledged that the constructive dialogues have broadened civil society's participation in efforts made against transnational organised crime, and enhanced interaction with States parties to the Organized Crime Convention. Some also expressed concern about civil society's inability to participate in the meetings of the Working Groups of the Conference of the Parties to UNTOC.

12. Some speakers noted the accumulated delays in the Mechanism and the challenges faced by the secretariat in supporting it, emphasizing the need to continue enhancing civil society's participation in the process. They called for more interactive exchanges and multi-stakeholder involvement to advance the review process and to better support State parties in effectively implementing the Organized Crime Convention and the Protocols thereto. Additionally, one speaker mentioned the role of the Alliance of NGOs on Crime Prevention and Criminal Justice to coordinate the development of a civil society declaration aimed at promoting active civil society engagement in the UNTOC Review Mechanism, to be delivered at the twelfth session of the Conference of the Parties to UNTOC.

13. One speaker underscored the role of the Organized Crime Convention as a pivotal framework for international cooperation, while noting the growing pervasiveness, complexity, and impact of organized crime, despite the almost universal adherence to the Convention. The speaker emphasized the ineffectiveness of the current international efforts in addressing organized crime and stressed the imperative need to enhance the effective implementation of the Convention and the Protocols thereto.

14. Several speakers expressed gratitude to the UNODC for organizing the Voluntary Pilot Initiatives, enabling non-governmental stakeholders to substantively contribute to the effective implementation of the Convention at the country level, by fostering collaboration with interested governments.

IV. Spotlight on the 15th meetings of the Working Group of Government Experts on Technical Assistance and of the Working Group on International Cooperation

15. Under agenda item 3, the Chair briefed the participants on the developments and outcomes of the 15th meetings of the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation, which were held respectively from 3 to 4 June and from 5 to 6 June 2024. The agenda item further included three panel discussions, respectively on: criminalization of crimes that affect the environment, organized fraud, including international cooperation to address it, and the role and impact of technology on international cooperation in criminal matters: opportunities, challenges and capacity-building needs.

16. The secretariat played a video about the criminalization of crimes that affect the environment prior to the first panel discussion. The video stressed that crimes that affect the environment are serious crimes, and that strong legislation is key to countering them.

17. The first panel discussion under agenda item 3 included presentations from the Global Initiative Against Transnational Organized Crime (GI-TOC), the Born Free Foundation, and the Wildlife Justice Commission.

18. The panellist from GI-TOC focussed on three broad considerations concerning crimes that affect the environment, based on insights from the ECO-SOLVE initiative: (1) the growth of environmental crime markets; (2) the challenges posed to the responses to such crimes by state-embedded actors and legal persons; and (3) the need for stronger data collection and analysis to design appropriate and effective responses. The panellist emphasized several policy implications for States, including the need for comprehensive approaches to combating environmental crime and for measures to promote the role of civil society in the related responses, the importance of ensuring open data about corporate activities, public procurement, and due diligence measures, and implementing proportionate and dissuasive sanctions against legal persons. Finally, the panellist emphasized the need for more research on crimes that affect the environment; the creation of incentives for public officials to share data and evidence internationally to facilitate international cooperation; and the establishment of an open-ended multi-stakeholder, multi-disciplinary expert group on crimes that affect the environment that can define the agenda for an effective global response.

19. The panellist from the Born Free Foundation addressed gaps in the current international response to crimes that affect the environment, drawing on insights from the UNODC Global Analysis on Crimes that Affect the Environment. The panellist emphasized the lack of a dedicated international legal instrument to comprehensively protect the environment, define crimes that affect the environment and criminalize behaviours harming the environment. She noted how such lack of dedicated legal frameworks results in varying levels of criminalization across countries and impediments to related international cooperation efforts, with criminals being able to exploit such inconsistencies. The panellist finally underlined how, in many countries, crimes that affect the environment are not punishable by penalties meeting the threshold to be considered serious crimes under article 2 paragraph (b) of UNTOC, which causes obstacles to international cooperation.

20. The panellist from the Wildlife Justice Commission emphasized the recurring transnational nature of crimes that affect the environment, which are often facilitated by corruption, and convergent with other forms of crime, including money laundering. She stressed the need for crimes that affect the environment to be recognized as serious crimes for the purposes of the application of UNTOC, and called for a more coordinated implementation of UNTOC and UNCAC to streamline the responses to intertwining instances of organized crime and corruption. Finally, she referred to a concrete example of impact of technical assistance to law enforcement, mentioning the sharp decrease in trafficking in pangolins in a country in West Africa following efforts to support strengthened specialized investigative techniques and evidentiary assistance.

21. Following the presentations, the floor was opened for questions to the panellists and reflections on the points raised.

22. One speaker noted that crimes that affect the environment have a significant impact both on the environment and on public safety. The speaker emphasized that crimes that affect the environment often intersect with other forms of transnational organized crime, particularly in developing countries. He

also highlighted how least developed countries may encounter increased challenges in enforcing environmental laws, due to limited resources and technical capabilities.

23. The discussion further centred on whether States should criminalize the import of illicitly sourced wildlife products. The panellist from the Born Free Foundation noted their favourable position in that respect, noting the effectiveness of such criminalization in the jurisdictions that implemented it.

24. Several speakers drew attention to the role of community consultation in law enforcement strategies, noting that maintaining a dialogue with local communities is key to effective responses.

25. Some speakers noted that environmental defenders face rising threats and violence. They emphasized that international legal frameworks present gaps concerning the protection of environmental defenders, particularly in relation to indigenous environmental defenders and whistleblowers who report environmental offences.

26. The second panel discussion included presentations from the Social Market Foundation, the American Society of International Law, the Humanity Research Consultancy as part of the Alliance of NGOs on Crime Prevention and Criminal Justice's delegation, and Microsoft.

27. A video of a survivor from a scam compound was played prior to the panel discussion, showcasing the scale and severe impact of organized fraud from a victim's perspective.

28. The panellist from the Social Market Foundation presented the key findings from their latest research on fraud in 15 countries across five different regions, and discussed key policies to prevent and combat fraud. The study revealed that one in five surveyed people reported being a victim of fraud between 2021 and 2023, translating to an estimate of over 228 million victims in the participating regions, across all age groups. The panellist stressed the urgent need for both governments and civil society to understand the nature of this crime and its impact on victims.

29. The panellist from the American Society of International Law underscored the importance of: raising awareness to prevent, detect, and mitigate the human-rights and economic impacts of organized fraud; designing a regulatory landscape; addressing weaknesses of fraud risk control management. The panellist further identified some key trends, including cyber-enabled fraud, involving the exploitation of digital platforms' vulnerabilities, and the use dark web marketplaces to trade payment cards data and online banking access. Moreover, the panellist focused on employment fraud, explaining how it often includes manipulation, deception, breach of personal data, and identity theft. She further detailed the steps fraudsters take to deceive job seekers, underscoring the complexity and severity of this crime. In terms of policy actions, the panellist presented different scenarios to prevent, protect and mitigate cyber fraud risks in digital transactions, showcasing the benefits and challenges of digitalization. Additionally, she advocated for the utilization of big data, artificial intelligence (including machine learning), and other advanced technologies for regulatory management (regtech) and supervision innovation (suptech). Finally, she emphasized the need for enhanced information and intelligence sharing among relevant stakeholders and increased awareness to strengthen the overall response to organized fraud.

30. The panellist from Microsoft focused his intervention on unique and powerful capabilities of generative artificial intelligence (AI), highlighting its applications in content generation, summarization, code generation and semantic search. He presented some concrete cases on how to leverage generative AI including the potential to streamline case management and

enhance investigative processes by automating repetitive tasks and extracting actionable insights from large volumes of data, facilitating the response of law enforcement authorities to organized fraud cases, including by extracting insights from financial documents. However, he highlighted that data sharing is challenging between the relevant stakeholders and presented as a solution a trusted data platform. He further noted that this technology has matured to the extent that it now facilitates public-private partnerships, fostering collaboration between government agencies and technology firms to combat complex challenges in a more efficient manner.

31. The panellist from Humanity Research Consultancy emphasized the recent trends in fraud compounds and the profile of perpetrators and victims, highlighting the increased involvement of organized criminal groups in organized cyber-enabled fraud. She noted that the proliferation and scale of these compounds constitutes a surging trend, as new sites are built rapidly in multiple countries. Emphasizing the link between organized fraud and corruption, she elaborated on how corruption facilitates and shields these criminal activities. The panellist further outlined the profile of the targeted victims, nowadays reaching a global scale, and increasingly involving minors. The panellist finally underlined the importance of setting appropriate international standards for sentencing of organized fraud offences, prioritizing effectiveness, proportionality and dissuasion. She also advocated for reintegration and support of victims and perpetrators alike, through the allocation of appropriate resources, and noted the importance of effective international cooperation due to the transnational nature of organized fraud.

32. Following the presentations, the floor was open for questions to the panellists and reflections on the points raised.

33. Some speakers inquired about the development of uniform technical definitions of organized fraud, which could contribute to a harmonized understanding of this crime under the Organized Crime Convention.

34. One speaker shared his fruitful experience in collaborating and sharing information with law enforcement authorities, and emphasized the importance of such collaboration in the context of organized fraud. Several speakers emphasized the importance of public-private partnerships in preventing and combating organized fraud, highlighting the potential of AI as an early-detection tool.

35. The third panel discussion was facilitated by the interventions of representatives from the Research Society of International Law, the West Africa ICT Action Network, Privanova SAS and Kodex.

36. The panellist from the Research Society of International Law elaborated on the role of artificial intelligence (AI) in enhancing criminal justice responses and promoting international cooperation. She stressed that, while criminal justice systems around the world were overburdened with heavy caseloads with all the consequent delays in handling cross-border cases, AI and automation could help enhance efficiency and capabilities in the field of prevention, detection, investigation and prosecution of transnational organized crime. The panellist referred to the use of forensic analysis tools, including facial recognition technology, DNA analysis and gunshot detection AI software, to identify potential criminals and enhance law enforcement responses. She highlighted that text-mining and predictive policing tools could perform legal and criminal data analysis, which, in turn, could optimize law enforcement processes and resources allocation through filtering false reports, extracting crucial information from extensive data and predicting crime trends. She also underscored that natural language processing tools, such as e-translation, could facilitate cross-border cooperation by enabling efficient translation and analysis of multilingual evidence. The panellist further pointed out some ethical issues

when applying AI and machine learning tools, including unconscious biases, lack of transparency and accountability, and data privacy. She stressed the need for international and national legal frameworks to ensure the use of AI in compliance with human rights standards. She also highlighted the importance of guidance and definitional clarity with regard to the admissibility of evidence collated by AI technologies. Moreover, she supported the creation of “avenues” for equal access, to ensure that all Member States are able to benefit from the usage of AI-based tools to counter criminal activities.

37. The panellist from the West African ICT Action Network referred to the complex landscape of international cooperation in criminal matters, particularly in the West African region. In this regard, he called for a pragmatic approach that takes into consideration this region's unique circumstances, particularly in light of the rapid technological advancement and the rise of cybercrime. He noted that it was necessary to provide law enforcement authorities with capacity-building aimed at strengthening their skills to investigate and prosecute cybercrime. The panellist commented on the importance of raising awareness on data protection and privacy laws among investigative authorities, especially those that, by virtue of their work, increasingly rely on technology. The panellist further underlined the importance of streamlining mutual legal assistance and extradition processes between countries in the West African region, including through developing and strengthening regional cooperation frameworks, as well as developing standardized procedures and removing legal barriers that impede international cooperation. Moreover, the panellist pointed out the critical need to enhance the capacity of prosecutors and judges to handle cases involving electronic evidence, including in understanding electronic evidence, interpreting cybercrime laws and ensuring fair trials. He further mentioned the importance of developing technological solutions for crime prevention and investigations, for instance by providing authorities with access to secure communication channels, surveillance tools and enhanced operation capabilities for collaboration with private sector tech companies. The panellist finally stressed the importance of engaging with civil society and of integrating gender perspectives in raising awareness about cybercrime, in advocating for stronger legal frameworks as well as in guiding related effective and inclusive capacity-building efforts.

38. The panellist from Privanova SAS emphasized that, while technology-based tools could be useful to address crime-related threats, caution was needed to ensure the responsible and ethical use of these tools and avoid unintended consequences. The panellist pointed out that the continuous risk assessment, incident analysis and information sharing, coupled with the development and enforcement of ethical guidelines, are essential elements for strategies to monitor and understand the risks posed by the malicious use of technologies. He also argued that multidisciplinary and multisectoral approaches which integrate legal and technical safeguards, along with oversight mechanisms, are crucial in ensuring compliance with fundamental rights and freedoms in the context of international cooperation in criminal matters. The panellist further underscored that the engagement of stakeholders from law enforcement, academia, industry and policymaking ensures diverse perspectives and effective solutions. In his view, strengthening legal frameworks and technical safeguards, alongside with fostering interdisciplinary partnerships, were important prerequisites to manage technology responsibly, protect individual rights and enhance international cooperation.

39. The panellist from Kodex illustrated the difficulties that authorities face when communicating with a private company possessing specific data of relevance to criminal investigations, including data on victims or potential suspects. The panellist referred to the advantages of online portals for streamlining communication between companies, law enforcement authorities,

regulators and government agencies. As such, online portals enable companies to verify, review and respond to data requests from law enforcement and government agencies in a secure and expedient manner. Moreover, portals deliver efficiency and protection through quick and structured data entry and productions, ability to vet and verify requesters and secure transfer of data. In that respect, the panellist noted the reduced capability of some companies to establish such portals, the resources for which are mostly available to more prominent companies.

40. Following the third panel presentations, the floor was opened for questions to the panellists and reflections on the points raised. One speaker emphasized the importance of equal access to technological tools and transfer of technology to developing countries, which often have reduced resources, technological infrastructure and know-how to leverage technology to combat transnational organized crime.

41. One participant highlighted the crucial role of the private sector and service providers in international cooperation in criminal matters. The same speaker called upon public-private partnerships to make technology available to governments for combating transnational organized crime, while ensuring transparency, accountability and that businesses continue to function without infringing on individual rights or data privacy.

42. Some participants raised concerns about the ethical issues and human rights safeguards relating to AI and underlined the importance of harmonization of legal frameworks on data privacy to protect fundamental human rights when deploying AI tools.

43. One participant referred to the increasing use of cryptocurrency in organized crime. The same speaker stated that technological tools and data analysis might assist law enforcement authorities in tracing the proceeds of crime and facilitating their return to the victims.

V. Observations by the Chair based on the recommendations mentioned by participants during the joint constructive dialogue

44. Based on the discussions held during the constructive dialogue, the Chair has identified the following observations:

45. States should ensure that crimes that affect the environment, in appropriate cases, are criminalized as serious crimes, in accordance with their national legislation, as defined in article 2, paragraph (b) of the Convention, and should ensure that crimes that affect the environment are punishable by effective, proportionate and dissuasive sanctions, including in relation to the liability of legal persons for participation in such crimes.

46. States should carry out more research on crimes that affect the environment, with a particular focus on evaluating the implementation and enforcement of legislation, as well as the effectiveness of sanctions in deterring offenses. Research efforts should also address the drivers of demand and other metrics that can inform preventative action. States should further take measures to promote the role of civil society in efforts to prevent and combat crimes that affect the environment and should ensure that members of civil society involved in such efforts are protected.

47. States should ensure that organized fraud offences, in appropriate cases, are criminalized as serious crimes, in accordance with their national legislation, as defined in article 2, paragraph (b) of the Convention, and that they are

punishable by effective, proportionate and dissuasive sanctions, including in relation to the liability of legal persons for participation in such crimes.

48. States should make efforts to conduct more research on organized fraud, trends and emerging technologies, and continue leveraging new technologies, including artificial intelligence and machine learning, to effectively prevent and combat organized fraud.

49. States should ensure increased awareness-raising about organized fraud, as well as the support of its victims, including reintegration of victims of trafficking in persons who are coerced to commit organized fraud, through the allocation of appropriate resources.

50. States shall make efforts to continuously update their practices and policies related to international cooperation in criminal matters, in order to reduce the opportunities for offenders, including organized criminal groups, to exploit advancements in technology.

51. States shall ensure responsible and ethical use of technology-based tools to address organized crime-related threats, in order to avoid unintended consequences, particularly in relation to the protection of personal privacy and civil liberties.

52. States should make efforts to continue facilitating the exchange of information in the context of law enforcement cooperation, including determining the need for the use of specific technologies, such as dedicated online portals, in cases where cross-border investigations involve the handling of electronic data or evidence.
